The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

June 4, 2002.

I hereby appoint the Honorable Ray LAHOOD to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God, You know our comings and our goings. You create an awareness of the inner world, as well as the mystery of everything external that contains the energy of life.

As Members of Congress return today to do their work, be with them in every decision which will guide our Nation’s health and purpose.

Bent over by our memorializing this past week, we lean into Your mercy. For to remember brings to mind our bloody past as well as the victory of freedom over oppression. Images of planes, cemeteries and graduations combine to raise questions regarding the fulness of life and the weight of justice.

Distant memory of war-filled veterans dance with near vibrant figures of 9-11’s victims as the House re-members itself. Make us a living body of hope in a world gripped by fear of numbers beyond zero, disgusted by continuing ramifications and rumors of mountain war.

May memorial bring to life Your steadfast love to guide our destiny now and forever. Amen.

THE JOURNAL

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

PLEDGE OF ALLEGIANCE

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

Mr. ROEMER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1366. An Act to designate the United States Postal Service located at 800 Calumet Street in Lake Linden, Michigan, as the “Philip E. Ruppe Post Office Building”.

H.R. 3789. 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”.

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”.

H.R. 4486. An Act to designate the facility of the United States Postal Service located at 1500 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building”.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3009. An Act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

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

S. 1983. An Act 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”.

S. Con. Res. 109. Concurrent resolution commemorating the independence of East Timor, and for other purposes.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

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

There was no objection.

PERMANENT DEATH TAX REPEAL

(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 politics, money often equals power. When Washington takes more money from the American people, the government becomes more powerful and the people lose just as much control over their own lives.

A year ago, Congress took the dramatic step of returning power to the people. We passed the largest tax relief package since the Reagan administration, and it was relief that benefitted...
every American taxpayer. But because there was liberal opposition in the Senate, we had to agree to a sunset provision. In 10 years, the marriage penalty, the death tax, and a whole host of other taxes will shoot right back up to where they were unless we make them permanent.

This week, we will be voting to make the death tax repeal permanent. For years, the death tax has taken as much as 55 to 60 percent of the value of a family farm or small business just to pay the tax. This is a terrible tax and we should get rid of it for good.

I encourage my colleagues to support this bill, return power to the American people, and get rid of the death tax once and for all.

**PRESCRIPTION DRUG BENEFIT**

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

Ms. WOOLSEY. Mr. Speaker, we all know that today prescription drugs are a fact of life and a fact of death. The average American senior uses 18 prescription drugs each year, and the cost of those lifesaving drugs keeps going up.

That is why it is our responsibility as Members of Congress to enact a comprehensive prescription drug benefit plan, but it must be a plan that benefits all seniors and that it is not the kind of plan that our GOP leadership has proposed. Under their plan, only some seniors in limited scenarios will actually benefit.

Seniors should be spending time with their grandchildren, not trying to figure out how to pay for the medicines they need to live. Let us not make Americans’ golden years, when they are seniors, into their darkest years, forcing them to choose between paying for food and paying for their medication. Seniors deserve better than that.

My Republican colleagues need to stop stalling. They need to come up with a meaningful proposal. They need to start helping seniors by providing a real prescription drug benefit.

**HUNTINGTON’S DISEASE**

(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. Mr. Speaker, I rise today to draw attention to a disease which affects thousands of people in the United States. Approximately 30,000 people in the United States suffer from Huntington’s Disease. Each child of a parent with Huntington’s Disease has a 50 percent risk of inheriting the illness, meaning that there are more than 200,000 individuals who are at risk today.

Huntington’s Disease results from a genetically programmed degeneration of nerve cells in certain parts of the brain. While medication is available to help control symptoms of Huntington’s Disease, there is no treatment to stop or reverse the course of the disease.

I would like to commend Dr. Ruth Abramson of Columbia, South Carolina, for her leadership and dedication in the fight against Huntington’s Disease.

I encourage the American people to be aware of their own family histories, to be aware of the issues in genetic testing, and to advocate for families with Huntington’s Disease in their communities, such as the Wayne and Ouida Dell family of Ridgeland, South Carolina. I also call on my colleagues in the House to join me in this effort to find a cure for those suffering from this disease.

**MAKE TAX RELIEF PERMANENT**

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

Mr. GIBBONS. Mr. Speaker, today this House will consider two bills under suspension which will make parts of the tax relief package that we passed last year permanent. I encourage all my colleagues to support these bills and to support making last year’s tax relief bill permanent in its entirety.

By not doing so, we will force thousands of married couples to once again pay the unfair marriage penalty tax beginning in 2010. We will force thousands of small business owners to sell their companies for fear that they will not be able to afford the estate tax that will be reinstated.

Americans approved of last year’s tax relief package. Now it is time to make it permanent to ensure that Americans do not face the largest tax increase in history in just a few years.

Mr. Speaker, this past week I met with many Nevadans, and this was the message they wanted me to bring back to Washington: Make tax relief permanent.

**COMMUNICATION FROM THE CLERK OF THE HOUSE**

The SPEAKER pro tempore laid before the House the following communication from The Clerk of the House of Representatives:

**OFFICE OF THE CLERK, HOUSE OF REPRESENTATIVES, WASHINGTON, DC, MAY 28, 2002.**

Hon. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the United States House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2002 at 2:31 pm:

That the Senate passed without amendment H. Con. Res. 356.

Appointment:

N.A.T.O. Parliamentary Assembly.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON

(For Jeff Trandahl, Clerk of the House).
Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Ohio River and Tributaries, Pennsylvania, Ohio and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, streambank protection, and other water resources needs along Neshannock Creek in the vicinity of the city of New Castle, Lawrence County, Pennsylvania.


RESOLUTION: DOCKET 2672—COYOTE CREEK, SANTA CLARA COUNTY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on Coyote and Berryessa Creeks, California, published as House Document 101-126, 101st Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, water conservation and supply, recreation, and other allied purposes in the Coyote Creek Watershed, including Coyote Creek, Santa Clara County, California.

States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Ohio River, published as House Document 371, 76th Congress, 1st Session, and other pertinent reports, to determine the feasibility of providing comprehensive watershed restoration, environmental restoration and protection, and other water and related land resources in the Willamette River Basin with particular emphasis on the watersheds in and around Springfield and Eugene, Oregon. Adopted: May 22, 2002. ATT vastet:

DON YOUNG, Chairman.

RESOLUTION: DOCKET 2674—DISMAL SWAMP AND DISMAL SWAMP CANAL, CHESAPEAKE, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers, on the Atlantic Intracoastal Waterway, Boston, Massachusetts; North Carolina Section published as House Document 391, 62nd Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the existing project are advisable to address flooding problems, environmental restoration and protection, and related water resources needs in the vicinity of the Dismal Swamp and Dismal Swamp Canal in Chesapeake, Virginia. Adopted: May 22, 2002. ATT SST:

DON YOUNG, Chairman.

RESOLUTION: DOCKET 2675—DISMAL SWAMP CANAL, CHESAPEAKE, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers, on the Ohio River, published as House Document 371, 76th Congress, 2nd Session, and other pertinent reports, to determine the modifications contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, and related purposes in the Streets Run Watershed of Allegheny County, Pennsylvania. Adopted: May 22, 2002. ATT SST:

DON YOUNG, Chairman.

RESOLUTION: DOCKET 2676—LITTLE SARASOTA BAY, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Intracoastal Waterway from Caloosahatchee River to Withlacoochee River; Flor-

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore, Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX. Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

There was no objection.

RESOLUTION: DOCKET 2677—STREETS RUN WATERSHED, ALLEGHENY COUNTY, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Ohio River, published as House Document 371, 76th Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of environmental restoration and protection, and water quality restoration related to circulation in Little Sarasota Bay, Florida. Adopted: May 22, 2002. ATT SST:

DON YOUNG, Chairman.
MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000 AND FOREIGN ASSISTANCE ACT OF 1961

AMENDMENTS ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4073) to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes, as amended.

The Clerk read and wrote as follows:

H.R. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000.

(a) PURPOSE—Section 103 of the Microenterprise for Self-Reliance Act of 2000 (Public Law 106-309) is amended—

(1) in paragraph (3), by striking “microentrepreneur households” and inserting “microenterprise households”;

(2) in paragraph (4), by striking “and” at the end;

(3) in paragraph (5)—

(A) by striking “microfinance policy” and inserting “microfinance policy”;

(B) by striking “poorest of the poor” and inserting “the very poor”; and

(C) by striking the period at the end and inserting “; and”;

and

(4) by adding at the end the following:

“(6) to encourage the United States Agency for International Development, in consultation with appropriate microfinance institutions, microenterprise institutions, and other appropriate entities shall develop no fewer than two low-cost methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section. In developing such methods, the Administrator shall give consideration to methods already in use by practitioner institutions.

“(B) The Administrator shall field-test the methods developed under this paragraph, and as part of the testing, institutions and programs may use those methods on a voluntary basis to demonstrate their ability to reach the very poor.”

(b) DEFINITIONS—Section 104 of such Act is amended in part, as redesignated by subsection (d), is amended—

(1) in paragraph (3), by striking “microentrepreneurs” and inserting “microentrepreneur households”; and

(2) in subparagraph (A)(ii), by striking “the very poor”.

(c) MONITORING SYSTEM.—Section 131(c) of such Act (22 U.S.C. 2152a(c)) is amended by striking paragraph (4) and inserting the following:

“(4) a description of the interim poverty measurement methods developed under this paragraph, certify no fewer than two of such methods as approved methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section.

“(4) APPLICATION.—Beginning on and after October 1, 2004, the Administrator shall, from among the low-cost poverty measurement methods developed under this paragraph, certify no fewer than two of such methods as approved methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section.

“(4) LEVEL OF ASSISTANCE.—Section 131(e) of such Act, as redesignated by subsection (d), is amended by adding “and $757,000,000 for fiscal year 2003 and $200,000,000 for fiscal year 2004” after “fiscal years 2001 and 2002”.

(d) DEVELOPMENT AND APPLICATION OF POVERTY MEASUREMENT METHODS.—Section 131 of such Act (22 U.S.C. 2152a) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

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

“(f) DEFINITIONS.—Section 131(f) of such Act, as redesignated by subsection (d), is amended by adding at the end the following:

“(5) very poor: poorest people in developing countries.—The terms ‘very poor’ and ‘poorest people in developing countries’ mean those persons living either in the bottom 50 percent below the poverty line as established by the national government of the country or on less than the equivalent of $1 per day.”


(a) FINDINGS AND POLICY.—Section 131(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(a)) is amended to read as follows:

“(a) FINDINGS AND POLICY.—Congress finds and declares that—

“(1) access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

“(2) it is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries;

“(3) access to financial services and the development of microenterprise can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial and non-financial services; and

“(4) given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidences of poverty and access to savings and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban areas.”

(b) AUTHORIZATION.—Section 131(b) of such Act (22 U.S.C. 2152a(b)) is amended by striking

“(b) PROGRAM.—Section 108(b) of such Act (22 U.S.C. 2151b(b)) is amended to read as follows:

“(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of financial services to microenterprise households lacking full access to credit, including through—

“(1) loans and guarantees to microfinance institutions for the purpose of expanding the availability of savings and credit to poor and low-income households;

“(2) technical assistance programs for microfinance institutions in order to enable them to better meet the financial services needs of their clients; and

“(3) training programs for clients in order to enable them to make better use of credit, increase their financial literacy, and to better manage their enterprises.

“(c) MONITORING.—In the process of providing assistance under this section, the Administrator shall, as part of the testing, use those methods on a voluntary basis to demonstrate their ability to reach the very poor.”


(a) FINDINGS.—Section 108(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152b(d)) is amended by striking “micro- and small enterprise programs” and inserting “microenterprise programs”;

(b) AUTHORIZATION.—Section 108(c) of such Act (22 U.S.C. 2151c(c)) is amended by striking “for each of fiscal years 2001 and 2002” and inserting “for each of fiscal years 2001 and 2003 through 2004”.

(c) MONITORING SYSTEM.—Section 108(d) of such Act (22 U.S.C. 2152c(d)) is amended to read as follows:

“SEC. 108. MICROENTERPRISE DEVELOPMENT CREDITS.


(a) FINDINGS.—Section 131(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(a)) is amended to read as follows:

“(a) FINDINGS AND POLICY.—Congress finds and declares that—

“(1) access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

“(2) it is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries;

“(3) access to financial services and the development of microenterprise can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial and non-financial services; and

“(4) given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidences of poverty and access to savings and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban areas.”

(b) AUTHORIZATION.—Section 131(b) of such Act (22 U.S.C. 2152b(b)) is amended by striking

“(1) in paragraph (3)—

(A) in the first sentence of the matter preceding subparagraph (A), by striking “targeted to very poor entrepreneurs” and all that follows and inserting “used in support of programs and services under which 50 percent or more of the incoming or prospective clients are initially very poor.”; and

(B) in subparagraph (A)(i), by striking “entrepreneur households” and inserting “microentrepreneur households”;

(2) in paragraph (4)—

(A) in clause (i), by striking “very small loans” and inserting “financial services to poor persons”;

(B) in clause (ii), by striking “microfinance and inserting “microenterprise”.

(c) MONITORING.—Section 131(c) of such Act (22 U.S.C. 2152c(c)) is amended by striking paragraph (4) and inserting the following:

“(4) a description of the interim poverty measurement methods developed under this paragraph, certify no fewer than two of such methods as approved methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section.

“(4) APPLICATION.—Beginning on and after October 1, 2004, the Administrator shall, from among the low-cost poverty measurement methods developed under this paragraph, certify no fewer than two of such methods as approved methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section.

“(4) LEVEL OF ASSISTANCE.—Section 131(e) of such Act, as redesignated by subsection (d), is amended by adding “and $757,000,000 for fiscal year 2003 and $200,000,000 for fiscal year 2004” after “fiscal years 2001 and 2002”.

(d) DEFINITIONS.—Section 131(f) of such Act, as redesignated by subsection (d), is amended by adding at the end the following:

“(5) very poor: poorest people in developing countries.—The terms ‘very poor’ and ‘poorest people in developing countries’ mean those persons living either in the bottom 50 percent below the poverty line as established by the national government of the country or on less than the equivalent of $1 per day.”

SEC. 4. REPORT TO CONGRESS.

Not later than July 1, 2004, the Administrator of the United States Agency for International Development shall submit to Congress a report that contains—

(1) a description of the interim poverty measurement methods developed and implemented pursuant to section 131(b)(1) of the Foreign Assistance Act of 1961, as added by section 3(d);
(2) an analysis of the results of the application of such interim poverty measurement methods to sustainable poverty-focused programs under such section; and

(3) a description of the proposed final poverty measurement methods to be implemented beginning on October 1, 2004, in accordance with section 131(d)(2) of such Act, as adopted by the appropriate committee.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GERALD LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4073, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? There is no objection. Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to present H.R. 4073, the Microenterprise Enhancement Act of 2002, to the House. This important anti-poverty legislation reforms, enhances, and expands microenterprise programs throughout the world and authorizes $375 million over 2 years for this important initiative.

I would like to thank the gentleman from Illinois (Mr. HYDE) for his very strong and steadfast support of this legislation and commend him for the great leadership that he has shown on so many foreign policy and humanitarian issues, especially since September 11.

I would also like to thank my good friend and colleague, the gentleman from Indiana (Mr. ROEMER), our leading Democrat supporter, whose tremendous efforts greatly influenced and helped shape this important piece of legislation. This has been a great team effort, and again I want to thank him for his extraordinary work and leadership.

The support of both the gentleman from California (Mr. LANTOS), our committee's ranking member, and the gentleman from New York (Mr. GILMAN), the chairman emeritus, have also been important. I would also like to thank the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New York (Mr. HOUGHTON), and the nearly 80 other cosponsors for their support of this endeavor.

Mr. Speaker, the impact of microenterprise on entrepreneurs and borrowers in the developing world cannot be estimated and overstated. Over 2 million clients are currently benefiting from AID-assisted programs, and since its inception, millions more have been empowered by microenterprise services.

Like many of my colleagues, and like I think Members of the other body, I have been at times critical of some of our Nation's foreign aid programs, because some of the money never really ends up reaching the people that that money is intended to reach. One of the reasons I am so enthusiastic about microenterprise programs is because they are so different than traditional foreign aid programs. They are based on a bottom-up, grass roots approach rather than a top-down model.

Microenterprise programs have demonstrated very impressive results. An estimated 97 percent of the loans are actually repaid. Contrast that to some of our own domestic lending programs, and the difference is rather stark.

Studies on the effects of microenterprise programs find they promote higher household income and increased family well-being, including improved nutrition and education among children.

□ 1415

In the past 2 fiscal years, we have spent $155 million, which has been authorized by Congress for microfinance. I am proud to say that this legislation authorizes $375 million over two years, and $200 million for fiscal year 2004. Our legislation will also ensure that more funds go to the poorest of the poor, or as we now define it, the very poor, including those living on less than $1 a day.

Although previous legislation has stipulated that 50 percent of the funds will go to the poorest of the poor, efforts to target funding to the neediest persons has proven insufficient because AID essentially uses only a single measurement tool to evaluate its poverty outreach efforts, and that is to say, average loan size.

With currency values varying from country to country, and loan size depending on need, it is impossible for a person attempting to start, this has not been a sufficient measure, has not been an accurate barometer of poverty.

Mr. Speaker, H.R. 4073, as amended, would require AID to devise new, more meaningful poverty-assessment tools and give consideration to low-cost, easy-to-implement tools already in use by the microfinance institutions. Moreover, AID will have a deadline of October 1, 2004, to certify and utilize at least two additional poverty-assessment techniques that can better evaluate who the poorest actually are and ensure that they receive their fair share of the funds provided under this act.

A major reason for the success of the microenterprise programs is that the assistance goes directly to those who need our help. It provides vital capital for small business owners to strive and achieve their dreams. It helps build sound financial institutions on the ground where they often lack self-sufficiency. A loan of several hundred dollars or less, which by our standards might be considered quite small, is often a substantial portion of a person's yearly earnings in the developing world. Such a loan can help an entrepreneur businessman or businesswoman increase their profits manyfold, making a better life for themselves and their families for many years to come.

Take the example of Baullia Parra Pruneda of Monterrey, Mexico, one of the many successful recipients of a microenterprise loan. When her husband lost his job in 1998, she was determined to support her six children. Even though she had never worked before and could not read or write, she taught herself to sew by following designs that she saw in magazines. A $150 loan from a lending institution supported by ACCION, one of the leading microfinance institutions in the Americas, provided capital for her to purchase the necessary supplies to launch her endeavor into self-sufficiency. After building her small business through a series of microloans over 150 items per week. The money she earns and continues to make not only provides food for her children, but has also enabled her to install a toilet and a shower, as well as a second floor in her home.

As inspiring as Braulia's story is, it is not unique. When given the opportunity and the seed capital to produce, people can turn their economic situation around in a dramatic way. The goal is to build on past successes that have reached tens of thousands of people and apply lessons learned to devising a better program.

Mr. Speaker, it is worth noting that approximately 70 percent of microenterprise beneficiaries are women, so this initiative is key to reversing the feminization of poverty. I would note that later today, probably by early tomorrow, the report on trafficking will be issued pursuant to this trafficking legislation that we passed last year. I was the prime sponsor of that bill. We worked very hard in a bipartisan way. The gentleman from California (Mr. LANTOS) worked on it, and so many others, to ensure that we crack down on this terrible scourge called trafficking. But one of the core reasons why women can be preyed upon and trafficked into prostitution and other involuntary servitude has been poverty. They have been exploited because they are vulnerable.

This legislation is part of the effort to give women the opportunity to take care of themselves, as well as their families.

Mr. Speaker, let me say finally, the greatest antipoverty program will always be a job. This is all about job creation, one village at a time, one community at a time, one family at a time. It is a very important piece of legislation, it is bipartisan at the outset; and I hope all Members will support it.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.
Mr. Speaker, I rise in strong support of this legislation, H.R. 4073, which amends and reauthorizes the Micro-enterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961.

Mr. Speaker, this is a bipartisan compromise that truly imposes upon the original legislation, and I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. ROEMER) for their extraordinary efforts in crafting this legislation as well as recognizing the support of our colleagues, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New York (Mr. HOUGHTON). I also want to acknowledge the pioneering work on the microenterprise that was done by the former chairman and ranking member of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and Mr. GEJDESEN, who introduced the Microenterprise for Self-Reliance Act of 2000, which was signed into law by President Clinton.

Microenterprise programs have proven to be an effective means of providing poor households with the financial tools needed to generate income, create savings, and develop businesses to help work poverty. We have seen the transforming impact of these programs in every country and on every continent where development work is being done.

Microenterprise is founded on the very basic premise that by providing poor households with the tools to manage their finances better, be it through the provision of small loans or even the ability to open a savings account, we can help to improve their lives and even lift them out of poverty. This principle is illustrated so dramatically in Bangladesh by the Grameen Bank that has been so successfully replicated around the globe and provides an effective tool for poverty alleviation and reduction.

Therefore, I am very pleased that we are not only reauthorizing microenterprise legislation, but we are also increasing the amount of funding for these programs. Our legislation seeks to improve targeting of assistance to the poorest of the poor by requiring the administration to develop more precise tools to measure poverty, and it creates better means of reaching the very poor in every country where this program operates.

Specifically, our legislation ensures that at least half of all microenterprise funding authorized be specifically set aside for programs or services in which half of the incoming clients are among the very poor. I hope that by passing this legislation we will be providing the tools and the resources needed to continue this most important work. I urge all of my colleagues to support H.R. 4073.

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

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER), who has done so much work on this issue.

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

Mr. ROEMER. Mr. Speaker, I want to say in the beginning of my remarks, the U2 rock star Bono sang “It’s a Beautiful Day,” and there is no better day in the House of Representatives when Democrats and Republicans can join together to encourage a bipartisan bill which promotes free markets, which promotes entrepreneurship, which promotes economic aid that gains results, especially for women and poor in poor countries like Africa, and very enthusiastic to stand on the floor today and hopefully see this legislation fly through the House of Representatives in a bipartisan vote later today.

Much thanks go to many members on the committee, I want to start there and thank the gentleman from New Jersey (Mr. SMITH), who has been a pleasure to work with on this issue, who has helped craft the legislation and worked towards successful passage of this legislation from his perch on the Committee on International Relations and built bipartisan support for it. It has been a pleasure to work with the gentleman, and I know that we have to do yet with the appropriators to get money appropriated for this act.

I thank the gentleman from California (Mr. LANTOS), who has a lifetime of service toward these kinds of programs which benefit the truly poor people in the world. I thank the gentleman for his year-after-year fight for increases in these programs. I thank the gentleman from Illinois (Chairman HYDE) and the gentleman from New Jersey (Mr. PAYNE), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. GILMAN), and the gentleman from New Mexico (Mr. UDALL), I also thank the bipartisan staff members on the Democratic side, and my staff member, Jed D’Ercole for his help and support on this bill.

Last week, for those following this issue from Africa and in our press from the New York Times to our local papers, it was a curious mix of individuals touring Africa, our Secretary of Treasury, Paul O’Neill, with the rock star from U2, Mr. Bono. Everywhere the two of them went, Mr. Bono would say, ‘We must spend more money on the plight of the poor.’ As he saw the plight of the poor, especially in Africa, where in the world over a billion people live on less than a dollar a day, this moved him to devote his entire life to try to devote resources to helping the poor. Everywhere he went, it was resources, money. Everywhere the Secretary of Treasury went it was, “We have to have results. We must have efficiency. We have seen the practice really benefit the people.”

Well, here we have it: H.R. 4073, where we say for a highly successful program for microenterprise loans, loans for the poorest people driven primarily by women as the head of households, getting loans that they repay at 98 percent rates, that this kind of program can elevate people out of poverty and help not only women, not only their families, but, their children, and scores of people that live on less than a dollar a day.

Mr. Speaker, this bill says that when these programs are effective and these loans are repaid, we are going to devote the money to this successful program, and we ask for an increase from $155 million to $175 million in 2003 and up to $200 million in 2004. I would hope that the appropriators would not only do that, that supporters like the gentleman from Arizona (Mr. KOLBE), the gentleman from New York (Mrs. LOWEY), the gentlewoman from California (Ms. PELOSI), and Senator LEAHY will devote those resources in the upcoming appropriations cycle to what this bill allocates and authorizes.

Why does results plus new resources equal success? Well, the gentleman from New Jersey (Mr. SMITH) talked about an example straight from Malawi, a woman by the name of Florence Matiasii. Flore Matiasii lives in Malawi in a one-room hut with six children. She struggled to feed these children, to clothe these children, to get her children an education. With the help of a small loan through this microenterprise program, the United States government provides, she has been able to develop and sell oil cakes, doughnut-like confections that are called mandazis. She sells these on a regular basis. She sells them, saves the money, feeds her children; and she has been able to save $540 which is 10 times her original loan to save to educate her children.

So for her original loan of maybe $30 or $50, we are not only helping her with a small job, an entrepreneurial job to sell these doughnut cakes, we are helping her six children, and if it keeps growing, she will employ an employee next year. This grows and grows and grows. It grows to the extent that we are hopeful that, we now serve through microenterprise loans about 32 million people, we want to serve that to 100 million people. We want to grow to 100 million people in the world that we serve through microenterprise loans that we can help and benefit and lift out of poverty.

The Wall Street Journal wrote an editorial that was lukewarm about Mr. Bono’s and Mr. O’Neill’s visit but it said, “Mr. O’Neill has been reminding everyone the only route to economic growth is private enterprise, free markets and the rule of law.”

That is exactly what this is, private enterprise, microenterprise, loans that guarantee more loans that are repaid and generate more loans for children’s education and help people buy...
Mr. Speaker, I yield such time as he may consume to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, first of all I want to thank the gentleman for yielding the time to me, and I particularly want to thank him for developing this legislation. It certainly rests in support of H.R. 4073, the Microenterprise for Self-Reliance Act and the Foreign Assistance Act Amendments. I also want to thank the gentleman from Indiana (Mr. ROEMER) who just made comments on it who has helped with the bill, Chairman HYDE. Ranking Member LANTOS, and the gentleman from New York (Mr. HOUGHTON) for all their support for this legislation.

Our foreign aid has never been more necessary than it is today in improving our relationships with developing countries. From Bangladesh to Guatemala, one of the most exciting strategies for fighting poverty in developing countries is the development of microenterprise projects. For poor women especially, the practice of extending very small loans and improving access to financial services has revolutionized the lives of so many impoverished people, and the way in which we think about poverty-focused development has also been transformed. Microenterprise is a method of making very small loans available to the world’s poorest people. These loans are typically in amounts as low as $100, but they enable individuals living in impoverished economic conditions to experience free enterprise. Microfinance has touched the lives of over 20 million people in the poorest regions of the world. And this form of foreign aid has a very strong payback rate.

Mr. Speaker, women account for nearly 74 percent of the 19.3 million of the world’s poorest people that are now being served by microfinance institutions. Most of these women have access to credit to invest in businesses that they own and operate themselves. The vast majority of them have excellent repayment records in spite of the daily hardships that they face. Contrary to conventional wisdom, they have shown that it is a very good idea to lend to the poor and increase their incomes, they directly invest this additional capital in the education of their children, potentially breaking the cycle of poverty.

Some of my colleagues have mentioned examples. I would like to mention a woman from Bangladesh named Razia Begum. Razia Begum lives in a village in northeast Bangladesh, an area of verdant hills, paddy fields and ponds. Most of Razia’s district lacks electricity. The literacy rate is 16 percent and half of the 46,000 households in her area eke out a living from plots of land of a half acre or less. This is typical of Bangladesh, among the world’s poorest 15 countries. At 35, Razia has taken out two loans from the United Nations development program, one, a $65 loan to buy her own piece of land, and a second, a $108 loan to buy seeds and fertilizer through the Bhaturpura East Female Village Organization. For the first time, UNDP reports, Razia can picture a secure future for herself, her three school-aged children and her husband, a shopkeeper. Razia is happy and says, “I can look forward to a steady income by selling vegetable seedlings from this plot of land.” She is growing spinach, cauliflower, cabbage, eggplant and papaya.

Microenterprise is at work in the United States, right here as well. In 2000, the Aspen Institute and the Association for Enterprise Opportunity estimated that there were an estimated 2 million microentrepreneurs in the United States, of which 78 percent are women. My own home State of Maryland is home to several local microenterprise programs. For example, the Foundation for International Community Assistance (FINCA) USA, lends to 200 clients. Since its inception in 1994, it has impacted the lives of hundreds of entrepreneurs in the Greater Washington, D.C. and Baltimore areas. Michele Green, just one of the many who have benefited from FINCA’s work, is a single parent who supports four children. Michele has taken out two loans from FINCA and in just 4 months doubled her income from selling handmade crafts. She reports an increase in household income from $2,200 to $2,600.

The United States must also substantially increase the amount of attention and resources it contributes to implement commitments made at the United Nations Fourth World Conference on Women in 1995 and at the United Nations Special Assembly Session on Women in 2000 in its foreign policy, development assistance programs and international economic policies.

The expansion of this microfinance program, which has the potential to transform relations and empower the poor, has become a central component of our foreign aid program. I support the Microenterprise for Self-Reliance Act and I want to thank those who have put it together, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and I am proud that we continue to build on that microfinance program.

Mr. Speaker, before yielding to my good friend from New Mexico, I feel compelled to recognize the fact that the distinguished member of his family, the late Mo Udall, gave this body so much wit and wisdom and judgment and service. His own father served with great distinction as our Secretary of the Interior.

Mr. Speaker, we do not have an aristocracy of birth or an aristocracy of wealth in our country, but we do have an aristocracy of public service. I am pleased to yield such time as he may consume to my good friend, the gentleman from New Mexico (Mr. UDALL), a member of that aristocracy.

Mr. UDALL of New Mexico. Mr. Speaker, I want to thank you very much for those very kind words. Let me first say that I very much appreciate the bipartisan leadership on this piece of legislation. Ranking Member LANTOS and Chairman HYDE, I think, have done an excellent job on making sure this gets through the House of Representatives. Clearly Chairman SMITH and the gentleman from Indiana (Mr. ROEMER) have worked very hard on this piece of legislation, and I am proud that it is on the floor today.

It gives me great pleasure to rise today in strong support of H.R. 4073. This is extremely important legislation that holds great promise for improving the lot of many of the world’s poorest individuals. According to the World Bank, more than 1.3 billion people in the developing world, or one-fifth of the world’s population, subsist on less than $1 a day. Last year, nearly 10.5 million children under the age of 5 died from largely malnutrition and disease and more than 100 million children of primary school age remain out of schools in developing
Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me offer an analogy, a Biblical quotation, and I paraphrase: Give a man a fish and he will eat for a day; teach that person to fish, and he will be satisfied for a lifetime. This is the kind of venture that has not only worked well in other countries, but has worked well in Michigan, in Illinois and many other States. I only wish we would expand this kind of program, that takes an individual that has the willingness to venture into entrepreneurship and the hard work that is required in any capitalistic environment, and give funding to that individual so that they can develop a business that is not only going to help them, but going to help their community.

Again, to the gentleman from New Jersey (Mr. SMITH) and the colleagues on the other side of the aisle who have worked so hard on this piece of legislation. They have greatly in need of both. I want to once again thank the Members on the other side of the aisle that have worked so hard on this piece of legislation. They have created a good example of how we should work with each other.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).
route out of poverty. This legislation, which increases assistance through microenterprise organizations, is a step in the right direction to expanding this successful program.

Microenterprise is an economically sound method of fighting poverty. In developing countries, the rate of repayment of well-established microenterprise programs ranges from 95 to 99 percent. Due to a system of peer support used in many microenterprise models, repayment rates are high as borrowers are responsible for each other’s success to ensure that everyone in their group is able to pay back their loans. With support to grow and become efficient, microenterprise programs in developing countries need less grant money, can utilize loan and loan guarantees, and eventually get linked into the formal financial system. Microenterprise organizations have been able to cover 100 percent of operational costs with the interest income generated by the loans.

Women greatly benefit from the microenterprise organizations. Most of the 1.2 billion people living on less than a dollar a day are women. Women are often responsible for the household property, and sending their daughters to school. After repaying her first loan, Violet was able to accumulate savings, purchase cooking oils, cheese, salt, sugar, malaria pills, and other items. The diversified stock of supplies has increased her business and has afforded her the opportunity to end her children’s education or school. With support to grow and become efficient, microenterprise organizations have been able to cover 100 percent of operational costs with the interest income generated by the loans.

Mr. Speaker, in May developing countries, the European Union employed more than 50 percent of the labor force. Access to small amounts of credit with reasonable interest rates allows poor people to move from initial income-generating activities to start microenterprises. In most cases, microenterprise programs offer a combination of services and resources to their clients including savings facilities, training, networking, and peer support. In this way, microenterprise allows families to work to end their poverty with dignity.

I urge my colleagues to support this measure.

Mr. ROEMER. Mr. Speaker, last week U.S. Treasury Secretary Paul O’Neill and Irish rock star Bono on a tour of Africa called attention to the interrelated development challenges to alleviate world poverty and suffering. As their trip demonstrated, impoverished communities in the Third World will benefit greatly from an increase in U.S. foreign aid funding toward programs that can maintain stable accountability measures.

Now, more than ever, Congress must achieve a bipartisan compromise in enacting new and innovative foreign aid programs that effectively meet the needs of impoverished people throughout the world. Microenterprise, the lending of very small loans to the world’s poorest people that serve to start and expand small business typically in amounts as low as $100, is a U.S. foreign aid program that fosters hope and opportunity, and counters the fear and desperation that is exploited among the masses of unemployed and impoverished people around the world by terrorist organizations like al-Qaeda. The war on terrorism will not be won by satellites and soldiers alone; our arsenal must include humanitarian assistance that promotes freedom and opportunity for the world’s poorest people. Unquestionably, microenterprise programs fulfill this role in the developing world.

Mr. Speaker, today I rise to voice my strong support for H.R. 4073, a bipartisan bill that increases funding for microenterprise programs.

This important legislation ensures that our investment in the world’s small businesses owners in well-spend. Specifically, this legislation calls for targeting at least half of all microenterprise resources to the world’s poorest people and provides greater accountability measures that ensure effective poverty-targeting.

Take for example the story of Violet Mutoto of Uganda. Violet, a mother of four young children, lives and works out of her small house in the tiny hamlet of Mooni, Uganda. Her mud dwelling contains no plumbing; yet she pays $37.50 a month in rent. Out of the front of her home, Violet operates a rudimentary store. Since receiving her first loan of $43 from the international development organization, Freedom from Hunger, Violet has been able to pay her rent and expand her stock of supplies. Now she sells cooking oils, cheese, salt, sugar, malaria pills, and other items. The diversified stock of supplies has increased her business and has afforded her the opportunity to end her children’s education or school. With support to grow and become efficient, microenterprise organizations have been able to cover 100 percent of operational costs with the interest income generated by the loans.

H.R. 4073 is the product of a bipartisan effort to create effective foreign aid. Earlier this year, my colleague and friend, AMO Houghton of New York, and I introduced H.R. 4209, the “Promoting Self-Reliance for the World’s Poorest People Act of 2002.” This bill called for three essential mandates: (1) increasing U.S. investment in microenterprise globally; (2) ensuring that at least half of these resources reach the poorest people, especially poor women; and (3) creating poverty assessment tools ensuring that microcredit loans reach the poorest people.

Working closely with our colleagues of the International Relations Committee and particularly with the gentleman from New Jersey, CHRIS SMITH, we were able to forge a strong compromise microenterprise bill. This legislation, H.R. 4073, thoughtfully addresses key microenterprise poverty issues and, accordingly, was passed unanimously by the committee in May. The Smith Roemer microenterprise bill, increased funding for Microenterprise programs from $155 million to $175 million in FY 2003 and to $200 million in FY 2004 in the Foreign Operations budget.

I would like to thank the International Relations Committee Chairman, Mr. HYDE, and Ranking Member, Mr. LANTOS, and their respective committee staff members, Peter Smith and Nisha Desai, for their leadership on this bill. I would also like to thank Representatives AMO Houghton, CHRIS SMITH, DONALD PAYNE, BEN GILMAN, and my other colleagues who lent their support and expertise to the formulation of this bill.

Mr. Speaker, in conclusion, I strongly encourage my colleagues to vote for H.R. 4073 this afternoon. Today, Congress has the opportunity to support a foreign aid program that equips the world’s poorest people with the tools to empower themselves. Microenterprise organizations such as Freedom from Hunger provide these vital empowerment tools in the form of tiny microcredit loans. As the story of Violet Mutoto demonstrates, by devoting greater resources to effective humanitarian programs, U.S. foreign aid can provide hope and empowerment to the world’s poorest people and demonstrate that the United States is committed to spreading the rewards that can grow in a free-enterprise system.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4073, important legislation that increases assistance for the poorest people in developing countries under microenterprise assistance programs.

This legislation focuses on the lending of very small foreign loans to start businesses in highly impoverished areas. A recent World Bank report indicates that approximately 1.3 billion worldwide live on less than $1 a day. When targeted properly and effectively, such foreign assistance can help stop poverty, disease, and other serious threats to international communities. H.R. 4073 increases current funding to $175 million in fiscal year 2003, and $200 million in fiscal year 2004 in the Foreign Operations budget.

More importantly, microcredit provides a valuable and much-needed resource to many of our allies and their citizens, an important and vital goal for the United States. Here today, we have the chance to show our support for promising small business efforts worldwide, and the positive impact such enterprises have within their nations. Microcredit currently reaches 30 million people, 19 million of whom are among the very poor and live in extreme poverty. H.R. 4073 builds on efforts to prevent these tragic circumstances by ensuring a stronger loan support system, along with the funds to help international business growth efforts to succeed.

As this program is already in place and is a proven success, I encourage my colleagues to join me in support of this bill. Working with the Administration and my colleagues in the House, I look forward to enacting thoughtful foreign assistance legislation and battling global poverty and suffering.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in support for H.R. 4073, to support business development efforts on a global scale, and to help build new communities worldwide.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4073, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 4073, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2002

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill
(H.R. 4466) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004 and 2005, and for other purposes, as amended.

The Clerk read as follows:

"H.R. 4466
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 "National Transportation Safety Board Reauthorization Act of 2002".

TITLE I—NTSB REAUTHORIZATION
SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
(a) Fiscal Years 2003-2005.—Section 1118(a) of title 49, United States Code, is amended—
(1) by striking "and"; and
(2) by striking "such sums to and inserting the following: "$73,325,000 for fiscal year 2003, $94,909,000 for fiscal year 2004, and $85,687,000 for fiscal year 2005. Such sums shall"
(b) Emergency Fund.—Section 1118(b) of such title is amended by striking the second sentence and inserting the following: "In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level of not to exceed $6,000,000.".
(c) NTSB Academy.—Section 1118 of such title is amended by adding at the end the following:
"(c) Academy.—There are authorized to be appropriated to the Board for necessary expenses of the National Transportation Safety Board Academy otherwise provided for, $3,347,000 for fiscal year 2003, $4,986,000 for fiscal year 2004, and $4,955,000 for fiscal year 2005. Such sums shall remain available until expended.
"(d) Reorganization.—The Board shall establish and publish the procedures for appeals under this subsection.
"(e) Limitation on applicability.—This subsection shall not apply in the case of an accident that results in a loss of life.

SEC. 102. ACCIDENT AND SAFETY DATA CLASSIFICATION AND PUBLICATION.
Section 1119 of title 49, United States Code, is amended by adding at the end the following:
"(c) Appeals.—
(1) Notice of rights.—In any case in which a report of an accident is made by a Board determines that an occurrence associated with the operation of an aircraft constitutes an accident, the employee shall notify the owner or operator that aircraft of the right to appeal that determination to the Board.
(2) Procedure.—The Board shall establish and publish the procedures for appeals under this subsection.
(3) Limitation on applicability.—This subsection shall not apply in the case of an accident that results in a loss of life.

SEC. 103. SECRETARY OF TRANSPORTATION'S RESPONSES TO SAFETY RECOMMENDATIONS.
Section 1119 of title 49, United States Code, is amended to read as follows:
"(d) Reporting Requirements.—
(1) Annual Secretarial Regulatory Statute Reports.—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each significant safety recommendation made by the Board to the Secretary (or to an Administration within the Department). The Secretary shall continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action shall be taken.

"(2) Failure to report.—If on March 1 of each year the Board has not received the Secretary's report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary's failure to submit the required report.
"(3) Significant Safety Recommendation Defined.—For the purposes of this subsection, the term "significant safety recommendation" means a recommendation included in the Board's "most wanted list".
"(4) Termination.—This subsection shall cease to be in effect on January 1, 2007, unless the Secretary submits a report required to be filed on February 1, 2007, if filed.

SEC. 104. ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.
(a) Relinquishment of Investigative Priority.—Section 1136 of title 49, United States Code, is amended by adding at the end the following:
"(j) Relinquishment of Investigative Priority.—
(1) General Rule.—This section applies to any aircraft accident if the Board has relinquished investigative priority under section 1139(a)(2)(B) and the Federal agency to which the Board has relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.
(2) Board Assistance.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.
(b) Revision of MOU.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1997 agreement on the investigation of accidents to take into account the amendments made by this section and title VI and shall submit a copy of any revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 105. TECHNICAL AMENDMENTS.
Section 1131(a)(2) of title 49, United States Code, is amended by moving subparagraphs (A), (B), and (C) 4 ems to the left.

SEC. 106. ADVERSE EFFECTS OF CARRY-ON BAGGAGE.
(a) Study.—The National Transportation Safety Board shall conduct a study to identify the adverse effects, including passenger injuries or other safety problems, associated with carry-on baggage stored in overhead bins aboard passenger aircraft and sufficient ways to deal with such problems.
(b) Report.—Not later than 6 months after the date of enactment of this Act, the Board shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study.

TITLE II—RAILROAD FAMILY ASSISTANCE
SEC. 201. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.
(a) In General.—Section 1138 of chapter 11 of title 49, United States Code, is amended by adding at the end the following:
"(h) Assistance to families of passengers involved in rail passenger accidents
"(1) In general.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier in a major loss of life, the Chairman of the National Transportation Safety Board shall—
(1) designate and publicize the name and phone number of a dedicated number of family support services who shall be an employee of the Board and shall be responsible for the Family of victims of families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and
(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.
"(2) Responsibilities of the Board.—The Board shall have primary Federal responsibility for—
(1) facilitating the recovery and identification of a fatally injured family member involved in a rail passenger accident if the Board has relinquished investigative priority for the accident; and
(2) communicating with the families of passengers involved in the accident as to the roles of—
(A) the organization designated for an accident under subsection (a)(1);
(B) Government agencies; and
(C) the rail passenger carrier involved, with respect to the accident and the post-accident activities.
"(3) Responsibilities of designated organization.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:
(1) to provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.
(2) to take such actions as may be necessary to provide an environment in which the families may grieve and remember the loss.
(3) to meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact families periodically thereafter until such time as the organization, in consultation with the director of family support services designated under the accident in subsection (a)(1), determines that further assistance is no longer needed.
(4) to arrange a suitable memorial service in consultation with the families.
(5) to pass a list of the names of the passengers that were aboard the rail passenger carrier involved in the accident.
"(b) Requests by Director of family support services.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in
the accident a list described in subparagraph (A).

(2) USE OF INFORMATION.—The director of family support services and the organization may make public or otherwise provide information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent the director of family support services or the organization considers appropriate.

"(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, secure that the families of passengers involved in the accident—

(1) be informed to any public briefing about the accident and any other findings from the investigation; and

(2) are individually informed of and allowed to participate in subsequent meetings of the Board about the accident.

"(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for the accident—

(a) shall coordinate its activities with the rail carrier involved in the accident to facilitate the reasonable use of the resources of the carrier;

(2) PROHIBITED ACTIONS OF THE BOARD.—

(1) ACTIONS TO IMPED THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board, the director of family support services designated for an accident under subsection (a)(2) or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

(2) UNAUTHORIZED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier involved in the accident or a relative of an individual involved in the accident, before the 45th day following the date of the accident.

"(g) PROHIBITED ACTIONS OF THE RAIL PASSENGER CARRIER.—

(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1138(a)(3)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the families and passengers involved in the accident.

(2) BOARD ASSISTANCE.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the extent practicable, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.

"(h) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

"1138. Assistance to families of passengers involved in rail passenger accidents."

SEC. 290. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 251—FAMILY ASSISTANCE

"Sec. 2501. Plans to address needs of families of passengers involved in rail passenger accidents.

§ 2501. Plans to address needs of families of passengers involved in rail passenger accidents.

(1) Submission of plans.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

(2) Contents of plans.—A plan to address the needs of a family under subsection (a) shall include, at a minimum, the following:

(1) A plan for publicizing a reliable, tollfree telephone number for providing staff, to handle calls from the families of the passengers.

(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other similarly trained individuals.

(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the name of all of the passengers have been verified) and, to the extent practicable, in person.

(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to reserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

(5) An assurance that the family of each passenger will be consulted about the disposition of all rail passenger accidents involving the possession is needed for the accident investigation or any criminal investigation.

(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to be constructed on the monument.

(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

(10) An assurance that the rail passenger carrier will work with the family of each passenger designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

(11) An assurance that the rail passenger carrier will provide reasonable compensation to the organization designated under section 1138(a)(2) of this title for services provided by the organization.

(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members for counseling, if an accident.

(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier—
carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

"(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

"(d) DEFINITIONS.—In this section—

"(1) the terms "rail passenger accident" and "rail passenger carrier" have the meanings such terms have in section 1110 of this title; and

"(2) the term "passenger" means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit the actions that a rail passenger carrier may take, or the obligations of a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

"251. FAMILY ASSISTANCE ....... 25101".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

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

Mr. Speaker, I am pleased to rise this afternoon in support of H.R. 4466. This legislation is the National Transportation Safety Board Reauthorization Act of 2002. It is necessary from time to time for agencies, and it is our responsibility as the Subcommittee on Aviation of the Committee on Transportation and Infrastructure to reauthorize this agency, which this bill does, through the year 2005.

The National Transportation Safety Board is a relatively small agency; however, it has a large and significant mission. Its responsibility is to determine the probable cause of traffic and transportation accidents and also to promote transportation safety.

To maintain that role, we have to assure that NTSB will continually have the personnel and the funding it needs to undertake increasingly complex accident investigations. It seems that as ownership of this nation’s transportation and surface transportation, as well as maritime transportation, the accidents that result become more complex, more challenging to investigate and more difficult to understand. For that purpose, the NTSB has realized that it too has needed to stay ahead of the state of the art, and recently broke ground for a new training academy to house the teaching of state-of-the-art investigative techniques for transportation accidents. The funding that we provide in this legislation will help the NTSB to provide the personnel and the resources for those personnel at headquarters, as well as at the academy, with the $237.7 million authorization over the next three years.

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

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

Mr. Speaker, I rise in support of H.R. 4466, the reauthorization of the National Transportation Safety Board. The gentleman from Florida (Chairman MICA) has articulated already in very detailed and, I think, very thoughtful fashion much of the splendid work that the NTSB accomplishes year in and year out. But we are here today in support of legislation to advance not because of the Nation’s premier transportation investigative agency; not only the Nation’s premier investigative agency in the arena of transportation, but for the entire world, for the NTSB has served as a model for other countries to develop similar independent transportation investigative agencies, and particularly investigative agencies in the field of aviation.

The NTSB Board and their professional staff, career staff, have traveled throughout the world to help other countries establish, organize, write the legislative, charter and launch similar independent safety board investigative entities. It behooves us to always do our utmost through the legislative process and through the appropriations to keep the NTSB in the forefront of transportation safety.

Since we last authorized the board in the year 2000, it has investigated 6,250 aviation accidents, 112 highway accidents, 90 railroad accidents, 69 hazardous material accidents, 17 marine accidents, and issued a total of 652 safety recommendations. It has played a major role in helping other nations do their investigations, such as recently with the China Air tragedy.

To maintain that role, we have to assure that NTSB will continually have the personnel and the funding it needs to undertake increasingly complex accident investigations. It seems that as ownership of this nation’s transportation and surface transportation, as well as maritime transportation, the accidents that result become more complex, more challenging to investigate and more difficult to understand. For that purpose, the NTSB has realized that it too has needed to stay ahead of the state of the art, and recently broke ground for a new training academy to house the teaching of state-of-the-art investigative techniques for transportation accidents. The funding that we provide in this legislation will help the NTSB to provide the personnel and the resources for those personnel at headquarters, as well as at the academy, with the $237.7 million authorization over the next three years.
One of the core functions is to assist families of passengers who have been victims of an aviation accident. In previous legislation, when the presiding officer who has just left the Chair, the gentleman from Illinois (Mr. LAHOOD), was on our Committee on Transportation and Infrastructure, he brought to our attention the way to extend the authority of the NTSB to help the families of accident victims. We have extended that authority in this legislation to families of rail accident victims.

Title II of the bill incorporates the provisions of the Rail Passenger Disaster Family Assistance Act, requiring that interstate passenger railroads submit to the Secretary of Transportation and to the Chair of the NTSB a plan to address the needs of the families of passengers involving any railroad accident involving major loss of life.

The plan must address publication of a toll-free number to handle calls from family members, procedures for developing protocols, the process for notifying family members, and other provisions we need not detail at this time.

One element of the legislation that I think is particularly important is a prohibition against unsolicited communication by attorneys until at least 45 days following an accident. This is a matter that had unanimous support within our committee.

In times of tragedy, the families of victims are particularly vulnerable to unscrupulous persons who inevitably want to prey upon family loss. The bill will make that kind of shameless behavior illegal. It will give rail passengers the same protections as those we provided for airline passengers. We provided this same protection a few years ago in NTSB reauthorization.

Another provision for protection of families is that in accidents caused by intentional criminal acts, in the year 2000 the Congress authorized the transfer of investigative authority to the FBI to the Federal Bureau of Investigation to avoid the confusion that results in a case where there are overlapping factors, as occurred in TWA 800. It was not clear at the outset whether this was a classic aviation accident or whether it was an incident caused by a terrorist act.

The FBI at first treated it as a criminal act, and there was confusion as to who was responsible. We attempted to clarify that authority and transferred the investigatory priority from NTSB to the FBI for cases in which there is an intentional criminal act, but there was no mechanism to transfer the responsibility for family affairs from the NTSB to the FBI. Following the events of September 11, the NTSB concluded that when the FBI gets investigative responsibility for an aircraft accident, family affairs responsibilities should transfer as well. So this legislation makes that transfer of authority in both aviation and rail accidents.

It addresses another matter of significant importance, and that is the notoriously slow response by other modal entities in the Department of Transportation to the NTSB safety recommendations. It was a matter of great concern when I chaired the Subcommittee on Aviation, and the gentleman from Florida (Chairman MICA) has articulated that concern just previously in his statement.

There should be no delay. The Department of Transportation and other modal agencies should respond promptly. This bill requires DOT to report annually the regulatory status of significant safety recommendations made by the NTSB, regardless of the year in which the recommendation was made. That will enable us in the Congress, on behalf of the public, to keep better tabs on the progress the sister agencies in DOT are making in response to these very important safety recommendations.

This is a critically important piece of legislation. The NTSB does not get into disputes until a board member or an investigator is standing in front of a camera crew at the site of a tragedy, responding methodically, thoughtfully, and objectively to endless reporter questions about this tragedy and how it occurred and what will be the future of safety in surface or air transportation. We must give the board all the resources it needs to continue to do its job impressively, objectively, and effectively.

I express my great appreciation to the chairman, the gentleman from Florida (Mr. MICA), for the work he has done; to our ranking member, the gentleman from Illinois (Mr. LIPINSKI); and to my good friend, the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); and also to the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Railroads; and to our colleague, the gentleman from Tennessee (Mr. CLEMMER).

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

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. SMITH). Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

In support of this bill, I would like to relay to my colleagues my personal experience with the National Transportation Safety Board. It was interesting, when I was on the Transportation Committee not very long ago, and I had an opportunity to arrive at the scene not long after that derailment. When I got there, the National Transportation Safety Board was already present and doing an outstanding job. The NTSB is charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation: railroad, highway, marine pipeline.

Since its inception in 1967, the NTSB has investigated more than 110,000 aviation accidents and thousands of surface transportation accidents. It is now recognized as one of the world’s premier accident investigative agencies.

Although the NTSB has no regulatory or enforcement powers, we increasingly rely on it in our efforts to prevent accidents and ensure the safety of all the traveling citizens. Heightened awareness is an additional priority, especially now. Therefore, our reliance on the NTSB in determining the probable cause of transportation accidents has greatly increased.

I had the opportunity to see it again in my district, and I think the amazing thing was the time that these ladies and gentlemen took in painstaking details. They had to work under some
very difficult circumstances when several trains derailed inside a tunnel; and it was very, very close to us in Baltimore, we waited with bated breath for information coming from them.

Although we had other people working at the scene and our local police were working and working very hard, it was the NTSB that clearly was taking the lead in helping us to try to figure out how do we go along slowly; do we have hazardous materials.

So I am still waiting for a final determination, the fact is, they were very helpful to us all along the way.

So often, what happens in circumstances is that we take so much for granted when we have an organization like the National Transportation Safety Board and just assume they are always going to be there, that they have enough money, that everything is going to be okay, and that we are not going to need them.

The fact is that these things do happen. No one would have guessed that in the middle of Baltimore’s downtown area, right at the stadium site, our two-stadium site, we would have had this incident happen, which basically closed down our downtown for several days. But thank God that the NTSB was there.

Therefore, I stand with the gentleman from Florida (Chairman MICA) and certainly our ranking member, the gentleman from Minnesota (Mr. Oberstar), and all the members of our Committee on Transportation and Infrastructure, to support this very, very important reauthorization.

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

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

Mr. Speaker, I am pleased today, on behalf of the gentleman from Alaska (Chairman Young), chairman of the full Committee on Transportation and Infrastructure, to bring to the floor for reauthorization the National Transportation Safety Board legislation. It is vital, as we have heard from the previous speakers, to continue the good work, the professionalism, and the investigative authority to this agency.

It is also a pleasure for me to help reauthorize a rather lean, well-run Federal agency that does, again, an excellent job with a limited number of staff.

With those remarks, Mr. Speaker, I am going to compliment Marion Blakey, who has assumed the chairmanship last year of this important investigative arm of our government, and also compliment her on the outstanding job she has done in communicating with me since she took office. This has continued from the horrible events of November 12, when the American airliner crashed in Long Island, through the very serious and fatal accident we had in my district in Florida involving the Amtrak train. I thank the Chair of this agency for her cooperation, and I thank those involved with the agency for their work.

Finally, again, I thank the gentleman from Minnesota (Mr. Oberstar), the gentleman from Illinois (Mr. Lipinski), and the gentleman from Alaska (Mr. Young) for their bipartisan effort to move H.R. 4466 for reauthorization of the NTSB to the floor.

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 4466, the National Transportation Safety Board (NTSB) Reauthorization Act of 2002. In addition to the many positive attributes already mentioned by my colleagues regarding the NTSB and their excellent service to our country, I want to particularly note the provisions in H.R. 4466 included from the Rail Passenger Disaster Family Assistance Act. These provisions allow the NTSB to provide needed assistance to the families of victims of catastrophic railroad accidents, similar to the role that the NTSB already plays in aviation accidents. Additionally, it requires intercity passenger railroads to submit a plan to the Secretary of Transportation and the Chairman of the NTSB to address the needs of families involved in accidents resulting in major loss of life. The plan must include procedures for notifying family members, developing passenger lists, and coordinating information to family members regarding accidents.

By passing this bill, we send the message that the safety of our transportation system is of the utmost importance to our citizens and Nation. I urge the adoption of this piece of legislation and extend my compliments to Chairwoman Waters and Ranking Member Oberstar for their good work on this important bill.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion made by Chairman MICA, the gentleman from Florida, to reauthorize the National Transportation Safety Board for the period of fiscal years 2003 and 2004.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the Chair recognizes the gentleman from Florida (Mr. SHAW) each will control 20 minutes.

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

Mr. Speaker, I am honored to be the sponsor of this important piece of legislation, H.R. 4823, the Holocaust Restitution Tax Fairness Act. It exempts Holocaust survivors from taxation any restitution claims they received for the crimes committed against them by Nazi Germany.

The bill permanently extends a provision of the Economic Growth and Tax Relief Reconciliation Act of 2001 that makes such claims tax-free. The like of the tax cut signed into law by President Bush last year, this provision sunsets in 2010. Today we are taking action to provide that for as long as the victims and their heirs receive Holocaust-related claims, they will be tax-free.

In recent years settlement agreements worth billions of dollars for Holocaust survivors have been reached. All agree to no amount of money will ever compensate the victims of the Holocaust for the crimes committed against them. It would be wrong for the United States Tax Code to treat these modest settlements as some sort of financial windfall. Current estimates are that there will be 88,000 Holocaust survivors in 2010 when the tax cuts sunset, many of whom reside in my South Florida district. Congress should be prepared to provide these survivors the security of at least knowing that their settlement claims will not be taken by the hands of the Internal Revenue Service.

Mr. Speaker, it is as simple as this: When something is stolen from you,
you should not be taxed when it is returned. The idea that Uncle Sam might take a bite out of these claims because of the tax cut sunset is real appalling. This bill is supported by the Jewish Council for Public Affairs, the Conference of Jewish Material Claims Against Germany, the American Jewish Committee, the American Gathering/Federation of Jewish Holocaust Survivors, and the International Commission on the Holocaust Era Insurance Claims.

I submit these letters of support from the organizations that I have mentioned.

Mr. Speaker, this provision must be made permanent, not because it will simplify the tax code, nor will it stimulate our recovering economy, nor do we need to do this because it will directly affect millions of Americans’ pocketbooks. This needs to be done because it is right.

With that in mind, I urge my colleagues to send a strong message of support to the victims of the Holocaust and their families by voting for this bill.

Hon. E. Clay Shaw,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SHAW: On behalf of the Jewish Council for Public Affairs, I am writing to thank you for introducing legislation to repeal the sunset provisions in the last tax package that provides exclusion from federal income tax for restitution payments received by victims of the Nazi regime (H.R. 4823). As you know, the Jewish Council for Public Affairs is the public affairs arm of the organized American Jewish community and serves as the national coordinating body for the 13 national and 122 local agencies comprising the field of Jewish community relations.

Holocaust survivors have been receiving various types of compensation payments from Germany and Austria since the 1950s. Although the Internal Revenue Service had issued several rulings exempting certain Holocaust compensation payments from taxation, (such as Rev. Rul. 56-518 and Rev. Rul. 69-212), until last year the Congress had never passed legislation that would provide broad tax exemption for all Holocaust-related payments.

Recent efforts to secure compensation payments for former slaves and forced laborers who also were victims of the Nazi regime, and to obtain restitution of stolen Holocaust-era assets, have and will continue to result in survivors receiving additional payments over the next several years. In light of these developments, there is a need to ensure forever that all compensation and restitution payments received by Holocaust survivors and/or their heirs are not subject to federal taxation.

No amount of money can ever compensate Holocaust survivors for the horrors they endured. However, this legislation would at least enable survivors to benefit fully from the token compensation and restitution payments they will receive in the future.

Sincerely,
HANNAH ROSENTHAL, Executive Director.

United States House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The American Jewish Committee, the nation’s premier human relations organization, with some 110,000 members and supporters and offices in 32 cities nationwide, urge you to support H.R. 4823, the Holocaust Restitution Tax Fairness Act of 2002, introduced by Representative Clay Shaw.

The Holocaust Restitution Tax Fairness Act would remove sunset provisions currently applicable to legislation enacted last year granting tax relief to Holocaust survivors. With the passage of H.R. 1836, the Economic Growth and Tax Relief Act, the Congress decided last year that Holocaust restitution payments should not be a part of a beneficiary’s taxable income. Between 1933 and 1945, Nazi Germany systematically stripped European Jews of their property. Given the complications resulting from the Jewish people’s displacement following World War II, compensatory payments to Holocaust survivors have been slow in coming. In recent years there have been important developments in this area, but there are still many survivors who have not received restitution.

Because the tax relief offered to Holocaust survivors was enacted as part of H.R. 1836, it is subject to a sunset provision. Because of this, property and monetary compensation received by Holocaust survivors after 2001 will no longer be tax-free. The Holocaust Restitution Tax Fairness Act of 2002 would remove the sunset clause from H.R. 1836 insofar as it is applicable to Holocaust compensation payments. Instead of arbitrarily ending tax relief for Holocaust survivors, H.R. 4823 will continue the status quo so that the taxpayers who provided the tax relief will no longer be taxed.

Additionaly, H.R. 4823 ensures that Holocaust survivors who receive property through restitution will not have to pay capital gains taxes should they immediately sell this newly received capital. We strongly urge you to support the Holocaust Restitution Tax Fairness Act. Passage of this bill will demonstrate Congress’s commitment to preserving principles of just compensation for all Holocaust survivors, so that the American people and the American judicial system of justice that these tax-free payments reflected, no matter how long it may take. Thank you for considering our views.

Sincerely,
RICHARD T. FOLTIN, Legislative Director and Counselor.

Hon. E. Clay Shaw,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SHAW: Thank you for sponsoring H.R. 4823, a bill that would make permanent the exclusion from taxes of proceeds from Holocaust restitution payments. As you know, South Florida is home to one of the largest Holocaust survivor communities in the United States and the Miami Jewish community has actively advocated on their behalf for many years.

We know that no amount of money can ever compensate Holocaust survivors for the horrors they endured. However, your tax-exempt legislation would at least enable survivors to benefit fully from the token compensation and restitution payments they will receive.

We support your efforts to permanently exempt restitution payments received by victims of the Nazi regime from federal income tax.

Sincerely,
SAMUEL J. DUBIN, Chairman.
M. JUDY GILBERT-NOUL, Director.

CONGRESSIONAL RECORD — HOUSE June 4, 2002
two Jewish organizations and since that date has both negotiated Holocaust restitution and compensation agreements on behalf of the Jewish people and has played a pivotal role in the distribution of funds to individuals and allocating funds to institutions that assist Nazi victims.

The Claims Conference actively supported section 803 of the Economic Growth and Tax Relief Reconciliation Act of 2001 as this provision is of great benefit to Holocaust survivors. Consequently, the Claims Conference would like to express its support for section 1 of H.R. 4823 that repeals the sunset provision of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to exclusion from Federal Income Tax for restitution received by victims of the Nazi regime. As you are aware, the provision enacted last year expires in 2010. Thousands of Holocaust survivors in the United States currently receive pensions related to their persecution under the Nazi regime and these survivors will continue to receive such pensions as long as they are alive, which we anticipate in the case of some survivors will be beyond 2010. It is important for thousands of Holocaust survivors and their families that the sunset clause be repealed in order that the benefit to Holocaust survivors offered under this legislation can continue during the lifetime of survivors.

Sincerely yours,

ISRAEL SINGER, President
GIDEON TAYLOR, Executive Vice President

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

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

Mr. CARDIN asked and was given permission to revise and extend his remark.

Mr. CARDIN. Mr. Speaker, first, let me thank the gentleman from Florida (Mr. SHAW) for bringing forward this bill.

I strongly support H.R. 4823, the Holocaust Restitution Tax Fairness Act of 2002. The gentleman from Florida (Mr. SHAW) has explained the purpose of this legislation and I just want to underscore on the importance of making sure that the fact that the Holocaust survivors receive in restitution are not subject to taxes here in the United States.

We know that the victims and their families have already paid a terrible price. No amount of money can compensate for their suffering, but Congress can guarantee that the survivors can keep the full amount of the money that they receive in partial restitution. Many families are depending upon those funds to live and these funds will be elderly members of the population who could lose one third of their restitory income. If we fail to pass this legislation, many of the victims of the Nazi regime will be elderly members of the population who are already in need of economic aid. The IRS has no right in profiting from the pain of others and therefore, the act before us should be passed.

We have a moral obligation to help those who suffered at the hands of evil regimes during world war two. It is only fair that these unfortunate souls be compensated for their pain without government taxation. Accordingly, I urge my colleagues to fully support this measure.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4823, important legislation that permanently excludes taxable all forms of restitution payments to victims of the Nazi regime. This legislation is a small but important step in recognizing the suffering that the Holocaust inflicted on millions of families, including several in my 25th Congressional District of Texas. These individuals, in addition to being displaced from their homes, families, and communities, also suffered devastating economic loss when the Nazi regime pillaged their finances and assets. As the appropriate entities have made necessary restitution payments to these victims, it is important to protect these funds that the recipients have payed dearly for.

This is the essence of H.R. 4823, which makes permanent the tax protection offered in the Economic Growth and Tax Reconciliation Act, H.R. 1836, which excluded these assets from taxable income for the fiscal year 2001 to 2011 period, and was enacted into law last June. I am also pleased to note that H.R. 4823 is similar to legislation I co-sponsored in the 106th Congress, H.R. 3511, which unfortunately did not become law. Today, however, we can rectify that effort and successfully pass the current bill, and help compensate the enormous losses suffered by victims of the Holocaust.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in support for H.R. 4823.

Mr. WELLER. Mr. Speaker, I appreciate the opportunity to offer my support for H.R. 4823, a bill which repeals the sunset of a provision for the Economic Growth and Tax Relief Act that is imperative that we make this provision permanent. If not, it is possible that Holocaust survivors could lose one third of their restitution income. These payments are death payments. In order to begin with and by 2010 the majority of beneficiaries will be elderly members of the population who are already in need of economic aid. The loss of one third of their compensation would greatly deprive them. These payments are compensation for pain and suffering and should be off limits to the government. The IRS has no right in profiting from the pain of others and therefore, the act before us should be passed.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4823 and I commend the gentleman from Florida, my friend and colleague, Congressman SHAW, for introducing it. I strongly urge my colleagues to adopt this worthy legislation.

This act will prevent government taxation from incurring on any payments of restitution to Holocaust survivors. This bill is a significant beneficial provision for the Economic Growth and Tax Relief act. It is imperative that we make this provision permanent. If not, it is possible that Holocaust survivors could lose one third of their restitution income. These payments are death payments. In order to begin with and by 2010 the majority of beneficiaries will be elderly members of the population who are already in need of economic aid. The loss of one third of their compensation would greatly deprive them. These payments are compensation for pain and suffering and should be off limits to the government. The IRS has no right in profiting from the pain of others and therefore, the act before us should be passed.
Holocaust survivors are an aging population but current estimates are that there will still be 88,000 Jewish Holocaust survivors in 2010 and 37,000 in 2020. A large fraction of these survivors are entitled to compensation payments. If this provision is not made permanent, those who suffered at the hands of the Nazis will be forced to share their modest payments with those who suffered less.

Not exempting this income from taxation is tantamount to the federal government “profiting” from restitution payments that are compensatory for the pain and suffering of Holocaust survivors and their families.

International Consideration

The United States has a long tradition of recognizing the importance of tax exemptions for the restitution of assets lost during World War II. The tradition began with military law 59 in 1947, which protected compensation under three treaties with Germany. While I voted against last year’s H.R. 1836, I did support the provision exempting restitution payments for Holocaust survivors. That provision proves that the United States has retained its sensitivity to the extraordinary nature and penitent purpose of Holocaust restitution payments.

H.R. 4823 seeks to continue this proud tradition. This bill makes permanent the provision in H.R. 1836 excluding payments to Holocaust victims from taxable income. Without this bill, the exclusion for Holocaust restitution payments, like all others in H.R. 1836, will expire on December 31, 2010.

While no amount of money can truly compensate Holocaust survivors for the horrors they endured, in a world where Holocaust denial lives, it is crucial to make strong statements of support for Holocaust survivors. The increase over the past year of Anti-Semitic incidents in Europe makes it an especially important time to stand with those who refuse to condone Anti-Semitism.

American Holocaust restitution payments have maximum income qualifications. Therefore, much of the restitution goes to individuals with yearly incomes under $20,000. Furthermore, according to the Jewish Council for Public Affairs, as many as 1.4 million people may receive claims, cutting the payments to individuals to a relatively small amount. For this money to have any real, rather than merely token, significance, the tax exemption must remain.

In recent years, settlement agreements have reached billions of dollars for victims of the Nazi Regime or their heirs or estates. These settlements return assets to their rightful owners and their heirs more than 50 years after they were first entrusted to their care. Funds have been established by banks and corporations in France, Austria, Italy and Germany to return assets such as bank accounts and insurance policies to Holocaust survivors. With the enactment of the Economic Growth and Tax Relief Reconciliation Act last year, and with H.R. 4823, which we are considering today, we can ensure that any payment, from Swiss banks or other similar sources, will not be taxed. This is clearly the right thing to do because they are receiving back what was always theirs to begin with.

With the average age of Holocaust survivors at 80, the time left to debate these payments is slipping away. Certainly, these payments will make life more comfortable for these survivors in their remaining years. To tax them on these long overdue payments would simply be wrong.

Mr. Speaker, I encourage my colleagues to support this important legislation and I thank you for the opportunity to speak in favor of H.R. 4823.

H.R. 4823—HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

H.R. 4823 will make permanent provisions in the Economic Growth and Tax Relief Reconciliation Act (EGTRRA) that exclude from gross income any restitution payments received by victims of the Nazi Regime or their heirs or estates.

This bill is supported by Conference of Jewish Material Claims Against Germany (Claims Conference), Jewish Community Relations Council of Greater Miami (JCRC), American Jewish Committee (AJC), American Gathering of Jewish Holocaust Survivors, the Jewish Council for Public Affairs (JCPA), United Jewish Communities (UJC), the Righteous of the Holocaust (RAH) and International Commission on Holocaust Era Insurance.

These tax relief provisions expire or “sunset” on December 31, 2010. After that any restitution payments could be subject to federal taxation.

The sunset (i.e. expiration) of the tax provision in EGTRRA creates significant risk and uncertainty for tax planning and other important personal decisions for victims of the Holocaust and their families.

HOLOCAUST RESTITUTION SETTLEMENTS

In recent years, settlement agreements worth billions of dollars have been reached to compensate Holocaust survivors. It is unknown what future agreements will occur but the tax law should ensure that any and all future payments be excluded from federal taxation.

In addition, millions of dollars of restitution payments will be made every year to thousands of survivors of the Holocaust in the form of monthly payments. If this tax provision is not made permanent, thousands of Holocaust survivors could lose over one-third of their restitution to the IRS when EGTRRA expires.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the rule, the Chair’s prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to the rule, the Chair’s prior announcement, further proceedings on this motion will be postponed.

REPEALING SUNSET OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXPANSION OF CERTAIN ADOPTION PROGRAMS

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill.
and adoption assistance programs). The Speaker pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

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

Mr. Speaker, I rise today in support of H.R. 4800, a bill I introduced to make permanent the adoption tax credit of the Economic Growth and Tax Relief Act of 2001.

While the enactment of the Tax Relief Act was a monumental step forward for the families who wish to adopt and the children they will take home, the bill only completed half the job. The adoption provision of that bill limits the tax credit to 10 years. This temporary extension of the tax credit will cause uncertainty in adoption planning in years to come. By eliminating the 10-year limitation, we will make adoptions easier for all families for generations to come.

Currently, there are more than half a million children in foster care, of which only 27,000 are adopted each year. This bill is vital for the protection and well-being of foster care children, a majority of whom are in protective custody due to neglect and abuse. We need to provide these children and future foster children where there is no hope of family reunification a permanent home and a safe environment in which to bond and grow with loving parents.

If H.R. 4800 is not enacted, then beginning in 2011 the adoption tax credit will be cut overnight from a maximum of $10,000 to $5,000. Families who adopt special needs children will no longer receive a flat $10,000 credit. Instead they will be limited to a maximum of $6,000. This change will be permanent. It will have to be extended each year, causing uncertainty for families. Families claiming the credit may be pushed into the alternative minimum tax. The income caps will fall from $150,000 to $75,000 so that fewer families will be eligible for the credit. We cannot allow this credit to lapse.

Over half a million children are counting on us to finish the job we started over a year ago. Temporary is not an option for adoption and should not be for this tax credit either. I urge my colleagues to support this vital piece of legislation.

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

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

Mr. Speaker, I was given permission to revise and extend my remarks.

Mr. CARDIN. Mr. Speaker, there is broad bipartisan support for assisting adoptive families in meeting their expenses. If we can afford the cost of adopting children into loving homes, is clearly a worthwhile policy, and targeted tax relief can help promote that goal. I, therefore, support this effort to eliminate the sunset provision in the current adoption tax law.

I think the gentleman from Michigan (Mr. CAMP) has explained the substance of the removal of the sunset of last year’s tax bill, which only was effective for 10 years. This removes that sunset in last year’s tax bill. However, let me make two general points about the majority’s effort to eliminate the expiration dates for specific provisions in last year’s tax bill.

This is not the first, but there have been several efforts to remove the sunset provision, many of which have been supported on a bipartisan basis. My first point is that if the majority had agreed to a more modest and balanced tax bill that did not provide such a huge windfall to the wealthy, there would not have been a need for a sunset provision on such worthwhile tax changes, such as increasing the adoption tax credit. For example, by the year 2006, last year’s tax bill would have spent $44 billion to reduce taxes for individuals earning over $200,000 a year while spending only $8 billion for families earning $30,000 and $40,000 a year.

Second, Mr. Speaker, by bringing this bill up on the suspension calendar, the majority has prevented any Member from offering an amendment to offset the future cost of extending the adoption tax credit. There are bills now pending in Congress to stop companies and individuals from evading U.S. taxes by transferring assets to foreign countries.

Such legislation could pay for the extension of the adoption tax credit and other provisions that we would like to pass but remove these sunsets in last year’s tax legislation.

By preventing any consideration of budget offsets for today’s bills and much more expensive legislation to be considered in the future, the majority will continue the trend of forcing our children to pay for our bills.

Before I conclude, I want to mention an important improvement in the adoption tax credit which I raised as an amendment in the committee consideration of the bill and was eventually included in the conference report. Starting next year, the adoption tax credit will provide a guaranteed $10,000 tax credit for the adoption of special-needs children, who are classified as being more difficult to place for adoption because of certain factors including a physical, mental or emotional impairment.

This means the parents adopting special-needs children are not required to itemize qualified adoption expenses which are limited to court costs and attorneys’ fees. Since State foster care programs cover most of these legal expenses, many adoptive families of special-needs children have had few qualified adoption expenses.

For this reason, only 15 percent of all special-needs adoptions received any benefit from the former adoption tax credit, despite the fact that these families may have other significant adoption-related expenses, such as homes and vehicle modifications and out-of-pocket expenses.

The new enhanced adoption tax credit addresses these problems by providing a $10,000 tax credit to families adopting special-needs children without any requirement that they itemize specific expenses.

Mr. Speaker, there are roughly 122,000 special-needs children now waiting to be adopted out of our Nation’s foster care system. These are the children waiting in line to be adopted, whereas other healthy babies and young children have prospective parents waiting in line for them. I am glad that the adoption tax credit now recognizes that reality by providing some additional assistance to families adopting special-needs children.

By passing this legislation that is before us today, we make those provisions permanent. I urge my colleagues to support the legislation.

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

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), the former chairman of the Subcommittee on Human Resources.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to congratulate the gentleman from Michigan (Mr. CAMP).
In his former life as an attorney, he spent a lot of time placing kids out of foster care into loving homes, permanent homes.

There is nothing more important I think than to do everything we can to encourage adoption in this country. One of the saddest things that we can possibly see is a child who is not loved, a child that does not have a home to go to or the security of its own room within that particular home; and I applaud the gentleman. I applaud the bipartisan help that we are getting on this bill.

I do want to, however, correct one statement that my friend from Maryland made because otherwise he was very practical and very straightforward. The reason that this and the previous bill, Holocaust tax relief, the reason these two pieces of legislation as well as the entire tax bill that they were part of was sunnseted was because it was going over to the Senate on a budget reconciliation bill which required a straight up and down vote, and it was a question of the technicalities of the Byrd rule. The requirement was not put on permanent. It had nothing to do with the size of the entire bill.

So to clarify that particular issue, but it is a rare moment and all too rare in matters pertaining to taxes that this House finds itself in total agreement.

Mr. CAMP. Mr. Speaker, I yield such time as I may consume to the gentleman from South Carolina (Mr. DeMINT).

Mr. DeMINT. Mr. Speaker, it gives me great joy to stand here today to celebrate the thousands of moms, dads, and children who have become bigger and stronger families because of adoption.

I introduced the Hope for Children Act last year, along with my colleagues on both sides of the aisle in the House, to ensure enactment of several important adoption provisions. The Hope for Children Act extended and doubled the adoption tax credit and the $10,000 employer adoption exclusion allowed for employer-provided adoption benefits and included a $10,000 flat credit for special-needs adoption, which has been mentioned.

The Hope for Children Act was included in the tax package signed into law by President Bush last year; but unfortunately, the Senate included a sunset provision in the new law to comply with the Senate procedural rules.

Without this bill today, H.R. 4800, the new adoption law will expire after December 31, 2010, and thousands of adoptive parents will see their taxes raised overnight. Mr. Speaker, that cannot happen; and that is why we must pass the legislation today.

One of the greatest titles in the world is that of parent, and one of the biggest blessings in life is to be called mom or dad. We hope this bill will help unite children with parents and build strong, stable families in our country. This bill will guarantee tax relief for future generations of adoptive parents. I urge all my colleagues to support this bill.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume. I just want to explain that there is no question, I just want to underscore the points that my colleagues have been making, that the adoption credit, the expansion of the adoption credit and now making it permanent is a bipartisan effort. We think it is extremely important to encourage families to adopt children, particularly special-needs children. So this legislation is one that we look forward to the permanent enactment.

Going back though to the last year just one more time, I know my friend from Florida and I have talked about this frequently. There is no question that in the past year had not been $1.35 trillion but more affordable to the fiscal condition of this country, and I think we have now seen with the large deficits that are being projected that our concerns expressed last year have become no question, that if we had a more modest bill that was before us last year we would have made those provisions permanent last year, and we would have had the support of the other body. We would not have to worry about extraordinary votes in the other body, that we could have made all these provisions permanent, and we would not have been here this year piece by piece looking at specific provisions trying to remove the 10-year sunset.

When we work together as Democrats and Republicans, we usually come up with good policy. Today we are on the adoption credit. I regret that we did not do that in the past so we would not have to go through this exercise on a tax-provision-by-tax-provision basis. Mr. Speaker, I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the gentleman for support of this bill and this issue. We are both on the Committee on Ways and Means, and I know he has been working on this for some time, clearly with the special-needs adoption area; and this is a bipartisan effort.

I would just finally urge support of this bill and say that all provisions in the tax bill were sunset, and this is one area where I think that there is an agreement that should become permanent, and it was all sunset because of the Senate rules which would have required 60 votes otherwise. So, on that, I urge support of the bill.

Mrs. MALONEY of New York. Mr. Speaker, I am honored to rise in support of H.R. 4800, a bill that would extend the $10,000 adoption tax credit and the $10,000 employer adoption assistance exclusion so that they are not subject to the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001.

This bill is a significant step toward ensuring that every child has a loving family. I am proud to come to the floor in support of families who wish to bring another child into their lives.

Like many of my colleagues, children's issues and legislation that increases adoption are very important to me. I am honored to represent a pro-adoption constituency. New York has traditionally adopted at one of the highest rates in the country. Unfortunately, 134,000 children across the Nation are still waiting for homes. All parents are familiar with the rising costs of raising children. Too many potential parents resist adopting because of this substantial economic burden. It is imperative that we take additional steps to relieve this financial weight on these families.

Every Member of Congress is accustomed to lobbyists continually seeking tax benefits for specific special interests. Children in need of adoption have no high-priced lobbyists and no political action committees, so their voices often fail to be heard in today's Washington. I am pleased that this House will hear their voices today.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4800.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to read and extend their remarks and to include extraneous material on the subject of H.R. 4800, the bill just considered.

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

There was no objection.

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States: which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity
Credit Corporation for the fiscal year ending September 30, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, June 4, 2002.

RECESS

The SPEAKER pro tempore, Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 3 o'clock and 43 minutes p.m.), the House stood in recess for approximately 10 minutes.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields, as amended.

The Clerk read as follows:
H.R. 2941

Be it enacted by the Senate and House of Representaties of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Brownfields Redevelopment Enhancement Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) returning the Nation’s brownfield sites to productive economic use could generate more than 550,000 additional jobs and up to $2,600 billion in new tax revenues for cities and towns;

(2) redevelopment of brownfield sites and reuse of infrastructure at such sites will protect and enhance residential, commercial, and open spaces;

(3) lack of funding for redevelopment is a primary obstacle impeding the reuse of brownfield sites;

(4) the Department of Housing and Urban Development is the agency of the Federal Government that is principally responsible for supporting community development and encouraging productive land use in urban areas of the United States;

(5) grants under the Brownfields Economic Development Initiative of the Department of Housing and Urban Development provide local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development, and other activities; and

(6) to be eligible for such grant funds, a community must be willing to pledge community development block grant funds as partial collateral for a loan guarantee under section 108 of the Housing and Community Development Act of 1974; and this requirement is a barrier to many local communities that are not willing or unwilling to pledge such block grant funds as collateral; and

(b) Purpose.—The purpose of this Act is to provide cities and towns with more flexibility for brownfields redevelopment, increased accessibility to brownfields redevelopment funds, and greater capacity to coordinate and collaborate with other government agencies—

(1) by providing additional incentives to invest in the cleanup and development of brownfield sites; and

(2) by de-linking grants for brownfields development from community development loan guarantees and the related pledge of community development block grant funds.

SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.

(a) In general.—The Secretary may make grants under this section, on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 5454), to eligible brownfields development authorities (as such term is defined in section 108(a) of this title) and Indian tribes for carrying out projects and activities to be funded with the grant amounts and such other criteria as the Secretary may require.

(b) Use of grant amounts.—Amounts from grants under this section shall—

(1) be used, as provided in subsection (a) of this section, only for activities specified in section 108(a); and

(2) be subject to the same requirements that, under section 101(c) and paragraphs (2) and (3) of section 104(b), apply to grants under section 108.

(c) Availability of assistance.—The Secretary shall not, for eligibility for a grant under this section, require that such grant amounts be used only in connection or conjunction with projects and activities assisted with a loan guaranteed under section 108.

(d) Applications.—Applications for assistance under this section shall be in the form and in accordance with procedures as shall be established by the Secretary.

(e) Selection criteria and leverage joint ventures.—The Secretary shall establish criteria for awarding grants under this section, which may include the extent to which the applicant has obtained other Federal, State, or local financial assistance for projects and activities to be assisted with grant amounts and other criteria as the Secretary considers appropriate.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary—

(i) for grants under this subsection to be used only in conjunction with the pilot program under this paragraph; and

(ii) for costs of carrying out the pilot program under this paragraph and ensuring that the program is carried out in an effective, efficient, and viable manner.

SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOPMENT ACT AS ELIGIBLE CDBG ACTIVITY.

(a) Technical correction.—The pertinent proviso of the first undesignated paragraph of the item relating to “Community Development Block Grants Fund in section 102 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2387)” shall be an independent section of title II of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2387) shall be amended by inserting at the end of section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) to read as such section was in effect on September 30, 1995.

(b) Brownfields Redevelopment Activities.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as in effect pursuant to subsection (a) of this section, is amended—

(1) in paragraph (24), by striking “and” at the end of

(2) in paragraph (25), by striking the period at the end and inserting “; and”; and

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

“(26) environmental cleanup and economic development activities related to brownfield projects in conjunction with the appropriate environmental regulatory agencies.”

SEC. 5. PILOT PROGRAM FOR NATIONAL REDEVELOPMENT OF BROWNFIELDS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following new paragraph:

“(5) Pilot program for national redevelopment of brownfields.—

“(A) In general.—Using any amounts made available under this subsection, the Secretary may establish a pilot program under which grants under this section shall be used to develop, maintain, and administer (including the payment of an entity or entities selected pursuant to subparagraph (B)) a consolidated loan pool of the proceeds of brownfield redevelopment projects made on behalf of eligible public entities with the proceeds of obligations guaranteed under this section, including related security, and a common loans loss reserve account, for the benefit of participants in the pilot program.

“(B) Selection of Program Managers and Contractors.—The Secretary may select an entity or entities on a competitive or non-competitive basis to carry out any of the functions involved in the pilot program.

“(C) Terms for participation by eligible public entities in the pilot program shall be under such terms and conditions as the Secretary may require.

“(D) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary—

(i) for grants under this subsection to be used only in conjunction with the pilot program; and

(ii) for costs of carrying out the pilot program under this paragraph and ensuring that the program is carried out in an effective, efficient, and viable manner.”

SEC. 6. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG FUNDS TO ADMINISTER RENEWAL COMMUNITIES.

Section 105(a)(13) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(13)) is amended by inserting “and renewal communities” after “enterprise zones”.

SEC. 7. APPLICABILITY.

The amendments made by this Act shall apply only with respect to amounts made available for fiscal years 2003, 2004, 2005, 2006, 2007, 2008, and 2009 and the years thereafter for use under the provisions of law amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Massachusetts (Mr. FRANK) will each control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

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

The Chair recognizes the gentleman from Ohio (Mr. OXLEY), for setting this bill up and sending it to the floor, and I rise today in strong
support of H.R. 2941, the Brownfields Redevelopment Act.

Brownfields redevelopment is an issue of critical importance to our Nation as a whole. One of my priorities in Congress has been the need for saving green space and directing new growth to areas that we have already developed, where we have already got infrastructure, and where established communities are looking for revitalization: Our communities are growing and leaving behind many brownfields. Sometimes these properties are tax ratables to the tax rolls. It should be our goal to ensure that any planned growth of communities has as a goal the greatest possible cleanup of brownfields properties. Otherwise, our growth will continue the trend of sacrificing more and more of our open spaces as tax ratables to the tax rolls. Our communities are looking for revitalization: The Brownfields Redevelopment Act is simple and clear. First, it makes brownfields properties tax ratables to the tax rolls. It will continue the trend of sacrificing more and more of our open spaces as tax ratables to the tax rolls. It should be our goal to ensure that any planned growth of communities has as a goal the greatest possible cleanup and redevelopment of their contaminated properties. Otherwise, our growth will continue the trend of sacrificing more and more of our open spaces as tax ratables to the tax rolls.

The Brownfields Redevelopment Act is simple and clear. First, it makes HUD’s Brownfield Economic Development Initiative Fund better for local communities by taking off the strings of cumbersome Federal loan requirements. The law which this provision changes has prevented my home county of Westchester County, New York, from applying for a Brownfields Redevelopment grant because they could not meet these requirements. Second, it creates a pilot program to promote brownfields redevelopment with HUD support. In addition, the legislation makes brownfield redevelopment a qualified use for community development block grants. These provisions will assist our communities in addressing brownfields problems.

We know that blighted brownfields are more than an environment-only problem. These are places that need investments of infrastructure and economic development and business growth and is well suited to give local governments the tools they need to invest in the revitalization of brownfields properties in partnership with other Federal agencies, the States, and the private sector.

This legislation represents an important step toward the ultimate goal of cleanup and redevelopment of brownfields sites. I believe making progress on this issue is something that will require local as well as State and Federal cooperation and partnerships. The Brownfields Redevelopment Act (Mr. GARY G. MILLER) has introduced his Brownfields Redevelopment Act in an effort for the Federal Government to play a larger part in assisting localities in this effort. This legislation makes a good step in the right direction, and as a cosponsor it has my full support.

Mr. Speaker, I want to thank the gentleman from California (Mrs. ROUKEMA) and the gentleman from Massachusetts (Mr. FRANK) for working in a strong bipartisan effort to move this legislation, and I thank the chairman, the gentleman from Ohio (Mr. OXLEY), for his efforts to ensure the legislation is moved quickly through this process. I urge my colleagues to join us in strong support of the legislation.

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

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

Mr. Speaker, the gentlewoman from New York (Mrs. KELLY) having accurately described this bill, I will not repeat what the gentlewoman said. I will point out that this is an important extension of the tools that we have to act through government to clean up some of the mistakes made by the private sector. We have brownfields because we used to underregulate. We have brownfields because there used to not be appropriate environmental protections.

Today, now that we have environmental rules, we are much less likely to get new brownfields, that is, new areas in cities that have been rendered uninhabitable by industrial excesses. But we have the industrial excesses of the past from when we did not have environmental regulation. For those who think there is somehow an opposition between the private sector and the public sector, and if the private sector does not need a public sector, this bill shows exactly the opposite to be the case.

We need a flexible, well-financed and vigorous public sector so that the current residents can literally clean up the mess that they inherited from private sector activities, not because the people in the private sector were bad people or trying to be hurtful, but because in the absence of the sensible environmental regulation, what they did left this residue behind. I think this is a reasonable way to make a good government program even more flexible. I hope this legislation is approved.

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

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. GARY G. MILLER) to control the time.

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

There was no objection.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 2941, the Brownfield Development Enhancement Act of 2001, is to provide communities with new options when it comes to financing brownfields redevelopment projects.

The best way to explain this bill is to begin by describing how the U.S. Department of Housing and Urban Development’s section 108 loan program and Brownfield Development Enhancement Initiative, or BEDI, grants work. If a local community wishes to pursue cleanup and redevelopment funds from HUD, first, they must apply for a section 108 loan. In order to secure the loan, they must put up a portion of their Community Development block grant money as collateral. After obtaining the section 108 loan, cities may then apply for a BEDI grant.

Unfortunately, many cities are extremely hesitant to tie up their CDBO funds as loan collateral. Further, some States actually prohibit their cities from doing this. Because these cities are locked out of the section 108 loan program, they are locked out of the BEDI grant application process as well.

H.R. 2941 offers a fundamental change to the status quo by delinking the BEDI grant program from the section 108 loan program. Additionally, this bill also creates a pilot program for a revolving loan pool. As a result, cities will have new options, they can proceed, as under current law, by applying for a section 108 loan, to be secured by a portion of their CDBO funds, and then apply for a BEDI grant; cities can simply apply for a BEDI grant; cities can apply for pilot program funds; or any combination of the above which best meets their project needs.

Before I continue, I would like to thank HUD Secretary Mel Martinez and his staff for their assistance and insight on this program. I also appreciate the support I received from the gentlewoman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, and the gentlewoman from New Jersey (Mrs. ROUKEMA), the chairwoman of the Subcommittee on Housing and Community Opportunity. In addition, I would like to thank the gentlewoman from New York (Mrs. MALONEY), who has worked tirelessly on this issue since H.R. 2941 was introduced.

Ms. McCARTHY of Missouri. Mr. Speaker, I arise in strong support of H.R. 2941, the Brownfields Redevelopment Enhancement Act.

Brownfields are abandoned, idled, or under used industrial and commercial facilities where used industrial and commercial facilities where
expansion or redevelopment is complicated by real or perceived environmental contamination. Cleaning up these sites and redeveloping them could generate 500,000 additional jobs and up to $2.4 billion in new taxes revenues for cities and towns.

This bill will help our communities clean up an estimated 500,000 brownfield sites, including Kansas City, Missouri’s Central Industrial District (CID). Also known as the “West Bottoms,” Kansas City’s historic Central Industrial District is a cradle of commerce and industry. It is the birthplace of the City’s Brownfields Program which has been the target for infrastructure investment by the City of Kansas City due to its development potential and central location. The City’s Brownfields program has been successful in its efforts to work with a number of private sector developers to generate a number of new development opportunities. Past infrastructure improvements have included storm water facilities, roads, and streetscape rehabilitation. This bill will provide for further investment, development, and environmental restoration of formerly工业 sites, salvage yards, and other chemically contaminated sites such as the Blue River Industrial Corridor and the Missouri Riverfront Heritage Trail.

Although the Housing and Urban Development’s Section 108 loan program encourages site cleanup, cities are required to pledge their community development block grant (CDBG) funds as partial collateral for the loan guarantee. Few small cities can afford to tie up their CDBG funds this way. Moreover, under current law, the Section 108 loan program is tied to the Brownfield Economic Development Initiative (BEDI) grant program. As a result, if cities cannot obtain the loan, they cannot obtain the grant. H.R. 2941 provides cities with more options by delinking the BEDI grant program from the Section 108 loan guarantee program.

Empowering cities to clean up our nation’s brownfields will reap many benefits for our communities. Cleaning up these sites will create a healthier environment and help preserve existing jobs. When cities work with developers and builders to revitalize existing sales, they create an incentive for reuse as opposed to new development.

This bill will help communities redevelop contaminated properties, encouraging economic development. H.R. 2941 will help clean up our environment, revitalize the economy, and create livable communities for our children and future generations.

The passage of this bill is essential to the Kansas City Blue River Industrial Corridor, West Bottoms/Central Industrial District, and the Missouri Riverfront Heritage Trail.

I urge my colleagues to invest in our future and vote in support of H.R. 2941.

Mr. Speaker, I rise in support of H.R. 2941, the Brownfields, Redevelopment Enhancement Act. This important legislation will assist in the redevelopment of abandoned contaminated industrial sites in our nation’s communities. During debate on this legislation, the Financial Services Committee, however, the lack of a definition of what constituted brownfields concerned me. More specifically, I wanted to ensure that the Department of Housing and Urban Development would consider the cleanup of mine-scared land eligible for funding within its brownfields program.

Within my congressional district, we have significant amounts of abandoned mine land, some of it located in or near town or city centers, and therefore ripe for economic development opportunities. Some of this land is also contaminated or potentially contaminated, sometimes having become a dumping ground for other waste, and it often contributes to water pollution, particularly acid mine drainage.

The redevelopment of this under-used land through HUD’s brownfields program could help to improve the economic climate of the region.

Additionally, when Congress considered the brownfields law last year affecting the Environmental Protection Agency’s programs, we provided for the eligibility of mine-scared land. I therefore wanted to ensure parity between the agencies’ programs to facilitate the efficient use of government resources to reclaim land. As a result of my concerns, I worked with the Chairman of the Financial Services Committee during our deliberations on H.R. 2941 to specifically include mine-scared land within the bill.

From my perspective, the expansion of the definition to include excavacon of culm banks and the salvage of abandoned mine sites will benefit business, generate jobs, improve the environment, and improve the health and economy of thousands of communities across the nation. In closing, I thank the Chairman and the Committee and all the colleagues that have pressed for recognizing the importance of this issue and urge my colleagues to vote in favor of this bill.

Mr. LAFLACÉ. Mr. Speaker, I rise in support of H.R. 2941, the “Brownfields Redevelopment Enhancement Act.” This legislation includes two important provisions which will enhance the ability of localities to promote economic development and redevelopment.

First, the bill removes an unnecessary impediment to the use of HUD brownfields redevelopment funds. Redevelopment of brownfields sites is an important economic development activity in many older regions of the country, and HUD brownfields grant funds provide sorely needed funds to localities for this purpose. However, under current law, a locality may not apply for such grants unless it also agrees to use a Section 108 loan in conjunction with the proposed project. This loan requirement is a significant impediment to full and effective use of the HUD brownfields program. It is awkward to use loans for brownfields projects, since repayment is linked to land re-sales, which are uncertain and uneven. Since localities must pledge future CDBG funds to repay Section 108 loans, many are reluctant to even apply for brownfields grants, for fear of jeopardizing critically needed economic development funds. Therefore, appropriately, H.R. 2941 “de-links” HUD brownfields grant funds from Section 108 loans; that is, it removes the requirement that a brownfield grant applicant must also commit to use a Section 108 loan.

Secondly, the bill includes an amendment that I authored, and which the majority agreed to during committee consideration, to explicitly allow CDBG funds to be used for the administration of Renewal Communities.

Currently, the code permits CDBG funds to be used to administer Empowerment Zones, designated areas which enjoy economic development tax incentives. Recently, Congress authorized, and HUD designated, 40 Renewal Community areas, under a program similar to Empowerment Zones. My amendment, included in H.R. 2941, would permit localities to use CDBG funds to administer Renewal Communities, in the same way they are already permitted to administer Empowerment Zones. This will help ensure that Renewal Communities are able to achieve their full potential.

I am particularly concerned by some environmental groups that the legislation does not include a definition of brownfields.

These groups have suggested that the bill should include the “brownfields” definition near the recently passed Public Law 107–118. The purpose of incorporating a definition into the code is to prevent use of brownfields funds [or CDBG funds used for brownfields purposes] to pay for cleanups where there is a viable polluter associated with the site, or at heavily contaminated sites to pay for remediation under state voluntary cleanup programs.

This is a valid concern. During committee consideration of the bill, this issue was raised, and efforts were made between committee and floor consideration to agree on a definition that would prevent the types of use cited by the environmental groups. Ultimately, we were unable to agree on a definition with the majority. However, with these environmental concerns in mind, I believe we should move forward with the legislation at this time, for a number of reasons.

First, I would like to point out that this bill does not create any concerns that do not already exist. That is because neither the HUD brownfields program nor the CDBG program (which permits brownfields use) include a statutory definition of brownfields. Enacting no bill this Congress will only ensure that the statutory lack of a brownfields definition will continue to exist.

Secondly, I would note that, at the request of the minority, the Committee Report includes language that states that “The Committee intends that HUD will continue its current practice of consulting with other Federal agencies in carrying out the Department’s remediation and redevelopment activities, under its brownfields program.” The report further states that HUD will continue to defer to the EPA and other federal agencies with regard to any issues that arise in contaminated areas, and will continue to respect orders by the EPA and other agencies in such areas in carrying out the HUD brownfields program.

The clear intent is that HUD brownfields funds will continue to be used for economic redevelopment activities, as opposed to being used to relieve private parties of liability or to substitute for cleanup under federal environmental laws. However, if and when this bill goes to conference with the Senate, it would be appropriate to develop a brownfields definition which addresses these environmental concerns.

For all these reasons, I urge passage of the legislation.

Mr. DINGELL. Mr. Speaker, in the Detroit Metropolitan area alone, which has been home to our country’s industrial strength for over 100 years, brownfields cover tens of thousands of acres of land once occupied by mighty manufacturing facilities and thriving communities. Last December, Congress passed H.R. 2869, the Small Business Liability Relief and Brownfields Revitalization Act which removes certain restrictions from the Committee on Energy and Commerce and provided a $200 million authorization each year for 5 years for the Environmental Protection Agency’s successful...
brownfields loan and grant program. That bill became Public Law 107–118 with President Bush’s signature on January 11, 2002. The bill under consideration today, H.R. 2941, provides increased access for local entities to brownfield redevelopment funds from the Department of Housing and Urban Development (HUD). It does so by de-linking section 108 loan guarantees from HUD’s Brownfield Economic Development Initiative (BEDI) grants.

Mr. Speaker, while the goal of this legislation is to provide $25 million in support, its failure to include the definition of the term “brownfields” contained in Public Law 107–118 is a serious deficiency that could lead to mischief with public revenues. I note that the environmental community has also raised concerns about the absence of an appropriate definition in a letter to Members of Congress dated April 26, 2002.

The brownfield definition in Public Law 107–118 was designed to ensure that grants and loans using public funds did not go to seriously contaminated sites that fall within the purview of other cleanup authorities such as the Superfund program, the Solid Waste Disposal Act, the Toxic Substances Control Act, the Clean Water Act, the Safe Drinking Water Act, and others where the pollutants could be held responsible for the cleanup. The absence of a statutory definition of the term “brownfield” in H.R. 2941 creates potential for overlapping federal programs in conflict with one another, or at best a lack of coordination in the use of federal funds.

The remedy is an easy one and should be uncontroversial since the Congress and President Bush have already agreed on a definition of “brownfields” in Public Law 107–118. While the Committee report accompanying H.R. 2941 urges HUD to continue to defer to federally directed and funded remedial cleanup activities of the Environmental Protection Agency, and other applicable Federal Agencies, I believe that a statutory definition of the term “brownfields” is necessary to avoid conflict between competing federal programs and potential misuse of taxpayer funds.

Today I will support this legislation with the expectation that a conference between the House and Senate will contain a definition of the term “brownfields” consistent with Public Law 107–118.

AMERICAN PUBLIC HEALTH ASSOCIATION; FRIENDS OF THE EARTH; NATURAL RESOURCES DEFENSE COUNCIL; PHYSICIANS FOR SOCIAL RESPONSIBILITY SIERRA CLUB; PIRG.


Don Hoppert, Director of Federal Affairs, American Public Health Association.

Dana E. Elwell, Legislative Director, National Resources Defense Council.

Sara Zeder, Legislative Representative, Friends of the Earth.

Alys Campagne, Legislative Director, Natural Resources Defense Council.

Debbie Sease, Legislative Director, Sierra Club.

Susan West Marmagas, MPH, Director, Environment and Health Program, Physicians for Social Responsibility.

Grant Cole, Staff Attorney, PIRG.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields Redevelopment Enhancement Act. The primary purpose of this legislation is to increase the flexibility of the HUD Brownfields Economic Development Initiative (BEDI) and make the program available to more local governments.

Since its inception the larger brownfields program has proven an effective government response to a serious environmental problem. Brownfields spot our country from coast to coast, especially in areas with high or formerly high levels of industrial activity. Brownfields are abandoned, or under-used industrial and commercial facilities where further redevelopment is impeded by environmental contamination.

The locations have potential for economic development but are held back by the environmental problems created by former or current users. The EPA program has successfully used a variety of financial and technical assistance to restore these sites which would otherwise be doomed to further decay.

The Brownfields program was established by the EPA by regulation. Earlier this year Congress expressed its strong bipartisan support for brownfields cleanup by passing the Small Business Liability Relief and Brownfields Revitalization Act. Today’s legislation builds on this effort by increasing the access to brownfields dollars.

The Brownfields Redevelopment Enhancement Act, of which I am the lead Democratic sponsor, de-links Brownfields Economic Development Fund grants from the HUD Section
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:
H.R. 4823, by the yeas and nays;
H.R. 4800, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

Mr. Speaker, I have no further requests.

THE SPEAKER pro tempore (Mrs. Biggert) at 6 p.m. was called to order by the Speaker pro tempore.

The roll was taken, and (two-thirds) yeas and nays was ordered, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 41, as follows:

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o’clock and 5 minutes p.m.), the House stood in recess until approximately 6 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. Biggert) at 6 p.m.

COMMUNICATION FROM THE HONORABLE KEN CALVERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable Ken Calvert, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES

Hon. Dennis J. Hastert,
Speaker, House of Representatives,
Washington, DC.

Dear Mr. Speaker: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have been served with civil subpoena for documents issued by the San Bernardino County, California Superior Court.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,
KIN CALVERT,
Member of Congress.

WASHINGTON, DC.
CONGRESSIONAL RECORD — HOUSE

June 4, 2002

H3100

Mr. CROWLEY and Mr. COBLE changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for: Ms. SOLIS. Mr. Speaker, during rollcall vote No. 207 on H.R. 483, Repealing the sunset of the exclusion from the federal income tax for restitution received by victims of the Nazi regime, I was unavoidably detained due to airplane delays. Had I been present, I would have voted "yea."

H3100

House while in session will be taken up by a motion to suspend the rules on time for electronic voting on the additional amendment to clause 8 of rule XX, the Chair pending the rules and passing the bill, pending business is the question of suspending the rules and passing the bill, H.R. 4800.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT), Pursuant to House Resolution 378, the official picture of the House while in session will be taken immediately after the approval of the Journal when the House convenes tomorrow.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional amendment to suspend the rules on which the Chair has postponed further proceedings.

REPEALING SUNSET OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXPANSION OF CERTAIN ADOPTION PROGRAMS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4800.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4800, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 42, as follows:

[Roll No. 208]

YEA—391

Kirk, Illinois

Blagojevich, Illinois

Bachus, Idaho

Mr. Speaker, during rollcall vote No. 208 on H.R. 4800, Repealing the sunset of the exemption of the federal income tax for restitution received by victims of the Nazi regime, I was unavoidably detained due to airplane delays. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DEAL of Georgia. Mr. Speaker, on June 4, 2002, I was unable to record my vote for both bills by voting "yea."

Mr. GRAVES. Mr. Speaker, I was unavoidably detained.
Had I been present I would have voted in the affirmative for H.R. 4823, Holocaust Restitution Tax Fairness Act of 2002. A “yea” vote would have also been cast for H.R. 4800, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for roll call votes 207 and 208. Had I been present, I would have voted “yea” on both.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3479

Mr. SMITH of Washington. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3479.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4664, INVESTING IN AMERICA’S FUTURE ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-189) on the resolution (H. Res. 432) providing for consideration of the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-235) on the resolution (H. Res. 433) waiving points of order against the conference report to accompany the Senate bill (S. 1372) to reauthorize the Export-Import Bank of the United States, which was referred to the House Calendar and ordered to be printed.

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

Mr. TAUZIN. Madam Speaker, I ask unanimous consent to take from the Speaker’s table the Senate concurrent resolution (S. Con. Res. 117) to correct technical errors in the enrollment of the bill H.R. 3448, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 117
Resolved by the Senate (the House of Representatives concurring), that the title of the bill (H.R. 3448) be determined as follows:
Resolved by the Senate (the House of Representatives concurring), that in the enrollment of the bill (H.R. 3448) to improve the ability of the United States to prepare for, and respond to bioterrorism and other public health emergencies, the Clerk of the Senate shall make the following corrections in terms of the page and line numbers of the official copy of the conference report for such bill that was filed with the House:

(1) On page 1, after line 6, insert before the item relating to title I, the following:
Sec. 1. Short title; table of contents.
(2) On page 40, line 3, insert before the semicolon the following: “(including private response contractors)”.
(3) On page 75, line 18, strike “subsection (c)(1)” and insert “subsection (c)(2)”. (4) On page 75, line 25, strike “paragraph (3)(B)” and insert “paragraph (3)(C)”.
(5) On page 87, strike lines 11 and 12 (relating to a redundant section designation and section heading) on line 13.
(6) On page 264, line 11, insert before the period the following: “and with respect to assessing and collecting any fee required by such Act for a fiscal year prior to fiscal year 2003”.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

URGING INCREASED FEDERAL FUNDING FOR JUVENILE TYPE 1 DIABETES RESEARCH

Mr. TAUZIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

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

There was no objection.

As the gentleman knows, at this time, more than 1 million Americans have type 1 diabetes. Type 1 diabetes is a disease which strikes children suddenly. It makes them insulin-dependent for life, and it carries a constant threat of life-threatening complications. Someone is diagnosed with type 1 diabetes every hour. This devastating disease also afflicts adult populations.

Madam Speaker, I want to applaud the efforts of the gentleman from Texas (Mr. GREEN) to raise awareness about juvenile (type 1) diabetes and the need to find a cure for this disease.

I ask my colleagues to support this very worthwhile resolution.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Continuing my reservation of objection, Madam Speaker, I know the gentleman has been a long-time advocate for increasing funding for juvenile diabetes, and he has been recognized many times by the health care industry.

I think all of us have been touched by someone with diabetes. Throughout my life, I have met many courageous people who have struggled with this disease every day.

I want to especially mention the Balthazars. They are not only constituents, but live in my hometown of Houston. They had come to a town hall meeting a couple of years ago to tell me about the struggle their family faces with their son Larry, who has juvenile diabetes.

Larry Balthazar was diagnosed with this horrible disease when he was 2 years old. He has no memory of life without insulin shots, blood glucose tests, hypoglycemia, or the fear of dreaded complications. He has never had the chance to live a carefree life that every child deserves. Instead, he is tied to a regime of painful shots, finger pricks, and a strictly controlled diet, which is not a way to spend a childhood.

Unfortunately, Larry’s childhood is no different than that of 1 million other Americans with juvenile diabetes. This serious disease restricts the ability of these people and their families to live normal lives. Instead, they are forced to give themselves multiple insulin injections each day, test their blood sugar frequently, and be prepared for the high and low blood sugars that rage their bodies.

If their blood sugar is too high, they face the possibility of blindness, heart disease, stroke, nerve damage, kidney failure, and lower-limb amputation.

\[ \text{H3101} \]

With low blood sugar, people with diabetes suffer disease, dizziness, hunger, seizure, coma and even death. This disease forces its victims into a careful balancing act that is almost impossible to maintain. While this is all very sobering, we have never been closer to finding a cure for this horrible disease. Research in islet cell transplantation has
June 4, 2002

H3102

CONGRESSIONAL RECORD—HOUSE

shown great potential for individuals with diabetes and has already freed many people with diabetes from their syringes and their glucose meters. Stem cell research also holds incredible promise for recreating these cells that are destroyed by diabetes. Further advancement in this field almost certainly could cure juvenile diabetes forever. But like any other disease, these advancements will never be realized unless we invest the resources necessary to find a cure.

The reasons why myself and 127 other Members of the House have cosponsored and introduced H. Con. Res. 36, the important resolution to fully fund diabetes research, and urge this Congress to invest the amount recommended by the Diabetes Research Working Group.

The DRWG was appointed by the Congress in 1998 to develop a comprehensive plan for diabetes research. The findings of this group were very compelling. They recommended several different approaches to finding a cure and improving treatments for diabetes. But these recommendations are meaningless if they are not backed up by an increase in funding.

Where there has been some increases in diabetes funding at the NIH, much more needs to be done. This year, diabetes will receive $769 million in funding at the NIH—only slightly more than half the amount recommended by the DRWG.

If we are serious about finding a cure for this serious disease, then we must make the necessary investment to find a cure.

H. Con. Res. 36 with 127 co-sponsors expresses the sense of Congress that federal funding for diabetes research should be increased in accordance with the recommendations of the Diabetes Research Working Group.

By passing this resolution on the floor today, we are reaffirming our commitment to win the battle against juvenile diabetes.

Madam Speaker, I yield to the gentlewoman from Colorado (Ms. DEGETTE), the cochair of the Diabetes Caucus.

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

Ms. DEGETTE. Madam Speaker, I thank the gentleman from Texas (Mr. GREEN) for this wonderful concurrent resolution. As cochair of the Diabetes Caucus and the mother of an eight-year-old child with Type I diabetes, I rise in support of this legislation.

Madam Speaker, thank you for allowing me to speak today about diabetes and the need to continue to fund research at a high level as this topic holds a great personal value to me.

Over one million people are juvenile diabetics. That number is increasing every day as 13,000 children a year—35 each day—are diagnosed with juvenile diabetes and 17,000 adults a year—46 each day—are diagnosed with juvenile diabetes.

Last June, I was pleased to serve as Honorary Co-Chair of the 2001 Juvenile Diabetes Research Foundation’s Children’s Congress, during which 200 children with juvenile diabetes came to Washington to advocate for juvenile diabetes research. While in Washington these children asked for our help to ensure that they will soon be free from the burden of finger pricks, insulin injections, hypoglycemia and the fear of complications such as nerve damage, heart attack, blindness and amputation. There was good reason to believe that this hope will be realized.

Researchers are closing in on a cure for this disease. As many of you are aware, clinical trials are underway involving the transplantation of insulin producing cells into individuals with juvenile diabetes. 80% of the patients who have received these transplants have been cured of juvenile diabetes and no longer need insulin injections. However, there are two obstacles to this research.

The first is that the recipients of the transplanted insulin-producing cells must undergo immunosuppressive therapy to prevent rejection of the cells. This problem is being addressed by the research of the NIH-funded Immune Tolerance Network, the goal of which is to develop a way to transplant organs and tissue, including islet cells, without subjecting the recipients to a lifetime of immunosuppressive therapy. The progress of this research would not only help children with juvenile diabetes, but also patients with a wide variety of autoimmune diseases and disorders, such as Lupus, Rheumatoid Arthritis, and Multiple Sclerosis.

The second obstacle is of greater concern to researchers. This is a serious shortage of cadaveric pancreases from which the insulin producing cells must be derived for transplant. Less than 2000 pancreases are available each year for both whole organ transplants and the derivation of insulin producing cells for the experimental trials. And when these transplants are ready to be applied to everyone who suffers from juvenile diabetes, only a very small fraction will benefit.

Researchers are currently looking for alternate supplies of insulin producing cells. One of the most promising potential sources is embryonic stem cells. Researchers are demonstrating that embryonic stem cells can be turned into insulin producing cells, which could lead to a virtually unlimited supply for transplant into all patients with juvenile diabetes.

All Americans suffering from diabetes are in a race against time. Their future could hold deadly complications such as kidney failure, blindness, nerve, amputation and stroke. We can’t hope to save 17 million Americans—1 million, which are juvenile diabetics—to ensure that all promising avenues of diabetes research, are pursued with adequate resources.

Mr. GREEN of Texas. Madam Speaker, I yield to the gentleman from Minnesota (Mr. OBERSTAR). (Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Madam Speaker, I rise in support of the resolution.

Mr. GREEN of Texas. Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. TAUSZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the text.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. TAUZIN: strike out all after the resolving clause and insert:

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

The amendment in the nature of a substitute was agreed to.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAmBLE OFFERED BY MR. TAUZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. TAUZIN: strike out the preamble and insert:

Whereas over one million Americans suffer from juvenile (type 1) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system; Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes; Whereas 17,000 adults a year—46 each day—are diagnosed with juvenile diabetes; Whereas juvenile diabetes is one of the most costly chronic diseases of adulthood; Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations; and Whereas the Diabetes Research Working Group, a nonpartisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended an increase in Federal funding for diabetes research at the National Institutes of Health over each of the next five years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.
Mr. TAUZIN. Madam Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana? There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment to the preamble was agreed to.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution urging increased Federal funding for juvenile (type 1) diabetes research."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

Mr. LOBIONDO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3983) to ensure the security of maritime transportation in the United States.

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 "Maritime Transportation Antiterrorism Act of 2002."

(b) Table of Contents.—The table of contents for this Act is as follows:

TITLE I—MARITIME TRANSPORTATION SECURITY

Sec. 101. Port security.

Sec. 102. Clarification of Coast Guard authority to control vessels in territorial waters of the United States.

Sec. 103. Extension of seaward jurisdiction.

Sec. 104. Suspension of limitation on strength of Coast Guard.

Sec. 105. Extension of Deepwater Port Act to Louisiana.

Sec. 106. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.

Sec. 107. Automatic identification system.

Sec. 108. Mandatory advanced electronic information for cargo.

TITLE II—MARITIME POLICY IMPROVEMENT

Sec. 201. Short title.

Sec. 202. Vessel COASTAL VENTURE.


Sec. 204. Discharge of agricultural cargo for formation.

Sec. 205. Recording and discharging notices of claim of maritime lien.

Sec. 206. Tonnage of K-V DAVIDSON.

Sec. 207. Miscellaneous certificates of document.

Sec. 208. Exemption for Victory Ships.

Sec. 209. Certificate of documentation for 3 barges.

Sec. 210. Certificate of documentation for the EAGLE.

Sec. 211. Waiver for vessels in New World Challenge Race.

Sec. 212. Vessel ASPHALT COMMANDER.

TITLE III—COAST GUARD PERSONNEL AND MARINE SAFETY

Sec. 301. Short title.

SUBTITLE A—PERSONNEL MANAGEMENT

Sec. 311. Coast Guard band director rank.

Sec. 312. Compensatory absence for isolated duty.

Sec. 313. Accelerated promotion of certain Coast Guard officers.

SUBTITLE B—MARINE SAFETY


Sec. 322. Preservation of certain reporting requirements.

Sec. 323. Oil Spill Liability Trust Fund; emergency fund advancement authority.

Sec. 324. Merchant mariner documentation requirements.

Sec. 325. Penalties for negligent operations and interfering with safe operation.

SUBTITLE C—RENEWAL OF ADVISORY GROUPS

Sec. 331. Commercial Fishing Industry Vessel Advisory Committee.


Sec. 333. Lower Mississippi River Waterway Advisory Committee.


Sec. 336. Towing Safety Advisory Committee.

SUBTITLE D—MISCELLANEOUS

Sec. 341. Patrol craft.

Sec. 342. Boating safety.

Sec. 343. Caribbean support tender.

Sec. 344. Provision of new maritime user fees.

Sec. 345. Great Lakes lighthouses.


Sec. 347. Conveyance of Coast Guard property in Traverse City, Michigan.

Sec. 348. Harbor safety committees.

Sec. 349. Miscellaneous conveyances.

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

Sec. 401. Short title.

Sec. 402. Extension of Coast Guard housing authorities.

Sec. 403. Inventory of vessels for cable laying, maintenance, and repair.

Sec. 404. Vessel escort operations and towing assistance.

Sec. 405. Search and rescue center standards.

Sec. 406. VHF communications services.

Sec. 407. Lower Columbia River maritime fire and safety activities.

Sec. 408. Conforming references to the former Merchant Marine and Fisheries Committee.

Sec. 409. Restriction on vessel documentation.

Sec. 410. Hypothermia protective clothing requirement.

Sec. 411. Reserve officer promotions.

Sec. 412. Regular lieutenant commanders and commanders; continuation upon failure of selection for promotion.

Sec. 413. Reserve student pre-commissioning assistance program.

Sec. 414. Continuation on active duty beyond thirty years.

Sec. 415. Payment of death gratuities on behalf of Coast Guard auxiliarians.

Sec. 416. Align Coast Guard seervice pay and revocation of commission authority with Department of Defense authority.

Sec. 417. Long-term lease authority for lighthouses.

Sec. 418. Maritime Drug Law Enforcement Act amendments.

Sec. 419. Wing-in-ground craft.

Sec. 420. Electronic filing of commercial instruments for vessels.

Sec. 421. Deletion of thumbprint requirement for merchant mariners' documents.

Sec. 422. Temporary certificates of documentation for recreational vessels.

Sec. 423. Marine casualty investigations involving foreign vessels.

Sec. 424. Conveyance of Coast Guard property in Traverse City, Michigan.

Sec. 425. Conveyance of property in Traverse City, Michigan.

Sec. 426. Annual report on Coast Guard capabilities and readiness to fulfill national defense responsibilities.

Sec. 427. Extension of authorization for oil spill recovery institute.

Sec. 428. Miscellaneous certificates of documentation.

Sec. 429. Icebreaking services.

Sec. 430. Fishing vessel safety training.

Sec. 431. Limitation on liability of pilots at Coast Guard Vessel Traffic Services.

Sec. 432. Assistance for marine safety station on Chicago lakefront.

Sec. 433. Tonnage measurement for purposes of eligibility of certain vessels for fishery endorsement.

Sec. 434. Extension of time for recreational vessel and associated equipment recalls.

TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

Sec. 501. Short title.

Sec. 502. Authorization of appropriations.

Sec. 503. Authorized levels of military personnel.

Sec. 504. Authorization of appropriations.

SUBTITLE A—PERSONNEL MANAGEMENT

Sec. 511. Reserve officer promotions.

Sec. 512. Regular lieutenant commanders and commanders; continuation upon failure of selection for promotion.

Sec. 513. Reserve student pre-commissioning assistance program.

Sec. 514. Continuation on active duty beyond thirty years.

Sec. 515. Payment of death gratuities on behalf of Coast Guard auxiliarians.

Sec. 516. Align Coast Guard seervice pay and revocation of commission authority with Department of Defense authority.

Sec. 517. Long-term lease authority for lighthouses.

Sec. 518. Maritime Drug Law Enforcement Act amendments.

Sec. 519. Wing-in-ground craft.

Sec. 520. Electronic filing of commercial instruments for vessels.

Sec. 521. Deletion of thumbprint requirement for merchant mariners' documents.

Sec. 522. Temporary certificates of documentation for recreational vessels.

Sec. 523. Marine casualty investigations involving foreign vessels.

Sec. 524. Conveyance of Coast Guard property in Traverse City, Michigan.

Sec. 525. Conveyance of property in Traverse City, Michigan.

Sec. 526. Annual report on Coast Guard capabilities and readiness to fulfill national defense responsibilities.

Sec. 527. Extension of authorization for oil spill recovery institute.

Sec. 528. Miscellaneous certificates of documentation.

Sec. 529. Icebreaking services.

Sec. 530. Fishing vessel safety training.

Sec. 531. Limitation on liability of pilots at Coast Guard Vessel Traffic Services.

Sec. 532. Assistance for marine safety station on Chicago lakefront.

Sec. 533. Tonnage measurement for purposes of eligibility of certain vessels for fishery endorsement.

Sec. 534. Extension of time for recreational vessel and associated equipment recalls.
§ 70101. Definitions

For the purpose of this chapter:

(1) The term ‘Area Maritime Transportation Antiterrorism Plan’ means an Area Maritime Transportation Antiterrorism Plan prepared under section 70103(b).

(2) The term ‘catastrophic emergency’ means a terrorist act in or near an area to which the Secretary believes there is a high risk of catastrophic emergency.

(3) The term ‘facility’ means any structure or facility of any kind located in, on, under, or over the jurisdiction of the United States.

(4) The term ‘hazardous substance’ means a hazardous substance as defined in section 3012 of this title.

(5) The term ‘maritime terminal operator’ means the owner or operator of a vessel or facility, if the owner or operator certifies that the owner or operator has ensured by the date of the submission of the vessel or facility antiterrorism plan required under this subsection that the owner or operator has ensured compliance with the plan.

(6) The term ‘Secretary’ means the Secretary of Transportation.

(7) The term ‘vessel’ means a vessel as defined in section 4 of this title.

§ 70102. United States facility vulnerability assessments

(a) In General.—The Secretary shall conduct a port security assessment, including an assessment of the vulnerability of each facility in a port, for each port in the United States for which the Secretary believes there is a high risk of catastrophic emergency.

(b) Facility Assessments.—(1) An assessment under this section for a port shall include an assessment of each facility in the port.

(2) Upon completion of an assessment under this section for a port, the Secretary shall provide a report to each owner or operator of each facility in the port a copy of the assessment of the facility under this subsection.

(c) Acceptance of Existing Assessment.—In lieu of conducting such a port vulnerability assessment under this section, the Secretary may accept an assessment conducted by or on behalf of a port authority or maritime terminal operator.

§ 70103. Catastrophic emergency planning

(a) National Maritime Transportation Antiterrorism Plan.—(1) The Secretary shall prepare a National Maritime Transportation Antiterrorism Plan for deterring a catastrophic emergency.

(2) The National Maritime Transportation Antiterrorism Plan shall provide for efficient, coordinated, and effective action to deter and minimize damage from catastrophic emergencies, and shall include the following:

(A) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local governmental agencies;

(B) Identification of security resources;

(C) Establishment of procedures for the coordination of activities of—

(i) Coast Guard maritime antiterrorism teams established under this chapter; and

(ii) Federal Maritime Antiterrorism Coordinators;

(D) A system to surveil and notice persons suspected of acts of terrorism;

(E) Establishment of criteria and procedures to ensure immediate and effective Federal identification of a catastrophic emergency;

(F) Actions to deter and minimize damage from catastrophic emergencies, to the greatest extent practicable; and

(G) The national maritime non-kinetic security measures.

(3) The Secretary may, from time to time, as the Secretary considers advisable, revise or otherwise amend the National Maritime Transportation Antiterrorism Plan.

(4) The Secretary shall provide for the effective implementation of the National Maritime Transportation Antiterrorism Plan.

(5) The Secretary shall review and approve Area Maritime Transportation Antiterrorism Plans under section 70103(b).

(6) The Area Maritime Transportation Antiterrorism Plans shall include—

(A) a description of procedures to ensure immediate and effective Federal identification of an emergency;

(B) a description of procedures to ensure immediate and effective Federal identification of a catastrophic emergency;

(C) a description of procedures to ensure immediate and effective Federal identification of a catastrophic emergency;

(D) a description of procedures to ensure immediate and effective Federal identification of a catastrophic emergency;

(E) a description of procedures to ensure immediate and effective Federal identification of a catastrophic emergency;

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(nn) a description of procedures to ensure immediate and effective Federal identification of a catastrophic emergency;

(oo) a description of procedures to ensure immediate and effective Federal identification of a catastrophic emergency;

(pp) a description of procedures to ensure immediate and effective Federal identification of a catastrophic emergency;

(qq) a description of procedures to ensure immediate and effective Federal identification of a catastrophic emergency;
“(1) develop and maintain a antiterrorism cargo identification, tracking, and screening system for containerized cargo shipped to and from the United States either directly or via a foreign port; and

“(2) develop performance standards to enhance the physical security of shipping containers, including standards for seals and locks.

§ 70104. Antiterrorism response

“(a) COORDINATION.—The Secretary shall cooperate with the Director of the Federal Emergency Management Agency to ensure that plans for vessels that may be involved in a response to threats of terrorism are coordinated as part of the Director’s terrorism response plan for United States ports and waterways.

“(b) THE PLAN SYSTEM.—Before January 1, 2003, the Secretary shall establish a system of antiterrorism response plans for vessels that may be involved in a catastrophic emergency.

§ 70105. Transportation security cards

“(a) PROHIBITION.—(1) An individual shall not enter an area of a vessel or facility that is designated as a secure area in an antiterrorism plan for the vessel or facility that is approved by the Secretary under section 70103(c) unless the individual—

“(A) holds a transportation security card issued by the Secretary and is authorized to be in the area in accordance with the plan; or

“(B) is accompanied by another individual who holds a transportation security card issued under this section and is authorized to be in the area in accordance with the plan.

“(2) A person shall not admit an individual into such a secure area unless the entry of the individual into the area is in compliance with paragraph (1).

“(b) ISSUANCE OF CARDS.—(1) The Secretary shall issue a transportation security card to an individual specified in paragraph (2), unless the Secretary decides that the individual poses a terrorism security risk warranting denial of the card.

“(2) This subsection applies to—

“(A) an individual allowed unescorted access to a secure area designated in a maritime transportation antiterrorism plan;

“(B) an individual issued a license, certificate of registry, or merchant mariner document under part 4 of subpart H of this title;

“(C) a vessel pilot;

“(D) an individual engaged on a towing vessel that pushes, pulls, or hauls alongside a tankers and tankers;

“(E) an individual engaged on a vessel that may be involved in a catastrophic emergency.

“(c) DETERMINATION OF TERRORISM SECURITY RISK.—(1) An individual may not be denied a transportation security card under subsection (a) unless the Secretary determines that individual—

“(A) has been convicted of a felony that the Secretary believes could be a terrorism security risk to the United States;

“(B) was granted admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); or

“(C) otherwise poses a terrorism security risk to the United States.

“(2) In making a determination under paragraph (1), the Secretary shall give consideration to the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation procedures or other factors from which it may be concluded that the individual does not pose a terrorism security risk warranting denial of the card.

“(d) The Secretary shall establish an appeals process under this section for individuals found to be ineligible for a transportation security card that includes notice and an opportunity for a hearing.

“(e) Upon application, the Secretary may issue a transportation security card to an individual in the Secretary has previously determined, under section 5103a of title 49, that the individual does not pose a security risk.

“(f) BACKGROUND RECORDS CHECK.—(1) On request of the Secretary, the Attorney General shall—

“(A) conduct a background records check regarding the individual; and

“(B) upon completion of the background records check, notify the Secretary of the completion and results of the background records check.

“(2) A background records check regarding an individual under this subsection shall consist of the following:

“(A) A check of the relevant criminal history databases.

“(B) In the case of an alien, a check of the relevant international databases to determine the status of the alien under the immigration laws of the United States.

“(C) As appropriate, a check of the relevant international databases or other appropriate databases.

“(D) Review of any other national security-related information or database identified by the Attorney General for purposes of such a background records check.

“(e) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—(1) Information obtained by the Attorney General or the Secretary of Transportation under this section may not be made available to the public under section 552 of title 5.

“(2) Any information constituting grounds for denial of a transportation security card under subsection (c)(1) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

“(f) DEFINITION.—In this section, the term ‘alien’ has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

§ 70106. Maritime antiterrorism teams

“(a) IN GENERAL.—The Secretary shall establish maritime antiterrorism teams to safeguard the public and protect vessels, ports, facilities, and the waters subject to the jurisdiction of the United States from terrorist activity.

“(b) MISSION.—Such maritime antiterrorism teams shall be trained, equipped, and capable of being employed to deter, protect against, and rapidly respond to threats of terrorism.

“(c) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime antiterrorism team shall coordinate its activities with other Federal, State, and local law enforcement agencies.

§ 70107. Grants

“(a) FINANCIAL ASSISTANCE.—The Under Secretary may provide financial assistance for enhanced facility security measures undertaken in the period beginning September 11, 2001, and ending September 30, 2005.

“(b) MACHING REQUIREMENTS.—(1) Except as provided in paragraph (2), Federal funds for any project under this section shall not exceed 75 percent of the total cost of such project.

“(2) There are no matching requirements for grants under subsection (a) for projects costing not more than $25,000.

“(3) The Under Secretary shall determine the Federal support for a project and cannot be undertaken without a higher rate of Federal support, then the Under Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

“(c) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

“(1) The name of the individual or entity responsible for conducting the project.

“(2) A comprehensive description of the need for the project, and a statement of the project’s relationship to the Area Maritime Transportation Antiterrorism Plan that applies to the location where the project will be carried out.

“(3) A description of the qualifications of the individuals who will conduct the project.

“(4) An estimate of the funds and time required to complete the project.

“(5) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

“(6) Any other information the Under Secretary considers to be necessary for evaluation and implementation of a comprehensive port and maritime security education program:

“(A) Each of the 6 State maritime academies;

“(B) The United States Merchant Marine Academy;

“(C) The Appalachian Transportation Institute;

“(2) There is authorized to be appropriated, $1,000,000 for grants made under this subsection.

§ 70108. Foreign port assessment

“(a) IN GENERAL.—The Secretary shall assess the effectiveness of the antiterrorism measures maintained at—

“(1) a foreign port—

“(A) served by vessels documented under chapter 121 of this title; or

“(B) from which foreign vessels depart on a voyage to the United States;

“(2) any other foreign port the Secretary believes poses a high risk of introducing terrorism to international maritime commerce.

“(b) PROCEDURES.—In conducting an assessment under subsection (a), the Secretary shall—

“(1) screening of containerized and other cargo;

“(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

“(3) operational security on board vessels;

“(4) licensing or certification of compliance with appropriate security standards;

“(5) the security management program of the foreign port; and

“(6) other appropriate measures to deter terrorism against the United States.
(c) Consultation.—In carrying out this section, the Secretary may consult with—

(1) the Secretary of Defense and the Secretary of State;

(2) the Secretary of the Treasury;

(3) appropriate authorities of foreign governments; and

(4) owners of vessels.

§ 70109. Notifying foreign authorities

If the Secretary, after conducting an assessment under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures, the Secretary shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to improve the antiterrorism measures in use at the port.

§ 70110. Actions when foreign ports not maintaining effective antiterrorism measures

(a) In General.—If the Secretary finds that a foreign port does not maintain effective antiterrorism measures, the Secretary may—

(1) prescribe conditions of entry into the United States for any vessel arriving from that port, or any vessel carrying cargo originating from or transshipped through that port;

(2) deny entry into the United States to any vessel that does not meet such conditions.

(b) Effective date for sanctions.—Any action taken by the Secretary under subsection (a) for a particular port shall take effect—

(1) 90 days after the government of the foreign country with jurisdiction over or control of that port is notified under section 70109 unless the Secretary finds that the government concerned has brought the antiterrorism measures at the port up to the security level the Secretary used in making an assessment under section 70108 before the end of that 90-day period; or

(2) immediately upon the finding of the Secretary under subsection (a) if the Secretary finds, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the port.

(c) State Department to be notified.—The Secretary shall immediately notify the Secretary of State of a finding that a port does not maintain effective antiterrorism measures.

(d) Action canceled.—An action required under this section is no longer required if the Secretary decides that effective antiterrorism measures are maintained at the port.

§ 70111. Crew and passenger manifests

(a) In General.—The operator of each commercial vessel arriving in the United States from a foreign port shall provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in subsection (b).

(b) Information.—A passenger and crew manifest required under subsection (a) for a vessel shall contain the following information:

(1) The full name of each passenger and crew member.

(2) The date of birth and citizenship of each passenger and crew member.

(3) The sex of each passenger and crew member.

(4) The passport number and country of issuance of each passenger and crew member if required for travel.

(5) The United States visa number or resident alien number of each passenger and crew member, as applicable.

(6) Such other information as the Under Secretary determines is reasonably necessary to carry out this section.

(c) Transmission of manifest.—Subject to subsection (d), a passenger and crew manifest required for a vessel under subsection (a) shall be transmitted to the Under Secretary in advance of the vessel arriving in the United States in such manner, time, and form as the Under Secretary prescribes.

(d) Transmission of manifests to other federal agencies.—Upon request, information provided to the Under Secretary under this section may be shared with other Federal agencies for the purpose of protecting national security.

§ 70112. Civil penalty

Any person that violates this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty not more than $25,000 for each violation.

§ 70113. Injunction

The Secretary may, in accordance with section 70108, apply for an injunction against a violator of this chapter in the United States or in any foreign country to prevent or restrain any violation of this chapter.

§ 70114. Other enforcement actions

The Secretary may bring an action in any court of appropriate jurisdiction to enforce or to protect the provisions of this chapter.

§ 70115. Comptroller General may report

The Comptroller General may require the Secretary to report to Congress any action under this chapter.

§ 70116. Hearing

A hearing may be held before the Federal Emergency Management Agency on any action under this chapter.

§ 70117. Petition for review

A petition for review of any action under this chapter may be filed in any court of appropriate jurisdiction.

§ 70118. Civil penalty

Any person that violates this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty not more than $25,000 for each violation.

§ 70119. State law and local law

(a) Enforcement of laws and regulations.—The United States shall enforce all laws and regulations of the United States and of any state or political subdivision thereof.

(b) State and local laws and regulations.—Each state and political subdivision thereof shall enforce laws and regulations applicable to the terrorist threat.

§ 70120. Notice to foreign governments

Notice to a foreign government of a condition described in this section shall be made in accordance with section 70109.


Section 70102. Application of chapter 5 to foreign nationals.

Section 70103. Duties of the Secretary.

Section 70104. Definitions.

Section 70105. Congressional oversight.

Section 70106. Financial assistance.

Section 70107. Authorization of appropriations.

Section 70108. Review of foreign antiterrorism measures.
Notwithstanding subsections (a) and (b), a licensee may exclusively utilize the entire capacity of the deepwater port and storage facilities for the acceptance, transport, regasification, or conveyance of natural gas produced, processed, marketed, or otherwise obtained by agreement by such licensee or its affiliates. The licensee shall not offer or make such an application for a deepwater port for natural gas submitted pursuant to this Act not later than 90 days after the last public hearing on the proposed license. The Secretary shall not consider paragraphs (1), (2), and (3) of this subsection for an application for a deepwater port for natural gas.

(d) PAYMENT.—Section 8 of the Deepwater Port Act of 1974 (33 U.S.C. 1507) is amended by adding at the end the following:

"(4) Any manifest or copy of the manifest of the vessel or of the cargo information obtained pursuant to subsection (a) shall be deemed to be cargo information for the purpose of this section until the Secretary determines to the maximum extent practicable that such manifest or cargo information is not necessary".

SEC. 107. AUTOMATIC IDENTIFICATION SYSTEM.

(a) TRANSPOUNDER REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with a transponder and an appropriate situation display or other device suitable for accessing information made available by the transponder system, in accordance with regulations prescribed by the Secretary of Transportation:

(A) Vessels subject to Public Law 92–971086, as added by section 201 of this title.

(B) Small passenger vessels carrying more than 12 passengers.

(C) Vessels subject to section 431 of the Merchant Marine Act, 1936 (46 U.S.C. 701 note)."
SEC. 205. RECORDING AND DISCHARGING NOTICES OF CLAIM OF MARITIME LIEN.
(a) LIENS ON ANY DOCUMENTED VESSEL.—

(1) In general.—Section 31343 of title 46, United States Code, is amended as follows:

(A) The information in the notice is true and correct to the best of the knowledge, information, and belief of the individual who signed it.

(B) A copy of the notice, as presented for recordation, has been sent to each of the following:

[iii] The mortgagee of each mortgage on or lien against any vessel, or for which an application for documentation has been filed, under chapter 121 of title 46, United States Code.

(b) NOTICE REQUIREMENTS.—Section 31325 of title 46, United States Code, is amended by striking the following:

"31343. Recording and discharging notices of claim of maritime lien.".

SEC. 206. TONNAGE OF R/V DAVIDSON.
(a) In general.—The Secretary of Transportation may issue a certificate of documentation for a vessel, solely for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) APPLICATION.—Subsection (a) shall apply only when the vessel is operating in compliance with the requirements of section 3301(b) of title 46, United States Code.

SEC. 207. INCORPORAL CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 3 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) LOOKING GLASS (United States official number 599164).

(2) YANK (United States official number 607521).

(3) LUCY DOG of St. Petersburg, Florida (Florida State of Florida registration number FLZP7569E573).

(4) ENTERPRISE (United States official number 107571).

(5) M/V SANDPIPER (United States official number 106594).

(6) FRITHA (United States official number 609702).

(7) PROSPECT (United States official number 66378).

(8) R’ADVENTURE II (United States official number 903573).

(9) ANTJA (State of Florida registration number FL37453M4).

(10) SKIMMER, manufactured by Contour Yachts, Inc. (hull identification number QHG34031D001).

(11) TOKEENA (State of South Carolina registration number SC 1602 BJ).

(12) DOUBLE EAGLE II (United States official number 101254).

(13) ENCOUNTER (United States official number 590174).

(14) AJ (United States official number 599164).

(15) BARGE 10 (United States official number 119138).

(16) NOT A SHOT (United States official number 91064).

(17) PRIDE OF MANY (Canadian official number 11258).

(18) AMAZING GRACE (United States official number 92769).

(19) SHEWHO (United States official number 19049).

SEC. 208. EXEMPTION FOR VICTORY SHIPS.
Section 3302(1)(1) of title 46, United States Code, is amended by adding at the end the following:

"(D) The steamship SS Red Oak Victory (United States official number 249810), owned by the Richmond Museum Association, located in Richmond, California.

(E) The SS American Victory (United States official number 249805), owned by Victory Ship, Inc., of Tampa, Florida."

SEC. 209. CERTIFICATE OF DOCUMENTATION FOR 3 BARGES.
(a) DOCUMENTATION CERTIFICATE.—Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), and subject to subsection (c) of this section, the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in the coastwise trade for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) The former Navy deck barge JIM, having a length of 110 feet and a width of 34 feet.

(2) The former railroad car barge HUGH, having a length of 185 feet and a width of 34 feet.
section 211. waiver for vessels in new world challenge race. notwithstanding section 8 of the act of june 19, 1886 (46 app. u.s. 289), beginning on april 1, 2002, the 10 sailboats participating on april 1, 2002, the 10 sailboats participating on april 1, 2002, the 10 sailboats participating on april 1, 2002, the 10 sailboats participating on april 1, 2002, the 10 sailboats participating on the lines established pursuant to section 2 of the act of february 19, 1970 (28 stat. 672), as amended., in section 259(a), by inserting "the names of all officers approved by the president and recommended by the board to be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.".

section b—marine safety

section 321. extension of territorial sea for vessel bridge-to-bridge radiotelephone act. section 5(b) of the vessel bridge-to-bridge radiotelephone act (33 u.s.c. 1230(b)), is amended by striking "united states inside the lines established pursuant to section 2 of the act of february 27, 1922", as amended., and inserting "united states, which includes all waters of the territorial sea of the united states as described in presidential proclamation 5928 of december 27, 1988.

section 322. preservation of certain reporting requirements. section 3900(a)(1) of the federal reports elimination and sunset act of 1995 (31 u.s.c. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) coast guard operations and expenditures.

(2) summary of marine casualties reported during prior fiscal year.

section 3607(c) of title 46, united states code.

section 323. oil spill liability trust fund; emergency fund advancement authority. section 6002(b) of the oil pollution act of 1990 (33 u.s.c. 2762(b)) is amended after the fifth word by the following: "the president, in light of the extent to the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the coast guard may obtain an advance from the fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify congress of the amount advanced and the facts and circumstances necessitating the advance. amounts advanced shall be repaid to the fund when, and to the extent that removal costs are recovered from responsible parties for the discharge or substantial threat of discharge.

section 324. merchant mariner documentation requirements. (a) interim merchant mariners' documentation—section 7302(b) of title 46, united states code, is amended—

(1) by striking "a" in subsection (f) and inserting "except as provided in subsection (g)"; and

(2) by adding at the end the following:

"(g) the secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

(a) an individual to be employed as a passenger or the safety of the vessel and its crew, cargo or passengers; or

(b) an individual seeking renewal of, or qualification for, a supplemental endorsement to, a valid merchant mariner's document issued under this section.

(3) no more than one interim document may be issued to an individual under paragraph (1) or (a) of this subsection.".

section 325. penalties for negligent operation of a vessel interfering with safe operation. section 2302(a) of title 46, united states code, is amended by striking "$1,000," and inserting "$5,000 in the case of a passenger vessel, or $25,000 in the case of any other vessel."

section 326. congressional record—house h3109

(june 4, 2002) the former railroad car barge tommy, having a length of 185 feet and a width of 34 feet.

c. limitation on operation.—a vessel issued a certificate of documentation under this section may be used only as a floating platform for launching fireworks, including transportation of materials associated with the use of fireworks.

d. documentation for the eagle.—notwithstanding section 37 of the merchant marine act, 1916 (46 app. u.s. 283), chapter 121 of title 46, united states code, and section 1 of the act of may 23, 1906 (46 app. u.s. 292), the secretary of transportation may issue a certificate of documentation for the eagle in accordance with appropriate endorsement for employment in the coastwise trade for the vessel eagle (hull number bk-1794, united states official number 109339) if the vessel is—

(1) owned by a state, a political subdivision of a state, or a public authority chartered by a state;

(2) if chartered, chartered to a state, a political subdivision of a state, or a public authority chartered by a state;

(3) owned and operated in conjunction with—

(a) jet ski operations; or

(b) dredging services adjacent to facilities owned by the state, political subdivision, or public authority.

d. certificate of documentation for the eagle.—notwithstanding section 3 of the act of may 28, 1906 (46 app. u.s. 296), the chapter—

section 211. waiver for vessels in new world challenge race. notwithstanding section 8 of the act of june 19, 1886 (46 app. u.s. 289), beginning on april 1, 2002, the 10 sailboats participating in the new world challenge race may transport guests, who have not contributed consideration for their passage, from and around the ports of san francisco and san diego, california, during stops of that race. this section shall have no force or effect beginning on the earlier of—

(1) 60 days after the last competing sailboat reaches the end of that race in san francisco, california; or

(2) december 31, 2003.

section 212. vessel asphalt commander. notwithstanding any other law or agreement with the united states government, the vessel asphalt commander (united states official number 663105) may be transferred to, or sold to a person that is not a citizen of the united states and transferred to or placed under a foreign registry of the united states, or $25,000 in the case of any other vessel, or $25,000 in the case of any other vessel, or $25,000 in the case of any other vessel.
SEC. 341. MODERNIZATION OF NATIONAL DISASTER AND RESPONSE SYSTEM.—

(a) AUTHORITY TO CONVEY.—

(1) In general.—The Secretary of Transportation may convey to the Navy all right, title, and interest of the United States in, and all personal property of the United States in, Great Lakes lighthouses lighthouses that are in excess of 400 lighthouses, 120 of these maritime landmarks are in the State of Michigan.

(b) PROHIBITION OF NEW MARITIME USER FEES.—

Section 2110(b) of title 46, United States Code, is amended by striking “2001” and inserting “2006”.

SEC. 342. MODERNIZATION OF NATIONAL DISASTER AND RESPONSE SYSTEM.—

(a) AUTHORITY TO CONVEY.—

(1) In general.—The Secretary of Transportation may convey to the Navy all right, title, and interest of the United States in, and all personal property of the United States in, Great Lakes lighthouses lighthouses that are in excess of 400 lighthouses, 120 of these maritime landmarks are in the State of Michigan.

(b) PROHIBITION OF NEW MARITIME USER FEES.—

Section 2110(b) of title 46, United States Code, is amended by striking “2001” and inserting “2006”.

SEC. 343. MODERNIZATION OF NATIONAL DISASTER AND RESPONSE SYSTEM.—

(a) AUTHORITY TO CONVEY.—

(1) In general.—The Secretary of Transportation may convey to the Navy all right, title, and interest of the United States in, and all personal property of the United States in, Great Lakes lighthouses lighthouses that are in excess of 400 lighthouses, 120 of these maritime landmarks are in the State of Michigan.

(b) PROHIBITION OF NEW MARITIME USER FEES.—

Section 2110(b) of title 46, United States Code, is amended by striking “2001” and inserting “2006”.
(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) IDENTIFICATION OF LEASED PREMISES.—The Secretary, in consultation with the Corporation, shall identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the vicinity of the pier, along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States sole cost and expense, which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property, as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided by the United States, and the right to operate and maintain equipment located upon the Naval Reserve Pier property, at the United States sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the United States, in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 500 feet of the Naval Reserve Pier property.

(E) The right to occupy up to 1,200 gross square feet of office space in a location other than the Naval Reserve Pier property, which will be provided by the United States, and the right to operate and maintain equipment located upon the Naval Reserve Pier property, at the United States sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(3) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to operate and maintain existing utility lines and related equipment, at the United States sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and related equipment to an 119-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense. The original and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States at its sole cost and expense. The United States shall pay for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(4) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(5) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be subject to the following:

(1) The Corporation shall not interfere or allow interference, in any manner, with the use of the leased premises by the United States, and

(2) The Corporation shall not interfere or allow interference, in any manner, with the aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the United States, responsible for operating and maintaining the aid to navigation.

(1) REMEDIES AND REVERSORY INTEREST.—The property, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Secretary, if, in her or his judgment, this reversion is advisable by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this Act.

(2) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property or person, arising out of or in connection with the property, shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this title or any agreement of the parties.

(1) EXPEDITION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigational purposes, including aids to light, a light, buoy, or lighted object, or any combination of the above.

(2) LEASE.—The term “lease” means an agreement between the United States, as the party of the first part, and the Corporation, as the party of the second part, for the purpose of conveying the property, that is not a conveyance of title to the property, that is for a duration of less than 30 years, and that is for an annual rental of more than $0.

(3) NONAPPLICATION OF FACA.—The Secretary may establish a local coordinating committee with the burdens imposed by the Federal Advisory Committee Act (5 U.S.C. App. 1) not applicable to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b); the local coordinating committee that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and such other factors to ensure the success of harbor safety committees.

(2) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee. In establishing 1 or more prototype harbor safety committees in a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall:

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

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens of the establishment of such a committee, including new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b); and

(4) consider the anticipated level of support from interested parties; and

(5) give due account to all other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempt State or local law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term “harbor safety committee” means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, and environmental groups, only if, the Corporation fails to abide by administrative control of the Secretary, if, the United States and be placed under the option of the Secretary, shall revert to the United States sole cost and expense.

(3) TECHNOLOGICAL ASSISTANCE.—The Corporation shall provide technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) ORGANIZATIONAL MODELS.—The Secretary may establish a local coordinating body with the burdens imposed by the Federal Advisory Committee Act (5 U.S.C. App. 1) not applicable to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b); the local coordinating committee that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and such other factors to ensure the success of harbor safety committees.

(2) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term “harbor safety committee” means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, and environmental groups, only if, the Corporation fails to abide by
(1) In general.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Coast Guard Skip Point Light Station, located in Clallam County, Washington, to Clallam County, Washington.

(B) The parcel of land on which is situated the Point Pinos Light, located in Monterey County, California, to the city of Pacific Grove, California.

(2) SPECIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) LIMITATION.—The Secretary may not under this section convey—

(A) any historical artifact, including any lens or other equipment located on the property at or before the time of the conveyance; or

(B) any interest in submerged land.

(4) VESSEL ESCORT OPERATIONS AND TOWING AUTHORIZED.—

(a) In General.—Except in the case of a vessel in distress, only a vessel of the United States (as that term is defined in section 2201 of title 46, United States Code) may perform the following vessel escort operations and vessel towing assistance within the navigable waters of the United States:

(1) Operation or assistance that commences or terminates at a port or place in the United States.

(2) Operation or assistance required by United States law or regulation.

(3) Operation provided in whole or in part for the purpose of escorting or assisting a vessel within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to such facilities, other than facilities operated by the St. Lawrence Seaway Development Corporation on the St. Lawrence River portion of the Seaway.

(b) DEFINITIONS.—In this section—

(1) the term ‘‘towing assistance’’ means operating, maintaining, and insuring a vessel for the purpose of exerting force on the assisted vessel to control, or to assist in controlling, the movement of the assisted vessel; and

(2) the term ‘‘escort operations’’ means accompanying a vessel for the purpose of providing towing or towing assistance to the vessel.

(c) PENALTY.—A person violating this section is liable to the United States Government for a civil penalty of not more than $10,000 for each day during which the violation occurs.

(d) SEARCH AND RESCUE CENTER STANDARDS.—

(1) In general.—Title 14, United States Code, is amended by adding at the end of chapter 17 the following new section:

§ 676. Search and rescue center standards

(‘‘The Secretary shall establish, implement, and maintain the minimum standards necessary for the safe Coast Guard search and rescue center facilities, including with respect to the following:”
“(1) The lighting, acoustics, and temperature in the facilities.

“(2) The number of individuals on a shift in the facility assigned search and rescue responsibilities.

“(3) The length of time an individual may serve as a search and rescue officer, and the facilities.

“(4) The scheduling of individuals having search and rescue responsibilities to minimize the fatigue of the individual when on duty in the facility.

“(5) The workload of each individual engaged in search and rescue responsibilities in the facility.

“(6) Stress management for the individuals assigned search and rescue responsibilities in the facilities.

“(7) The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.

“(8) Any other requirements that the Secretary may prescribe to ensure the safe operation of the search and rescue centers.

“(b) An individual on duty or watch in a Coast Guard search and rescue center facility, including search and rescue centers, may not work more than 12 hours in a 24-hour period except in an emergency.

“(c) SECTION 676(b) of title 14, United States Code (as enacted by subsection (a) of this section) shall apply beginning on July 1, 2002.

“(d) DESCRIPTION OF STANDARDS.—The Secretary shall prescribe the standards required under section 676(a) of title 14, United States Code, as enacted by subsection (a) of this section, before July 1, 2002.

“(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following:

“§ 676. Search and rescue center standards.”.

SEC. 406. VHF COMMUNICATIONS SERVICES.

The Commandant of the Coast Guard may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property of the Coast Guard, including towers, subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio distress alerts) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard. Nothing in the section shall affect the rights or obligations of the United States under section 709(c) of the Telecommunications Act of 1996 (47 U.S.C. 332 note) with respect to the availability of property under that section.

SEC. 407. LOWER COLUMBIA RIVER MARITIME TRANSPORTATION INFRASTRUCTURE.

There is authorized to be appropriated to the Secretary of Transportation for the construction of a maritime transportation infrastructure in the lower Columbia River area.

SEC. 408. CONFORMING REFERENCES TO THE FISHERIES COMMITTEE.

“(1) Section 194(c)(2) of title 14, United States Code, is amended by striking “Fisheries” and inserting “Transportation and Infrastructure”. 

“(2) Section 663 of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”. 

“(3) Section 665 of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”. 

“(4) Section 667 of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”. 

“(5) Section 669 of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”. 

SECTION 409. RESTRICTION ON VESSEL DOCUMENTATION.

Section 12106(a) of title 46, United States Code, is amended by—

“(1) inserting paragraph (2) to read as follows:

“(2) was built in the United States;”;

“(2) striking “and” at the end of paragraph (3);

“(3) inserting after paragraph (3) the following:

“(4) was not forfeited to the United States Government after July 1, 2001, for a breach of the laws of the United States;”;

“(4) redesignating paragraph (4) as paragraph (5).

SECTION 410. HYPOTHERMIA PROTECTIVE CLOTHING REQUIREMENT.

The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including hypothermia protective clothing where appropriate, while performing search and rescue missions.

SECTION 411. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of title 14, United States Code, is amended by inserting “on the date a new vacancy occurs” after “as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system”.

(b) Section 731(b) of title 14, United States Code, is amended by striking the period at the end of the sentence and inserting “or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he or she completes the following amount of service computed from the date of rank in the grade in which he or she is selected for promotion;”.

“(1) two years in the grade of lieutenant junior grade;

“(2) three years in the grade of lieutenant;

“(3) four years in the grade of lieutenant commander;

“(4) five years in the grade of commander;

“(5) six years in the grade of captain.”.

(b) Section 736(a) of title 14, United States Code, is amended by inserting “the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event” after “subchapter.”.

SECTION 412. REGULAR AND RESERVE COMMANDERS; CONTINUATION UPON FAILURE OF SELECTION FOR PROMOTION.

Section 285 of title 14, United States Code, is amended—

“(1) by striking “Each officer” and inserting “(a) Each officer”;

“(2) by adding at the end the following new subsections:

“(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty.

“(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

“(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b) but is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.”.

SECTION 413. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

(a) In General—Title 46, United States Code, is amended by inserting after section 709 the following new section:

“§ 709a. Reserve student pre-commissioning assistance program.

“(1) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at a public or non-profit private institution of higher education a program of education approved by the Secretary that leads to—

“(i) a baccalaureate degree in less than five academic years; or

“(ii) a post-baccalaureate degree.

“(2) A written agreement referred to in paragraph (1)(B) is a written agreement between the
member and the Secretary in which the member agrees—

(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, to serve, if tendered;

(B) to serve on active duty for up to five years; and

(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

(c) Expenses for which financial assistance may be provided under this section are—

(1) tuition and fees charged by the institution of higher education involved;

(2) books, supplies, and instructional services furnished to a lessee of such property for terms not to exceed 30 years.

SEC. 415. PAYMENT OF DEATH GRATUITIES ON BEHALF OF COAST GUARD AUXILIARISTS.

Section 223(a) of title 14, United States Code, is amended by inserting the following new paragraph following paragraph (8):


"SEC. 416. LIGHTHOUSE PROPERTY.

The authority under this section to make, amend, and modify agreements for the use and occupancy of lighthouses and lightship moorings is not limited to the use of such facilities for navigational purposes, but includes the use of such facilities for research, educational, public welfare, and other purposes to the end that the interests of the United States will be promoted therein by such agreements.

"SEC. 417. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property for terms not to exceed 30 years.

(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service, who is entitled to separation pay under subsection (d)(1) of section 1174 of title 10, is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.
promises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) shall not apply to leases issued by the Commandant under this section.

(b) Periods received from leases made under this section, less expenses incurred, shall be deposited in the Treasury.

SEC. 419. WING-IN-GROUND CRAFT

(a) Section 2101(35) of title 46, United States Code, is amended by inserting “a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and after the phrase ‘‘small passenger vessel’’ means”;

(b) Section 2101 of title 46, United States Code, is amended by adding at the end the following:

“(4) wing-in-ground craft means a vessel that is capable of being completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water’s surface.”

SEC. 420. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS

Section 31321(a)(4) of title 46, United States Code, is amended by adding after “(A)” and “(B)” Practices commonly recognized as smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, an offense under this chapter, and may support seizure and forfeiture of the vessel, even in the absence of controlled substances aboard the vessel. The following indicia, inter alia, may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of an offense under this chapter:

(1) The construction or adaptation of the vessel to the mission that facilitates smuggling, including—

(A) the configuration of the vessel to ride low in the water or present a low hull profile to avoid detection or being visually observed;

(B) the presence of any compartment or equipment which is built or fitted out for smuggling, not including items such as a safe or lock-box reasonably used for the storage of personal valuables;

(C) the presence of an auxiliary tank not installed in accordance with applicable law, or installed in such a manner as to enhance the vessel’s smuggling capability;

(D) the presence of engines that are excessively over-powered in relation to the design and size of the vessel;

(E) the presentation of materials used to reduce or alter the heat or radar signature of the vessel and avoid detection;

(F) the presence of a camouflage paint scheme, or of materials used to camouflage the vessel, to avoid detection;

(G) the display of false vessel registration numbers or false indicia of vessel nationality, false vessel name, or false vessel homeport.

(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type of operation or purpose of the vessel.

(3) The presence of excessive fuel, lube oil, food, water, or spare parts, inconsistent with legitimate vessel operation, inconsistent with the construction or equipment of the vessel, or inconsistent with the character of the vessel’s stated purpose.

(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation, and in a manner of navigation consistent with smuggling tactics used to avoid detection by law enforcement authorities.

(5) The failure of the vessel to stop or respond or heave to when hailed by government authorities, or where the vessel conducts evasive maneuvering when hailed.

(6) The declaration to government authority of apparently false information about the vessel, its voyage or the failure to identify the vessel by name or number of registration when requested to do so by government authority.

(7) The presence of controlled substance residue on the vessel, or on a person aboard the vessel, of a quantity or other nature which reasonably indicates manufacturing or distribution activity.

(8) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

(9) The presence of a controlled substance in the water in the vicinity of the vessel, where given the currents, weather conditions, and contours of the vessel, the quantity or other nature is such that it reasonably indicates manufacturing or distribution activity.

(10) The failure of the vessel to stop or respond or heave to when hailed by government authorities, or where the vessel conducts evasive maneuvering when hailed.

(11) The declaration to government authority of apparently false information about the vessel, its voyage or the failure to identify the vessel by name or number of registration when requested to do so by government authority.

(12) The presence of controlled substance residue on the vessel, or on a person aboard the vessel, of a quantity or other nature which reasonably indicates manufacturing or distribution activity.

(13) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

(14) The presence of vessels to avoid detection; or

(15) The control of smuggling tactics used to avoid detection.

(2) By adding at the end the following new subsection:

“(2) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State, and is, or has the consent of, the Lead Investigating State under the Code.”

SEC. 424. CONVEYANCE OF COAST GUARD PROP-

erty in HAMPTON TOWNSHIP, MICHIGAN.

(a) REQUIREMENT TO CONVEY—

(1) In general.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as the “Secretary”) shall convey to BaySail, Inc. (a non-profit corporation established under the laws of the State of Michigan; in this section referred to as “BaySail”), without monetary consideration, all right, title, and interest of the United States in and to property adjacent to Coast Guard Station Saginaw River, located in Hampton Township, Michigan, as identified under paragraph (2). No submerged lands may be conveyed under this section.

(b) PROHIBITION—The Secretary, in consultation with the Commandant of the Coast Guard, shall identify, describe, and determine the property to be conveyed under this section.

(c) SURVEY.—The exact acreage and legal description of the property conveyed under paragraph (1), as identified under paragraph (2), and any easements or rights-of-way reserved by the United States under subsection (b), shall be determined by a survey satisfactory to the Secretary. A copy of the survey shall be borne by BaySail.

(d) TERMS AND CONDITIONS OF CONVEYANCE.—The conveyance of property under this section shall be subject to any terms and conditions the Secretary considers necessary, including the reservation of easements and other rights on behalf of the United States.

(e) REVERSIONARY INTEREST.—

(1) In general.—During the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the real property conveyed pursuant to this section, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Secretary, if—

(A) BaySail sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof to any party;

(B) BaySail fails to maintain the property conveyed in a manner consistent with the terms and conditions under subsection (b);

(C) BaySail conducts any commercial activity at the property conveyed, or any part thereof, without approval of the Secretary; or

(D) At least 30 days before the reversion, the Secretary provides written notice to the owner that the property or any part thereof is needed for national security purposes.

(2) BY ADMINISTRATIVE ORDER.—The Secretary may, before the completion of the 5-year period described in paragraph (1), authorize an
additional 5-year period during which paragraph (1) shall apply.

SEC. 425. CONVEYANCE OF PROPERTY IN TR AVERSE CITY, MICHIGAN.

Section 1005(d) of the Coast Guard Authorization Act of 1996 (110 Stat. 3697) is amended by striking “the Traverse City Area Public School District” and inserting “a public or private nonprofit entity for an educational or recreational purpose.”

SEC. 426. ANNUAL REPORT ON COAST GUARD CA PABILITIES AND READINESS TO FILL NATIONAL DEFENSE RESPO N SIBILITIES.

Not later than February 15 each year, the Secretary of Transportation shall submit to the Com mander of the Great Lakes Transit and Infrastruc ture of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, prepared in conjunction with the Com mander of the Coast Guard, setting forth the capabilities and readiness of the Coast Guard to fill its national defense responsibilities.

SEC. 427. EXTENSION OF AUTHORIZATION FOR OIL SPILL RECOVERY INSTITUTE.

Section 5001(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended by striking “10 years after the date through the end of the sentence and inserting “September 30, 2012”.

SEC. 428. MISCELLANEOUS CERTIFICATIONS OF ELIGIBILITY.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1896 (46 App. U.S.C. 209), or section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documenta tion with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

(1) LAUDERDALE LADY (United States official number 1103520).
(2) SAVANNAH (United States official number 1026144).
(3) CALEDONIA (United States official number 670580).

SEC. 429. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement, or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class vessels and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, that sufficient replacement capability has been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 430. FISHING VESSEL SAFETY TRAINING.

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;
(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;
(3) sharing of appropriate Coast Guard informational and safety publications; and
(4) participation on applicable fishing vessel safety training advisory panels.

(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

SEC. 431. LIMITATION ON LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.

(a) IN GENERAL.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"§ 2307. Limitation of liability for Coast Guard Vessel Traffic Pilots.

"Any pilot, acting in the course and scope of his or her duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice, or communications assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to a failure to use the proper methods for the task of delivering the service or for omissions of such pilot constitutes gross negligence or willful misconduct."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots."

SEC. 432. ASSISTANCE FOR MARINE SAFETY STA TION ON CHICAGO LAKEFRONT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to plan, design, and implement a new marine safety station on the Chicago lakefront.

(b) LIMITATION OF LIABILITY.—The Federal share of a project carried out with assistance under this section shall be applied to the non-Federal share of a project carried out with assistance under section 431, subject to the limitation on liability of pilots shall be extended to this project.

SEC. 433. TONNAGE MEASUREMENT FOR PU RPOSES OF ELIGIBILITY OF CERTAIN VESSELS FOR FISHERY ENDORSE MENT.

Section 12125(c) of title 46, United States Code, is amended by striking “of more than 750 gross registered tons” and inserting “of more than 750 gross tons as measured under chapter 145 of title 46, United States Code, as measured under chapter 143”.

SEC. 434. EXTENSION OF TIME FOR REC EIVING VESSELS AND ASSOC IATED EQUIPMENT RECALLS.

Section 4310(c) of title 46, United States Code, is amended—

(1) in paragraphs (2)(A) and (B) by striking “5” each place it appears and inserting “10”;

(2) in paragraph (1)(A), (B), and (C) by inserting “by classified mail or before ‘by certified mail’”.

TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

SEC. 501. SHORT TITLE.

This title may be cited as the “Coast Guard Authorization Act for Fiscal Year 2002”.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2002 for necessary expenses of the Coast Guard, as follows:

(1) For the operation, maintenance, and improvement of the Coast Guard, $4,205,838,000, of which—

(A) $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 102(a)(5)(B) of the Oil Pollution Act of 1990;

(B) $5,500,000 is authorized to be available for the commercial fishing vessel safety program; and

(C) $623,000,000 is authorized to be available for domestic maritime homeland security.

(2) For the acquisition, construction, re building and improvement of navigational aids, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $717,623,000, of which—

(A) $20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 102(a)(5) of the Oil Pollution Act of 1990;

(B) $58,500,000 is authorized to be available for domestic maritime homeland security vessels and detection equipment; and

(C) $338,000,000 is authorized to be available to implement the Coast Guard’s Integrated Deepwater System.

(3) For research, development, test, and evaluation, including costs for reconstruction, repair, including costs for reconstruction, repair, upgrade, and modernization of facilities and equipment, and human factors directly relating to improving the performance of the Coast Guard’s mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,722,000, to remain available until expended, of which $3,500,000 is authorized to be derived from each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 102(a)(5)(B) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $76,346,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstruction to navigation, and for the acquisition, construction, improvement, and adaptation of facilities and equipment associated with the Bridge Alteration Program, $15,466,000, to remain available until expended, of which $1,750,000 may be available from the Chelsea Street bridge in Boston, Massachusetts.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,927,000, to remain available until expended.

SEC. 503. AUTHORIZED LEVELS OF MILITARY STRENGTH.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2002.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2002, 1,500 student years.

(2) For flight training for fiscal year 2002, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2002, 300 student years.

(4) For officer acquisition for fiscal year 2002, 1,000 student years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LoBiondo) and the
June 4, 2002

CONGRESSIONAL RECORD — HOUSE

H3117

gentlewoman from Florida (Ms. Brown) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LoBIONDO).

Mr. LoBIONDO. Madam Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. Young), the chairman of the full committee.

(Mr. Young of Alaska asked and was given permission to revise and extend his remarks.)

Mr. Young. Madam Speaker, I rise in strong support of the Maritime Transportation Anti-Terrorism Act of 2002; but I would also like to rise in appreciation for the chairman, the gentleman from New Jersey (Mr. LoBIONDO) for the work that he has done on this legislation, to the gentlewoman from Florida (Ms. Brown) for her work on this legislation.

Madam Speaker, I would suggest respectfully that this is about the best we can do at this time. It is badly needed, but I would also like to suggest that we have to make sure as we pass this legislation that the intent of what we are trying to do is implemented and does not go far beyond what we are suggesting in this legislation.

It is critically important that our ports are protected, and we must protect them without interfering with commerce, and we will do so. One of the goals of this legislation is to make sure that we will have the ability to not only look at what is on our ships, what is inside our containers, but also the crews of those ships and those that work within our ports.

I would also like to suggest that a port is a likely target and we have to accept that fact. The disruption that would occur, the damage that would happen, the interference with our commerce, lord only knows how much devastation would occur. This bill is a step in the right direction. But, again, I must suggest, Madam Speaker, that what we do here is not necessarily the end result. It is the result of what the agencies do and how they work together.

I want to suggest respectfully that those agencies that have the responsibility, TSA, Immigration, Customs, et cetera, have a responsibility to work together and to share information together so we can make sure that we have a secure port system within our Nation, an American port. And I realize that this is an attempt to make sure that no ports will suffer what happened on September 11, that we will protect our constituencies, we will protect our trade, we will protect this great United States with this legislation.

Ms. Brown of Florida. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I rise today in strong support of H.R. 3983, the Maritime Transportation Anti-Terrorism Act of 2002.

The events of September 11, 2001 have changed America forever. Every committee in Congress is examining the programs and policies within its jurisdiction to determine what they need to do to help protect the United States from terrorist acts. I just returned from a trip with the gentleman from Pennsylvania (Mr. Weldon). We traveled to Russia, China and Korea, and in every single country I brought up the issue of port security. We are working hard to protect our ports and waterways, but we will not be able to do that without protecting and looking into the port of origin.

Each year almost 70 percent of the United States' imports and exports are moved by ships. U.S. consumers are dependent upon foreign oils for their gas in their cars. U.S. manufacturers are dependent on the just-in-time delivery system of container ships to resupply their manufacturing line. Each year thousands of Americans enjoy cruises out of the ports of my home State of Florida.

On October 3, 2001, I introduced H.R. 3013, the Port and Maritime Security Act of 2001. It is very similar to S.1214 which passed the Senate in December. H.R. 3983 is similar to the approach contained in H.R. 3013. They both require assessments of our Nation's ports. They both require termination of transportation security cards issued by the Secretary of Homeland Security and the Customs柏林, and they both establish a new grant system to help ports and terminal operators to pay for security improvements.

I believe that H.R. 3983 will lead to a significant improvement in securing the international maritime transportation system from threat of terrorists and from being used to deliver a weapon of mass destruction to the United States.

In addition, H.R. 3983 contains the text of H.R. 3507, the Coast Guard Authorization Act for fiscal year 2002. This noncontroversial legislation passed the House on December 20. The leadership has added it to H.R. 3983 in order to facilitate a conference with the Senate. I fully support the inclusion of H.R. 3507. To me, the Coast Guard is homeland security, and I am glad to see that we are getting closer to providing them the resources they need to do their job. Working together with Customs and other agencies, we can begin to move forward in protecting our ports and waterways.

I would like to thank the gentleman from Alaska (Mr. Young), the gentleman from New Jersey (Mr. LoBIONDO), and the ranking member, the gentleman from Minnesota (Mr. Oberstar) for the bipartisan efforts they have used to develop this legislation. I look forward to working closely with all of them as this bill moves into conference.

Madam Speaker, I urge my colleagues to support H.R. 3983.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 3983, the Maritime Transportation Anti-Terrorism Act of 2002. This bill establishes a comprehensive national system to increase anti-terrorism security for our ports and waterways. This legislation was developed to prevent a terrorist attack along our Nation's coastlines and perhaps our most vulnerable border.

Consisting of 95,000 miles of coastline with hundreds of ports, the United States' maritime industry contributes in excess of $742 billion to the gross domestic product each year. The authorization Act of H.R. 3983 is to deter terrorist attacks against ocean shipping without adversely affecting the flow of U.S. commerce through our ports.

This bill is the second transportation security bill reported by the Committee on Transportation and Infrastructure. H.R. 3983 was developed in a bipartisan manner in close cooperation with the gentleman from Minnesota to work together and the gentlewoman from Florida (Ms. Brown) and their staffs in response to the terrorists' threats to our ports and waterways. I appreciate their hard work in support for this important piece of legislation and thank them for the cooperation we have received during this bill.

H.R. 3983 requires the Coast Guard to conduct vulnerability assessments of U.S. ports. The results of the assessments will be used to implement a national maritime transportation planning system consisting of a comprehensive national plan, specific area plans, as well as local vessel and marine facility plans, all tailored to deter a catastrophic terrorist event to the greatest extent possible.

H.R. 3983 also establishes a requirement for the Coast Guard to assess the effectiveness of security systems in certain foreign ports and to deny entry to those ports that do not maintain effective security.

Under H.R. 3983, individuals who enter secure areas on vessels or facilities will be required to have transportation security cards issued by the Secretary of the Transportation Secretary may only deny transportation security cards to an individual found to be a terrorist security risk.

The Maritime Transportation Anti-Terrorism Act authorizes $83 million annually in grants for enhanced facility security at U.S. ports for the next three fiscal years. These grants will help cover the cost of port anti-terrorism improvement and fund proof-of-concept projects to determine which technologies will improve port security the best.

Shipping containers are particularly adaptable to be used by terrorists, and H.R. 3983 contains several provisions to increase port security. The bill requires the Under Secretary of Transportation to maintain a cargo tracking identification and screening system for shipping containers shipped to and from the United States directly through a foreign port. H.R. 3983 also requires the Secretary of Transportation to establish performance standards to enhance the physical security
of shipping containers, including standards for container seals and locks.

Madam Speaker, this bill contains other important security enhancements concerning vessel crew and passenger manifests, Coast Guard sea marshals, vessel transponders, to track the movement of vessels in the United States water, and some other measures.

The committee amended H.R. 3983 to contain several additional security enhancements and other Coast Guard provisions previously passed by the House. The Coast Guard, as one of the Nation’s five armed services, has a key role in homeland security, particularly as it relates to port security and defense readiness. These provisions strengthen the authority of the Coast Guard and the Department of Transportation to confront the terrorist threat that is facing us today.

Strong maritime homeland security requires a strong Coast Guard with the resources it needs to protect our Nation from the terrorist attack. The Coast Guard has proven to have done a magnificent job throughout our Nation’s history, but we are all particularly proud of the job they have done since September 11, starting on that fateful day where they oversaw the evacuation of over a million people from Lower Manhattan. The Coast Guard can do their job in an exceptional way if we give them the resources necessary, the manpower, the operating dollars and the assets to do this job.

☐ 1900

This bill will help us along that way. I urge all Members to support this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Madam Speaker, I yield as much time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

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

Mr. OBERSTAR. Madam Speaker, I thank the gentlewoman for yielding me the time.

Enactment of this Maritime Transportation Security Act, otherwise known as the Port Security bill, will close another hole in the security network of the United States, and a critical one.

We have already dealt effectively with aviation security, and implementation of provisions of that legislation is well underway; but we have 95,000 miles of coastline in the United States. Ninety-five percent of the volume of U.S. international trade, both inbound and outbound, comes by the water. We have to protect that coastline and our ports.

Our ports are major cities. Most of our cities were ports before they were cities. America has grown up around the water; 75 percent of the population of this Nation lives along the water, either the inland waterways or the coastal regions of the United States, including the Great Lakes; but we have not adequately protected our ports and our major cities against terrorist acts.

This legislation will move us in the right direction. It will create the processes by which the Coast Guard is the preeminent entity in protecting America’s coastline, will take the steps, the inspections, set up the processes by which we will protect America’s waterways and coastal regions.

But as in aviation security, there must be a continuum of security protection that will start with the shipper, with the product that is being shipped to the United States. It must be inspected. We must know what it is before it goes into the container and before that container goes on board a ship; and after it arrives in the United States, it must be again inspected to be sure that what was put on board the ship is actually what comes into the United States.

We have learned in aviation safety that there must be redundancy and overlapping systems that protect aviation safety, that make flying as safe as we know it; and so in security there must be two interlocking web of protective measures that begin from the origin of the shipment to its destination.

That is what we must provide in this legislation here and in the conference to come, as the chairman said. When we get this bill through conference, we want to make sure that it is the strongest protective measure that we can provide for our fellow citizens, not just those in the coastal regions but those in the inland cities to which cargo is destined.

I compliment the chairman of the full committee for working together with us on the minority side, the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, the gentleman from Florida (Ms. BROWN), our ranking member on the subcommittee. Members have worked hard. Staff have worked hard. We have worked cooperatively in the best national interest to produce the best bill that we can foresee.

I urge its enactment.
I urge my colleagues to support the bill. Ms. HARMAN. Madam Speaker, as the representative of the Port of Los Angeles, the nation’s busiest container port with more than 5.183 million container shipments last year, I rise in strong support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

The attacks of September 11 underscored the vulnerability of our ports to potential acts of terrorism. The sheer volume of goods shipped in containers, their unsecure ports of origin, the volatility of many of the goods stored at ports, and the wide expanses which comprise our posts present terrorists with targets and conduits for terror and local officials and law enforcement with formidable challenges.

Given this threat, I first want to say how impressed I was at the speed with which the maritime agencies of our federal, state and local governments responded following September 11.

The women and men of the Coast Guard, Customs, INS, LA and San Pedro Police, the LA County Sheriff, Port Police, National Guard, reservists and auxiliary personnel, and other emergency responders demonstrated their coolness and professionalism in securing the Port of Los Angeles.

They showed unprecedented coordination and courage and, on behalf of the community, I want to extend a “thank you for a job well done”. I would also like to give a very special acknowledgement to the leadership of Coast Guard Captain John Holmes, captain of the Port of Los Angeles/Long Beach.

The bill before us provides much-needed resources to the work of these first responders. In addition to requiring new vulnerability assessments at our ports, the bill also requires the imposition of new transportation security cards for workers with access to secure areas at ports. I compliment the chairman and ranking member for working with maritime labor to ensure that background checks used in issuing the security cards target true risks and I echo the view that any information collected on workers be used solely for security purposes.

The bill also includes several provisions designed to reduce the ability of terrorist to use cargo containers to smuggle terrorists or weapons into the US. In particular, the bill requires security assessments at foreign ports.

But I want also to highlight container security and the need for effective supply chain security measures. Though not addressed in this bill, it is increasingly evident that supply chain security is critical to ensuring that the contents of container cargo are not tampered with during shipment.

Shipment, of course, does not begin with the placing for a container aboard a vessel but, rather with it being loaded—something that often occurs in another country far from the port of embarkation to the United States.

The bill requires the Transportation Department to develop performance standards for improving the physical security of containers, which should go well beyond seals and locks and include supply chain security. Some innovative tracking and detection technologies are under development and incorporating them in containers will further secure both cargo and our ports.

Madam Speaker, I strongly support this bill. It takes important steps in helping us secure our ports in the fight against terrorism.

The key factor to improved security is the dedication and hard work of thousands of workers employed in and around our ports. From the federal agencies involved to state and local law enforcement, port officials, vessel operators and crew, shippers, dock workers and truckers—security begins with their continued vigilance and I commend them for a job well done and am proud to help provide them with more tools to continue the job.

Mr. LARSEN of Washington. Madam Speaker, I rise in support of H.R. 3983, the Maritime Transportation Anti-terrorism Act.

In the wake of September 11th we must ensure that we are showing vigilance on the topic of port security. Any attacks on our ports could cripple the country economically and disrupt our nation’s trade.

Ports serve our key national interests by facilitating the flow of trade and supporting the mobilization and deployment of U.S. Armed Forces. 95% of overseas international trade enters or exits through our nation’s ports. In the next twenty years, the amount of trade going through our ports is expected to double. Ports must continue to update and modernize their facilities, not only to accommodate this growth but to preserve their safety and security.

While I do support this legislation, I am concerned that it does not fully address meaningful container security. I believe that H.R. 3893 should mandate that port workers who receive containers inspect the outside seal on each container and that it require mandatory inspection for “empty” containers, which regularly move on and off ships each day.

I am proud to represent the Ports of Everett and Bellingham, both of which greatly contribute to the economic vitality of my district. Their presence makes port security an especially important issue to my constituents and myself. Again, Madam Speaker, I support H.R. 3983 and look forward to its speedy passage.

Mr. SHAW. Madam Speaker, I rise in support of this legislation, which represents the next crucial step in implementing America’s transportation security. This bill coordinates various federal law enforcement efforts with local port authorities, provides better communications, and helps pay for technology upgrades and other security infrastructure at our ports.

This legislation is of particular importance to the 14 publicly owned deepwater seaports in the State of Florida, including Port Everglades, Port of Palm Beach, and Port of Miami in South Florida. The challenge of protecting against potential threats to security in Florida is unique due to the state’s extensive coastline, vigorous international trade, and passenger cruise activities. Our geography dictates that we must be prepared as a front-line homeland defense point against terrorism, as well as illegal immigration, and drug trafficking.

Florida seaports represent some of the busiest bulk cargo and container ports in the nation, and improved security at our seaports is critical for protection of the state’s citizens and millions of visitors, as well as the state’s continued economic vitality.

The threat of terrorism and other crimes to Florida seaports has already been documented by the State of Florida as well as each of the Florida seaports. A 1999 state-commissioned study found that the Florida ports are highly vulnerable and recommended comprehensive seaport security plans at each Florida seaport. In 2000, the State of Florida enacted legislation mandating that such plans be undertaken.

As the Chairman of the Florida Congressional delegation, I am pleased that this bill does not penalize the Florida ports that have been proactive in taking the necessary steps to improve security. A shining example of such a port is Port Everglades in my district. Even before September 11, Port Everglades had laid out a comprehensive security improvement plan. Since that day, the port has expedited its efforts, turning a 48 month plan to improve security into an impressive, 12 month, $25 million plan that is now halfway completed.

As one of the first House members to introduce seaport security legislation, and the sponsor of the companion to the bill that passed the Senate, I am gratified that the House is taking up this critically important issue. I would like to thank Chairman YOUNG for all his hard work to this point and I look forward to working with him further as we begin discussions with the other chamber. I urge my colleagues to support the bill.

Mr. GOSS. Madam Speaker, the United States has always been fortunate in its history to have two large oceans separating it from many of the troubles that exist elsewhere in the world. This has meant that until recently, the American Homeland had been protected from foreign hostilities for the better part of two centuries. However, the rise of global commerce in combination with a new type of foreign enemy now threatens to undermine this blissful pax americana. The United States has 95,000 miles of open shoreline. Along this breadth of shoreline are located 361 ports and into them pours six million marine containers annually. The scale of the shipping industry is simply stunning. Unfortunately, on any one of these ships or in any of the containers may be unexpected stowaways with deadly plans or weapons. Representing a coastal district in southwest Florida, I know first hand that the Coast Guard does a heroic job of watching...
over our borders. But they need help and they need it now. H.R. 3983 is a good first step in this direction. The bill requires that the Secretary of Transportation do a comprehensive review of our vulnerabilities and prepare plans to reduce risk of attack. Further, the bill requires a plan to better coordinate Federal, state, and local efforts to prevent maritime terrorism.

I urge my colleagues to support this legislation that will help to better protect our Nation’s shoreline and ports.

Mr. BENTSEN. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

I also rise to thank Chairman YOUNG, Coast Guard and Maritime Transportation Subcommittee Chairman LOBIONDO, and the subcommittee staff for all their hard work on this bill.

In June of 2001, they agreed to work with the U.S. Coast Guard, the State of Illinois, the City of Chicago, and me on the project to improve safety and security along Chicago’s lakefront. Needless to say, this project became incredibly more important after the events of September 11th.

Thanks to the committee’s cooperation and assistance, this bill authorizes funding for the construction of a Marine Safety Station on Chicago’s lakefront.

This project, now known as the Chicago Safety Station will house resources and personnel of the U.S. Coast Guard, the Chicago Marine Police, and the Illinois Department of Natural Resources Conservation Police. With Coast Guard, state, and city resources stretched thin by the need for heightened security in Chicago and other U.S. ports, this project will significantly improve public safety and law enforcement efforts in one of the busiest recreational areas in the country.

On behalf of the City of Chicago, the State of Illinois, and all of us who enjoy Chicago’s lakefront, I again want to thank the Chairman for working with me to bring this project to fruition.

Mr. BENTSEN. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act of 2002. I commend the work of the House Transportation Committee on port security, but I also recognize that these efforts are one of the most vital parts of our homeland security efforts. In the wake of the attacks on September 11th, ports have become one of the most critical parts of our national security and terrorist vulnerabilities.

I applaud the work of the committee and I urge my colleagues to support H.R. 3983.

First, H.R. 3983 directs the Department of Transportation to conduct security assessments and plans for the nation’s 361 U.S. ports. The legislation authorizes $225 million in grants through 2005 to enhance port security. I would note that the Senate has passed port security legislation with a $1 billion grant program, and I support increasing the House number significantly in conference committee.

Central to H.R. 3983 is the provision directing the newly created Transportation Security Administration (TSA) to develop an identification and screening system for maritime cargo entering the United States. Currently the official policy is a lack of enforcement and seaports are now left to their own devices. This is a lack of resources that TSA has mandated in its inspection areas.

As an example of how expensive this under-taking will be, mobile cargo container scanners cost roughly $1 million. Only the larger 18 ports in America currently have these devices and most of these ports only have one. In addition to a lack of screening equipment, there is a lack of Customs personnel necessary to perform manifest inspections. TSA has a $3,047,000 in grant authority per port. As a result, many inspections are performed by the Chicago Marine Police.

I am pleased that H.R. 3983 authorizes $5.9 billion for the USCG, over $800 million more than requested by the Administration in March, as a result of these new tasks and responsibilities. These tasks are truly vital to the American people and are vital to our national security.

Despite the port security improvements to date, security assessments at 361 seaports will certainly uncover a myriad of unanticipated, but certainly expected, vulnerabilities. The manifest inspection program may be the most significant step forward since the passage of the Maritime Transportation Act of 2002. I support these efforts and I urge my colleagues to support H.R. 3983.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 3983, as amended, passed.

A motion to reconsider was laid on the table.
Sec. 101. FINDINGS.

The Congress makes the following findings:

(1) There are 357 public ports in the United States which have a broad range of characteristics, and all of which are an integral part of our Nation’s commerce.

(2) United States ports conduct over 95 percent of United States overseas trade. Over the next 20 years, the total volume of international trade is expected to more than double.

(3) The variety of trade and commerce that United States ports conduct over 95 percent of United States overseas trade.

(4) United States ports are international ports of entry and that the United States to pursue its national security objectives; and

(5) The variety of trade and commerce that United States ports conduct over 95 percent of United States overseas trade.

(6) In the large ports, the activities can stretch along miles, including public roads within their geographic boundaries. The facilities used to support arriving and departing cargo are sometimes miles from the coast.

(7) Ports often are a major locus of Federal crime, including drug trafficking, cargo theft, and smuggling of contraband and aliens. The criminals and schemes often associated with these crimes pose threats to the people and critical infrastructures of port cities. Port authorities and cargo owners have a higher risk of international crimes like drug and alien smuggling and trade fraud.

(8) Ports are often very open and exposed and, by the very nature of their role in promoting the free flow of commerce, are susceptible to large scale terrorism that could pose a threat to coastal, Great Lake, or riverine populations. Port terrorism could pose a significant threat to the ability of the United States to pursue its national security objectives.

(9) United States ports are international boundaries, however, unlike United States airports and land borders, United States ports receive no Federal funds for security infrastructure.

(10) Current inspection levels of containerized cargo insufficient to counter potential security threats that is currently not adequately deployed to allow for the nonintrusive inspection of containerized cargo. Additional promising technology is in the process of being developed that could inspect cargo in a nonintrusive and efficient fashion.

(11) The burgeoning cruise ship industry poses a special risk from a security perspective.

(12) Effective physical security and access control in ports is fundamental to deterring and preventing potential threats to port operations, and cargo shipments.

(13) Securing entry points, open storage areas, and warehouses throughout the port, controlling the movements of trucks transporting cargo through the port, and examining or inspecting containers, warehouses, and shipyards at the harbor are all important requirements that should be implemented.

(14) Identification procedures for arriving workers are important tools to deter and prevent port cargo crimes, smuggling, and terrorist actions.

(15) On September 11, 1999, the President established the Interagency Commission on Crime and Security in United States Ports to undertake a comprehensive study of the nature and extent of the problems of crime in our ports, as well as the ways in which governments at all levels are responding.

(16) The Commission has issued findings that indicate the following:

(A) Frequent crimes in ports include drug smuggling, illegal car exports, fraud (including Intellectual Property Rights and other trade violations), and cargo theft.

(B) Data about crime in ports has been very difficult to collect.

(C) Internal conspiracies are an issue at many ports, and contribute to Federal crime.

(D) Intelligence and information sharing among law enforcement agencies needs to be improved and coordinated at many ports.

(E) Many ports do not have any idea about the threats they face from crime, terrorism, and other security-related activities because of a lack of credible threat information.

(F) A lack of physical, procedural, and personnel security standards at ports and at terminals, warehouses, trucking firms, and related facilities leaves many ports and port users vulnerable to theft, piracy, and unauthorized access by criminals.

(G) Access to ports and operations within ports is often uncontrolled.

(H) Coordination and cooperation between law enforcement agencies in the field is often fragmented.

(I) Meetings between law enforcement personnel, carriers, marine terminal operators, and port authorities regarding security are not held routinely in the ports. These meetings could increase coordination and cooperation at the local level.

(J) Security-related equipment such as small boats, cameras, and vessel tracking devices is lacking at many high-risk ports.

(K) Lack of timely, accurate, and complete manifest (including in-bond) and trade entry, importer, etc.) data negatively impacts law enforcement’s ability to function effectively.

(M) Criminal organizations are exploiting weak security in ports and related intermodal connections to commit a wide range of crimes. Levels of containerized cargo volumes are forecasted to increase significantly, which will create more opportunity for crime while lowering the statistical risk of detection and interdiction.

(17) United States ports are international boundaries that—

(A) are particularly vulnerable to threats of drug smuggling, illegal alien smuggling, cargo theft, illegal entry of cargo and contraband;

(B) may present weaknesses in the ability of the United States to realize its national security objectives; and

(C) may serve as a vector or target for terrorist attacks aimed at the population of the United States.

(18) It is in the best interests of the United States—

(A) to be mindful that United States ports are international ports of entry and that the primary obligation for the security of international ports of entry lies with the Federal government;

(B) to be mindful of the need for the free flow of interstate and foreign commerce and the need to ensure the efficient movement of cargo in interstate and foreign commerce and the need for increased efficiencies to address trade gains;

(C) to increase United States port security by establishing a better method of communication amongst law enforcement officials responsible for port boundary, security, and trade issues;

(D) to formulate requirements for physical port security, recognizing the different character and nature of United States ports, and to require the establishment of security programs at ports;

(E) to provide financial incentives to help the States and private sector to increase physical security of United States ports;

(F) to require investment in long-term technology to facilitate the private sector development of technology that will assist in the nonintrusive timely detection of crime or potential criminal activity;

(G) to harmonize data collection on port-related and other cargo theft, in order to address areas of potential threat to safety and security;

(H) to create shared inspection facilities to help facilitate the timely and efficient inspection of people and cargo in United States ports;

(I) to improve Customs reporting procedures to enhance the potential detection of
crime in advance of arrival or departure of cargo; and
(J) to promote private sector procedures that provide for in-transit visibility and sup-port staff efforts directed at managing the security risks of cargo shipments.

SEC. 102. NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) is amended by adding at the end the following:

"(d) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish a National Maritime Security Advisory Committee, comprised of not more than 21 members appointed by the Secretary. The Secretary may require that a prospective member undergo a background check or obtain an appropriate security clearance before appointment.

"(2) ORGANIZATION.—The Secretary—

"(A) shall designate a chairperson of the Advisory Committee;

"(B) shall approve a charter, including such procedures and rules as the Secretary deems necessary for the operation of the Advisory Committee;

"(C) shall establish a law enforcement sub-committee of the Committee, the composition of which shall be consistent with the provisions of the Treasury and the Attorney General, respectively, include as members of the sub-committee representatives from the Customs Service, the Immigration and Naturalization Service;

"(D) may establish other subcommittees to facilitate consideration of specific issues, including maritime and port security, border protection, and maritime domain awareness issues, the potential effects on national energy security, the United States economy, and the environment of crude oil, refined petroleum products, liquefied natural gas, and other energy sources; and

"(E) shall participate in other Federal agencies and of State and local government agencies of State, including law enforcement agencies, with an interest or expertise in anti-terrorism or maritime and port security and safety related issues.

"(3) MATERIAL AND MISSION SUPPORT.—In carrying out this subsection, the Secretary may authorize the distribution of funds, material, services, and the use of personnel and facilities from public or private entities, by contract or other arrangement, if the confidentiality of sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this paragraph in the general fund of the Treasury.

"(4) FUNCTIONS.—The Advisory Committee shall—

"(A) advise, consult with, report to, and make recommendations to the Secretary on ways to enhance the security and safety of United States ports and pipelines, and the implementation and performance of the programs and services that are consistent with the provisions of this Act;

"(B) study, recommend, and report on grants to States and local governments and local port security committees and harbor safety committees;

"(C) conditions for maritime security and safety of vessels, terminals, and other maritime facilities included in and adjacent to State and local port security committees, and harbor safety committees;

"(D) development of a National Maritime Transportation Security Plan;

"(E) development and implementation of area and local port security programs and plans; and

"(F) protection of port energy transportation facilities; and

"(G) other persons or organizations whose interests are affected by the recommendations of the port security committee includes representatives of—

"(a) the port authority or authorities;

"(b) the Federal, State, and local government;

"(C) Federal, State, and local law enforcement agencies;

"(D) longshore labor organizations or transportation workers;

"(E) local port-related business officials or management organizations;

"(F) shipping companies, vessel owners, terminal owners and operators, truck, rail and pipeline operators, where such are in operation;

"(G) other persons or organizations whose interests are affected by the recommendations of the local port security committee includes representatives of—

"(a) the port authority or authorities;

"(b) the Federal, State, and local government;

"(C) Federal, State, and local law enforcement agencies;

"(D) local port-related business officials or management organizations;

"(E) local port-related business officials or management organizations;

"(F) shipping companies, vessel owners, terminal owners and operators, truck, rail and pipeline operators, where such are in operation;

"(G) other persons or organizations whose interests are affected by the recommendations of the local port security committee includes representatives of—

"(a) the port authority or authorities;

"(b) the Federal, State, and local government;

"(C) Federal, State, and local law enforcement agencies;

"(D) longshore labor organizations or transportation workers;

"(E) local port-related business officials or management organizations;

"(F) shipping companies, vessel owners, terminal owners and operators, truck, rail and pipeline operators, where such are in operation;

"(G) other persons or organizations whose interests are affected by the recommendations of the local port security committee includes representatives of—

"(a) the port authority or authorities;

"(b) the Federal, State, and local government;

"(C) Federal, State, and local law enforcement agencies;

"(D) local port-related business officials or management organizations;

"(E) local port-related business officials or management organizations;

"(F) shipping companies, vessel owners, terminal owners and operators, truck, rail and pipeline operators, where such are in operation;

"(G) other persons or organizations whose interests are affected by the recommendations of the local port security committee includes representatives of—

"(a) the port authority or authorities;
discretion of the Captain-of-the-Port, a Captain-of-the-Port zone may have a single port security committee covering all ports within that zone.

(6) QUARTERLY MEETINGS.—The port security committee shall meet at least 4 times each year at the call of the Chairperson.

(7) FACs NOT APPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a port security committee established under this subsection.

(b) MATERIAL AND MISSION SUPPORT.—In carrying out responsibilities under this Act, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities, including other agencies. If the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately, the Secretary shall deposit any funds accepted under this subsection as miscellaneous receipts in the general fund of the United States Treasury.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $3,000,000 for each of fiscal years 2003 through 2006 to carry out section 7(f) of the Ports and Waterways Safety Act (33 U.S.C. 1226(f)), such sums to remain available until expended.

(d) FUNDING.—Of the amounts made available under section 122(b) there may be made available to the Secretary $3,500,000 for each of fiscal years 2002 and 2003 to carry out section 7(f) of the Ports and Waterways Safety Act (33 U.S.C. 1226(f)), such sums to remain available until expended.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $3,500,000 for each of fiscal years 2002 through 2006 to carry out section 7(f) of the Ports and Waterways Safety Act (33 U.S.C. 1226(g)), such sums to remain available until expended.

SEC. 105. MARITIME FACILITY SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1225), as amended by section 104, is further amended by adding at the end the following:

'(g) MARITIME FACILITY SECURITY PLANS.—

(1) IN GENERAL.—The Secretary, after consultation with the Secretary of the Treasury and the Attorney General, shall issue regulations establishing requirements for submission of a maritime facility security plan, as the Secretary determines necessary, by each port authority, waterfront facility operator, or operator of a commercial structure located within or adjacent to the marine environment (as defined in section 2101(15) of title 46, United States Code). The Secretary shall promptly notify the local port security committee of the development of a maritime facility security plan under those regulations.

(2) DISSPECIFICITY; CONTENT.—

(A) PURPOSE.—A maritime facility security plan shall provide a law enforcement program and capability at the port that is adequate to safeguard the public and to improve the response to threats of crime and terrorism.

(B) SPECIFICITY.—Notwithstanding other provisions of this Act, the Secretary may impose specific or different requirements on individual ports, port authorities, marine terminal operators or other entities required to submit a maritime facility security plan under regulations promulgated under this subsection.

(3) CONTENT.—A maritime facility security plan shall include or commercial structure located within or adjacent to the marine environment.

(4) DISSPECIFICITY CONTENT.—

(A) PURPOSE.—A maritime facility security plan shall provide a law enforcement program and capability at the port that is adequate to safeguard the public and to improve the response to threats of crime and terrorism.

(B) SPECIFICITY.—Notwithstanding other provisions of this Act, the Secretary may impose specific or different requirements on individual ports, port authorities, marine terminal operators or other entities required to submit a maritime facility security plan under regulations promulgated under this subsection.

(5) CONTENT.—A maritime facility security plan shall include or commercial structure located within or adjacent to the marine environment.

Sec. 106. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS FOR SECURITY-SENSITIVE POSITIONS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 105, is further amended by adding at the end the following:

'(B) DESIGNATION OF CONTROLLED ACCESS AREAS; PROTECTION OF SECURITY-SENSITIVE INFORMATION; EMPLOYMENT INVESTIGATIONS AND CRIMINAL HISTORY RECORD CHECKS.—

(A) require, as necessary, the designation of controlled access areas in the maritime facility security plan for each waterfront facility and other public or commercial structure located within or adjacent to the marine environment;

(B) limit access to security-sensitive information, such as passenger and cargo manifests.

(2) SCREENING; BACKGROUND CHECKS.—In prescribing access limitations under this section the Secretary may:

(A) require that persons entering or exiting secure, restricted, or controlled areas undergo physical examination;

(B) require appropriate escorts for persons without proper clearances or credentials; and

(C) require employment investigations and criminal history record checks to ensure that individuals who have unrestricted access to controlled areas or have access to security-sensitive information do not pose a threat to national security or to the safety and security of maritime commerce.

(3) DISQUALIFICATION FROM NEW OR CONTINUED EMPLOYMENT.—An individual may not be employed in a security-sensitive position at any waterfront facility or other public or commercial structure located within or adjacent to the marine environment if—

(A) the individual does not meet other criteria established by the Secretary; or

(B) a background investigation or criminal history record check reveals the following:

(i) within the previous 7 years the individual was convicted, or found not guilty by reason of insanity of an offense described in paragraph (4); or

(ii) within the previous 5 years was released from incarceration for committing an offense described in paragraph (4).

(4) DISQUALIFYING OFFENSES.—The offenses referred to in paragraph (3)(B) are the following:

(A) Murder.

(B) Assault with intent to murder.

(C) Espionage.

(D) Sedition.

(E) Treason.

(F) Habe.

(G) Kidnapping.

(H) Unlawful possession, sale, distribution, importation, or manufacture of an explosive or weapon.

(I) Extortion.

(J) Armed or felony unarmed robbery.

(K) Importation, manufacture, or distribution of, or intent to distribute, a controlled substance.

(L) A felony involving a threat.

(M) A felony involving willful destruction of property.

(N) Smuggling.

(O) Theft of property in the custody of the United States Customs Service.
“(5) ALTERNATIVE ARRANGEMENTS.—Notwithstanding paragraph (1), an individual may be employed in a security-sensitive position although that individual would otherwise be disqualified from such employment if the employer establishes alternate security arrangements acceptable to the Secretary.

“(6) APPEALS PROCESS.—The Secretary shall establish standards and procedures for appeals processes for individuals found to be ineligible for employment under paragraph (3) that includes notice and an opportunity for a hearing.

“(7) ACCESS TO DATABASES.—Notwithstanding any other provision of law to the contrary, subject to existing or new procedures issued by the Federal government, in conducting or verifying the results of any background investigation or criminal records check required by this subsection.

“SEC. 25. VERIFICATION OF THE EFFECTIVENESS OF INVESTIGATIONS TO EMPLOYERS.

“(a) IN GENERAL.—The Secretary shall provide for the periodical audit of the effectiveness of employment investigations and criminal history record checks required under this subsection.

“(b) DEPOSIT OF AMOUNT RECEIVED.—Amounts received by the Attorney General under this section shall be deposited in the Treasury to be available for the cost of providing the services provided for under this subsection.

“(c) USER FEES.—(A) In general.—The Secretary shall prescribe conditions of port entry and the Secretary of Transportation in making the assessment.

“(a) DISSEMINATION OF INFORMATION ABOUT THE PROGRAM.—The Secretary shall work with the Attorney General to facilitate the dissemination of port security program information to port authorities and marine terminal operators in other countries.

“(b) USER FEES.—(A) In general.—The Secretary shall prescribe conditions of port entry and the Secretary of Transportation in making the assessment.

“SEC. 2502. NOTIFYING FOREIGN AUTHORITIES

“(a) IN GENERAL.—If the Secretary of Transportation finds that a port does not maintain and carry out effective security measures—

“(1) the Secretary shall—

“(A) in consultation with the Secretaries of State, Treasury, Agriculture, and the Attorney General, develop measures to protect the safety and security of United States ports and ports from related vessels arriving from foreign ports that does not maintain an acceptable level of security;

“(B) publish the identity of the port in the Federal Register;

“(C) have the identity of the port posted and displayed prominently at all United States ports at which scheduled passenger carriage is provided regularly to that port; and

“(D) require each United States and foreign vessel providing transportation between the United States and the port to provide with the notice of the decision to, for each passenger buying a ticket for transportation between the United States and the port;

“and carrying out effective security measures.

“§ 2503. ACTIONS WHEN PORTS NOT MAINTAINING AND CARRYING OUT EFFECTIVE SECURITY MEASURES

“(a) IN GENERAL.—If the Secretary of Transportation finds that a port does not maintain and carry out effective security measures—

“(1) the Secretary shall—

“(A) in consultation with the Secretaries of State, Treasury, Agriculture, and the Attorney General, develop measures to protect the safety and security of United States ports and ports from related vessels arriving from foreign ports that does not maintain an acceptable level of security;

“(B) publish the identity of the port in the Federal Register;

“(C) have the identity of the port posted and displayed prominently at all United States ports at which scheduled passenger carriage is provided regularly to that port; and

“(D) require each United States and foreign vessel providing transportation between the United States and the port to provide with the notice of the decision to, for each passenger buying a ticket for transportation between the United States and the port;
into the United States for any vessel arriving from a port determined under this subsection to maintain ineffective security measures, or any vessel carrying cargo originating in a foreign country that is served by a port that is served by vessels navigating to or from a port found not to maintain and carry out effective security measures.

"(c) CONGRESSIONAL NOTIFICATION.—The Secretary of State shall immediately notify Congress when the action is no longer required if the Secretary finds that the government of that country has adequate control over safety and security of passengers, vessels, or crew, and that security threats are not sufficiently serious to warrant further action.

"§2504. Travel advisories concerning security at foreign ports

"(a) IN GENERAL.—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from a foreign port, the Secretary shall issue a travel advisory with respect to that port.

"(b) DURATION.—A travel advisory issued under subsection (a) shall remain in effect for 90 days unless extended by the Secretary.

"(c) ACTION CANCELED.—An action required under this section is no longer required if the Secretary finds that the government of that country has adequate control over safety and security of passengers, vessels, or crew, and that security threats are not sufficiently serious to warrant further action.

"§2505. Suspensions

"(a) IN GENERAL.—The President, without prior notice or a hearing, shall suspend the right of any vessel of the United States, and the right of a person to trade with the United States, to go in or out of any foreign sea port, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign port, if the President finds that—

"(1) a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from that port; and

"(2) the President orders an immediate suspension of trade between the United States and that port.

"(b) DURATION.—If a person operates a vessel in violation of this section, the President may deny the vessel entry to United States ports.

"(c) PENALTY FOR VIOLATION.—A person violating this section shall be subject to a civil penalty of not more than $50,000 for each violation.

"(d) F OREIGN-FLAG VESSELS.—An action required under subsection (a) shall include the following elements:

1. The Secretary promptly shall submit a report to the Congress describing the following information:

   (1) the nature of the threat or violation;
   (2) the name, address, and contact information of the vessel(s) involved;
   (3) the corrective actions required by the vessel(s) involved.

2. The Secretary shall provide a report to the Committees on Foreign Relations of the Senate, and the House of Representatives in consultation with the Secretary of State, the National Transportation Security Council, and any other appropriate committees of the Congress.

3. The Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately.

4. The Secretary shall deposit any proceeds from such contributions in the General Fund of the United States Treasury.

"(e) ACTION CANCELED.—An action required under subsection (a) is no longer required if the Secretary finds that the government of the country has adequate control over safety and security of passengers, vessels, or crew, and that security threats are not sufficiently serious to warrant further action.

"§2506. Acceptance of contributions; joint venture arrangements

"In carrying out responsibilities under this chapter, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately.

"(a) IN GENERAL.

1. The Secretary, in coordination with the Director of the Federal Bureau of Investigation, shall ensure that the information required under paragraph (1) is updated no less frequently than once every 3 years.

2. The Secretary shall establish policies and procedures to ensure the confidentiality of the information provided by public and private entities.

3. The Secretary shall ensure that the information provided by public and private entities is used to enhance the safety and security of the United States.

"(b) LOCAL PORT SECURITY COMMITTEES.—The Secretary shall consult with the National Maritime Security Advisory Committee established under section 4(b) of the Ports and Maritime Safety Act (33 U.S.C. 2116(e)) to develop and review, revision, and updating of the plans.

"(c) SIMULATION EXERCISES.—The Secretary shall ensure that—

1. simulation exercises are conducted annually for all such plans; and

2. actual practice drills and exercises are conducted at least once every 2 years.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000 for each of fiscal years 2002 through 2006 to carry out this section, such sums to remain available until expended.

"§2507. Economic sanctions

"(a) IN GENERAL.—The United States may impose economic sanctions, including, but not limited to, the following:

1. embargo on the importation of any goods, services, or technology originating in any country named in section 2501 for a period of no longer than 6 months; or

2. the establishment of apenalty of not more than $50,000 for each violation.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000 for each of fiscal years 2002 through 2006 to carry out this section, such sums to remain available until expended.

"§2508. International Port Security

"(a) I N GENERAL.

1. The Secretary of Transportation, in coordination with the Secretary of State, shall establish a certification program for the certification of maritime security professionals. In developing these programs, the Secretary may, without regard to the Federal Advisory Committee Act (5 U.S.C. 557), to improve transparency and security of the international maritime environment.

2. The Secretary shall establish policies and procedures to ensure the confidentiality of the information provided by public and private entities.

3. The Secretary shall ensure that the information provided by public and private entities is used to enhance the safety and security of the United States.

"(b) LOCAL PORT SECURITY COMMITTEES.—The Secretary shall consult with the National Maritime Security Advisory Committee established under section 4(b) of the Ports and Maritime Safety Act (33 U.S.C. 2116(e)) to develop and review, revision, and updating of the plans.

"(c) SIMULATION EXERCISES.—The Secretary shall ensure that—

1. simulation exercises are conducted annually for all such plans; and

2. actual practice drills and exercises are conducted at least once every 2 years.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000 for each of fiscal years 2002 through 2006 to carry out this section, such sums to remain available until expended.

"§2509. Maritime Security Profession Training

"(a) IN GENERAL.—The Secretary, in coordination with the Director of the Federal Bureau of Investigation, shall develop standards and curriculum to allow for the training and certification of maritime security professionals. In developing these standards and curriculum, the Secretary shall consult with the National Maritime Security Advisory Committee established under section 4(b) of the Ports and Maritime Safety Act (33 U.S.C. 2116(e)) to improve transparency and security of the international maritime environment.
at United States and foreign ports used by United States-flagged vessels, or by foreign-flagged vessels with United States citizens as passengers or crewmembers, to develop and enhance port security awareness and practices.

(c) Training Provided to Law Enforcement and Security Personnel.—The Secretary is authorized to make the training opportunities under this section available to any Federal, State, local, and private law enforcement or maritime security personnel in the United States or in foreign ports used by United States-flagged vessels with United States citizens as passengers or crewmembers.

(d) Use of Contract Resources.—The Secretary may use existing Federal and contract resources to train and certify maritime security professionals in accordance with the standards and curriculum developed under this Act.

(e) Annual Report.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the training under this section.

(f) Funding.—Of the amounts made available under section 122(b), there may be made available to the Secretary to carry out this section—

(1) $2,500,000 for each of fiscal years 2003 and 2004; and

(2) $3,000,000 for each of fiscal years 2005 and 2006; such sums to remain available until expended.

(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $5,500,000 for fiscal year 2002;

(2) $2,000,000 for each of fiscal years 2003 and 2004; and

(3) $2,500,000 for each of fiscal years 2005 and 2006.

SEC. 111. PORT SECURITY INFRASTRUCTURE IMPROVEMENT.

(a) In General.—The Secretary of Transportation, subject to the terms the Secretary shall prescribe and after consultation with the United States Coast Guard, the United States Customs Service, and the National Maritime Security Advisory Committee established under section 102 of the Port and Maritime Security Act of 2001, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for port security infrastructure improvements for an eligible project at any United States port.

(b) Limitations.—Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws, requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under title XI, except that—

(1) guarantees or commitments to guarantee made under this section are eligible for not more than 87.5 percent of the actual cost of the security infrastructure improvement;

(2) notwithstanding section 1104A(d), determination of economic soundness for a security infrastructure project shall be based upon the economic soundness of the applicant and not the project;

(3) guarantees or commitments to guarantee may be made under this section to persons who are not citizens of the United States as defined in section 2 of the Shipping Act, 1916, if—

(A) the Secretary determines that the project is a maritime security project that is in the national interest and that the project will enhance security awareness and practices.

(B) the recipient is an individual, corporation, or organization that agrees to comply with all applicable United States laws; and

(C) the Secretary determines that the project will enhance security awareness and practices.

(4) an estimate of the funds and time required to complete the project; and

(5) an estimate of the funds and time required for periodic inspections.

(c) Use of Existing Authority.—The Secretary may accept the transfer of funds from any other Federal agency or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990; 2 U.S.C. 6101) of any guaranteed or committed loan entered into under this section.

(d) Eligible Projects.—A project is eligible for a loan guarantee or commitment under subsection (a) if it is for the construction or acquisition of new security infrastructure that—

(1) equipment or facilities to be used for port security monitoring and recording;

(2) security gates and fencing;

(3) security-related lighting systems;

(4) remote surveillance systems;

(5) concealed video systems; or

(6) other security infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(e) Annual Report.—The Secretary may provide financial assistance for eligible projects (within the meaning of section 1401(d)).

(f) Matching Requirements.—(1) 75 percent.—To be eligible for funding, except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

(2) Exceptions.—(A) Small Projects.—There are no matching requirements for grants under subsection (a) for projects costing not more than $25,000.

(B) Higher Level of Support Required.—If the Secretary determines that a project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

(g) Allocation.—The Secretary shall ensure that financial assistance provided under this section is distributed so that funds are awarded for eligible projects that address emerging priorities or threats identified by the National Maritime Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)).

(h) Project Proposals.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A comprehensive description of the need for the project, and a statement of the project’s relationship to the security plan.

(3) Descriptions of the qualifications of the individuals who will conduct the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

(7) Any other information the Secretary considers necessary.

(8) For loan guarantees and commitments to guarantee under this section, the Secretary may ensure that not less than $2,000,000 in loans and loan guarantees under section 1401, and not less than $6,000,000 in grants under section 1402, are made available for eligible projects (as defined in section 1401(d)) located in a State which a project is made by name in section 607 of this Act during each of the fiscal years 2002 through 2006.

(i) Annual Accounting.—The Secretary of Transportation shall submit an annual summary of loan guarantees and commitments to make loan guarantees under section 1401 of the Merchant Marine Act, 1936, and grants made under section 1402 of that Act, to the Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and the Advisory Committee through appropriate media of communication, including the Internet.

(j) Funding.—Of amounts made available under section 122(b), there may be made available to the Secretary of Transportation—


(2) $10,000,000 for each of such fiscal years for grants under section 1402 of the Merchant Marine Act, 1936.

(3) $1,000,000 for each such fiscal year to cover administrative expenses related to loan guarantees under section 1401 of the Merchant Marine Act, 1936, and grants under section 1402 of that Act, such amounts to remain available until expended.

(k) Additional Appropriations Authorized.—In addition to the amounts made available under section 1402(a)(2), there are authorized to be appropriated to the Secretary of Transportation—

(1) $26,000,000 for each of fiscal years 2002 through 2006 to the Secretary as guaranteed loan costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990; 2 U.S.C. 6102(a)(5)) under section 1401 of the Merchant Marine Act, 1936.

(2) $70,000,000 for each of fiscal years 2002 through 2006 to the Secretary for grants under section 1402 of the Merchant Marine Act, 1936.

(3) $4,000,000 for each of fiscal years 2002 through 2006 to the Secretary to cover administrative expenses related to loan guarantees and grants under paragraphs (2) and (3), such sums to remain available until expended.

SEC. 112. SCREENING AND DETECTION EQUIPMENT.

(a) Funding.—Of amounts made available under section 122(b), there may be made available to the Commissioner of Customs for the purchase of nonintrusive screening and detection equipment for use at United States ports—

(1) $15,000,000 for fiscal year 2003;

(2) $16,000,000 for fiscal year 2004;

(3) $18,000,000 for fiscal year 2005; and

(4) $19,000,000 for fiscal year 2006, such sums to remain available until expended.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Commissioner of Customs $20,000,000 for each of fiscal years 2003, 2004, 2005, and 2006 for nonintrusive screening and detection equipment for use at United States ports;
fiscal year 2002 for 1,200 new customs inspector positions, 390 new customs agent positions, and other necessary port security positions, and for purchase and support of equipment (including vehicle systems, such as equipped and vehicle-mounted computers), canine enforcement for port security, and to update computer systems to help improve customs reporting procedures.

SEC. 113. REVISED PORT SECURITY PLAN-NING GUIDE.

The Secretary of Transportation, acting through the Maritime Administration, and after consultation with the Advisory Committee and the United States Coast Guard, shall publish a revised version of the document entitled National Planning Guide', incorporating the requirements promulgated under section 7(g) of the Port and Waterways Security Act (35 U.S.C. 2116(g)), within 3 years after the date of enactment of this Act, and make that revised document available on the Internet.

SEC. 114. SHARED DOCKSIDE INSPECTION FA-CILITIES.

(a) In General.—The Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General, and the Administrator of the General Services Administration shall work with each other, the Advisory Committee, and the States and dockside inspection facilities at United States ports for Federal and State agencies.

(b) Funding.—Of the amounts made available under paragraph (a), there may be made available to the Secretary of the Treasury, $1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, such sums to remain available until expended to establish shared dockside inspection facilities at United States ports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation $1,000,000 for fiscal year 2002 to establish shared dockside inspection facilities at United States ports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

SEC. 115. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS AND ADVANCED DESCRIPTORS OF UNDOCUMENTED CARGO REPORTING PROCEDURE.

(a) Cargo Information.—

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

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

(B) by striking at the end of the next to last paragraph—

“2(A) In addition to any other requirement under this section, for every land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, master, operator, consignee, consignor (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information described in subparagraph (B), and shall sign on entry for clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of land, aircraft, or vessel carrier (or the authorized agent of such owner or operator) from the requirements of this subsection. The Secretary shall prescribe the method of transmission and the time and form for such entry for clearance. The Secretary may exclude any carrier (or the authorized agent of such owner or operator) from the requirements of this subsection. The Secretary shall prescribe the method of transmission and the time and form for such entry for clearance in such manner, time, and form as the Secretary shall prescribe.”.

(B) The information described in this subparagraph shall include—

“(1) The port of arrival or departure, whichever is applicable.

(ii) The carrier code, prefix code, or both.

(iii) The type, flight number, or trip number.

(iv) The date of scheduled arrival or date of scheduled departure, as the case may be.

“(vi) The numbers and quantities from the carrier’s master air waybill, bills of lading, or ocean export declaration, as the case may be.

(vii) The port of lading of the cargo.

(viii) A description and weight of the cargo, or, for a sealed container, the shipper’s declared description and weight of the cargo.

(ix) The shipper’s name and address from all air waybills and bills of lading.

(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities, except that a carrier is not required to provide the actual boarded quantities of cargo in sealed containers.

(xii) Transfer or transit information for the cargo while it has been under the control of the carrier.

(xiii) Warehouse or other location of the cargo while it has been under the control of the carrier.

(xiv) Any additional information that the Secretary by regulation determines is reasonably necessary to ensure aviation, maritime, and surface transportation safety pursuant to those parts of title 9 and administered by the Customs Service.

(b) Documentation of Cargo.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

“SEC. 431A. DOCUMENTATION OF WATERBORNE AND AIRCARGO.

(a) Applicability.—This section shall apply to all cargo to be exported moving by a vessel common carrier from a port in the United States.

(b) Documentation Required.—(1) No shipper of cargo subject to this section (including an ocean transportation intermediary that is a nonvessel operating common carrier, as defined in section 3(17)(B) of the Shipping Act of 1984 (46 U.S.C. App. 178(q)(17)(B)) may be tendered to a vessel common carrier cargo subject to this section for loading on a vessel in a United States port, unless such cargo is properly documented pursuant to this subsection.

(2) For the purposes of this subsection, cargo shall be considered properly documented if the shipper submits to the vessel common carrier or its agent a complete set of shipping documents no later than 24 hours after the time the cargo is delivered to the marine terminal operator.

(3) A complete set of shipping documents shall include—

(A) Any manifests for which a shipper’s export declaration is required a copy of the export declaration or, if the shipper files such declarations electronically in the Automated Export System, the complete bill of lading, and the master or equivalent shipping instructions including the shipper’s Automated Export System instructions; or

(B) Where a vessel export declaration is not required, such other documents or information as the Secretary may by regulation prescribe.

(c) Loading Unaccompanied Cargo Prohibited.—(1) No marine terminal operator (as defined in section 3(14) of the Shipping Act of 1984 (46 U.S.C. App. 1702(14))) may load, or cause to be loaded, any cargo subject to this section on a vessel unless instructed by the vessel common carrier operating the vessel that such cargo has been properly documented in accordance with this section.

(d) Reporting of Undocumented Cargo.—A vessel common carrier shall notify the United States Customs Service of any cargo tendered to such carrier that is not properly documented pursuant to this section and that has remained in the marine terminal, the cargo while it has been under the control of the carrier.

(j) Any vessel that is not properly documented pursuant to this section and has remained in the marine terminal for more than 48 hours after being delivered to the marine terminal, and the location of the cargo in the marine terminal.

(f) Barred from Loading of Undocumented Cargo.—A vessel common carrier shall notify the United States Customs Service of any cargo tendered to such carrier that is not properly documented pursuant to this section and that has remained in the marine terminal, the cargo while it has been under the control of the carrier.

(iii) A complete copy of the bill of lading, or the equivalent marine terminal operator and the ocean carrier.

(iv) The vessel operator and the ocean carrier.

(v) The valid shipper in the Automated Export System.

(vi) The vessel carrier.

(vii) The vessel operator.

(viii) The vessel carrier.

(ix) The vessel carrier.

(x) The vessel carrier.

(xi) The vessel carrier.

(xii) The vessel carrier.

(xiii) The vessel carrier.

(xiv) Any additional information that the Secretary by regulation determines is reasonably necessary to ensure aviation, maritime, and surface transportation safety pursuant to those parts of title 9 and administered by the Customs Service.

(b) Effect on Other Provisions.—Noth-
laws regulating the importation of goods into the United States and to accommodate mechanisms for the collection of applicable duties upon entry or removal from warehouse or other place of deposit.

(B) CUSTOMS CLEARANCE WAIVER.—The Commissioner may grant a waiver of any United States Customs Service post-arrival clearance requirement for goods inspected, monitored for security and integrity in transit, tracked, and precleared under any such pilot program.

(C) CONSULTATION WITH OTHER INTERESTED AGENCIES.—In developing and implementing a pilot program under paragraph (1) the Commissioner shall consult with the Secretaries of the Treasury and Commerce, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, and representatives of other Federal agencies with responsibilities related to the entry of commercial goods into the United States to ensure that those agencies’ missions are not compromised by the preclearance.

(D) PILOT PROGRAM TO BE TESTED AT MULTIPLE PORTS.—Any such pilot program developed and implemented by the Commissioner may be conducted at several different ports in a manner that permits analysis and evaluation of different technologies and takes into account the different types of goods and ports with different harbor, infrastructure, climatic, geographical, and other characteristics.

(E) REPORT TO THE CONGRESS.—Within a year after a pilot program is implemented under paragraph (1), the Commissioner of Customs shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(A) evaluates the pilot program and its components;

(B) states the Commissioner’s view as to whether any such system, or technology evaluated as part of the program offers a higher level of security than requiring imported goods to clear customs under existing procedures;

(C) states the Commissioner’s view as to the integrity of the procedures, technology, or systems evaluated as part of the pilot program;

(D) makes a recommendation with respect to whether the pilot program, or any procedure, system, or technology should be incorporated into existing systems or preclearance of imports of waterborne goods;

(E) describes the impact of the pilot program on staffing levels at the Customs Service and any technology, and the implementation of the program on a nationwide basis would have on Customs Service staffing levels; and

(F) states the Commissioner’s views as to whether there is a method by which the United States could validate foreign ports so that cargo from those ports is preapproved for United States Customs Service purposes on arrival at United States ports.

SEC. 116. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended—

(1) by striking “environment” in section 2(a) (33 U.S.C. 1221(a)) and inserting “environment, the safety and security of United States ports and waterways”;

(2) by striking paragraph (2) of section 3(a) (33 U.S.C. 1223(a)) and inserting the following:

(3) require—

(A) the receipt of pre-arrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States;

(B) the message to include any information the Secretary determines to be necessary for the control of the vessel and the safety and security of the port, waterways, facilities, vessels, and marine environment; and

(C) the message to be transmitted in electronic form, or otherwise as determined by the Secretary, in sufficient time to permit review before the vessel’s entry into port, and deny port entry to any vessel that fails to comply with the requirements of this paragraph.

(3) by striking “environment” in section 5(a) (33 U.S.C. 1224(a)) and inserting “environment, and the safety and security of United States ports and waterways,”;

and

(4) by adding at the end of section 5 (33 U.S.C. 1224) the following:

“(3) the Secretary’s authority to require information under section 4(a)(5) before a vessel’s arrival in a port or place subject to the jurisdiction of the United States.”

SEC. 117. MARITIME SAFETY AND SECURITY TEAMS.

(a) In General.—To enhance the domestic maritime security capability of the United States, the Secretary shall establish such maritime safety and security teams as are needed to safeguard United States ports and vessels, harbors, ports, waterfront facilities, and cargo in waters subject to the jurisdiction of the United States from destruction, loss, or injury from crime due to terrorist activity, and to respond to such activity in accordance with security plans developed under section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1227).

(b) Mission.—Each maritime safety and security team shall be trained, equipped and capable of being employed to—

(1) deter, protect against, and rapidly respond to threats of maritime terrorism;

(2) enforce moving or fixed safety or security zones established pursuant to law;

(3) conduct high speed intercepts;

(4) board, search, and seize any article or thing on a vessel or waterfront facility found to present a risk to the vessel, facility or port;

(5) rapidly deploy to supplement United States armed forces domestically or overseas;

(6) respond to criminal or terrorist acts within the port so as to minimize, insofar as possible, the disruption caused by such acts;

(7) assist with port vulnerability assessments required under section 1412 of the AIA, or 431B of the Tariff Act of 1930 on a real-time basis to any Federal, State, or local government agency that has a regulatory or law-enforcement interest in the goods.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) of this section shall take effect 45 days after the date of enactment of this Act.

(g) PILOT PROGRAM FOR PRECLEARING INBOUND SHIPMENTS OF WATERBORNE CARGO.

(1) IN GENERAL.—If the Commissioner of Customs determines that information from a pilot program for inspecting, monitoring, tracking, and preclearing inbound shipments of waterborne cargo would improve the security and safety of ports, the Commissioner may develop and implement such a pilot program.

(2) PROGRAM CHARACTERISTICS.—

(A) IN GENERAL.—Any such pilot program shall—

(i) take into account, and may be organized on the basis of, prearrival information that commercial vessels entering the territorial waters of the United States or destined for United States ports are required to transmit under section 431 of the Tariff Act of 1930 (19 U.S.C. 1441) and the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.); and

(ii) be designed to meet the requirements of United States customs laws and other

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(ii) be designed to meet the requirements of United States customs laws and other
project may not exceed 75 percent of costs of that project.

(b) ELIGIBLE PROJECTS.—A project is eligible for a grant under subsection (a) if it is for the construction, acquisition, testing, or deployment of surveillance equipment and technology capable of preventing or detecting terrorist or other criminal activity as determined by the Secretary.

(c) ANNUAL ACCOUNTING; DISSEMINATION OF INFORMATION.—The Secretary shall submit an annual report to Congress regarding grants under subsection (a), together with a general description of the tests and any technology transfers from the Department of Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 2002 through 2006, such sums to remain available until expended.

SEC. 119. EXTENSION OF SEAWARD JURISDICTION.

(a) DEFINITION OF TERRITORIAL WATERS.—Section 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195) is amended—

(1) by striking "The term ‘United States’ as used in this Act does not include the territorial waters of the United States as described in subsection (b)(2)");

(2) by adding at the end the following:

(2) COMMISSIONER.—The term "commissioner" means the Secretary of Commerce.

(b) TERRITORIAL WATERS.—The term "territorial waters" of the United States includes all waters of the territorial sea of the United States as described in Presidential Proclamation 3388, of December 27, 1968.

(c) PENALTY FOR VIOLATION OF ACT OF JUNE 15, 1917.—Section 2 of title II of the Act of June 15, 1917 (50 U.S.C. 196), is amended—

(1) by striking "In the event of any violation of the provisions of this Act, the President shall impose a civil penalty, not to exceed $25,000 for each violation.

(2) by adding at the end the following: "If a person fails to pay a civil penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the culpability, any history of prior offenses, ability to pay, and other matters as justice may require.

(3) COMMISSIONER, ETC.—The Commissioner may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection.

(4) PENALTY.—If a person who is subject to imposition of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

SEC. 120. SUSPENSION OF LIMITATION ON FUNDS FOR TRAINING OF MARITIME SECURITY PROFESSIONALS.

(a) PERSONNEL END STRENGTHS.—Section 661(a) of title 14, United States Code, is amended by adding at the end the following:

"If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any limitation on funds for training of maritime security professionals for any fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.".

(b) OFFICERS IN COAST GUARD RESERVE.—Section 724 of title 14, United States Code, is amended by adding at the end thereof the following:

"(c) DEFERRAL OF LIMITATION.—If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength and grade distribution limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard Reserve, for a period not to exceed 6 months after the end of the war or termination of the national emergency.".

(c) CIVIL PENALTY.

(x) the following: "The Secretary $15,000,000 for each of fiscal years 2002 through 2006, such sums to remain available until expended.

SEC. 121. ADDITIONAL REPORTS.

(a) ADDITIONAL SECURITY NEEDS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) OFFICERS IN COAST GUARD RESERVE.

(c) ANNUAL STATUS REPORT TO CONGRESS.

(1) In general.—Notwithstanding section 7(c) of the Ports and Waterfront Safety Act (33 U.S.C. 1226(c)), the Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of port security in a form that does not compromise, or present a threat to the disclosure of security-sensitive information about, the port security vulnerability assessments conducted under this Act. The report may include recommendations for improved security measures and for any additional enforcement measures necessary to ensure compliance with the port security plan requirements of this title.

(2) Specific port evaluation.—The Secretary shall select a port for the purpose of evaluating security plans and enhancements and, in the first annual report under this subsection, shall report on the progress and enhancements of security plans at that port and on how this Act has improved security at that port. The Secretary shall provide copies of that port in subsequent annual reports.

(c) ANNUAL REPORT ON MARITIME SECURITY AND TERRORISM.—Section 905 of the International Maritime Security Act (46 U.S.C. App. 1802) is amended by adding at the end thereof the following: "Beginning with the first report submitted under this section after the date of enactment of the Port and Maritime Security Act of 2001, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.

(d) ANNUAL REPORT OF EXPENDITURE OF FUNDS FOR TRAINING OF MARITIME SECURITY PROFESSIONALS.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the development of training and certification programs under section 111 of this title.

(e) ACCOUNTING.—The Commissioner of Customs shall submit a report for each of fiscal years 2002 through 2006, each such report shall be available until expended.

(f) REPORT ON TRAINING CENTER.—The Commandant of the United States Coast Guard, in conjunction with the Secretary of the Navy, shall submit to Congress a report, at the time they submit their report of fiscal year 2004 budget, on the benefits of activities undertaken under this title for the activities of the Center for Maritime Training, which Center shall be used to train individuals in national security and maritime industries.

SEC. 122. 4-YEAR REAUTHORIZATION OF TONNAGE DUTIES.

(a) IN GENERAL.—


(b) AVAILABILITY OF FUNDS.—Amounts deposited in the general fund of the Treasury as receipts of tonnage charges collected as a result of the amendments made by subsection (a) shall be made available, only to the extent provided in advance in appropriations Act, in each of fiscal years 2003 through 2006, to carry out this title, as provided in sections 102(b), 103(b), 104(b), 110(b), 111(c), 112(a) and 114(b) of this title.

(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, duties collected under section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended by subsection (a)(1) of this section, shall be credited as receipts of tonnage charges collected as a result of the amendments made by subsection (a)(1) of this section, to the account that finances the activities and services authorized by sections 110, 112, and 114 of this Act, section 7(d), (e), and (f) of the Ports and Waterfront Safety Act (33 U.S.C. 2116(d), (e), and (f)) as added by sections 102, 103, and 104 of this Act, and sections 101 and 102 of the Merchant Marine Act, 1928 (as added by section 111 of this Act).

(2) shall be available for expenditure only to the extent provided in advance in appropriations Acts. Such amounts may be collected under section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended by subsection (a)(1) of this section, to the account that finances the activities and services authorized by sections 110, 112, and 114 of this Act, section 7(d), (e), and (f) of the Ports and Waterfront Safety Act (33 U.S.C. 2116(d), (e), and (f)) as added by sections 102, 103, and 104 of this Act, and sections 101 and 102 of the Merchant Marine Act, 1928 (as added by section 111 of this Act).

(3) shall remain available until expended.

(c) LIMITATION; DEPOSIT OF FEES.—No amounts may be collected under section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended by subsection (a)(1) of this section, credited as provided by subsection (b), except to the extent provided in advance in appropriations Acts. Such amounts shall be used in each of fiscal years 2003 through 2006 as provided in sections 102(b), 103(b), 104(b), 110(b), 111(c), 112(a) and 114(b) of this title.

SEC. 123. DEFINITIONS.

In this title:

(a) CAPTAIN-OF-THE-PORT.—The term "Captain-of-the-Port" means the United States Coast Guard's Captain-of-the-Port.

(b) CENTER.—Except as otherwise provided, the term "Center" means the Secretary of Transportation.
TITLE II—ADDITIONAL MARITIME SAFETY AND SECURITY RELATED MEASURES

SEC. 201. EXTENSION OF DEEPWATER PORT ACT OF 2004 TO INCREASE SECURITY.

The following provisions of the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) are each amended by inserting “or natural gas” after “petroleum”:

(1) Section 2(a) (33 U.S.C. 1501(a)).
(2) Section 3(a) (33 U.S.C. 1502(a)).
(3) Section 4(a) (33 U.S.C. 1503(a)).
(4) Section 5(c)(2)(G) and (H) (33 U.S.C. 1504(c)(2)(G) and (H)).
(5) Section 7(a) (33 U.S.C. 1504(c)(2)(B)).
(6) Section 8(a) (33 U.S.C. 1504(c)(3)).
(7) Section 9 (33 U.S.C. 1507).
(8) Section 21(a) (33 U.S.C. 1520(a)).

SEC. 202. ASSIGNMENT OF COAST GUARD PERSONNEL TO PROVIDE SECURITY SERVICES.

(a) In General.—Section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) is amended—

(1) by striking “and” after the semicolon in paragraph (1);
(2) by striking “terrorism,” in paragraph (2) and inserting “terrorism;” and
(3) by adding at the end the following:

“(b) A UTHORIZATION OF APPROPRIATIONS.

(1) The Secretary shall assign not more than 13,000,000 in accordance with the Plan.
(2) CONTENTS OF PLAN.—The Plan shall provide for efficient, coordinated, and effective action to prevent and respond to acts of maritime crime or terrorism, and shall include—

(A) allocation of duties and responsibilities among Federal departments and agencies, and local government and port authorities; and
(B) identification, procurement, maintenance, and storage of equipment and supplies;
(C) procedures and techniques to be employed in preventing and responding to acts of crime or terrorism;
(D) establishment of procedures for effective liaison with local government and emergency responders; and
(E) establishment of criteria and procedures to ensure effective Federal identification of, and response to, acts of maritime crime or terrorism, that result in a substantial threat to the welfare of the United States.

(3)學校s has the meaning given that term in section 1702(14) of title 46, United States Code.

(4) MARINE TERMINAL OPERATOR.—The term ”marine terminal operator” means—

(i) any person, including any United States Merchant Marine personnel, to local government personnel, and documented United States citizens engaged in the maritime industry;
(ii) any Federal, State, or local government personnel; and
(iii) area maritime security committees;
(5) ADVISORY COMMITTEE.—The term “advisory committee” means—

(i) any area maritime security committee;
(ii) the Secretaries of Transportation and the House of Representatives; and
(iii) the House of Representatives.

(6) Section 5(i)(3)(C) (33 U.S.C. 1504(i)(3)(C)).
(7) Section 5(i)(2)(B) (33 U.S.C. 1504(i)(2)(B)).
(8) Section 5(c)(2)(G) and (H) (33 U.S.C. 1504(c)(2)(G) and (H)).

(9) Section 2(a) (33 U.S.C. 1501(a)).
(10) Section 2(a) (33 U.S.C. 1501(a)).

(11) Section 5(i)(3)(C) (33 U.S.C. 1504(i)(3)(C)).

(b) Assignment of Personnel.—Section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) is amended—

(1) by inserting “and” after the semicolon in paragraph (1);
(2) by inserting “terrorism,” in paragraph (2) and inserting “terrorism;” and
(3) by adding at the end the following:

“(c) NONDISCLOSURE OF INFORMATION.

There are authorized to be appropriated to the Secretaries of Transportation and Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 204. AREA MARITIME SECURITY COMMITTEES AND AREA MARITIME SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226b) is amended by adding section 203, further amended by adding at the end the following:

(a) AREA MARITIME SECURITY COMMITTEES AND AREA MARITIME SECURITY PLANS.—

(1) In General.—There is established for each area designated by the Secretary an area maritime security committee comprised of members appointed by the Secretary. The Secretary may designate any existing local port security committee as an area maritime security committee for the purposes of this subsection. The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to an area maritime security committee.
(2) FUNCTION.—Each area maritime security committee, under the direction of the Federal maritime security coordinator for its area, shall—

(A) prepare an area maritime security plan for its area; and

B. enhance the contingency planning of those officials and to assure pre-planning of joint response efforts, including appropriate coordination for prevention of acts of maritime crime or terrorism.

(3) AREA MARITIME SECURITY PLAN REQUIREMENT.—Each area maritime security committee shall prepare an area maritime security plan for its area and submit it to the Secretary for approval. The area maritime security plan shall—

(A) describe the area covered by the plan, including the areas of population or special economic, environmental or national security importance that might be damaged by an act of maritime crime or terrorism;

(B) describe in detail how the plan is integrated with other area maritime security plans, and vessel security plans under this section;

(C) include any other information the Secretary requires; and

(D) be updated periodically by the area maritime security committee.

(4) REVIEW BY SECRETARY.—The Secretary shall—

(A) review and approve area maritime security plans under this subsection; and

(B) periodically review previously approved area maritime security plans.

SEC. 205. VESSEL SECURITY PLANS.

(a) In General.—Section 4(a) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)) is amended—

(1) by striking “and” after the semicolon in paragraph (4);
(2) by striking “environment,” in paragraph (5) and inserting “environment;” and

(3) by adding at the end the following:

“(6) the Secretary shall furnish a copy of the Plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for each of fiscal years 2002 through 2006 to carry out section 4(a)(6) of the Ports and Waterways Safety Act (33 U.S.C. 1223a(6)), such sums to remain available until expended.

SEC. 206. PROTECTION OF SECURITY-RELATED INFORMATION.

Section 7(c) of the Ports and Waterways Safety Act (33 U.S.C. 1226c(c)) is amended to read as follows:

(c) NONDISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, information developed under this section, and vessel security plan information developed under section 4(a)(6) of this Act (33 USC 1223a(6)), is not required to be disclosed to the public. This includes information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act, and any other information, including maritime facility security plans, vessel security plans and port vulnerability assessments.

SEC. 207. ENHANCED CARGO IDENTIFICATION AND TRACKING.

(a) Tracking Program.—The Secretaries of the Treasury and Transportation shall establish a joint task force for ocean shippers and ocean carriers in the development of performance standards for systems
to track data for shipments, containers, and contents—
(1) to improve the capacity of shippers and others to limit cargo theft and tampering; and
(2) to track the movement of cargo, through the Global Positioning System or other systems, within the United States, particularly on waterborne and intermodal shipments.

(b) PERFORMANCE STANDARDS FOR ANTI-TAMPERING DEVICES.—The Secretaries of the Treasury and Transportation shall work with the National Institutes of Standards and Technology to develop enhanced performance standards for in-bond seals and locks to prevent crewmembers used for water-borne cargo shipments.

SEC. 208. ENHANCED CREWMEMBER IDENTIFICATION.

The Secretary of Transportation, in consultation with the Attorney General, may require crewmembers aboard vessels calling on United States ports to carry and present upon demand such identification as the Secretary determines.

MOTION OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Madam Speaker, I offer a motion.

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

Mr. LOBIONDO moves that that House strike all after the enacting clause of S. 1214, the Maritime Security Act of 2001, and insert the text of the bill H.R. 3983, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and, and, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3983) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1214, PORT AND MARITIME SECURITY ACT OF 2001

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that the House insist on its amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendments and modifications submitted to conference: Messrs. Young of Alaska, Kolbe, Lobiondo, Oberstar, and Mrs. Brown of Florida.

From the Committee on Ways and Means, for consideration of sections 112 and 115 of the Senate bill, and section 108 of the House amendment, and modifications committed to conference: Messrs. Thomas, Crane, and Rangel.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. Osborne). 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.

13TH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

The SPEAKER pro tempore. Under a previous order of the House, the gentle-woman from California (Ms. Pelosi) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, today we mark the 13th anniversary of one of this century's most brutal attempts to silence the voices of freedom and liberty. Thirteen years ago today, the Chinese regime shocked the world as it rolled out the tanks and crushed the pro-democracy movement taking shape in Tiananmen Square.

The authoritarian leaders of China still do not accept the massacre of those brave young souls. We have not forgotten those who lost their lives for the cause of freedom. We must not forget those who are still imprisoned. Imagine that, people are still in prison 13 years later for speaking out for freedom. They have lost their liberty and the pursuit of basic human rights.

Today, we renew our call for the Chinese Government to acknowledge the massacre, free all of those who are in prison because of peaceful expression of their political beliefs.

China must also allow the return and free expression of those who have been forced into exile. Mr. Speaker, in China if one speaks out for freedom, they are either imprisoned or in exile. One of those imprisoned, Wench, founder of the China Democracy Party, is serving a 13-year sentence in a Chinese prison. Mr. Xu is one of China's bravest, most eloquent and most measured advocates of democracy. He is not calling for the downfall of the Communist Party; he is just asking for the establishment of a democratic party in China. Yet he remains behind bars, despite being gravely ill from hepatitis contracted in prison.

Mr. Speaker, the brave men and women who demonstrated for democracy in Tiananmen Square are the legitimate heirs to the legacy of our Founding Fathers. They quoted Thomas Jefferson. They built a monument to the Chinese value of Liberty. They looked to the United States as a beacon of hope and freedom. We looked, and still look, to them for their courage, their idealism, and their dedication to the establishment of basic human rights.

The spirit of Tiananmen Square lives on. The seeds of democracy sown in 1989 have taken root, and they will inevitably burst forth in full flowering. I really wish that we could help them.

In 1989, we were concerned about the plight of those who were killed or arrested at the time of Tiananmen Square and a couple of years after that, we tried to have the U.S. weigh in. We were told at the time that we could not weigh in favor of human rights because trade was going to improve human rights in China. Part of our complaint was indeed China's blocking of our products going into China.

At that time, the trade deficit with China was about $22 billion a year. We thought that gave us great leverage to free the prisoners. Today, it is nearly $2 billion a week. So for all of those who said trade was going to improve human rights in China, sadly it has not; but we really have given away the store when it comes to trade with China because they have now a nearly $100 billion trade deficit. Think of the leverage that would have given us.

As we look to those people in China and we talk about the promotion of democratic values being a pillar of our foreign policy, they have to wonder what it means about being a pillar of our foreign policy when it comes to China. I know that there are many people in our country who, despite the policy of our government, still believe that we are a great country and that we want to promote democratic values.

Mr. Speaker, I wish I could tell my colleagues human rights in China have gotten better since 1989, but the sad fact is they have not. According to our own State Department report, authoritarianism is still quick to suppress any person or group, whether religious, political or social, that they perceive to be a threat to government or to national stability, that is what they always say; and the citizens who sought to express openly dissenting political and religious views continue to live in an environment filled with repression.

Mr. Speaker, I just want to tell my colleagues that, call attention of our colleagues, to the lone man before the tank. The world will long remember the lone man before the tank, but I want to say here tonight that as much as the Chinese authorities may say to those in prison that they have not been forgotten, we know that in the Congress of the United States and that this country of ours, those prisoners are all remembered by name, and we will mention those names as long as they are being repressed by the Chinese regime.
So again, Mr. Speaker, I am thankful for the opportunity to observe the June 4 massacre in China.

The SPEAKER pro tempore (Mr. Osborne). Under a previous order of the House, the gentleman from Texas (Mr. Paul) is recognized for 5 minutes. (Mr. Paul addressed the House. His remarks will appear later in the Extensions of Remarks.)

JUNE 13 HEARING ON FILIPINO WORLD WAR II VETERANS’ BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Filner) is recognized for 5 minutes.

Mr. Filner. Mr. Speaker, I want to remind the Members of this House that on Thursday, June 13, at 3 p.m. in the afternoon, there will be a hearing before the Subcommittee on Health of the Committee on Veterans’ Affairs, conducted by the honorable gentleman from Kansas (Mr. Moran), who happens to be chairing this June 13 hearing, who is the chairman of that subcommittee, on the issue of health care for Filipino World War II veterans within the Department of Veterans Affairs.

This is not a normal hearing. Mr. Speaker, but it is the culmination of almost 60 years, 60 years, of a struggle for justice and honor. During World War II, the brave Filipino soldiers were drafted into our Armed Forces by President Franklin Roosevelt. After being called into service, the soldiers served side by side with forces from the United States mainland, exhibited great courage at the epic battles of Batan and Corregidor, and were instrumental in contributing to the successful outcome of the war. They held up the Japanese advance far beyond their calendar so we were able to prepare and harass the Japanese with guerrilla warfare during the whole time of the Japanese occupation. And what did we do after we won the war in the Pacific and in Europe? We unceremoniously deprived these soldiers of the veterans’ benefits due them by the Congressional Rescissions Act passed in 1946.

Whereas there was almost a quarter of a million soldiers involved in that war and the Philippines, today there are only 60,000 who are still alive. Their last wish, Mr. Speaker, is to have the honor and dignity of being recognized by the United States as a veteran of World War II.

At this hearing on Thursday, June 13, literally a living American history will be presented to the American public. We will have testimony, both oral and written, from Filipino World War II veterans, some of whom are survivors of the infamous Death March of Bataan. We will hear testimony from Filipino veterans’ organizations and from veterans’ service organizations, like the American Legion, the Vietnam Veterans of America, and the Disabled American Veterans. The ambassador from the Philippines, the Honorable Albert Del Rosario, will be a witness, as will several Members of Congress from both sides of the aisle.

A special highlight will be Lou Diamond Phillips, born in the Philippines, and an international star, with roles in movies, television and theater. Phillips is most well-known for his role in “La Bamba,” for which he received great critical acclaim. He has also appeared in “Young Guns,” and “Courage Under Fire.” We welcome him and all the others who will be testifying to the need to provide Filipino World War II veterans with the recognition that is their due.

Mr. Speaker, let us recognize the bravery and gallantry of Filipino veterans. Let us give them equity, because their bravery helped us win World War II.

Mr. Speaker, I thank the chairman of the Subcommittee on Health of the Committee on Veterans’ Affairs, the gentleman from Kansas (Mr. Moran), for having this hearing, and I invite all the Members of this House to attend the historic June 13 meeting.

FORT HAYS STATE UNIVERSITY CELEBRATES CENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Moran) is recognized for 5 minutes.

Mr. Moran of Kansas. Mr. Speaker, first of all, I commend the gentleman from California (Mr. Filner) for his long-term commitment and his firm dedication to the recognition of the veterans of the Philippines and look forward to that June 13 hearing in which we hope to address the issues that the gentleman from California has fought to have addressed in this Congress.

Mr. Speaker, tonight we are approaching a significant event in the history of my State and in my hometown community. Later this month, Fort Hays State University, located in Hays, Kansas, will celebrate its centennial. I wish to recognize this milestone and honor those who have contributed to the university’s success over the past century.

On May 27, 1915, 34 students and two faculty members gathered on the grounds of an abandoned military post to undertake an endeavor that would have consequences for generations to come. Unaware of the historical significance of their meeting, or the thousands of students that would follow in their footsteps, these early Kansans met to form the first class of the university.

One hundred years later, the university has improved the lives of many through enlightening minds, serving, in the words of former University President Rarick, as a lighthouse to the people of the Great Plains. As Fort Hays State University begins its second hundred years, I am confident that it will continue to produce graduates who, like its founders, will help society achieve its best in Kansas and beyond. Congratulations, Fort Hays State University.

TRADING AWAY OUR FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. Kaptur) is recognized for 5 minutes.

Ms. Kaptur. Mr. Speaker, I rise to highlight the flaws in the Bush administration’s trade policy, a plan to trade away even more of America’s jobs, our national security, and even our sovereignty.

Word came today that the administration will once again try to bring back to this House an irrevocable fast-track bill and seek its passage. This proposal obviously is not the road to a prosperous future for working families in our country, because throughout our country we see the fruits of NAFTA: Closed factories, a jobless recovery, and downward pressure on wages.

From Iowa to New Hampshire to the Carolinas and everywhere in between,
NAFTA has killed thousands of jobs and left working families without hope. For a multinational corporation with the ability to move production to low-wage countries like Mexico and China, NAFTA and fast track can spell disaster.

NAFTA passed almost eight years ago. Ask any American worker standing in an unemployment line, “How has NAFTA affected you?” It has been almost two years since Congress passed permanent normal trade relations with China. Ask any American worker standing in an unemployment line, “How has trade with China affected you?” The answer to both questions is the same: More layoffs, more factory shutdowns, and more plants being moved to China and Mexico.

If the fast track conference bill passes, President Bush will push Congress to pass a whole new NAFTA: NAFTa for the Americas. Basically this would mean a free trade region encompassing 34 nations in our hemisphere. To produce- producing States like Florida and California, instead of just Mexico, they will have to face an onslaught from more countries, 31 to be exact, with low wages and no environmental regulations. To our beef producers, imagine beef from Argentina and Chile. Grapes and oranges, fruits, cut flowers, and just about every other good available in the world will be flooding our markets tariff-free.

The Founding Fathers gave Congress the power to regulate all international commerce. It is right in our Constitution. Some of our colleagues on the other side of the aisle may not know this, or worse, may not care. Our constituents did not send us here to sign over our constitutional duties to the executive branch. That is not why we were elected. They elected us to represent their interests, not only those of multinational corporations hoping to report another penny or two on their quarterly profits at the expense of America’s workers.

Pick up a paper in just about any city on any given day and the report reads, “IBM to Cut 1,500 Jobs in Microelectronics Unit.” Or how about this one: Hewlett Packard CEO Carly Fiorina employees as substitutes for our own? “Williamson-Dickie Makes Largest Textile Employer to Close Factory.” How will America defend herself with the goods from China, Pakistan or Indonesia as substitutes for our own?

The other body fiercely debated something called Chapter 11 of the NAFTA agreement as it considered its bill. That little clause would allow a corporation from another country to sue a city, a state, or even the United States Government in an attempt to undermine our environmental, food safety, and consumer protection laws.

Take the case of a Canadian company that recently sued the State of California over a State environmental law. California banned MTBE because it was contaminating groundwater. Federalism at work? Right? Not under NAFTA. Using chapter 11, the Canadian company sued the State. Not in court, but before a secret NAFTA tribunal, claiming the law was trade-restrictive.

If we cannot protect our own health and safety, we give our rights to multinational corporations. What kind of sovereignty is that? It is ridiculous that the Bush administration wants to give more power to just a few foreign companies and ignore our local communities. What kind of trade policy is it that leads to more unemployment, more pollution, and a deterioration of our constitutional rights of sovereignty?

I would ask my colleagues to say no to more fast tracks, say no to NAFTA for the Americas, say yes to a future of working families and jobs in our own communities.

PUBLICATION OF THE RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE—107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Goss) is recognized for five minutes.

Mr. Goss. Pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Permanent Select Committee on Intelligence for the 107th Congress for publication in the CONGRESSIONAL RECORD.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. SUBCOMMITTEES
(a) Generally.
(1) Creation of subcommittees shall be by majority vote of the Committee.
(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(b) Subcommittees shall be governed by these rules.

For purposes of these rules, any reference herein to the “Committee” shall be interpreted to include subcommittees and the working group, unless otherwise specifically provided.

(b) Establishment of Subcommittees. The Committee establishes the following subcommittees:

(1) Subcommittee on Human Intelligence, Analysis, and Counterintelligence;
(2) Subcommittee on Technical and Tactical Intelligence;
(3) Subcommittee on Intelligence Policy and National Security; and, (4) Subcommittee on Terrorism and Homeland Security.

For purposes of these rules, any reference herein to the “Committee” shall be interpreted to include subcommittees, unless otherwise specifically provided.

(d) Subcommittees.

(1) Generally. Each Member of the Committee may be assigned to at least one of the four subcommittees.

(2) Ex Officio Membership. In the event that the Chairman and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an ex officio Member of the subcommittee and participate in the work of the subcommittees. When sitting ex officio, however, they—
(A) shall not have a vote in the subcommittees; and
(B) shall not be counted for purposes of determining a quorum.

2. MEETING DAY
(a) Regular Meeting Day for the Full Committee.

(1) Generally. The regular meeting day of the Committee for the transaction of business shall be the first Wednesday of each month, unless otherwise directed by the Chairman.

(2) Notice Required. Such regular business meetings shall not occur, unless Members are provided reasonable notice under these rules.

(b) Regular Meeting Day for Subcommittees.

There is no regular meeting day for subcommittees.

3. NOTICE OF MEETINGS
(a) Generally.

In the event of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every Member of the Committee. Such notice shall provide the time and place of the meeting.

(b) Definition.

For purposes of this rule, “reasonable notice” means:

(1) written notification;
(2) delivered by facsimile transmission or regular mail, which is delivered no less than 24 hours prior to the event for which notice is being given, if the event is to be held in Washington, DC; or
(3) delivered no less than 48 hours prior to the event for which notice is being given, if the event is to be held outside Washington, DC.

(c) Exception.

In extraordinary circumstances only, the Chairman may, after consulting with the Ranking Minority Member, call a meeting of the Committee without providing notice, as defined in subparagraph (b), to Members of the Committee.

4. PREPARATIONS FOR COMMITTEE MEETINGS
(a) Generally.

Designated Committee Staff, as directed by the Chairman, shall brief Members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) assist Committee Members in preparation for such meeting; and
(2) determine which matters Members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a Member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee, that bear on matters to be considered at the meeting; and

(2) The staff director shall also recommend to the Chairman any testimony, papers, or other materials to be presented to the Committee at any meeting of the Committee.

5. OPEN MEETINGS
(a) Generally.

Pursuant to Rule XI of the House, but subject to the limitations of subsection (b), Committee meetings held for the transaction of business, and Committee hearings, shall be open to the public.

(b) Exceptions.

Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if:
(1) the Committee determines by record vote, in open session with a majority of the Committee present, that disclosure of the matters to be discussed may: 
(A) endanger national security; 
(B) compromise sensitive law enforcement information; 
(C) tend to defame, degrade, or incriminate any person; or 
(D) otherwise violate any law or Rule of the House. 
(2) Pursuant to a unanimous decision of the Committee, the Chairman may be accompanied by counsel to determine whether any witness appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee. 
(A) a request to appear personally before the Committee; 
(B) a sworn statement of facts relevant to the testimony, evidence, or commentary; or 
(C) proposed questions for the cross-examination of other witnesses.  
(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, an investigation shall be conducted by the Committee to determine whether such witness has taken appropriate action to secure such counsel, and any failure by the witness to obtain counsel may be considered by the Committee when determining whether to close the Committee hearing, pursuant to this subsection and House Rule XI shall be conducted only if: 
(I) shall have the appropriate clearance and provide proof of such clearance to the Committee staff; or 
(II) have their status as such otherwise determined by the Committee; or 
(3) Corrections. 
(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical errors. 
(B) Corrections may not be made to change the substance of the testimony. 
(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witness. 
(D) Any questions arising with respect to such corrections shall be decided by the Chairman. 
(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony contained in the transcript shall be made available to that witness if that testimony is subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense. 
(I) Requests to Testify. 
(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee. 
(2) Recommendations for Additional Evidence. Any person who believes that testimony or other evidence, presented at a public hearing may tend to affect adversely that person's reputation may submit a written request for that person to be heard by the Committee, in writing: 
(A) a request to appear personally before the Committee; 
(B) a sworn statement of facts relevant to the testimony, evidence, or commentary; or 
(C) proposed questions for the cross-examination of other witnesses. 
(3) Committee's Discretion. The Committee may take those actions it deems appropriate with respect to such requests. 
(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House, only if: 
(1) reasonable notice is provided to all Members of the Committee of a meeting to be held to consider any such contempt recommendations; 
(2) the Committee has met and considered the contempt allegations; 
(3) the subject to the allegations was afforded an opportunity to state, either in writing or in person, why he or she should not be held in contempt; and 
(4) the Committee agreed by majority vote to forward the citation recommendations to the House. 
(k) Release of Name of Witness. 
(1) Generally. At the request of a witness scheduled to be heard publicly prior to, or after, the witness' appearance before the Committee, an investigation may be initiated either: 
(A) at the direction of the Chairman of the Committee, with notice to the Ranking Minority Member; or 
(B) by written request of at least five Members of the full Committee, which is submitted to the Chairman. 
(2) Exceptions. Notwithstanding paragraph (1), the Chairman may authorize the release to the public of the name of any witness scheduled to appear before the Committee: 
(a) Commencing Investigations. 
(1) Generally. The Committee shall conduct investigations only if approved by the full Committee. An investigation may be initiated either: 
(A) by a vote of the full Committee; 
(B) at the direction of the Chairman of the full Committee, with notice to the Ranking Minority Member; or 
(C) by written request of at least five Members of the full Committee, which is submitted to the Chairman. 
(2) Full Committee Ratification Required. Any investigation initiated by the Chairman pursuant to paragraphs (B) and (C) must be brought to the attention of the full Committee for approval, at the next regular meeting of the full Committee. 
(b) Conducting Investigations.
An authorized investigation may be conducted by Members of the Committee or Committee Staff members designated by the Chairman, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chairman of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chairman of the full Committee, or the Committee, may compel:

(1) the attendance of witnesses and testimony before the Committee;
(2) the production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoenas. A subpoena authorized by the Chairman of the full Committee, or the Committee, may be signed by the Chairman, or by any Member of the Committee designated to do so by the Committee.

(d) Subpoena Service. A subpoena authorized by the Chairman of the full Committee, or the Committee, may be served by any person designated to do so by the Chairman.

(e) Obtain Records. Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition. For the purposes of these rules, “Committee Staff” or “staff of the Committee” means:

(1) employees of the Committee;
(2) consultants to the Committee;
(3) employees of other Government agencies detailed to the Committee; or
(4) any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff.

(1) Chairman’s Authority. The appointment of Committee Staff shall be by the Chairman, in consultation with the Ranking Minority Member. The Chairman shall certify Committee Staff appointments to the Clerk of the House in writing.

(2) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) the results of a background investigation; and

(B) a determination by the Chairman that requirements for the appropriate security clearances have been met.

(c) Responsibilities of Committee Staff.

(1) Generally. The Committee Staff works for the Committee as a whole, under the supervision and direction of the Chairman of the Committee.

(2) Authority of the Staff Director.

(A) Unless otherwise determined by the Committee, the duties of Committee Staff shall be under the direct supervision and control of the staff director.

(B) Committee Staff personnel affairs and day-to-day Committee Staff administrative matters, including the security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

(3) Staff Assistance to Minority Membership. The Committee Staff shall assist the Minority as fully as the Majority of the Committee in all matters of Committee business, including preparation and filing of supplemental, minority, or additional views, to the end that all points of view may be fully considered by the Committee and the House.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, Members and Committee Staff shall not at any time, either during or after the course of any meeting of the Committee or as Committee Staff, or any time thereafter, discuss or disclose:

(A) the classified substance of the work of the Committee;
(B) any information received by the Committee in executive session;
(C) any classified information received by the Committee for review; or
(D) the substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the classified substance of the Committee with any person not a Member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person’s tenure as a Member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, Members and Committee Staff shall be bound by a manu-

cher determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with—

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chairman of that committee;
(ii) the chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and
(iii) the chairman and ranking minority member of the House and Senate Committees on Intelligence designated by the chairman of that committee.

(B) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may disclose only the budget-related information necessary for the effective and efficient enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees designated by the chairman of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose to the chairman and ranking minority member of the House Appropriations Committee with jurisdiction over an agency or program within the National Foreign Intelligence Program (NFIP), and staff of that subcommittee as designated by the chairman of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NFIP.

(D) The Chairman may, in consultation with the Inspector General of the National Foreign Intelligence Program, or in his absence, the Chairman may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to an element for review if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by that Committee.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee, agree in writing that they do not wish to disclose any classified information that comes into such person’s possession while a member of the Committee Staff, to any person not a Member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, Members and Committee Staff must follow any determination made by the House of Representatives, with respect to any classified information received while a Member of the Committee or as Committee Staff.

(i) All Committee Staff shall, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee staff.

(ii) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(iii) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee staff.

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any other person, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information.

Generally. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a Member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accordance with the Rules of the House and these rules.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee’s official security measures shall operate in accordance with security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the staff director.

(2) Authorized Access. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance.
of Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Commission's office all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a Member of the Committee, or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved secure storage locations.

(5) The Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriate secure environment.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of classified documents removed from the Committee's offices.

(b) Access to Classified Information by Members.

All Members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the staff director.

(2) Appropriate Clearances Required. Committee Staff may have the appropriate clearance prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any Member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, or when authorized to do so by the Committee or the House of Representatives.

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) lists by number all such documents.

(2) By the Staff Director. The staff director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all Members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, or another committee, the Committee shall have the opportunity to examine all pertinent documents, or other materials in the Committee's possession that may inform the decision on the question in question.

(g) Availability of Information to Other Committees.

Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. §413), and to the Rules of the House, the Committee shall call to the attention of the House, or any other committee, the subject in question, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any Member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) By Request of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) the effect of the matter in question on the national defense or the foreign relations of the United States.

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions affecting the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of Members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(h) Reasonable Opportunity to Examine Materials.

Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, Members of the Committee shall have a reasonable opportunity to examine all pertinent documents, or other materials in the Committee's possession that may inform the decision on the question in question.

(i) Notification to the House.

The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this subsection, it considers the matter in question so grave that it requires the attention of all Members of the House, and time is of the essence, or for any reason the committee finds compelling.

(j) Method of Disclosure to the House.

Should the Committee decide by roll call vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(k) Requirement to Protect Sources and Methods.

In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(l) Availability of Information to Other Committees.

The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chairman and ranking minority member of such other committee.

(m) Provision of Materials.

The director of Security and Registry for the Committee shall make available to those Committees, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined necessary by the Committee, to be made available to such other committee of the House or Member (not a Member of the Committee).

(n) Ensuring Clearances and Secure Storage.

The Director of Security and Registry shall ensure that such other committee or Member (not a Member of the Committee) receiving such classified materials may properly store classified materials in a manner...
consistent with all governing rules, regulations, policies, procedure, and statutes.

(o) Log.
The Director of Security and Registration for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or Member (not a Member of the Committee) on reasons agreed upon by the Committee for approving such transmission, and the name of the committee or Member (not a Member of the Committee) receiving such document or material.

(p) Miscellaneous Requirements.
(1) Staff Director’s Additional Authority.
The staff director is further empowered to provide to any Member (not a Member of the Committee) the reasonable access thereto on a need-to-know basis, for the purpose of such classified information.

(2) Notice to Originating Agency.
(a) Generally. A full report of all issues discussed during any Committee travel shall state the purpose and length of the trip, and shall submit such request directly to the Chairman.
(b) Committee Staff Requests.
The Committee Staff shall request the Committee to take disciplinary action against any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

(c) Available Actions.
The Chairman may vote to overturn the decision of the Chairman to take disciplinary action pursuant to subsection (b).

(d) Notice to Members.
All Members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chairman pursuant to subsection (a).

(e) Reconsideration of Chairman’s Actions.
A majority of the Members of the full Committee may vote to overturn the decision of the Chairman to take disciplinary action pursuant to subsection (d).

(f) Notice of Proposed Changes.
These rules may be modified, amended, or repealed by vote of the full Committee.

These rules are recognized for five minutes.

Mr. DeFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, thegentleman from Oregon (Mr. DeFazio) is recognized for five minutes.

Mr. DeFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

LOW VOTER TURNOUT AMONG THE YOUTH OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. Sanders) is recognized for five minutes.

Mr. Sanders. Mr. Speaker, one of the untold and unspoken-about crises facing this country is that in many respects we are losing our democratic traditions. As you know, France recently had an election, and 80 percent of the people voted. We are going to have an election in November, and the estimate is that 35, 36 percent of the American people are going to vote in our election. And, in fact, we end up having by far the lowest voter turnout of any industrialized and major nation on earth.

What makes the situation even scarier is that as low as the voter turnout in general is, it is especially low among young people, people 25 years of age or younger. And the estimates are that about 8 percent of those people do not vote. And what sociologists tell us is that as these people get older, they are less likely to vote, which means that the voter turnout will go down and down and down. And it is not just voter turnout, Mr. Speaker. It is that poll after poll shows that millions of Americans do not know how government functions, do not know anything about the major issues facing our country, and I think that this is a very scary situation.

With these concerns in mind, Mr. Speaker, on April 26, 2017, I held a town meeting geared toward young people, high school students. I wanted these high school students to understand
that as citizens of the United States of America, they have the right to ask their Member of Congress questions and they have the right to voice their opinions about some of the most important issues facing our State and our country. And I am proud to tell you that we had about 84 different schools and youth organizations participate in that process.

I think the American people would have been extremely proud to have heard the intelligent comments and analysis that comes from young people. I am very grateful that the University of Vermont allowed us to use their facilities. I am very grateful that we had many faculty members at high schools throughout the State helping us in this project.

Mr. Speaker, what I would like to do now is provide for the RECORD some of the very excellent testimony that we heard on that occasion.

**Is NATO Necessary?**

(On behalf of Hailey Davis)

**HAILEY DAVIS: America is a great nation. It is a great nation with great abilities. Fighting is not something that the United States of America is known for. America does not have any of the traditional powers that have been at war for centuries. When it comes to equipment and technology needed to fight its wars, America has it all. The United States has become so independent and self-sufficient militarily and intellectually speaking, that it can put up a great fight alone. So the question arises: Do we need NATO anymore?

The United States of America is so much more technologically advanced than any of its NATO allies brings about an answer of: No. Frankly, we don’t. We have increasingly lost every and any need for the NATO alliance, due not only to our technology but to the unilateralism of the Bush administration. He and his team tend to dislike fighting with aid from allies who might get in the way or limit America’s room for military exercises.

Will the NATO nations ever fight together again? I’m quoting New York Times journalist Thomas L. Friedman here when I say that “to fight a modern war today you need four leaders: one large transport aircraft to deploy troops to far-flung battlefields; precision-guided bombs and missiles that can hit enemy targets with a high degree of accuracy; an inventory of civilian casualties: a large amount of special teams that can operate at night with the proper equipment; and secure and crypto communications, so that ground and air troops can be connected in a high-tech war without the enemy listening in.”

Now, America has all four of these Assets. No one else does. Although the European Union comes close, with Germany, France and Italy right behind it, the United States stands alone in its military stature. The fact that the European defense industries are not nearly as sophisticated as America’s today, constitutes primarily for their dependence on the NATO alliance. Adding to this is the idea Europeans don’t really feel threatened by the U.S.’s enemies, such as Bush’s Axis of Evil, which includes Iraq, Iran, and North Korea, and therefore don’t have much interest in acquiring defense. So if the Europeans really want NATO to last, perhaps they should invest more in military technology so that they can potentially fight a war against the U.S. as well.

If the NATO alliance deals with countries helping each other fight wars, and America doesn’t need this help, then I ask you to consider the question: Is NATO really necessary for the United States?

**Change of Leadership in Middle East**

(On behalf of Timothy Plante)

**TIMOTHY PLANTE: Okay. The current aggression in Israel and its occupied territories represent a clash between two people, the Palestinians and the Israelis. The leadership of these two states or people represent a clash of values, and the leaders of the two people—that would be are Arafat and Sharon—are both the same there is, and they are opposing. In order to come to an agreement and to peace, something has to change, and that is what I am going to deal with.

Ariel Sharon epitomizes the political views of his Likud party. This party’s motto is: Don’t give an inch. Negotiations with the Palestinians will never happen as long as Ariel Sharon is in power. He has no intention to negotiate for peace. Sharon has actually used violence as a campaign to get into his position.

One thing that he did during the run for the election of prime minister was that he went to the Temple Mount, and he basically did it to prove to the Palestinians, to make Ehud Barak look like he didn’t have control over the situation in Israel. As soon as we went up there, he—although he was on television there and he looked around, he did that because he knew it would tick off the Palestinians. And they started a campaign of violence in retaliation, and Barak looked bad, and therefore Ariel Sharon came into power.

In order for Arafat to continue his campaign against the Palestinians, he has now stopped fighting against the Israelis. The Palestinians have many martyrs, as they call them, which have been—they have been killed by the Israeli army as collateral damage, and those are women and children and men, and these people didn’t intend any violence to the Israelis, but they died because the Israelis were being aggressors.

And then the Palestinians take these martyrs, and they say: Look what happens to us. We want to retaliate. So they retaliate with suicide bombers. Ariel Sharon wants to retaliate against the suicide bombers, and this creates a cycle of violence and destruction. I believe the only way to end this cycle is through our allies the Israelis. Not many people know the U.S. gives, as Tim said earlier, the percentage of whatever the number was, one-third of that money goes directly to the Israelis. So one-third of our foreign aid goes to the Israelis, and of that figure, $2.94 billion is in military aid, and $720 million is in economic aid. This is obviously showing that we are as belligerent as Sharon is, and as the Israeli Likud party is.

The only way to stop the aggression is by us altering the funding that we give to the Israeli people. If we tell Sharon that he needs to stop being violent and belligerent, he needs to stop occupying territories, and stop killing people, and have his army stop doing all the negative things he is doing, he might laugh. But if we say, We are willing to fund you, but we must stop, you will have his army stop killing. We will have nothing to attack with. So if we play hardball with Sharon, we will be able to influence him into bringing along peace.

Now, on the other side is Yasir Arafat. This guy is a waffe. He picks one side he is siding with. He has been in power for a very long time. He started out as a terrorist or as a freedom fighter, he did terrorist acts, and he gained popularity. And he has changed his views on the position several times. But he does this to stay in power.

And the popular thing right now is to go against the Israelis and the Americans. So what Yasir Arafat says to the American people is nothing to do with his own people in his language. It is completely different, and he is sending mixed messages to the world. He and his people are using the international media in showing their side of the story, to gain sympathy in the international field, and this is creating problems for Israel, making them look bad, and this is creating problems for America, which has been referred to as “the big Satan.”

To recap, if we force the Israelis to come to a peace agreement with the Palestinians by either giving up the occupied territories or coming to some sort of agreement, a cease-fire, the Palestinian people will find peace, they won’t have as many martyrs. This will be a good thing. Because Yasir Arafat goes on popular opinion, and as popular opinion will turn towards peace instead of violence, he will bring an end to the problem in Israel.

**Bettering Education**

(On behalf of Elizabeth Christolini)

**ELIZABETH CHRISTOLINI: Middle East conflict. Just as I wish that someday there will be peace between the Israelis and Arabs, I believe that we have to start looking at the workings of the education system within the United States. The question, then, which I propose, perhaps foolishly, is how to go about achieving this peace.

By traveling 45 minutes twice a day, five days a week to a parochial high school in Burlington, I am going to school not so much for the religious reason, because my parents and I felt that my local high school was not a place from which I could create a solid future.

While the school I currently attend is a far cry from perfect, I feel that I have learned more than I would have had I attended my local high school. As pleased as I am to say that my education has done something to me and will enable me to do more in the future, 1, at the same time, find myself thinking of the students who work a half of a teacher for his or her student, or where a student is passed through a grade despite the fact that he or she has not truly completed work satisfactorily enough to be granted admission to the next grade. While the school I currently attend is a far cry from perfect, I feel that I have learned more than I would have had I attended my local high school. As pleased as I am to say that my education has done something to me and will enable me to do more in the future, 1, at the same time, find myself thinking of the students who work a half of a teacher for his or her student, or where a student is passed through a grade despite the fact that he or she has not truly completed work satisfactorily enough to be granted admission to the next grade.

And the popular thing right now is to go against the Israelis and the Americans. So what Yasir Arafat says to the American people is nothing to do with his own people in his language. It is completely different, and he is sending mixed messages to the world. He and his people are using the international media in showing their side of the story, to gain sympathy in the international field, and this is creating problems for Israel, making them look bad, and this is creating problems for America, which has been referred to as “the big Satan.”

To recap, if we force the Israelis to come to a peace agreement with the Palestinians by either giving up the occupied territories or coming to some sort of agreement, a cease-fire, the Palestinian people will find peace, they won’t have as many martyrs. This will be a good thing. Because Yasir Arafat goes on popular opinion, and as popular opinion will turn towards peace instead of violence, he will bring an end to the problem in Israel.

My belief is that, if education is to work as it ought to, there should be no need for privilege in our public schools. There should, instead, be the same form of education available in each and every institution. In saying this, I do not mean for the creation of a flat-out equality where what is right for one is right for all, but, rather, the kind of education that I received in my high school should be given to all of the students; and instead of those classes which are not available today in my school should be maintained.

Such a sharing could be done through the creation of a new institution which public school is interconnected or combined, whether a private or parochial school, while still
retaining the government funds, as well as the right of separation of church and state. In essence, such an institution would provide students everywhere for a better and cheaper education. In order for these students to have the funds needed to pay for college tuition.

Within the shared schools, advanced placement, honors, remedial and other classes which catered towards a person's strengths and weaknesses would not only be available, but, as well, each would hold to a strictly follow the rules and standards, shared recommendation for prior classes, on which admission to such a class could be based, allowing for the classes to be taught at a level specified to students who truly meet this level.

Payment of teachers would be increased, in conjunction with the more demanding set of stipulations on which these teachers would be hired. Rather than giving the position to a person simply for the fact that he or she showed up for the interview and had achieved a minimal degree, a teacher's performance in achieving this degree, as well as to their overall talent and work ethic, would be considered.

With the hiring of these qualified as well as motivated people—and I know there are some out there, as I have had the privilege to work with a few of these there would not be the need for the constant testing as is proposed by President Bush's No Child Left Behind Act, where each child from the third to eighth grade would be tested every year in areas of math, science and English. If a teacher does his or her job not just adeptly, but, as well, enthusiastically, it stands to reason that, in combination with up-to-date facilities, the testing of students each year to ensure the continued progression of the student body would not be needed. It would be an extreme waste of time and money to say that both teaching and learning are occurring at or above the standard level.

This new institution should be formed through the right kind of slow but effective change. The place at which to start these changes is in our current schools, public and parochial as well as private. Reform should be made to encompass a strict non-toleration rule concerning drugs and alcohol. This action should include suggestions toward rehabilitation centers as well as the intervention programs that are a part of this rule will involve the various student behavioral problems, and leave within each school only those truly willing to learn.

Preschoolers receive evaluation and decisions concerning positions held and ability of each teacher should be tested in a manner similar to the no-tolerance rule for students, whereas those teachers who do not wish to, should not, and, consequently, would not be teaching. Lastly, evaluation for the remaining teachers as well as students should be made to encompass a strict non-toleration rule concerning drugs and alcohol. This action should include suggestions toward rehabilitation centers as well as the intervention programs that are a part of this rule will involve the various student behavioral problems, and leave within each school only those truly willing to learn.

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MULTINATIONAL IMPACT
(On behalf of Rebecca Lee Marquis)

REBECCA LEE MARQUIS: I would like to speak of the object of last formal session, how it is permeating our society, promoting an unhealthy way of life, costing a tremendous amount of money in healthcare, and the immediate need to change the way we eat. It targets young children, not only here in the United States, but around the world in its advertising. Ray Croc, the founder of McDonald's, said, "A child who loves our television commercials and brings her grandparents to a McDonald's gives us two more customers." We are a nation of instant gratification. We live for the next easy morsels, our bodies live in fast lane. The act of eating, whether it is breakfast, lunch or dinner, is no longer a social time for families. Our society used to be the World Bank, where people were eating and enjoying where the food came from. As we become more isolated from food production, we become ignorant of how it is grown, processed and marketed.

Many people today consider themselves too busy to take the time to think about and prepare healthy meals. For breakfast, lunch and dinner, we choose to be fed into various shaped but strategically located buildings and emerge with breakfast sandwiches, hamburgers, fries, sandwiches, fried chicken, tacos, pizza, fries, shakes, soda, and all the promotional gadgets that accompany this food. Seesaws, slides, and rainbow-colored balls are attractive, but when it gets down to brass tacks, a brand new article on fast food notes, the key to attracting kids is toys, toys, toys.

But what do we get for this trade-off of time for convenience? We get overly processed, highly processed, high-calorie, high-fat, low-nutritional food. We get food with manufactures, packaged, made exactly the same from Boston to San Francisco to Tokyo. These types of eating habits have led us to our national problem of obesity, which is translated into countless related health problems, costing millions of dollars in healthcare.

The original Ronald McDonald was a man by the name of Willard Scott. He was later deemed too overweight; McDonald's wanted someone smaller to sell its burgers, shakes and fries. These facts are well-known, and, as a result of this truth, each corporation makes the food for the purpose of marketing. What is appalling is that we allow these massive corporations to direct huge national advertising campaigns at our youth. Three billion dollars a year is spent on just television advertising. That number does not include the countless other ways that advertisements are ingratiate into our minds. These corporations bribe our school systems with cash payments so that they can market products to captive audiences. Instead of schools being places of exploration and learning, they risk becoming warehouses for products to captive audiences. Instead of schools being places of exploration and learning, they risk becoming warehouses for products to captive audiences.

We allow these corporations to develop movies and cartoons that are nothing more than continuous advertisements. The corporation's goal is to hook its customers at a younger age so that they can create consumers for life. The chains often distribute numerous versions of a toy, encouraging repeat visits by small children. What can we do to stop these less-than-admirable situations? We can begin to slow down and take time to learn where our food comes from and how it is processed. We can be more conscious of our food consumption and bay try to buy only foods that are grown, processed and marketed responsibly. We can learn to grow small gardens, to become better consumers of our own bodies and overall health. We can lobby our government leaders to outlaw the marketing in schools and the marketing to young children. We need to stop being passive consumers or we risk becoming captive consumers.

U.S. AID TO THIRD WORLD COUNTRIES
(On behalf of Tim Fitzgerald)

TIM FITZGERALD: Foreign aid, began by the United States starting in 1941 and continued after the Second World War. This plan for rebuilding war-torn nations became known as the Marshall Plan. About $12 billion dollars was distributed under this plan, and it was responsible for helping the nations of Europe regain some financial stability.

Longer-reaching reconstruction was funded by the World Bank. It is often to strengthen countries' militaries, and less humanitarian aid was provided. In the late 1960s, less than one percent of the gross national product of the United States of America was used for foreign aid.

A simple analogy can be used to understand the percentage of the population that possesses 100 ears of corn, each with 100 kernels. Now, the man has many neighbors who are starving to death on a yearly basis, but the man simply gives away a single kernel of corn in 1968. Not only is the percent minuscule, but part of this amount never reaches these people due to the corruption in their governments.

This may seem ridiculous, but it is what is happening with U.S. foreign aid. Instead of giving military aid to nations, it would be much more conducive to provide food and supplies to developing nations. Especially those in sub-Saharan Africa, with the AIDS epidemic continuing to plague the part of the world, this minuscule amount of financial support being given seems ludicrous. Giving $4 billion dollars of the $5 billion extra in foreign aid, there are problems. Distribution of funds and aid is a major problem. Giving aid directly to the unskilled or illiterate can cause these states is not a good policy. Work of this kind should be done directly with the population. This would be more efficient for governments that are unable to distribute aid and prevent corrupt ones from stealing it.

An important part of foreign aid is healthcare. Many African nations are unable to provide vaccines or other medical treatments, let alone the staggering number of individuals living with HIV AIDS. In some places, about 30 percent of the adult population has contracted the disease. Education is also needed to help these developing nations.

But the key to healthcare is efficiency. Private healthcare organizations are leading the way with this. Vaccines often go bad while in storage due to the inefficiency of our transportation systems. Now, the man has many neighbors who are starving to death on a yearly basis, but the man simply gives away a single kernel of corn in 1968. Not only is the percent minuscule, but part of this amount never reaches these people due to the corruption in their governments.

Foreign aid is an important part of foreign policy and must be utilized in order to truly secure the United States. Aid to its neighbors in poverty are often unstable and this can translate into a hatred of the United States. Foreign aid, therefore, is the only factor involved in certain situations. Far from it. The point is, if the amount of money that is increased, there would be less of a sense of unrest.
Aid must, however, be reformed in two main ways. First, more must be spent by the United States on foreign aid in general. Second, distribution must be looked at. It is not habitual for aid to a foreign ally which does not have the means to distribute it or withholds it for some other reason. A $5 billion increase will help, but so will increasing efficacy going forward.

So, Congressman Sanders, I would ask you that, when and if legislation on foreign aid reform comes up, you work for and vote for foreign aid reform.

ARAB-ISRAELI CONFLICT

(On behalf of Priester Booher)

PIERSON BOOHER: The increasing violence in the Middle East led many people to question our nation’s policy in the region. Since the creation of the state of Israel in 1948, the United States has had fluctuating relations with Middle Eastern countries.

It took heavy convincing by President Jimmy Carter to persuade Anwar Sadat to recognize Israel and form good relations with the country and Prime Minister Menachem Begin. The Camp David accords of 1979 stirred up the Arab world, eventually resulting in the assassination of Sadat in 1981. The United States backed a liberal regime, but rather a land of Islamic extremists ready to defend their faith to block the spread of westernization. Back in time before the Gulf War, or even before the Israeli War, and even before the creation of Israel, the world has been saturated with the Middle East, not because of their culture or the beautiful land, but rather because of a prosperous natural product that floods the region: Oil.

Our nation’s dependency on oil has led us to have a relationship in the region solely on the influence of oil in regards to a particular problem. President Bush has attempted to find alternative sources of oil by improving regions with Russian President Vladimir Putin, and pushing for drilling in the Alaskan wildlife refuge. The increasing numbers of suicide bombings in Israel has left many to question the definition of the word “terrorism.” Terrorism can be defined as an act of violence against the might of the Israeli defense force. The disciplined Israeli army is scared to the heart of the people. Yes, no one will be able to destroy the foundation of the Palestinian struggle (inaudible) nationalism. But the destruction of those who facilitate the cause would be a decisive and crushing blow.

At a meeting with British Prime Minister Tony Blair over the weekend, the President said that Iraq would be a better place with the help of Saddam Hussein. The same can be said about Palestine and Israel with regards to Yasir Arafat. One could also say the same about the world with regard to Osama bin Laden. Everyone understands that there could very well be an even more persuasive, powerful Napoleonist man looming in the background waiting for his moment to take over in a couplous revolution.

If Hussein refuses to meet the demands of the U.N. weapons inspectors, there could be a more dangerous successor. The United States needs to understand is that there could very well be an even more persuasive, powerful Napoleonist man looming in the background waiting for his moment to take over in a couples revolution.

In the past we have begun many of our diplomatic relations and war strategies around the daily trips made in the United States. Both hybrid models never have to recharge or refuel. The car possesses a fuel tank that supplies power to an electrical motor. Both the engine and the batteries that supplies power to an electrical motor. The car possesses a fuel tank that supplies power to an electrical motor. The car possesses a fuel tank that supplies power to an electrical motor.

First, we will direct your attention to electric vehicles. For a motor vehicle that runs on batteries, every dollar are consumed by smoke and heat alone, which leaves only 15 cents out of every dollar to be used in actual operation. However, the electricity efficiency of the engine is used to power a generator that supplies power to an electrical motor. Both the engine and the batteries that supplies power to an electrical motor.

Unfortunately, the operation of such vehicles requires the combustion of fossil fuels that release greenhouse gases as carbon dioxide. Acting essentially as a heat-trapping gas in the atmosphere, carbon dioxide could potentially contribute to a rise in the global temperature. The global warming is a serious environmental concern that will significantly impact the entire world’s ecology.

So, Congressman Sanders, I would ask you that, when and if legislation on foreign aid reform comes up, you work for and vote for foreign aid reform.

ALTERNATE ENERGY VEHICLES

(On behalf of Jack Fleisher and Elderly Kelly)

JACK FLEISHER: We are going to be talking about alternative energy transportation today.

Motor vehicle transportation is invaluable to people across the globe. In Vermont alone, fossil fuel comprises 65 percent of total petroleum energy use. In turn, with the efficiency of the society, the lifestyles of most humans depend on automotive transportation.

Unfortunately, the operation of such vehicles requires the combustion of fossil fuels that release greenhouse gases as carbon dioxide. Acting essentially as a heat-trapping gas in the atmosphere, carbon dioxide could potentially contribute to a rise in the global temperature. The global warming is a serious environmental concern that will significantly impact the entire world’s ecology.

That is why we must begin to act now by taking advantage of currently available alternative energy vehicles in Vermont and elsewhere.

According to the United States, at a critical moment in history, that is at once environmentally sound as well as readily accessible.

ELDERLY KELLY: I am going to discuss the benefits of alternative vehicles, that being electric, hybrid, and biodiesel.

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gasoline, and cut greenhouse-gas emissions in half.

ELDEN KELLY: Next, we’ll discuss biodiesel.

This ingenious concept springs from the fact that the oils used in modern day petroleum come from the same plants that are still around today, such as soy and palm oil. The fact that, after millions of years, produce petroleum are available immediately from nearly any vegetable substance. The oils obtained can only be used as a fuel source if refined, due to a fundamental difference between the operation of a diesel and gasoline-powered engines. A diesel has high heat and pressure for combustion, which a gasoline-powered engine cannot provide. Biodiesel requires conditions of high heat and pressure in order to work. Fortunately, in order to use biodiesel, no modification is necessary for the working diesel engine.

The production of biodiesel is incredibly simple compared to the complex process of refining petroleum. Biodiesel is composed of only a simple mixture of vegetable oil, lye and methanol. The triglycerides present in the vegetable oil are combined with sodium and potassium hydroxide of the lye and methanol, which produces the compound methyloxide. The triglycerides react with the bases resulting in the formation of methyl esters, which is burnable by biodiesel, and also a by-product, glycerin.

Using biodiesel in vehicles is probably the single most inexpensive manner of operating a fuel-burning vehicle, in that its sources, vegetable oils, can be reused. Used soybean oil, for example, from a fast-food restaurant that is normally thrown away, millions of gallons daily can be recycled in the engine of the care burning clear of greenhouse-gas emissions.

The little carbon dioxide that is released from the combustion of biodiesel is reduced by the plants in respiration. So the very sources of biodiesel plants have what help to reduce these minor emissions. A plant by-product in this way completes the natural role that plants already play in a cycle of conservation. Unlike petroleum fuel, biodiesel originates from the renewable sources that ensure a supply of energy for vehicles in the future.

Moreover, the oils used in biodiesel are available right now for usage in vehicles. 3.5 billion gallons of vegetable oil are used in the U.S. every day, and already, biodiesel companies are operating 2000 million gallons per year due to the current surplus of soybean oil.

Excitingly, this wasted resource can be utilized in the vehicles that are now unreasonably inefficient.

No longer will we have to worry about the dwindling supply of petroleum resources, taking advantage of the more easily produced and readily available biodiesel.

JACK FLEISHER: In conclusion, we must assert that alternative energy vehicles are not only a scientist’s gadget or a new gimmick. As responsible human beings, we must look towards ways in which we can better our actions, in order to make the world a better place for future generations. One of the ways in which we can do that is by reducing our reliance on fossil fuels, which, when consumed, result in various hazardous effects.

In recent months, concern over reliance on Middle East oil has spread because of the attacks of September 11th. Many speculated that our dependence on oil from Middle East oil sales to the United States has financed terrorist operations such as the attack on the World Trade Center. Unfortunately, many of us are reminded today of concern which a renewed fervor for drilling domestically, such as in Alaska.

However, we wish to refocus this issue in terms of alternative energy vehicles, which would rid our dependence on oil altogether, ensuring that gas money doesn’t end up in Al Qaeda’s coffers. That the Earth is a cleaner, cooler place for years to come. This takes us to our next area of concern, the rise in global temperature on Earth. Through history, major shifts in temperature—

CONGRESSIONAL SANDERS: I will ask you to try to tighten it up. ELDEN KELLY: All right.

Lastly, we will close with possible ways to institute alternative energy vehicles in Vermont. To place emphasis on improved efficiency and alternative vehicles to be supplied for owners of biodiesel, electric and hybrid vehicles.

An active political campaign needs to be launched, with the goal in mind and educate motorists of the environmental impact of cars that run on fossil fuel, and to make them aware of the attainability of these greatly affordable, available and simple vehicles that do not impact the environment negatively.

Already, alternative energy vehicles are in promotion across the U.S. The organization E-Vermont has been testing the viability of the vehicles in colder climates, and finding great success. There was concern that the vehicles would have difficulty remaining heated, since there is no direct heat source, but space heaters have been installed to solve that problem, and that the vehicles run on biodiesel. Isn’t that a testament already to the real practicality of alternative energy?

To continue our vision as concerned citizens, we wish that the government of Vermont realizes the potential of alternative energy vehicles by making it a top priority in transportation. In Vermont, a bus runs on biodiesel. Isn’t that a testament already to the real practicality of alternative energy?

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CHASTITY NORRIS: We are here today to talk about civil unions. We believe that there is no one civil union. I remember when Vermont passed civil unions, there were a lot of people who put up signs saying “Take Back Vermont.” People didn’t feel it was right for the government to have these tax benefits and marriage benefits. No matter what you call it, marriage, holy union, commitment ceremony, it’s about the love between two people, no matter whether heterosexual or homosexual.

KIM LUNNA: Of course, civil union marriages have the same consequences as a heterosexual marriage. Parties to a civil union shall be responsible for the support of one another to the same degree and in the same manner as married people. The law of domestic relations, including separation and divorce, child custody, and support, and property division and maintenance, the rights of parties to a civil union with respect to a child of whom either becomes the natural parent during the term of a civil union shall be the same as those of a married couple.

CHASTITY NORRIS: From the Internet, we got summaries of talks about civil unions in other states. In November of 1998, the Constitution of the state of Arizona, to be valid or recognized, a marriage must exist between a man and a woman. In 1996, Arizona declared that marriage between persons of the same sex is void or prohibited, and that same-sex marriage from other states are not valid.

KIM LUNNA: According to the Declaration of Independence, we hold these truths to be self-evident, that all men created equal, that they are endowed by their creator with certain unalienable rights, that cannot be taken away, that among these are life, liberty and the pursuit of happiness. How can someone pursue happiness if they are not allowed to live their lives the same way as everyone else and show their commitment forever through marriage? We don’t think that everyone is being treated equal.

CHASTITY NORRIS: Ed Flanagan is the only openly gay state auditor. His sexual orientation is about quality and fairness, and nothing else and show their commitment forever, that among these are life, liberty and the pursuit of independence, we hold these truths to be self-evident, that all men created equal, that they are endowed by their creator with certain unalienable rights, that cannot be taken away, that among these are life, liberty and the pursuit of happiness. How can someone pursue happiness if they are not allowed to live their lives the same way as everyone else and show their commitment forever through marriage? We don’t think that everyone is being treated equal.

CHASTITY NORRIS: Ed Flanagan is the only openly gay state auditor. His sexual orientation was not a problem five years ago, but now it is. “It is an issue in every race in Vermont,” said Flanagan, a Democrat. This is about quality and fairness, and nothing more.

When people think of civil unions, they often only think of gays and lesbians. They don’t think of the benefits that come from marriage, benefits such as estate, medical insurance, social security and retirement. The decision of the marriage should be up to those in the relationship, not outside people.

A solution we had was to suggest a constitutional amendment to force each state to vote whether they believed in civil unions or not. Thank you.

AFFORDABLE CHILD CARE

(On behalf of Amy Downs and Anissa Martin)

AMY DOWNS: We are here to make a presentation on affordable child care for everybody. We are just here to make sure that both men and women, no matter whether they are married or not, have proper child care assistance, and for it to be safe and an educational environment. As we don’t have any kids, as opposed Anissa here, I see that some families need assistance, including those who are not on welfare and that have people working making eight dollars an hour, and we’re bringing about $800 to $900 a month they are just bringing in. That doesn’t count the bills they have to pay or the food to buy for their families, and other necessities to support their kids.

People are having kids at a younger age, and in order to get proper assistance they would basically have to be on welfare to be able to afford it. And if they’re not on welfare, they will have to wait just a pay off their day care bills. It is not worth it to go to work, and waiting back on the welfare, and basically the whole point of the system is to get people off of welfare. That is why it is only like a five-year agreement now.

And you can’t really do that if you have kids to look out for all the time. Basically, in the long run, it is not worth dealing with the system, it is just a waste of time, and they don’t have the time, when they have kids, to worry about just it. They would rather just stay home and collect welfare, and do nothing and get everything paid for.

ANISSA MARTIN: Before I go on, kids need to stop having kids. Thank you.

Child care cost about $468 a month in a licensed day care with no assistance. Because people are having babies at a younger age, they drop out of school and take care of them. Now, when they go back to school, they are going to need help. Most get assistance, if they are single moms, to help to meet their basic needs if they are single moms, but when you have one person that works and one person that wants to go back to school, like me, you don’t get as much assistance as others would.

The system says to you, it’s too much. When you are only making $8 an hour, it is not enough. We take care that there is more assistance available for those who want to work and go back to school, as well as those single moms that are out there, who are struggling with welfare.

And it is real hard. Me and my fiance, I volunteered from New York to move down here to better my life, and when I went down to welfare, they didn’t help me. They said, well, it was a voluntary move. And I had to struggle on my own to go to school, finish my education and for my fiance to find a good-paying job in order for us to survive. It is just me and him; I don’t have any family or no one. I expected for the welfare to help me out, which they didn’t. I had to do it on my own. And I am good food stamps up to this day. But now we figured out, forgot them, we are going to have to do it on our own. It would be really helpful if they would help me, which I am not receiving help.

TAXATION OF MINORS

(On behalf of Keith Blow, Jessica Oaks, Jessica Davis, Shirllaine Miller, and Ruhin Yuridulla)

KEITH BLOW: We are here to raise the issue of tax withdrawal from minors’ paychecks. We feel it is unnecessary to withdraw federal money from minor’s paychecks that are under the age of 18. We, as working teens, believe there is no need for our money to be taken away from us before we are adults.

JESSICA DAVIS: My friend works as a kindergartner. She is the one that basically is told where it is going, and I think it is the parents’ money. I think the government should have no right to take the taxes away from us, because we can’t even vote, so why should they take taxes away from us if we can’t have a say in what they do with it.

JESSICA DAVIS: Taxation without representation, pretty much.
We live in a state that recognizes the right to equitable education regardless of the ability to pay. Vermont’s solution to the problem of inequalities between schools in the state and between schools in the United States, through Act 60, is a very complicated act, the results cannot be denied: Act 60 is making significant and steady progress in reducing inequalities in student resources.

Prior to Act 60, property-rich towns spent an average of 57 percent more per pupil compared to poorer towns. In the fiscal year of 2002, the spending gap was less than 13 percent. Bearing in mind how well this has worked in a mere few years in Vermont, we reason that a system similar to Act 60 on a national level could have similar effect on a much grander scale.

The goal of education is not one that is promised in the United States Constitution. However, the federal government is putting mandates on schools, ranging from funding of special education to national testing. It is not ethical to make education reform without providing adequate resources. The government does appropriate money towards education, but it is not nearly enough.

The House Minority Report, Education in Crisis, notes that, nationwide, state education funding is only 4.13 billion. Some educational reforms included aim high by expecting all students to meet challenging standards and holding schools accountable when they are not. But if the federal government is going to hold states accountable for student performance, it must also provide the resources needed to meet new federal goals. Federal funding cannot be turned around with decreasing funds. Federal funding is needed in schools where other peoples’ children have been left behind as second-class citizens. Before we can expect them to succeed on national standardized testing, we need to level the playing field.

Mr. Sanders, as concerned students and current and future voters, we call on you and the U.S. Congress to appropriate a larger portion of the federal budget to education, and to use this funding to bring all our schools up to a collective and equitable higher standard.

ALEX MCKENZIE: Earlier in the day, students from Proctor and Brattleboro high schools spoke of the exploitation of children throughout the world as though these children are partly our responsibility. We agree. Beyond our state, beyond our nation, we seek to extend the principle that children of the world have the right to an equitable education regardless of the ability to pay. We live in a state that recognizes the right to an equitable education. We are sure that we here in Vermont can do much more.

HEIDI NEIL: We are going to start with a couple of facts first. If smoking is glamorous and hip and cool. Millions of dollars are spent annually by tobacco companies to convince teens that smoking is glamorous and hip and cool. Cigarettes are a very interesting product to market. It’s one of the few products which, if used correctly, is actually designed to kill the consumer. As we said before, four million people died in tobacco-related deaths in the year 2000. That is more than 10,000 dying each day. The tobacco companies would go out of business if they didn’t pursue additional consumers to replace the customers who are dying each day.

In short, for each person who dies a tobacco-related death, tobacco companies have to replace the person. Why replace that person with another 40-year old who will die in a matter of 40 years or less?

MARTHA MACK: Tobacco companies are marketing to children. Tobacco companies from the factories to the convenience stores, to the managers, they market teenagers. If you start smoking as a teenager, become addicted and smoking for your entire life, big tobacco makes a lot of money off of your life and your health.

There is, however, another very important reason that younger and younger teens are the target group being marketed by the tobacco corporations. Studies have also found that if people do not start smoking cigarettes by the time they reach the age of 20, it is very unlikely they will ever start.

HEIDI NEIL: There are informed and concerned teens out there like us who are desperately trying to bring down tobacco companies, using knowledge as our weapon, to educate the masses. President Bush has said, “Never doubt a small group of thoughtful citizens can change the world; indeed it is the only thing that has ever happened.”

We are trying to change the world and asking the help of Vermont legislature. We’re looking to the legislature to pass the cigarette tax. While the 67-cent tax helps, we are sure that we here in Vermont can do much better. We are sure that we should do better. For the sake of the teens in Vermont and for the long-term health costs associated with smoking, let us help our citizens change the world and help Vermont.

PRESCRIPTION DRUG BENEFIT UNDER MEDICARE

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker’s announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes and an attitude of the Chair.

Mr. PALLONE. Mr. Speaker, just as I finished before the Memorial Day break talking about the need for a
Medicare prescription drug benefit, and was very critical at the time about the fact that the Republican leadership in the House had failed to bring up a bill to address the need for a Medicare prescription drug benefit. I come back here each Memorial Day recess and the district work period believing stronger than ever that there is a need to pass such legislation.

We had during the course of the Memorial Day recess, a number of Members had forums, opportunities to be back in our respective States and talk to our constituents. When I came back to the floor of the House today for the vote this afternoon, I had so many colleagues come up to me, particularly on the Democratic side of the aisle, and point out this was the concern that was raised most by their constituents during the Memorial Day recess. I do not understand how the Republican leadership continues to delay and not address this issue and not bring legislation into committee in the future of the House that provides for a prescription drug benefit.

We heard over a month ago that this was going to be addressed on the floor before the Memorial Day recess. Of course, we will hear today that they are going to address it next week. I frankly doubt it. I would not be surprised if they never address it. But I certainly intend to call upon them to address it, to basically lay out what their proposal is. I understand the indication we have had is that their proposal is not something that is going to be beneficial to perhaps anyone. It is not a Medicare benefit. It is basically premised on the idea that we are going to throw some money, almost like a voucher, to private insurance companies and hope that they will come up with some type of Medicare benefit, primarily for low-income seniors, not for the average senior.

We had nothing on the Republican side that would address the issue of cost, which is what most of my constituents were asking about. They cannot afford the prices of prescription drugs, and something needs to be done about that. I have a number of colleagues here tonight that want to address this issue, and I will just start out by mentioning two editorials on the issue. One was in the New York Times, and the other was in the Star Ledger. The New York Times is for daily read in the State of New Jersey. The Star Ledger sums up how I feel. This was from May 21, and it talks about the Republican plan and it basically says what I feel about the Republican plan, although we do not have a plan, we hear rumors and press conferences about what they might do. We do not have a bill. The editorial from the Star Ledger is titled, “An Unrealistic Drug Plan,” and if I can read parts of it: “Prescription drug coverage for Medicare is something almost every politician agrees is absolutely necessary. From the beginning, the effort to create a drug program should have been part of a comprehensive effort to update and reform Medicare. The way medicine is practiced with drugs a greater and greater share of treatment options, it is ludicrous to continue Medicare without a prescription benefit. Providing a genuine one means offering more than what is already in the traditional Medicare program, and the House Republican leadership have been discussing. From the start, they have looked only for solutions routed in the private sector, and have continued to side step one of the most important issues, how demand pharmaceutical price breaks worthy of Medicare’s massive bargaining power.

“If Congress had ever planned to do the job right, no one would have promised what the House Republican leaders did, a quick fix that they could vote on by Memorial Day. They will not make that unreasonable deadline because Congress cannot decide which part of Medicare will get cut to beef up another part enough to cover drugs. GOP leadership leaders that I understood 10 years for their drug program, a sum that many Medicare advocates say is inadequate.”

I will skip down to the end. It says: “The President took time on two occasions to meet with representatives in action on a Medicare drug plan. He reminded representatives that they face another election this November, and that their constituents will not be happy if the hottest domestic political issue of the day is not addressed. Since the President set aside only $190 billion over 10 years in his budget for that drug benefit, his remarks sound more like political cover than a pep talk.

“There has been enough talk and enough promises. The thing that has been lacking is candid, determined leadership.”

Mr. Speaker, I could not have said it better. The main goal of our Special Committee is to do anything about reimbursement to doctors, what kind of technology issues we might have in speeding up the ability for technology to meet the marketplace. There is just a widespread of issues that will be contained in this Medicare bill, but the issue that becomes most important to our constituents is the issue on prescription drugs.

What this special report basically says is that the pending bill, which is due to what was done last year which many of us voted against because of these very reasons, was that the insurance industry, acting through the Health Insurance Association of America, made clear that it had no intention of offering drug-only policies. The industry reasoned that drug-only insurance policies would be subject to adverse risk selection, that is, they would disproportionately attract consumers who have existing health conditions. It is going to do anything about reimbursement to doctors, what kind of technology issues we might have in speeding up the ability for technology to meet the marketplace. There is just a widespread of issues that will be contained in this Medicare bill, but the issue that becomes most important to our constituents is the issue on prescription drugs.

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I hope that the gentleman from Maine (Mr. Allen) will join in with this because I think it is important to understand that we are now getting at that point where people are finding out whether or not their Medicare+Choice programs in fact are going to be staying in for the year, and there is a two-fold reason that is of concern. It is the only part of Medicare+Choice right now that provides a prescription drug. How ironic that they are getting paid out of the trust fund just like traditional Medicare fee-for-service, but fee-for-service does not get a prescription drug benefit. So I hope that the gentlemen under Medicare+Choice do the. That is uncertainty; and quite frankly, it is my dollars as everybody else’s dollars that goes into that trust fund. We need a playing field that addresses the Medicare population through Medicare, and not just so a few people in fact can have this coverage.

In fact, in “Families U.S.A.” there is a special report, and I hope that people will look at this, there is a big concern out there about what potentially this will do. I understand that they are going to address it before the Memorial Day recess. Of course, that time passed. Now we hear the Republican leadership continues to delay and not address this issue and not bring legislation into committee in the future of the House that provides for a prescription drug benefit.

Mr. Speaker, I could not have said it better. The main goal of our Special Committee is to do anything about reimbursement to doctors, what kind of technology issues we might have in speeding up the ability for technology to meet the marketplace. There is just a widespread of issues that will be contained in this Medicare bill, but the issue that becomes most important to our constituents is the issue on prescription drugs.

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the Medicare program, virtually guarantee that coverage will be uneven in availability, cost, and value, which is what we have right now under the Medicare+Choice program. That is just unacceptable.

I would say we have the experiences out there. Look at Medigap and the costs there, most of those plans, up in the top tier are costly, and their benefits for prescription drugs are going down; they are not going up not up.

Medicare premiums are going up, benefits are going down, particularly in the area of a drug benefit and prescription drugs benefits. They are limiting them and saying we can only give generic. There may not be a generic out there because we have a problem with drug manufacturers in just being able to extend their patents. This is just a mess I think that we are in; and I think quite frankly the only reliable drug benefit that we can give to our seniors is through a Medicare reliable drug benefit that we can give in; and I think quite frankly the only problem with drug manufacturers in particular in the area of a drug benefit, prescription drugs to seniors on Medicare who simply cannot afford to take the drugs that their doctors tell them they have to take.

But let me say, if we look at the rest of the cost of that over a 10-year period of time, if it should go to repeal, pays for a drug benefit, a benefit that will help 42 million people in this country. I hope that our constituents and others will continue to look at this. I am proud to stand here with my colleagues about an issue that is probably the highest priority for Americans.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman. I think what the gentlewoman is stressing is that the whole Republican strategy of essentially privatizing a benefit, in other words saying that we will give some insurance companies some money and hopefully they will come up with a benefit, prescription drug benefit for some seniors, does not make sense. If we look at HMOs, it is essentially what we did sort of on an experimental basis a few years ago to try to do HMOs if they cover some prescription drugs benefits, we will give you some money to do it. But they have not been able to do it. It is not uniform. A lot of them have dropped the coverage. I think if anything, the HMO experience shows that we cannot rely on that to provide a real prescription drug benefit.

Yet we hear from the Republican leadership constantly that they want to expand HMO options, that HMOs are still the answer to provide a prescription drug benefit, or look at other means of using the private sector. We are not opposed to the private sector, but Medicare is not a private sector program: it is a government program. It works very well, and the logical thing to do is to expand Medicare to include a prescription drug benefit for everyone and address the cost by having the Health and Human Services Secretary basically negotiate to bring costs down.

Mrs. THURMAN. Mr. Speaker, before Medicare, we had private insurance. We have Medicare because there was no coverage under private insurance.

Mr. PALLONE. Exactly. Mr. Speaker, I go to the gentlewoman from Maine (Mr. ALLEN), who probably has drawn more attention to the cost issue than any other Member of Congress. I agree with the various proposals that he has to try to bring prices down.

Mr. ALLEN. I thank the gentleman from New Jersey for yielding. I am pleased to be back here again with him talking about the high cost of prescription drugs and what we should do about it.

One thing that strikes me is that this is an issue that is hard to understand. This really means the cost between the parties over the number of times we can mention the words prescription drugs, but there is a fundamental difference and the gentlewoman from Florida mentioned it. We have on the agenda this week a permanent estate tax repeal. In other words, once again, tax cuts take a higher priority, particularly tax cuts for the wealthiest Americans, take a higher priority than providing prescription drugs at an affordable price to seniors on Medicare who simply cannot afford to take the drugs that their doctors tell them they have to take.

We saw it with the original tax cut. So much money was taken out; in fact, all of the necessary surplus was taken out for the next 5 or 6 years. So when we look at which party is likely to provide real relief for prescription drugs, it will not be the party that says all the time, smaller government, lower taxes. It will be the party that says, we have a plan that will help all Medicare beneficiaries with the high cost of their prescription drugs, and that is what we are trying to do.

So here we are again revisiting a plan that the majority in this House has said many times that we know is coming forward and we know it will be the same old, same old story. Essentially it will say, the way to provide prescription drugs for seniors is to rely on the private sector, to rely on HMOs. HMOs, Medicare managed care, otherwise known as Medicare+Choice, does not operate everywhere in the country. In fact, there are 15 States where there is no Medicare+Choice plan at all that covers prescription drugs. In another seven States, there is no Medicare+Choice plan. Where you have one of the major insurance companies providing coverage for prescription drugs to Medicare beneficiaries, every year we see that the premium goes up and the cap on coverage goes down. There is no future here. There is no future for the same reason that Medicare was passed in 1965. The private insurance companies do not want to cover people who are old and sick and poor. If we are going to cover everybody, and I do not mean just the very poor, I mean just ordinary retirees who are living mostly on their Social Security, that group is simply not going to get covered by these private sector plans.

But what is fundamental in my mind is the Republican plan is really an assault on rural American seniors. The reason I say that is that the 15 States which are not covered tend to be rural States. I do not mean there is no part of Medicare. When it comes to part B, the physicians services, they get treated the same way as people in other States. Why should it be that people in at least certain parts of New England and Florida and Texas get treated one way, but people in Maine and Vermont and Montana and Wyoming, North Dakota, Iowa, Wisconsin, Nebraska, Utah, and Arkansas get treated differently? There is no real reason for that. That is why we need a Medicare benefit.

I have advocated one thing you could do in the short term is simply pass the legislation that I have introduced which would provide about a 35 percent discount for all Medicare beneficiaries on all their prescription drugs at no cost to the Federal Government. It would essentially give Medicare the power to bargain with these large insurance companies and set rates that are no higher than the average in the rest of the industrialized countries, the six major industrialized countries. If that is too simple for the other side, then we go to a Medicare benefit. And, sure, a Medicare benefit costs some money, but seniors are obviously going to be paying a significant amount, anyway. They need a benefit that is worth signing up for, that virtually everyone will sign up for, but we are not likely to see that. We are not likely to see that forward by the Republican majority in this House because it involves strengthening in a major way an important government program.

If you believe in smaller government and lower taxes and that is always the priority, there will always be another tax you want to cut before you take care of our seniors, and that is the dilemma that we are facing. I believe that what we are really looking for is a Medicare benefit which applies to all our seniors, which does not mean just ordinary retirees but which is appealing, which people will sign up for and pay the monthly premium in order to get the benefit. That
is the only way to make this work. That is what the Democratic plan would do. But it will not work to create the illusion of a plan and call it a Medicare prescription drug benefit when by its very terms seniors will not sign up for it because it does not make economic sense for them to sign up for it.

We really come back to this issue we talked about last time. It was quite a spectacle last year and will be, I suspect, quite a spectacle this year. The largest and most powerful lobby in Washington, the pharmaceutical industry, will say to the Republican majority, what we need in this country is drug-only insurance policies offered by the major insurance companies, and we should provide those companies with a subsidy to encourage them to offer that kind of policy. And the insurance companies will say, We don't like that idea. There's no way we are going to offer only insurance policies.

That is why in this background and mirrors. That is why it is all an illusion. They have developed a plan for private insurance, private prescription drug coverage, which will not be offered and if it were in fact offered, it would not work. Itishly, if the companies are really going to offer a prescription drug benefit, they are going to try and cover this a little bit more broadly, but they are not going to go whole hog on this, because they know there are going to be a lot of problems with it. And so we have to follow the directions that the consumer gives. We have to be able to do something to help reduce the cost of prescription drugs. It is a very simple task.

Mrs. McCarthy of New York. I thank my colleague from New Jersey for taking such leadership on this. As he had mentioned, I have spent over 30 years of my life as a nurse, so I would like to talk about why it is so important that we have a prescription drug benefit under Medicare. I mean that the Republican prescription drug proposal is a good one. Then they use money to try to essentially influence Congressmen through their campaigns to support the Republican proposal, and then they do all the advertising in general with respect to what they are paying for it? The consumer. It is just a sad thing. It is very hard, I think, as the gentleman says, to explain to our constituents the difference between what the Democrats and the Republicans are proposing. I think that the American public that the Republican proposal is a good one. Then they use money to try to essentially influence Congressmen through their campaigns to support the Republican proposal, and then they do all the advertising in general with respect to what they are paying for it? The consumer. It is just a sad thing. It is very hard, I think, as the gentleman says, to explain to our constituents the difference between what the Democrats and the Republicans are proposing.

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them to do. But when it comes down to our seniors that might not be able to afford prescription drugs on a monthly basis, because I have to tell the gentleman, a year and a half ago I asked all my seniors in my district to send me their prescriptions. I wanted to know how much they were paying. I wanted to really see what was going on, just in my district alone.

I was astounded by what the majority of my seniors were paying on a monthly basis, some of them with fixed incomes, and a lot of them said "I do not take my medication every day." We are not talking about one drug, two drugs, three drugs; we are talking about $700 to $800 a month just on their medications. Some of them have absolutely no choice. They could be having a reaction to a heart medication, so they are taking that, and a lot of times it takes a lot of balance.

But it comes down to this, it really, really does. I want the American people to understand why we as Democrats are fighting for a good prescription drug plan. We will be keeping America healthier. By the way, I cannot tell you, when I was back in my district in the last couple of weeks, how many people, young people, people that are taking care of their parents, are saying to me, "I cannot afford to help my parents anymore to pay for their prescription drugs." So not only are we hurting the elderly people, we are hurting this whole population, because our mothers and fathers are living longer, we are also seeing now the families being affected, because they have to help chip in to pay for their medication.

This is why it is important. If we were rewriting Medicare today, I do not even think that we would think twice about whether to put a prescription drug benefit in with it. So, again, with the amount of monies that we spend here to try certainly to keep everybody healthy, and the monies that we have the Medicare beneficiaries fighting on this. All they have to do is change one little molecule in a medication and it makes it a whole new drug and it stops it from getting it on to the market. We can do things to make the American people and our seniors that, because our mothers and fathers are living longer, we will have a more productive society in many ways.

So I am hoping to be very honest with you. Here we are in June. We might break by the end of September, maybe October, with the legislative work that we have ahead of us. I do not know whether we are going to get to this issue now. It is really a shame, because since I have been here in Congress, which is going on 6 years, we have been talking about doing something with prescription drugs, and here we are ending another session, the 107th Congress, without really doing something.

I do now want people to be fooled. If something does get passed in this House, is it going to help the American people? Is it going to help our seniors? I think that is something that people and consumers have to be smart about. This is why I think seniors, seniors can get involved. They should be calling their Congressperson, they should be calling their Senators, to say to get involved and to have a prescription drug policy that they can afford. I think that is the most important thing.

Again, I thank the gentleman for his leadership, who has been talking about this issue many a night by himself.

I have to send to health care providers, when I talked to doctors, when I talked to pharmacists, they said "we make no money on these prescription drugs," because they know that they have to make sure that their seniors get their medications. A lot of times they will give them extra couple of pills, because they know the patient is not taking it.

We are in America. We are in America. We should not even be discussing this issue many a night by himself. The leadership, who has been talking about this issue many a night by himself.

Mr. Speaker, I want to thank the gentleman for his leadership. Again, I thank the gentleman for his leadership, who has been talking about this issue many a night by himself. But, again, I say, are we going to go into a two-class system, where only those that can afford the best medication that is out there do, and those that cannot do that? That is wrong. That is not what America is about.

As far as health care goes, everyone should be able to be treated equally and fairly. And if the government, give the pharmaceutical companies a lot of money for research and development. None of us that are trying to get a Medicare prescription drug plan are trying to stymie the pharmaceutical companies from research and development. We are not, because we need to have that stimulation there to keep coming up with bigger and better drugs.

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Mr. PALLONE. I thank the gentlewoman. The other thing she points out is, why are we here? Why do we come here on the floor of the House after the votes and bring this up?

I think there is a sort of dual fear on my part, and the danger is it is just there for political purposes. In other words, it may be that the House, but it never passes the Senate because there is no effort to bring up something that everyone can agree on, or it is something that sounds good, but does not really help the average person. Because, as the gentlewoman points out, who is it out there that is complaining to us? Not the very wealthy; not the poor who are on Medicaid and get prescription drugs under Medicaid; but the vast middle-income group, who, right now, because their income is not low enough, they are not eligible for Medicaid and they cannot afford to pay the high prices. They are like 90 percent of the seniors who need this help.

I have been critical of the Republicans and I have been very partisan about it, because everything I hear is that their proposals have been airing essentially do not do anything. Most of that would be income or middle class group. It seems like they are saying, okay, we will give some money, almost like a voucher, to insurance companies, and they will cover prescription drugs for people that are just above the poverty line, or they will see if an HMO will cover it.

But, as we know, in many parts of the country, HMOs simply are not available and they have cut back on the level of prescription drugs or how much they are going to pay or what kind of benefit you get. So there is a real concern on my part that if we do get a bill, that it not be just a hoax, just a sham; that it be something that is really meaningful in terms of people’s lives.

So I started this evening talking about two editorials. One was the Star Ledger. But I did not mention the one from The New York Times. I am not going to read the whole thing.

If I could just conclude, this was actually written in The New York Times during the break. The title is “Paralysis in Health Care.” It says, “Early this year Congress and the White House entertained dreams of passing all kinds of health care legislation. President Bush and Senator Kennedy were drafting on a Patients’ Bill of Rights. There was even talk of enacting a prescription drug benefit for the elderly. But such talk has vanished. Lawmakers seem to be betting that voters will not punish them for inaction and they cannot put off the issue forever.”

“A decade ago, when the cost of health care was also soaring, many experts were sure they had a solution, managed care and competition. But HMOs turned out to be no magic.

“Elderly people who came out of the election with the impression that they would inevitably get help with the cost of prescription drugs may be in for a disappointment. The Bush administration proposed spending less than $200 billion over the next 10 years, a ridiculously low sum given the public’s expectations.

“Congress Members had better take the time to listen to voters. They are likely to discover their patience is diminishing. Sooner or later the demand for health care is going to be high on the agenda, and it could happen before the election in November.”

The New York Times is talking the political aspects of it because we know our constituents are demanding a prescription drug benefit. But it is, as I said, important for the Republicans, who are in charge here and have the obligation, to promise it. We do not have the majority, to not only bring up something, but bring up something that is going to be meaningful in terms of seniors’ lives.

We will go at this every night until we see a proposal up and an opportunity to debate this on the House floor, which we have not had so far.

I yield to the gentlewoman from New York.

Mrs. McCARTHY of New York. Mr. Speaker, again I would like to stress why it is so important. In my 30 years of doing public service, I have been critical of the Republicans. I have recently seen promises from the Democratic side of the aisle that we are going to have mass transit and that we are going to have full prescription care for all people in the State of Colorado, for all people in this country.

Look, that sounds grand, but we ought to ask of every person, every Congressman or elected representative or anybody representing either of the parties that stands up in front of us and promises us the Moon, promises us the golden key: Who pays for it?

What the gentlewoman from New York (Mrs. McCarthy) fails to bring up in her comments, and I say this with the utmost respect, but business is business, and somebody has to pay for this. What she fails to bring up is right now in the United States, we are in a deficit situation. We are not creating new wealth. There is no new wealth that is being created in this country on the net bottom line for the Nation, which means that anytime we offer additional benefits to somebody, we have to transfer them from somebody else.

I would like to say to the gentlewoman that her salary as a Congresswoman does not put her in the middle class; it probably puts her in the upper middle class. The fact is that a lot of these transfer payments, and that is what has to happen, when we promise somebody that needs prescription care, and it sounds good, and I think there are cases where we have to provide prescription care, but to promise it en masse to the population, there is only one way we can pay for it; we have to take it from somebody and transfer it to somebody else.

So we cannot stand up here, and it just happened, I just saw it from the gentlewoman from New York, we cannot stand up here and on one hand promise people prescription care so that all their prescriptions are cared for, and on the other hand, talk about the middle-income taxpayer and about how the middle-income taxpayer is about to worry how they can pay for their prescription services.

Of course they are going to worry about it, because under these kinds of
programs that they are proposing, which really are a type of socialism, equal treatment across the board, what happens when we make these kinds of promises is there is only one place we are going to get the money. The bulk of the money is going to come from the very, very wealthy people of this country who have provided those grants and have provided research.

So now, for example, I was at some town meetings in the last week. I mentioned about how just 10 or 12 years ago, when one had diarrhea, they had to drink that Kaopectate stuff, that gray, white plastic thing, or drank that Pepto Bismol or something, and hopefully after 2 or 3 or 4 hours the diarrhea would slow down. Today if one gets that, they pop a little tiny pill not much bigger than an eraser on a pencil and it is gone in 20 minutes, so we have made progress in that regard.

But we cannot get it for free. We cannot promise the American people that all their prescription needs are going to be free. That is exactly what happened in the preceding statement.

Then, on top of that, it is easy when people are not the ones making budget decisions, so it is easy for the Democrats in the minority party to go out and make all of these promises because they know that it is the Republicans who have to provide it. And then it is the Republicans that get put on the defensive when they show up.

For example, after the gentlewoman from New York goes into a meeting and makes all these promises, and happens to walk out the door before telling how she is going to pay for it, then we walk in the door and we are the ones that have to come up with the funds. We are the ones that have to be the bearers of bad news.

If Members want to talk about fiscal responsibility, it requires that every one of us on this floor, including Republicans and Democrats, when we propose a benefit, we ought to be able to also tell how we are going to pay for it.

Nothing is free, and do not let the Democratic Party tell us up here from this House floor, do not let them tell us that prescription care can be given to everyone without a very, very significant cost.

I can tell the Members who is going to end up paying that cost. Anybody that is listening, anyone who is working, the working people of this country, regardless of what their job is, they are the ones who are going to pick up the costs of these promises being made by the Democratic Party.

Now, we hope, within the confines of our budget, that there are certain benefits that we can offer to the elderly. We think that is important. But what concerns me is this just opens the door for the promise to become broader and broader and broader.

Two very short ago, the Democrats over here were talking about prescription care for seniors only. Tonight, we see what has happened, just in a 2-week period of progression: tonight we hear the gentlewoman from New York, and again but we have heard the gentlewoman from New York promising prescription care services for everyone. We cannot afford to do that.

On a typical day in my office over in the Cannon Office Building, we will have people coming in all day long, people with special interests; all day long coming in, special interests, whether it is with seniors; special interests, whether it is with education; vacations, highways, construction, or military apparatus. All day long we have people who come into my office. All of them have ideas. All of their ideas, almost without exception, cost money.

These people are not looking to pay for the project; they are proposing to use the money for their project. Their proposal is that we pay for the project.

The problem at the end of a day, in a typical day, we will get requests on an average day I would say of $6 billion in a day is what they have requested in assistance for their new programs, day after day after day after day. At the end of the day, the difficulty with these programs is that almost without exception, again, every program that is proposed to us is a good program. It makes sense. It has some benefits to it.

So our choices down here are not choices between good and bad programs, and they are generally not choices between Republican wishes and Democratic wishes; but our choices are between good and good programs.

The key and the bottom line comes down, okay, we have a good program here, we have a good program there; but we only have enough money for one, or we can do both of them halfway. What do we do? My preference is we do the one and do it right the first time, which means we also have to say no.

There are lots of programs that are being proposed by the Democrats this year. It is of interest, I know, that in the last several weeks, the Democrats, because we are in budget time back here, the more partisan Democrats continually hammer away at the Republicans on our budget. They hammer away on one hand about spending, and on the other hand, they show up here on the House floor and promise the country prescription services for everybody.

I should add that the gentlewoman from New York did not just stop at prescription services for everyone; she also talked about health care, that there should not be a two-tiered division in this country of those who have health care and those who do not have health care; that everybody should have, notice the word, I am quoting her, everybody should have equal health care.

First of all, that is a socialized system. That is government-provided health care. That is the only way you can do it and there is no other way around it; it is a socialized type of program. Our country has been continuously, time after time after time, said they will not accept or they do not want socialized medicine. They do not want the government running everything for everybody on an equal basis. That is not the concept of a democratic government.

This is not a socialist government; it is a democratic government. Yet, some of my colleagues continue to stand up here and get away with this kind of approach this in a partisan Democrat-Republican way. Our country has a democratic government. Yet, some of our colleagues continue to stand up here and promise the American people, tell them we want every one of them to have prescription care services. But where leadership comes in is to say to these same people that we cannot figure out how to pay for it. If we cannot figure out how to pay for it, some of us have to have enough guts to say we cannot get something for nothing. We cannot do it. It does not mean we do not want to do it; it means we cannot do it because we cannot afford to do it.

Who do we owe that obligation to, the obligation of saying that we just do not have the money, we cannot give it to you for free? We owe that obligation not just to the taxpayers of this country, to whom we have a fiduciary responsibility to represent their interests, but we also owe that obligation to the next generations that are really going to have to foot the bill for this kind of thing.

Take a look at what has been promised in the past. Take a look at how our system has broken down. I can tell the Members that when I go to town meetings in my district, which is in Colorado, I hear at town meeting after town meeting after town meeting complaints about programs that happen to be run by the Federal Government: the veterans’ associations talk about problems we have with the veterans administration and the health care they deliver; problems with Social Security; problems with SSI; problems, problems, problems. The government does not run an efficient system.

I think it is high time around here that my colleagues, and I will say for the last hour I have heard this from the Democratic side of the aisle, and it is not my intent here tonight to approach this in a partisan Democrat-Republican type of approach, but the fact is that the Democrats continually, continuously profess all of these benefits that sound wonderful; and the fact is the reason they sound wonderful is because they are wonderful.
Who in America would not like full prescription services, and, by the way, somebody else to pay for it? What they happen to point out to us is that if you happen to be the person sick out there, you are going to get a lot of benefit out of these prescription services. If you are the person that is not sick, you are the person that is working out there, watch what happens to your taxes to provide for this never-ending benefit.

Now, I think the American people as a whole are willing to provide prescription care services for certain classes, for example, the elderly people. There are ways, and we have to figure out, whether it is mass buying, whether it is pooling, there are ways we can figure out to assess or assist the American people with their prescription care costs. That includes cracking down on pharmaceutical companies that are involved in antitrust actions or pharmaceutical companies which get together and say, well, the generic brands never come to the market.

As far as I am concerned, if we catch a pharmaceutical company attempting to keep a generic brand off the market, we ought to take the executives of that company and put them in jail. They are trying to take advantage of the American people, not in the capitalistic freedom-of-market type of approach, but in a very sinister type of approach.

But that is a far cry from standing up in front of the American people on this House floor, standing up in front of our colleagues, and saying that we need equal health care for everybody. There should not be two tiers, two tiers of health care in this country, those who get it and those who do not get it. Instead, everybody should have equal, again, equal health care, and everybody should have prescription care services, so whatever prescriptions they need paid for. I will just tell the Members today. I have kind of a cold, so I use a nose spray, which was a prescription nose spray, because I have allergies. I took a cold pill this morning, which was prescription. I am trying to think what else, I took some vitamins. I took a pill for my knee this morning, which was prescription.

Why should the Members or anybody else in this room pay for my prescription services, but the fact is simple: there is not enough money to go around. That is the reality that we have to face here.

We have to be honest with the American public. We have to look them right in the eye and say, look, we would like to give everybody prescription care services, but somebody ought to answer the question: How do we pay for it? When we promise people a rose garden, we are able-bodied, I am capable of working, I would like it very much if you would pay for my prescription services, but the fact is simple: there is not enough money to go around. That is the reality that we have to face here.

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So I would challenge, and with all due respect, I would challenge my colleague from New York (Mrs. McCARTHY) to tell us how we are going to pay for it; tell me exactly what constituements in your district are going to pay for it; and tell me how often you have returned to your congressional district, which you say is a 90-minute ride back to your district so it is easy to get there, tell me when the last time you stood up in front of your constituents back there and told them, you will pay for these services, across-the-board prescription care services, across-the-board medical care. My guess is that what is said here is often not what is said back in the district.

The fact is you ought to be honest with these people. And I am not implying that the gentlewoman from New York (Mrs. McCARTHY) is not being honest, but we have to tell the American people that the American people need prescription care. That is why we have a Medicare system. And I think, frankly, the gentlewoman from New York (Mrs. McCARTHY) her energy would much better be expended going on the House floor and promising the American people that we should provide prescription care for everybody across the board, that our energies would be much better expended going after the pharmaceutical companies that are trying to drive off generic drugs or trying to keep generic drugs off the drugstore market shelf. That is where we ought to focus. Promises to the American people are empty promises. And too often, if this government has ever gotten into deficit problems, or if you can ever track how we get into budget problems, it is because not enough of us stand up here in front of the people we represent and say we cannot do it all for you. If we do this for you, this is what it will cost you.

You cannot go down to the car dealership and get a free car with somebody else paying for it. The dealership does not give away free cars, and the government cannot continue to provide 300 million citizens with their prescription care costs. So I think we need to keep that in mind.

I want to talk about another issue tonight. I just came off CNN and had a very interesting discussion about "profiling," "racial profiling." The American Civil Liberties Union apparently today filed a suit on behalf of five or six plaintiffs who alleges that they were racially profiled by airlines in the process of going through security to get onto these aircraft of these particular airlines. And we had a discussion and, of course, the plaintiffs in this case talk about the fact that they were asked to leave the plane or they were questioned, they are convinced, because of their race or their color. And one of them said, it broke my heart and I will never be the same.

You can see the kind of language in there. I mean, in my opinion, as I said on CNN tonight, the American Civil Liberties Union goes out there and hunts for these kinds of people and then goes to the court and then runs to the national TV and has national press conferences about how horrible the security system is in this county, how racial profiling should never be allowed.

I can tell you that the American Civil Liberties Union racially profiles, schools racially profile, CNN racially profiles, the Democrat party racially profiles, political parties do that. Now, what do I mean? Back it up with a little substance. The Democratic party, take a look at the discussions about Florida. Take a look at what the Democratic party does, as do all political parties, as do insurance companies, as does CNN to figure out who their viewers are. They will go in, based strictly on a person's race or color, they will go in and say, how will this person vote. If they will vote Democratic, if this particular race tends to vote Democratic, let us spend more money here to get them to vote our way rather than the other way.

It is the same thing if CNN goes into an area and says, who are our viewers? What age are they? What income
bracket are they? Do blacks watch more than whites? All of this is done. Now when it comes to security, I think we have to take a step back. I do not think we should have what is called and what is trying to be directed towards the ACLU or the ACLU is trying to say to society that we are trying to justify. I do not think a person should be pulled off an airplane or given any extra scrutiny for the sole reason of their race background.

I assume that I have got some Scottish. I do not think just because of the fact that I am Irish with no other risk factors in there, that is the key buzz word, risk factors, with no other risk factors in there, just because I am Irish, to pull me aside, to exclude me from an airplane.

Now, keep in mind that with the plaintiffs that the ACLU is representing, this happened one time. And the representative for the American Civil Liberties Union tomorrow on CNN said these people are not looking for money. Because I said, look, all you are trying to do is it is a rush for the court. I mean you can get it. It is like a slot machine, let us see if we can get some money out of this deal. The ACLU answers and says, we do not take any money. We are here to make these people whole.

Well, it just happened one time to these people. Out of the thousands and thousands and thousands of times a day that people go through security, the ACLU goes out and somehow finds six of them that feel offended by the security and are demanding that security not take into consideration at all a person’s ethnic profile, even if it is in combination with other factors. I am here to say to you, look, we have a responsibility in this country to provide for security you get on an airplane. I can assure you, in my opinion, that those six plaintiffs, had something gone wrong on that airplane and they had been the victim of it, they would probably sue you. I mean I am going to try, and the ACLU is trying to do, a very legitimate attempt to protect the security of the people, including that person who wants to get on that airplane.

Now, what happens if you are a police officer? I used to be a police officer. And I can tell you if they give me a call that says, hey, we just had a white man robbed in a bank, this white man, I can tell you we did not go into the black neighborhood questioning black or African Americans. We did not question them whether they just robbed a bank. No. We used our profile. We knew the bank robber was white. We knew the bank robber was about 56. We knew the bank robber was between 19 and 27 years old, so there was no use going stopping Caucasian or white females that are 60 years old and questioning them to see whether they robbed a bank. We used a risk profile.

Now, I am the first one to stand up and say this has its boundaries and it can be abused. And when it is abused, we should stop the abuse. But that is not what the American Civil Liberties Union is doing. The American Civil Liberties Union is pressing so hard that what is happening at our airports, and at some time pull an airport security person aside and say, do you ever stop to think that they are African American? It is not focusing on a high risk group or a group of a particular ethnic background. I said, wait a minute. What if you have somebody that fits the risk profile? They say, the right age, they are from a country that is not reasonable as far as the relationship with the United States, they meet other risk criteria in there, but they happen to be, say, Irish or they happen to be Arab; just based on the race, does it cause you any reluctance to ask them any questions?

Absolutely, he says, I do not want to get in any trouble. This person told me that. The person told me they felt very intimidated to stop somebody, especially somebody of Arabic ethnic background or of ethnic color, to ask them any of those type of questions because they are afraid they would be accused of racial profiling or racism.

At that point I said to the person, you know the best way to trick the United States is look the part because you probably will not get stopped and questioned. In fact, to the ACLU tonight, I think the opposite is happening. Some of these people that are so politically correct and putting security second and third and fourth seat back are in fact opening a big gap in our security blanket in this country by making our security checkers intimidated, concerned about, oh, my gosh, I better not ask that person because they are not white and Caucasian, or I better not ask that person because they are Arab; just based on the race thing does it cause you any reluctance to ask them any questions?

So I do not know any of my colleagues in the House floor, I do not know any of those factors or other factors known to you, I do not think that should be excluded from that list. I think it should be included in that list.
Let me tell you, in my opinion, I cannot think of a responsibility that the United States Congress or any elected official in the United States, I cannot think of a responsibility we have that is more inherent to the obligation for us to care for American people in our hearts and souls. It is more important to us than providing security for the American people. What we have seen in the last 10 years and what we have seen in the last 10 months and the further and further we get away from September 11th and the attacks. We see is the grip of political correctness has once again come into our cookie jar, frankly, and locked it up. That is what is happening. We are so concerned about political correctness that once again we are going to let it hard.

Now there is a balance out there and it is called common sense, and I think political correctness has gone too far off the track. It is not on the common sense track. And I would venture to say that Americans want what they searched when you get on an airplane if you meet certain risk factors. Americans want security on those airplanes.

Since 9/11, we have increased security at our airports, we have added resources to our airports, we have added more people that we are placing the responsibility to provide us security within a certain range, all within a certain ethnic background, all with a particular religion, most with passports from a particular area of the country.

I mean that is a profile, and if somebody fits that profile, we ought to go after it, regardless of their ethnic background. It does not benefit our country to put handcuffs on the very people that we are placing the responsibility to provide us security with.

Clearly we have to give them direction. Clearly we have to give them direction like the Miranda rights when you arrest somebody. We have certain things that are observed but because a person, or because somebody at the airport says, ma'am, we are going to have to open a suitcase or someone says, Congresswoman, we are going to have to open your suitcase and look at your dock kit and your underwear and your jeans and your running shoes, that is not unconstitutional. Sure, it is an inconvenience, but it is what we have to have for security on our airplanes.

So tonight on CNN, I found it very interesting, many in my opinion the American Civil Liberties Union would not care to race to the courtroom, they would not care to file a lawsuit against all of these airlines, again using the age-old plaintiff’s favorite statement racial preferences or racial prejudice against the airlines. Go for the deep pockets, accuse them of racism and see how many of them we will get to fold.

That is exactly what we perceive this lawsuit to be about, race to the courts by the American Civil Liberties Union, have a national press conference. They did not write the airlines and say maybe they had some misbehavior here, they would like to have an apology and we would like the airline to fix their ways. They should stop what they did to this particular plaintiff. They did not do that. They do not want to do that.

Their mission is not to correct a wrong. Their mission is, one, to get attention; two, to drive this political correctness so that it fits their agenda; and three, to enrich the plaintiffs here.

Our country has become lawsuit happy. No matter how we cut it, no matter what angle we look at it, whether we want to talk about malpractice, whether we want to talk about asbestos, whether we want to talk about racism, they are not alleging the American Civil Liberties Union, whatever it is they think they can get the slot machine to kick out some change, they are going to go to the courts.

In the long run it hurts those plaintiffs. In the long run it hurts our society as a whole. If someone has truly, truly been wronged, they ought to be made whole, no argument there; but I can tell you that a lot of people allege to have been wronged, exaggerate just how badly wronged they were, and being made whole is not their idea. Being made rich is their goal, and so we can see this cycle. It was a very interesting debate on CNN this evening.

I have covered a couple of areas tonight. One of them, of course, prescription care and the fact that we want to provide prescription care to the extent that we can afford it, and we want to do things that can help hold the costs down. For example, allow generic drugs, encourage generic drugs, encourage competition out there among the pharmaceuticals; but it is wrong for us to go to a minority, for example, Asian American people, which was made on this House floor tonight, and we should provide all Americans with prescription care service. We cannot pay for it. We do not have the money. Nice, the empty promise. It is an empty promise.

They have promised a rose garden. By the way, they did not tell my colleagues that they are not only going to have to plant their roses, they are going to have to plant everybody’s roses, and the rose garden does not have any water and nothing in it when they get into it.

The second thing we talked about was whether or not a person’s ethnic background, whether they are Irish, Arab, whatever they are, is that an appropriate element to fit a risk profile. My belief is that it is, that when we combine it with other factors, we can build pretty good profiles, and profiles help us.

Keep in mind, these profiles are used by our local schools. For example, our local schools might say, hey, in this neighborhood, we have a particular minority and this minority is scoring lower, this minority has lower math grades than this group over here. So by doing that, by profiling, by going in there and determining what is affecting this group versus this group, we say, all right, we need to focus more resources or more help to bring this minority’s math grades up to par.

It is a tool. It is a legitimate tool. It is a tool that we use in our schools. As earlier, it is a tool that the media networks use to determine who reads their paper. It is a tool that the political parties use to determine who is going to vote for them. Why would we, on God’s Earth, why would we eliminate it as a tool to protect ourselves with security against acts of terrorism or acts of our enemies that want to do us harm? Why would we say to somebody, oh, you are Irish, I cannot ask you if you are Irish; it is un-American, un-American, they are going to go to the courts. We do have things like the Miranda rights.

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agencies and most importantly those firemen on the scene on the line put into this effort.

So I want to publicly acknowledge from the House floor those firepeople from across the country and all those Federal agencies who are helping fight these horrible fires that we are seeing besiege us this year.

In the next couple of days or perhaps next week, I want to take an entire hour and speak about the water situation in the West. As many of my colleagues know, I have had a series of discussions here talking about the public lands and what impacts us that is different in the West than the East.

I am continuing to make a very conscious effort at trying to educate and work with my colleagues to tell them how the geographical difference, the public land location difference in our country has significant, significantly different needs, for example, in the western United States than we have in the eastern United States; and I want to spend a good hour talking about the issue of water, defining and making clear the difference between what is surface water, the water that originates on the surface or is accumulated on the surface, and the water that is subsurface, that we dig a well down into.

Many in the East get their water from wells. Where I live most of our water is surface water. In fact, in Colorado 80 percent of our water use in Colorado is dependent upon the snowpack. Colorado happens to be the highest place on the continent, and our mountains reach high into the skies, and they gather that snow; but water storage is very critical for us, and just the same as I have seen an effort in health care towards a socialized type of system, i.e., the government takes care of all of it, the government pays for all of it, do not worry about the prescription cost, the government will pay for all of it, we are seeing the same kind of effort being made in the West in regards to water.

Right now water in the West is a private property. This country was built on the premise of private property. If we were to list some of the freedoms, say the top 10 freedoms that Americans feel so strongly about, that were the foundation of the founding of this country and the foundation of the greatness of the country. In the top 10 items we would find private property listed by almost everyone who listed those top 10, private property; and in the West water is a property issue.

Generally what we see is those who do not have it or did not buy it or did not think to get it make a very conscious effort of saying, wait a minute, those who have it ought to share it with us. That is exactly the premise upon which socialism was built, and we are seeing it in the West; and it is being fought by the West by something called the public interest doctrine, i.e., when it comes to water, we do not consider the individual’s private property rights. We do not consider the individual’s rights of usage. What we consider is what is good for the public as a whole.

So in other words, it might be that someone has owned these water rights for a very long time, and it might be that that family is dependent upon ranching; but the fact is, since in Colorado agriculture is only a small percentage of the entire economy, but yet uses a larger percentage of the water in proportion to the economy, public interest demands that we take water from them.

That is exactly the effort that is being made, and frankly, I think this year in Colorado under a populist type of banner, they are going to attempt to put a question on our ballot, should a person’s water rights have to take backseat to the public interest doctrine. It is a very, very dangerous move towards a socialistic society. I can tell my colleagues that there are some people’s water I would like to have, some people’s property I would like to have, but it is not my private property. It is their private property. They earned it, they paid for it, they worked on it, they will have their property.

For us to begin to move this country in a direction that because we as a public think we can put it to a better use, that the public interest doctrine should be introduced and the property should be taken from them is the wrong approach. So next week I fully intend to spend a full hour talking about the special needs of water, the special needs in the West.

In the West water is like blood. That is what they say. Water runs thicker than blood, in fact, they say in the West. We will talk about where it originates, the importance of storage in Colorado and the West. We will talk about the public lands that are primarily within Colorado and not located in the East. We will talk about gravity, how gravity has a lot to do with the situation that we are in today.

We will talk about those who do not want water being utilized for their home or for no development, for example; and see it as a way to control or stop development. Frankly, in some regards, I think the abuse of water has been ignored. We will talk about that, too.

We will talk about the environmental issues of water. Water is a very boring subject by the way. It only becomes interesting to all of us when all of the sudden we are in a drought or when we turn on the faucet and the water does not come out; but in fact, when we look at the future generations, what issue is so, so important to sustain life, to sustain agriculture, to sustain recreation, to sustain the environment, we are almost always going to come back to water.

Colorado politicians and Colorado citizens throughout its hundred-plus years of being a State have recognized the importance of water. If we go in the State capital of Denver, we see in every painting in the rotunda somewhere depicts someone doing something with water. It is very, very important.

The Colorado River is called the mother of all rivers. Why? Is it a big river? No. It does not look like the Mississippi. In fact, I grew up understanding how important the Colorado River was, but I also thought it was the biggest river.

The importance of the Colorado and what makes the Colorado the mother of all rivers is the fact that it is the only water available for many of the people out there. Whereas when you get into the Mississippi, in fact, in a lot of the East, the difficulty is getting rid of water. In the West, it is the capability of being able to store water.

So I look forward to visiting with my colleagues next week, Mr. Speaker.

CONSTITUTIONAL ISSUES AND SPENDING HABITS OF THE CONGRESS

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker’s announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, there are a number of issues, of course, that come to mind today for purposes of a discussion for a period of time here. Something brought to mind when I was listening to my colleague, the gentleman from Colorado (Mr. McNINIS), and he was talking about the propensity of this body especially to spend money in ways that I think we could call profligate.

It is true, unfortunately, whether one party is in charge or the other, it seems like it hardly matters, we do spend a great deal of money, sometimes without benefit, I think, of enough analysis and enough debate. And a constituent of mine e-mailed us a couple of days ago concerned about everything he had been hearing with regard to the proposals on both sides of the aisle for support of a new program for cancer, a proposal for insurance and/or some subsidy in some way or other for prescription drugs. As my colleague from Colorado said, it is a compelling argument.

We have all heard from constituents who over and over again explain to us the need for some help in procuring their prescription drugs, and our heart goes out to them because we recognize, just as I do with my own parents, and certainly I think everybody has someone they can think of who is in desperate need for medication, the cost of which is skyrocketing. It seems like almost every week it goes up again and it becomes an incredible burden. And,
naturally, that kind of thing happening out there will result in pressure here on this floor and in this body to do something about it to respond.

The reaction that most of us have is to say, well, what is it that the Federal Government has done? But unfortunately, I think the reaction that most of us should have, but do not, is what is it that the Federal Government is empowered to do, empowered by the Constitution. Day in and day out we confront this on this floor that are severe, they are significant, they matter to millions of people in this country, and because they matter and because people are interested in them and there are pressure groups that develop, we find ourselves responding over and over again to the political pressure that boils up.

People say, well, is that not the purpose of a democracy? But, of course, this is a republic and not a democracy. This is a republic. And what that means is we elect people to represent the interests of our constituents. We do not have a majority rule of the population of the country, which is what a true democracy is; everybody meeting all over the country on every issue, and the fate of the people on one up-or-down vote. That is not what the Framers of the Constitution gave us and that is not what we should be about. It is mobocracy, perhaps would be a better way of describing it.

A republican form of government charges us, the people who are elected, to come here and analyze the issue and cast our vote in the best way we think that will fit our constituency and our responsibilities as a Member of this Congress. And this is always a challenging experience because we are torn, every human being on this floor, every human being in the Congress of the United States is torn between doing what political pressure pushes them toward on one hand, and on the other what the Constitution prevents them from doing.

The Constitution cannot speak for itself. It has no voice here except that given to it by those of us who are concerned about it. It is just words. It is just words on a piece of paper, on a piece of parchment, actually, and, therefore, it can be interpreted, broadly, widely, liberally to say that everything we do here in this body is constitutional. Well, of course, I think that if that were the case, we would not need a Constitution. We would not need a written document.

Britain has, for centuries now, existed without a written constitution. Everybody sort of understands what the parameters are and tries to deal with it. But, of course, Britain is a far more socialistic economy than ours and far more down the path towards socialism than we are, thank goodness. And that is inevitable. Without the written constitution, it is inevitable that it will lead to a government that will respond to all political pressures by taking away someone’s hard-earned money and giving it to someone else that we deem appropriate.

This e-mail that I received had such a logical way of approaching it that I thought I would bring it to the floor for our edification. I received this from Randal Morgan, who lives in Aurora, Colorado. And he said, “Are you willing to insert the Boortz amendment, the Boortz resolution in all legislation you introduce and/or support? It is as follows:” And I must admit to you, Mr. Speaker, I had not heard of this particular resolution, that has evidently come up in the past, but I just did not know of it. It says: “Every sponsor or cosponsor over this legislation hereby affirms his or her belief that the need for the Federal Government of the United States to spend taxpayer funds on the purposes outlined herein is of greater importance and urgency than the spending needs which the party or parties who actually earned these funds may have. Such needs being, but not necessarily limited to, spending for medical care, child care, housing, food, clothing, transportation, education, insurance, savings and retirement planning.”

Well, I think that is a great amendment to add to any bill that is passed by this House or introduced by any Member. Certainly I will be happy to do so if I am ever in the position of actually introducing legislation that spends money. So far, in my tenure in this Congress, I have been able to avoid that particular distinction. But should I ever find myself in that situation, I will be happy to add this particular resolution as an amendment.

I think it is a great statement. It is saying what we all are in fact doing. It is saying, clearly, that we are making a decision, we as a body, that everyone here believes and understands that whatever we decide is the important cause for which we are on the floor immediately, that is the important cause more important than the concerns and the needs of the people from whom we are taking the money. I mean that is exactly what we do here time and time again.

Now, if we use the constraints of the Constitution as our guideline, then we will say that, yes, there are some things that we will take money away from all people in this republic to fund. Because we are charged with the responsibility of maintaining the republican intact. And that is just my interpretation, now. I mean, I recognize that there are 534 other Members of the Congress who make their interpretation, but what it means to me is this; that the primary responsibility of the Federal Government is not education, it is not health and human services, it is not transportation, it is not energy policy. None of those things are the primary responsibility, it is the defense appropriation bill that comes before us every year is of primary concern to me.

Mr. Speaker, I am more than willing to vote to take money away from people in this Republic and give it to others. But what the purpose of meeting the constitutional requirements placed upon us. Individuals cannot defend the country. They may hopefully be able to defend themselves if we let them keep their firearms, but they cannot defend the country. We have to organize for that, and that is the purpose of the appropriations bill for defense. So our only question at that point in time is: Is it right, is it enough, is it too much, and should we support it on that basis? But really not whether it is appropriate. But all of the other things we do here that do not fit into the constitutional framework can be called into question and they are, I think, by the First Amendment of the Constitution, a First Amendment violation.

The Constitution again gives us certain responsibilities, and we can interpret them in various ways, but it is difficult to interpret them. But all of the other things we do here that do not fit into the constitutional framework can be called into question and they are, I think, by the e-mail to us from Mr. Morgan. I agree we do far, far too much. I also believe, Mr. Speaker, that we have gone far too far in the direction of federalizing crimes.

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The Constitution again gives us certain responsibilities, and we can interpret them in various ways, but it is difficult to interpret them. But all of the other things we do here that do not fit into the constitutional framework can be called into question and they are, I think, by the e-mail to us from Mr. Morgan. I agree we do far, far too much. I also believe, Mr. Speaker, that we have gone far too far in the direction of federalizing crimes.
those who will do us harm from internal or external threats as a Nation, not a bank robber, someone who has taken a hostage, taken a drug, something that they are now responsible for getting involved with because we have passed laws here forcing them to do so. And now is it that we could have possibly missed so many clues, so many signs that there were people in the United States of America that were here to do us harm, and we should have known and done better. The FBI got information from the CIA. Did they not interpret it right?

Frankly, they are doing a million things, and I am glad to see that the Attorney General has determined that there is going to be a priority for the Federal Government, especially FBI involvement, and it is going to start with threats to the Nation. That is where it should end. That is where it should end because we have this thing called the State rights. We have this thing called the Federal Government, which delegates to States all of the responsibilities for law enforcement of other activities.

Yet people come to us constantly and ask us, and it is hard to turn down a request. We are not against certain activities to make a law against pedophilia and child molestation. I do not know anyone who supports that activity. But is that our role? Is that what the Constitution says the Federal Government should be doing?

I suggest that because there have been so many attempts to federalize criminal statutes and federalize certain crimes, I should say, that we have now become bogged down in that quagmire of activity that could frankly take all of the resources that we could possibly devote and would never, ever solve the problem.

We all need to know what our role is. What is the job of the Federal Government to enforce certain criminal statutes? What is the job of the counties and the cities? When each one knows what they are supposed to do, they can devote their resources to accomplishing that goal. But we have done far, far too much because we have responded, as is natural, to the requests, the demands, the political pressure, to make certain things a Federal crime.

Guns, guns. Now, I happen to represent a constituency that has suffered through one of the most traumatic events that can possibly be described. Columbine High School haunts our memories. It is replayed even today on television stations, in the newspaper with charges of malfeasance, with charges of ineptness on the part of various officials who were responsible for dealing with the issue.

Parents will actually never, ever feel the healing salve of forgiveness when it comes to this issue, and when it comes to the question of their children, both those killed at Columbine High School and those who remain or were injured, both physically and mentally. The tragedy is horrendous. So what happens then is political pressure develops. People come to the Congress of the United States and demand action. Certainly I felt that pressure. People demanded that we take dramatic steps in trying to restrict someone’s ability to own firearms.

Mr. Speaker, I believe, let me say first of all and clearly, I believe there are people in this country that should not be able to own a firearm. Maybe that goes a bit too far, but we are a constitutional nation with those who say the second amendment says everyone should be able to own firearms. I disagree. We do not go through the penitentiary system in this country offering catalogues for people to order firearms. We restrict a lot of people from being able to own firearms, and logically so. We do not want felons, criminals, especially violent criminals, to be able to easily access a firearm. And I must tell Members that seems completely logical to me. It is because we have certain mental instabilities to obtain firearms. That seems logical to me.

But what is the Federal role? That is the question that one must ask themselves. What is the Federal Government responsibility? Now, there are people who are federally licensed to sell firearms, and because they have chosen individually and voluntarily to in fact make that determination as a federally licensed dealer, then they are subject to the power of the Federal Government. They must accept that regulation. That is their decision. They chose to be federally licensed.

That gives them certain responsibilities and certain abilities that other people do not have. It is a privilege, in a way. So we regulate it. I can understand that, and I can even support it.

And I understand the desire of many, even here, to go far beyond that and regulate the ownership of firearms to anyone, of various kinds of firearms and number, all those things that we are able to do. Where in the Constitution does it give us that responsibility?

That is just one example; and as I say, believe me, I want to keep firearms out of the possession of people who should not get them to the extent we are able. We cannot create a perfect society. We cannot guarantee against every kind of risk, yet that is the constant pressure we face in the United States Congress. People want a risk-free society, and they expect us to deliver it.

All of this comes about as a result of a misunderstanding of the form of government that we have, and the blame can be placed at least partially, if not squarely on the shoulders of our public education system that does not do a very good job of telling children who we are, what we are, and what this Nation was founded on, what principles we were sent to this country to protect.

Without that knowledge, Mr. Speaker, we are at a loss to understand what we should be doing here and what State legislatures and county and local governments should be doing. We would think, without the knowledge of the Constitution, we would think that we here should be doing everything. That is the ultimate authority, and I suggest that it is the ultimate limitation. There is a lack of knowledge of the Constitution and of basic American history that has placed us in that situation, along with just the dynamics of human nature that when they see a problem look to a legislative body for resolution of that problem.

But we have to tell people that we have certain responsibilities, and those responsibilities are limited, limited by this thing we call the Constitution of the United States; and there is an important reason why we have such a document: it is to curtail power of the Federal Government. The Constitution is not something that is designed to broaden the power of the Federal Government; it is designed to limit the power of the Federal Government. And we should understand and appreciate that, and we should teach our children about that to the extent we are able, both as parents and as schools. Schools should reflect the values and attitudes and ideas about our system of government. After all, although there are a lot of reasons why we should argue about what should be taught in a public school system with regard to morality and everything else, the fact is we are talking about a system of government that we all share, that we all have a responsibility for looking into and voting, and a variety of other things that demand our participation.

When we do that, we should demand the participation of intelligent voters, people who understand what this process is all about. If we do that, Mr. Speaker, it will only be to mind the next, I guess, topic of my Special Order tonight, the issue of what is the proper Federal role in the government of this country.

I will suggest that there is one area that is uniquely Federal in responsibility, and that is of course the area of determining who comes into this country, how many, for what purpose, from what countries, and how long they stay.
of that is good and that is a way of looking at life through strictly economic lenses, and there is something to be said for that. I mean certainly the philosophy has merit. The gentleman who wrote to us, who I referred to earlier, Mr. Murray, told me, without exception, that this is an ideal, but it is an ideal to which I do not aspire. Therefore, I say, Mr. Speaker, we need borders. This country, all countries, need borders. We need borders to distinguish who we are, where we are and why we are. It is true, I think, Mr. Speaker, that there are certain things to say to some people, and they would see that as very chauvinistic. But the reality is if we raised all of the gates all over the world, where would people come? To what country would they come?

How many people, do you think, Mr. Speaker, if all of the gates in the world were raised, would go to China? How many would go to Russia? How many would go to Mexico? That is a test of this theory that all cultures are the same, essentially the same, no real difference and, therefore, why should we worry about things called borders? I suggest that we should worry about it because we are different. The United States, I mean it is fact, unique, and I say unequivocally it is better. Because if we raised those gates, Mr. Speaker, they would all come here. There is, I think, no question about it. Millions of people every year into the United States legally. Millions more come into the United States illegally. We for the most part have abandoned our borders at the present time. We have abandoned the borders for a variety of reasons, some of them purely cynical and purely political, some of them quite philosophical in nature, as I say, a libertarianesque attitude about the need for and importance of borders. But regardless of the reason we have done it, we have done it. For all intents and purposes, we really do not have borders.

I was recently in Arizona in the Coronado National Forest that has a 60-mile coterminous border with Mexico. The forest manager there had asked for help because he has a total of four people to patrol that border of his forest, a 60-mile border with Mexico, and we are now getting hundreds of thousands of people coming across, some looking just for jobs, some looking for a better way of life, some looking to secure our borders even if they did not work because of the welfare system in the United States, and some of them coming across to carry the illegal drugs that are provided them by the cartels in Mexico. Regardless of their purpose or intent, they are coming in illegally and they are essentially destroying the forest. In a microcosm, what is happening in the Coronado forest could be said to be happening throughout the country, to our Nation in a way. We are essentially destroying this forest, because the human traffic through there is at such a level as to actually negatively affect the ecology.
It is a tragedy in the Coronado. It is a tragedy also for the United States. Any country that cannot define its own borders and cannot actually protect and defend them is not a nation. Any country that says we recognize that there is massive violation of our laws, of our immigration laws, but we choose not to do anything about it, does not deserve to call itself a country.

Interestingly, this issue of elimination of borders and sort of a world economic and political system that converges, this is not something that is a hidden agenda. There used to be people that I know, and the Speaker knows of many people, who would confront us at various meetings, town meetings and the like, with this world economic order, a new world order, and it is all very conspiratorial; and they feel that it is all in the hands of certain people who have economic interests. Well, this is not conspiratorial. This is out in the open. It is absolutely clear for anyone to see and hear.

For instance, not too long ago, less than a week ago, I think, the President of Mexico, Vincente Fox, was speaking in Spain, and he said that all of his efforts, all of the government’s efforts to try and liberalize immigration policy, were really devoted to one goal. This was economically insightful, hearing what he had to say. This is the President of Mexico, and he has said something similar on many occasions, but he said just the other day that his goal is to end up with a system that allows for the free flow of goods, of services, and he stopped for a minute, and he said of Mexico, he had to say. This is the President of Mexico, and he says something similar on many occasions, but he said just the other day that his goal is to end up with a system that allows for the free flow of goods, of services, and he stopped for a minute, and he said of Mexico, he had to say. This is the President of Mexico, and he says something similar on many occasions, but he said just the other day that his goal is to end up with a system that allows for the free flow of goods, of services, and he stopped for a minute, and he said of Mexico, he had to say.

The gentleman who is the head of an agency of the Mexican Government that is called the Ministry for Mexicans Living Outside of Mexico said earlier, told me personally in Mexico, that there was, when I was questioning him about the use of his term of “migración,” and I said it is really immigration, and when they cross the border illegally it is called illegal immigration, and this is Mr. Juan Hernandez, who is, by the way, a Mexican and an American citizen, he said to me, “Congressman, it is not two countries; it is just a region.”

This, I suggest, Mr. Speaker, is the end goal of this game we are playing. It is debatable as to whether it is good or bad. I think it is bad. At least it deserves a debate, a national debate. Should we eliminate our borders, or not? That is where we are going. I want it to happen? We say as opposed to a de facto way. Actually, I do not want it to happen at all, but, if it does, it has to be through a legal process and not one where we just several years from now look around and say, oh, this happened to us. We lost our sovereignty as a Nation. I do not want to say I was responsible or had no part to play in that process.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

**Mr. EVANS (at the request of Mr. GEPHARDT)** for today on account of travel delays at Hare Airport.

**Ms. KILPACTIC (at the request of Mr. GEPHARDT)** for today on account of personal reasons.

**Ms. MCKINNEY (at the request of Mr. GEPHARDT)** for today on account of mechanical airplane problems.

**Mr. MENENDEZ (at the request of Mr. GEPHARDT)** for today on account of the New Jersey primary election.

**Mr. THOMPSON of Mississippi (at the request of Mr. GEPHARDT)** for today and until 12:00 noon on June 5 on account of a death in the family.

**Mr. GRAVES (at the request of Mr. ARMEY)** for today on account of travel delays.

**Mr. PETTERSON of Pennsylvania (at the request of Mr. ARMEY)** for today and June 5 on account of family business.

**Mrs. ROUKEMA (at the request of Mr. ARMEY)** for today on account of illness.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material):

**Ms. PELOSI, for 5 minutes today.**

**Mr. FILNER, for 5 minutes today.**

**Ms. KAPTUR, for 5 minutes today.**

**Mr. DEFAZIO, for 5 minutes today.**

**Mr. ORTIZ, for 5 minutes today.**

**Mr. SANDERS, for 5 minutes today.**

(The following Members (at the request of Mr. MORGAN of Kansas) to revise and extend their remarks and include extraneous material):

**Mr. PAUL, for 5 minutes today.**

**Mr. MORGAN of Kansas, for 5 minutes today.**

**Mr. WILSON of South Carolina, for 5 minutes today.**

**Mr. GEEKS, for 5 minutes today.**

**Mr. SHIMKUS, for 5 minutes today.**

**Mr. GOSS, for 5 minutes today.**

**SENATE BILL REFERRED**

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 83. An act to designate the facility of the United States Postal Service located at 201 Main Street, Lake Park, as the “John A. ‘Jack’ Shea Post Office Building”; to the Committee on Government Relations.

**BILLS PRESENTED TO THE PRESIDENT**

Jeff Trandahl, Clerk of the House reports that on May 29, 2002 he presented to the President of the United States, for his approval, the following bills:

H.R. 4592. To name the chapel located in the national cemetery in Los Angeles, California, as the “Bob Hope Veterans Chapel”.

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”.

H.R. 4782. To extend the authority of the Export-Import Bank until June 14, 2002.

**ADJOURNMENT**

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 5, 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:

H.J. Res. 2145. A resolution authorizing the President to transmit to the United States Postal Service located at 1669 Flora Street, Los Angeles, California, and Regional Office Center

H.R. 3167. To endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

H.R. 4592. To name the chapel located in the national cemetery in Los Angeles, California, as the “Bob Hope Veterans Chapel”.

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”.

H.R. 4782. To extend the authority of the Export-Import Bank until June 14, 2002.

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H.R. 4782. To extend the authority of the Export-Import Bank until June 14, 2002.
219; to the Committee on Appropriations and ordered to be printed.

7128. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Sweden and South Africa (Transmittal No. DTC 58-02), and 22 U.S.C. 2776(d); to the Committee on International Relations.

7141. A communication from the President of the United States transmitting notification that the national emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in 1992 expired; to continue beyond May 30, 2002 and June 9, 2002, respectively, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107-223); to the Committee on International Relations and ordered to be printed.

7142. A communication from the President of the United States, transmitting a combination report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) declared in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 107-224); to the Committee on International Relations and ordered to be printed.

7143. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7144. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7145. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7146. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.


7152. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7153. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7154. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7155. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7156. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7157. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7158. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7159. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7160. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7161. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7162. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 52-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.


7173. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 1 [Docket No. 01122393-1308-01; I.D. 112201(a) (RIN: 0648-AP44)] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

7174. 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 Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Fish, Pacific Leatherjackets, and Smalltooth Sawfish; offshore Peruvian Current Region, including the Gulf of California; Channel Islands; Channel Islands National Marine Sanctuary; and Baja California (RIN: 0648-AL41) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

7175. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting, the Administration’s final rule—Fisheries Off West Coast States and in the Western Pacific; Pelagic Pelagic fisheries; Prohibition on Fishing for Pelagic Management Unit Species; Nearshore Area Closures Around American Samoa by Vessels More Than 50 Feet in Length [Docket No. 01122378-2062-02; I.D. 121071(a) (RIN: 0648-AL41)] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

7176. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program [Docket No. 01122321-2078-02; I.D. 071701(c) (RIN: 0648-AK70)] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

7177. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting, the Administration’s final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Stella Sea Lion Protection Measures and 2002 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska; Amendment and Correction [Docket No. 01122380-2062-02; I.D. 121701(a) (RIN: 0648-AP96)] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

7178. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting, the Administration’s final rule—Fisheries of the Northwestern United States; Atlantic Herring Fishery; Framework Adjustment 1 [Docket No. 01122318-1308-01; I.D. 112201(a) (RIN: 0648-AP44)] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

7179. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting, the Administration’s final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 2 [Docket No. 01122393-1308-01; I.D. 112201(b) (RIN: (0648-AP44)] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

7180. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceannaic and Atmospheric Administration, transmitting, the Administration’s final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Management Measures for the Groundfish Fisheries Off Alaska; Amendment and Correction [Docket No. 01122378-2062-02; I.D. 121071(a) (RIN: 0648-AL41)] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

7181. A letter from the Acting Assistant Administrator of the Judiciary and Intelligence (Permanent Select).

7182. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Ridge and Marjory Harlan V. Commissioner [T.C. Dkt. Nos. 2124–92; 2469–92], received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Ways and Means.


7187. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting, the Administration’s final rule—Pacific Tuna Fisheries; Establishment of Incremental Catch Limit for Yellowfin Tuna Taken by the U.S. Purse Seine Fishery in the Western Pacific Ocean [Docket No. 011000243-1234-01; I.D. 102410(a)] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.


7190. A communication from the Acting Secretary of the Army, Department of Defense, transmitting a report in compliance with the Water Resources Development Act of 1999; to the Committee on Transportation and Infrastructure.

7191. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, (Presidential Determination 2002–22), pursuant to 19 U.S.C. 2432; (H. Doc. No. 107-221); to the Committee on Ways and Means and ordered to be printed.

7192. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Ridge and Marjory Harlan V. Commissioner [T.C. Dkt. Nos. 2124–92; 2469–92], received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Ways and Means.

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. MATSUJI:
H.R. 4857. A bill to amend part D of title IV of the Social Security Act to modify calculation of the child support automation penalty and provide for the reinvestment of any such penalty; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. TOWNS, Mr. STENHOLM, Mr. MCINTYRE, and Mr. HOUGHTON):
H.R. 4860. A bill to improve access to physicians in medically underserved areas; to the Committee on the Judiciary.

By Mr. NETHERCUTT:
H.R. 4862. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

By Ms. NORTON:
H.R. 4860. A bill to establish the United States Commission on an Open Society with Security for the Committee on Transportation and Infrastructure.

By Mr. RANGEL:
H.R. 4865. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

Mr. UDALL of New Mexico:
H.R. 4862. A bill to amend title 18, United States Code, to provide that sexual predators on release start treatment and remain in treatment until determined no longer to be a threat to society; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. SOTO, Mr. FALOMAVAREA, Mr. ACKERMAN, and Mr. BERMAN):
H. Res. 494. A resolution condemning the continued sponsorship of international terrorism by Iran, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

272. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 22 memorializing the United States Congress to support the implementation of a national missile defense system; to the Committee on Armed Services.

273. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 22 memorializing the United States Congress to support the implementation of a national missile defense system; to the Committee on Armed Services.

274. Also, a memorial of the Senate of the State of Illinois, relative to House Resolution No. 537 memorializing the United States Congress to appropriate impact aid funds to compensate school districts which have been damaged by federal installations or bases for not receiving property tax revenues from the U.S. military installations or bases; to the Committee on Education and the Workforce.

275. Also, a memorial of the House of Representatives of the State of Illinois, relative to Assembly Resolution No. 46 memorializing the United States Congress that the members of the Wisconsin assembly request that the U.S. Congress and the President of the United States pass legislation that would define the political status options available to the U.S. citizens of Puerto Rico and authorize a plebiscite to provide for Puerto Rican self-determination and regard the island’s future political status; to the Committee on Resources.

276. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 483 memorializing the United States Congress to applaud the selfless and heroic efforts of the thousands of firefighters and others across the United States who have aided the rescue efforts in New York, Arlington, Virginia, and Pennsylvania; to the Committee on the Judiciary.

277. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution 12 memorializing the United States Congress that we hereby ratify the Seventeenth Amendment to the United States Constitution; to the Committee on the Judiciary.

278. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution 13 memorializing the United States Congress that we hereby ratify the Twenty-Third Amendment to the United States Constitution; to the Committee on the Judiciary.

279. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Resolution No. 556 memorializing the United States Congress to pass important and much-needed legislation allocating funding locally to help combat the scourge of terrorism; to the Committee on Transportation and Infrastructure.

280. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 556 memorializing the United States Congress to pass important and much-needed legislation allocating funding locally to help combat the scourge of terrorism; to the Committee on Transportation and Infrastructure.

281. Also, a memorial of the General Assembly of the State of Wisconsin, relative to Assembly Resolution No. 46 memorializing the United States Congress that the members of the Wisconsin assembly request that the U.S. Congress and the President of the United States pass legislation that would define the political status options available to the U.S. citizens of Puerto Rico and authorize a plebiscite to provide for Puerto Rican self-determination and regard the island’s future political status; to the Committee on Resources.

282. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 537 memorializing the United States Congress to appropriate impact aid funds to compensate school districts which have been damaged by federal installations or bases for not receiving property tax revenues from the U.S. military installations or bases; to the Committee on Education and the Workforce.

283. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 22 memorializing the United States Congress that the Seneca River is a river of statewide significance for natural, navigational, and recreational benefits; to the Committee on Transportation and Infrastructure.

284. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 22 memorializing the United States Congress that the Seneca River is a river of statewide significance for natural, navigational, and recreational benefits; to the Committee on Transportation and Infrastructure.

285. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 22 memorializing the United States Congress that the Seneca River is a river of statewide significance for natural, navigational, and recreational benefits; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Mrs. JONES of Ohio introduced a bill (H.R. 4863) for the relief of Rodney Allan Green and Wendy Sharon Green; 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. 13: Mr. KILLER, Mr. WELDON of Florida, Mr. DAVIS of Florida, Mr. BARR of Georgia, and Mr. ISAKSON.

H.R. 122: Mr. CULBERSON, Mr. STEARNS, and Mr. HUNT.

H.R. 144: Ms. DE LA URO.

H.R. 179: Mr. ROGERS of Michigan, Mr. WAXMAN, and Mr. GEORGE MILLER of California.

H.R. 270: Mr. HOEPFEL.

H.R. 303: Mr. HOKKESSTRUP.

H.R. 339: Mr. LAFAUCHE.

H.R. 356: Mr. ROGERS of Michigan and Mr. LUCAS of Kentucky.

H.R. 440: Mr. WILSON of South Carolina and Mr. HINCHRY.

H.R. 488: Mr. JONES of North Carolina.

H.R. 488: Mr. RAHALL, Mr. FROST, Mr. CLYBURN, Mr. CROWLEY, and Mr. BERECKA.

H.R. 562: Mr. PETERSON of Pennsylvania.

H.R. 585: Mr. FILNER, Ms. MCKINNEY, and Mr. WAMP.

H.R. 638: Mr. HARMAN.

H.R. 654: Mr. BARR of California.

H.R. 764: Mr. ALBUS.

H.R. 792: Mrs. CLAYTON.
H. Con. Res. 401: Mr. Boozman, Ms. Solis, Mrs. Jones of Ohio, Mr. Kirk, Mr. Weiner, Mr. Payne, Ms. McKinney, Mr. Holt, and Ms. Delauro.


H. Con. Res. 403: Mr. Sanders, Mr. Baldacci, Mr. Tierney, and Mr. Frank.

H. Con. Res. 404: Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Ms. McKinney, Mr. Sanders, Mr. Stark, Mr. Waxman, Mrs. Jones of Ohio, and Mr. Brown of Ohio.


H. Res. 17: Mr. Hastings of Florida.

H. Res. 145: Mr. Hostettler, Mr. Weldon of Pennsylvania, and Mrs. Morella.

H. Res. 393: Mr. Rothman.

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. 3479: Mr. Smith of Washington.
The Senate met at 10 a.m. and was called to order by the Honorable Richard J. Durbin, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, today we celebrate the Senate’s passage of the 19th amendment in 1919 giving women the right to vote. We thank You for the impact of women on American history. We praise You for our founding Pilgrim Foremothers and for the role they had in establishing our Nation, for the strategic impact of women in the battle for independence, for the incredible courage of women who helped push back the frontier, for the suffragettes who fought for the right to vote, and for the role of women in our society, for the dynamic women who have given crucial leadership in each period of our history.

Today, Gracious God, we give You thanks for the women who serve in our Senate; for the outstanding women Senators, for the women who serve as officers of the Senate, for women who serve in strategic positions in the ongoing work of the Senate, and for the many women throughout the Senate family who glorify You in their loyalty and their excellence.

Our prayer today, gracious Lord, is that the presence of women in the Senate, for the outstanding women Senators, for the women who serve as officers of the Senate, for women who serve in strategic positions in the ongoing work of the Senate, and for the many women throughout the Senate family who glorify You in their loyalty and their excellence.

In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Richard J. Durbin 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 assistant legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard J. Durbin, a Senator from the State of Illinois, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. Durbin thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Acting President pro tempore. The Senate from the President pro tempore.

SCHEDULE

Mr. Reid. Mr. President, we are going to be working today, tomorrow, and the next day on the Supplemental Appropriations Act. We hope to enter into agreements, one of which would require that all first-degree amendments be filed today before 5 p.m. I have talked to Senator Byrd about this. I understand he and Senator Stevens are in agreement that this should be the case. We will be in recess from 12:30 p.m. to 2:15 p.m. today for the weekly party conferences.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4775, which the clerk will report.

The legislative clerk read as follows:

A 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.

THE NAVAJO TALKERS

Mr. Reid. Mr. President, we have so many opportunities to meet people—but I have to say I had such a warm feeling today when I was able to meet four of the code talkers, the wind talkers, the Navaio who were so instrumental in our victorious efforts in World War II.

These old men, I told the lead actor of this movie a number of years ago, were just like him: Young, powerful, physically strong men, who fought in World War II.

In talking to two of these Navajos this morning—two of these heroes—I asked them where they went during World War II. And they both started with Guadalcanal, and went through the various islands, including Guam. One of them said: At Tarawa, my buddies were killed right in front of me. With tears in his eyes he said this.

We have to remember the sacrifices of the people who died in World War II, the people who fought in World War II. These brave Indians deserve all the accolades they are going to get with this movie. I have spoken to those who have seen the movie, and it is a spell-binding movie. The reason it is so good is it is based on facts, based on truth and reality.

But the reason we should never forget the sacrifices of the soldiers, sailors, and airmen of World War II is that our freedoms today are based upon the
sacrifices they made. And students should always be reminded of that in the history books of this country.

Mr. President, 1,000 World War II veterans are dying every day. The average age of a World War II veteran now is 80 years. I, and all Senators, have returned from our respective States. We all attended Memorial Day services. I did that a week ago yesterday. Frankly, I have been attending these services for many years. The crowds are smaller than they used to be because the World War II heroes are passing away, they are leaving the scene.

So I want the RECORD to reflect the fact that it was a real honor for me to meet these brave men today and to meet some of the actors who are in this movie.

Again, I want the RECORD to reflect what sacrifices these men made. I am glad that finally their story is going to be made public to the world.

TERRORISM INSURANCE

Mr. REID. Mr. President, the Senate, as has been announced, is considering the emergency supplemental bill. Of course, anyone with amendments should come to the floor. We have so much work to be done this legislative year. We need to complete action on many important matters. One issue we must seek to work on quickly, expeditiously, is getting a bill out of this body to address the growing problem of a lack of terrorism insurance coverage due to the threat of terrorist attacks.

Moody’s Investors Service, which is a world famous organization, recently placed the ratings of 14 commercial mortgage-backed transactions on watch for possible downgrade due to concerns about terrorism insurance coverage.

Moody’s states that either the lack of or insufficiency of, or near-term expiration of terrorism insurance coverage is the cause for these reviews for downgrade.

In each case, terrorism insurance coverage has expired or will expire by the end of the third quarter of 2002.

A Moody’s spokesman stated:

We believe that ignoring the risks would be inappropriate given the events of Sept. 11 and continued government warnings of the likelihood of future terrorist attacks. While the probability of a major downgrade or default because of a terrorist attack remains fairly remote, the overall risk in these transactions has clearly increased.

Moody’s stated that it will take into account any Federal backstop for terrorism insurance put into effect by Congress.

The majority—Senator DASCHLE—has been trying since December 2001 to reach agreement on bringing up legislation to deal with this growing problem. Unfortunately, every time we try, we have been blocked from bringing this up by the respective Senators DODD, SARBANES, and SCHUMER have put together a solid proposal that addresses this problem.

The desire to move this quickly necessitates a unanimous consent agreement on the number of amendments that would be in order to this legislation. We have repeatedly modified our proposal to accommodate amendments that individual Senators seek to offer to the Dodd proposal.

Over the recess, I have heard that Senators GRAMM of Texas and MCCONNELL have put together a new proposal on terrorism insurance.

While I believe we should have addressed this issue a long time ago—they have every right to propose something new. I hope that whether it is controversial or not, it will help in moving this matter forward. Under our proposed consent request, they would be able to offer this proposal as an amendment. We have suggested that each side have four amendments, originally two; they said they wanted more, we doubled that.

The issue is too important to be caught up in political agendas at this stage. There are some who seek to impose greater restrictions on insurance companies. There are others who seek to use this as the way to have tort reform as part of the bill’s consideration. I encourage everyone to come to the middle and not let perfection become the enemy of the good.

It is important we do something. I encourage the White House to engage on this issue and assist us in moving this legislation as soon as possible. As the famous football coach, George Allen, said: The future is now.

The future is now. Moody’s recent expected downgradings are disturbing. All over America, whether it is New York, Chicago, Las Vegas, Dallas, or Atlanta, or any of the big cities in Florida, there are significant building projects that, if not on hold, will be on hold pending resolution of this issue.

This is not about tort reform. It is about maintaining the stability of our economic infrastructure. I hope we can, with this legislation, perhaps move forward to have something to deal with terrorism insurance. If not, I hope there is a way we can move forward soon, this week, to have this matter brought before the body with reasonable time agreements on the amendments, which I agree to be appropriate; but if not, then let’s move forward on the legislation with no time agreements on any amendments.

The Republican manager is here. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tem-pore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tem-pore. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

Mr. BYRD. Mr. President, yesterday I made a statement on the floor concerning the contents of the supplemental appropriations bill.

This is a good bill. It was reported out of the Senate Appropriations Committee by a vote of 29 to 0. That unanimous vote could not have been possible without the cooperation, the support, and the leadership of the distinguished Senator from Alaska, the ranking member of the Appropriations Committee, Mr. TED STEVENS.

As I indicated yesterday, the Appropriations Committee held extensive hearings on the President’s supplemental request and on the needs for homeland defense. The able Senator from Alaska, Mr. STEVENS, and I joined in issuing the request for witnesses for these hearings.

Every witness that came before the committee had been agreed upon jointly by the Senator from Alaska and myself. We heard from terrorism experts about the continuing threat to our Nation. We heard from Governors. We heard from mayors. We heard from the first responders: Our police, fire, and medical personnel. They all testified to a continuing need for resources to expand our capacity to prevent, detect, and respond to terrorist attacks.

We took testimony from seven Cabinet members and the head of the Federal Emergency Management Agency. Our former colleagues in this body, Sam Nunn and Warren Rudman, testified to the very real threat that this Nation faces. Those hearings were important, productive, and they brought forth exceedingly valuable information to the members of the committee. That information is reflected in the makeup of this appropriations bill.

The principal components of this supplemental bill are $14 billion for the Department of Defense; $1.9 billion for international emergencies; $3.3 billion for homeland defense, including $4.4 billion for the newly established Transportation Security Administration; $5.5 billion for New York in response to the events of September 11; $1 billion for the Pell grant shortfall; and $417 million for VA medical care.

Mr. President, Senator STEVENS and I will join, hopefully, in opposing amendments that require offsets. Senator STEVENS is in the chamber. He will speak for himself and I look forward to his remarks.

I yield the floor.

The ACTING PRESIDENT pro tem-pore. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have come to the Senate floor this morning to join our distinguished chairman of the Appropriations Committee in recommending the committee substitute to the Senate.

This bill reflects the priorities requested by the President which were to fight the war on terrorism, protect our
the Nation from future attack, and support the recovery of New York.

The bill provides slightly more money than requested by the House bill, as our committee utilized the time available to conduct a series of hearings that addressed many challenges in our homeland defense efforts, and that is one of the reasons for the differences between the Senate bill and the House bill.

In addition, hearings that begin today by the Intelligence Committees may include important requirements for moneys in this bill to ensure the effective cooperation by our intelligence and law enforcement agencies in our homeland defense.

Most importantly, the bill provides funds vital to sustain military operations in the war against terrorism.

Our bill meets the commitment made by the President and the Congress to the victims of the September 11 attacks.

The bill enables the Transportation Safety Agency and the Coast Guard to perform and expand their mission to ensure the safety of American travelers and trade.

I endorse the increases provided in this bill for the Transportation Security Agency, the Coast Guard, FBI, INS, FEMA, and several other categories.

While these amounts exceed the level requested by the President, we believe the funds are needed by those who undertake these difficult and dangerous jobs. These are people who deserve our support.

In addition, the bill responds to the serious needs overseas as we try to support the President’s efforts in the war on terrorism and to work for peace in the Middle East.

The $250 million for the Middle East peace effort matches the House-reported level and sends a very important signal to our ally, Israel.

The $100 million included in this bill for the fight against AIDS in Africa is very deserving. We are informed that some Members may advocate an even higher level for this item.

Finally, I personally appreciate that the full $16 million sought by the President for Indonesia is included in this bill. Senator Inouye and I have recently returned from a trip to Indonesia, and we know firsthand the needs of the country.

For all of these reasons, as I have stated, I recommend the Senate advance this bill to a conference with the House as rapidly as possible. There are several issues I hope the Senate, in the conference with the House, will see fit to modify in the bill.

We have in the bill section 2002 that mandates that all nondefense emergencies must be so designated by the President at the same time. I don’t believe that provision is necessary, but I am not going to oppose it.

Section 1102 of the bill makes the Director of the Office of Homeland Security subject to Senate confirmation. I have joined Senator Byrd in seeking Governor Ridge’s testimony before our committee. I further believe that position would be strengthened by a structure and a director with authorities defined in the law, as this amendment would provide.

Hopefully, an acceptable agreement can be reached over time between the Congress and the President on the issue of that office.

In the defense chapter, I regret that the authorities sought by the Secretary of Defense to respond to unforeseen requirements in working with our allies were not included, but the provision in the House bill, section 312, will be in conference and will be debated there quite heavily, I am sure.

The bill doesn’t include the $100 million sought by the Army and included in the House bill for a new initiative to destroy our stockpile of chemical weapons. This is another matter that we will have to address in conference.

It is not like finding the money to do all of these things at the same time.

I welcome the Senate proceeding to act on this bill today. It is my hope that we will reach an agreement on all differences by the first day of the next session. There is no reason the Senate should not complete its work on this bill as rapidly as possible and be able to go to conference this week.

As soon as we complete this measure, we can move to the fiscal year 2003 appropriations bills and not appropriate addressed in the fiscal year 2003 appropriations bills and not raise them on this supplemental.

As of today, we have only 117 days remaining in this fiscal year. There are very few days to take the initiatives that are required to complete the 13 bills, and there are very few initiatives that can be realistically accomplished in that time, other than proceeding with our 13 bills.

Mr. President, I commend the chairman for bringing this bill to the floor. I thank him for his cooperation and kindness to me and to our staff in the consideration of this measure. It is a bipartisan measure. I am pleased to be in the Chamber with Senator Byrd to urge the Senate to complete action on it as rapidly as possible. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore, The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MILLER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

Mr. MILLER. Madam President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. I also ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG BENEFITS FOR MEDICARE

Mr. MILLER. Madam President, let me read a few recent comments from the media, always a jaded and cynical bunch, but in this case let’s hope their pessimism is wrong. Our senior citizens certainly pray that it is.

From the National Journal, May 25:

It is becoming increasingly unlikely that Congress this year will approve compromise legislation providing prescription drug benefits for Medicare recipients.

The Wall Street Journal, June 3:

President Bush and Congress are unlikely to agree this year on promised Medicare benefit for prescription drugs.

World Market’s Research Centre, May 20:
Neither party wants the other to be seen by the electorate to have found the solution. Blocking the other's proposals will continue to take precedence in the run-up to November.

Cox News Service, June 3:

Slim chances for agreement on prescription drugs.

And the L.A. Times:

Few on Capitol Hill think they'll produce a bill this year.

Columbus [Ohio] Dispatch:

Time is running out...

The legislative year effectively ends when lawmakers leave for the August recess.

Madam President, I could go on and on. There are dozens of articles to this, but I think you get the idea. Hardly anyone thinks we are going to do anything serious about prescription drug costs and prescription drug coverage. Let us pray they are wrong—that is, the opposite of what they are doing. But if the past is prologue, that is exactly the partisan blame game that smells up this place sometimes.

I am interested in doing something now. I want results, not a campaign issue gone running, and I hate to tell you but some people want it to run out. That is their game. They want to shuffle and slouch and go through the motions while the clock does run out. That is why I think I am going to bring a calendar in here, and just like we count the shopping days left until Christmas, I am going to count the days left until the August recess.

It would look just like this: 39 days left. We are going to do anything today—another day shot.

Madam President, I know some may call that undignified. I hope they do. I would like to get the meaning of dignity into this debate, into this discussion. I want to tell you about losing dignity—an old woman with trembling hands, trying to cut a pill in half so her mama has to have her medicine.

I will tell you what undignified is—a couple who have lived together for 55 years, using coffee grounds from the day before to stretch it further because mama has to have her medicine.

So I don't want anybody talking to me about the loss of dignity, not in this debate.

By the way, there is a difference between what is undignified and what is obscene. What is obscene is having 650 lobbyists to make sure we keep shuffling and slouching—650 lobbyists. That is more than one for every Member of Congress.

There are towns in Georgia that do not have that big a population. I live in one.

I will tell you what is obscene—these lobbyists each make an average of over $12,000 a month. That is three times more than what an average schoolteacher or a registered nurse makes. We talk about predatory lending, predatory mortgage servicers, predatory businesses that protect their bottom lines at the expense of millions of people who cannot afford drugs they have to have?

I know we have been told we are going to take this up sometime— sometime this summer, sometime after hate crimes, sometime after this bill, sometime after another bill, sometime later. There is an old country saying. Probably nobody in this body has ever heard it, except maybe the senior Senator from Virginia and the two Senators from South Carolina, somebody like us who has been around chickens in the yard and knows about setting hens. There is an old saying that goes like this: I hear you clucking but I can't find your nest.

It means I hear you talking, but I don't see any action.

I will tell you this, I don't want to be associated with any political party that cannot comprehend the urgency of this stark need of our seniors; that is unwilling to take some risks and that is unwilling to compromise to get some results. If we fail to get some results on this issue, we should be so ashamed that all incumbents going into November—Democrats and Republicans alike—should have to go around with a paper sack over their heads like sports fans sometimes do when they are embarrassed by their team's performance. We have to do something and we have to do something soon, Madam President, and I know you share these desires.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 3557

Pursuant to To strike section 1004 of the bill

Mr. BYRD. Madam President, I ask unanimous consent that the order of the amendment be considered.

The PRESIDING OFFICER. The RECORD will so reflect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I am in support of the amendment offered by Senator Byrd for himself and for me. I ask that it be adopted. I understand the Senator from Arizona would likely a rolleicp vote. I have no objection to that. We join in that request.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.
Mr. MCCAIN. Madam President, I ask unanimous consent that the time for the vote be set by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. 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. SANTORUM. 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. SANTORUM. Madam President, I rise in support of the amendment offered by the Senator from West Virginia. I thank him and Senator STEVENS for moving forward quickly with the amendment to alleviate any question in the minds of the airline industry, but in particular, as Senator BYRD alluded, US Airways and US Airways employees. Over the last week, having been in my State of Pennsylvania, I have heard everywhere I go, traveling through the airports, the grave concern that employees of US Airways have with respect to this loan fund and the availability of the loan fund resources to help this company get through what is a very treacherous time in the company’s history, treacherous in terms of trying to provide a very difficult environment for the airline industry generally but a much more complicated one for US Airways as a result of probably being more impacted by the events of 9/11 than any other airline in the country.

I can tell you, after the events, they had no intention of ever having to access this fund. They were hoping they would survive on $1 billion in cash, and they have burned through most of that as a result of the losses they have suffered over the past 7 or 8 months. Now under new leadership, they have a new vision for restructuring this company to try to make a go of it as a more efficient carrier.

They, with need, I have been told, these resources, these loans, and their application will probably be forthcoming within the next weeks or months. So this original provision in this bill which would have made this money available until October 1 would have been certain death for this company. They have simply run out of money and no bank would have lent them the money. They are in the process now of negotiating with their employees. I can tell you, I have heard from employees, colleagues, folks at the reservation desks, and the flight attendants—that the negotiations are vigorous, but there is a new spirit in the airline, and I am very excited about it. We have over 25,000 employees of US Airways in Pennsylvania. It is a big deal in Pennsylvania.

This amendment allows the program to continue. It will not remove money from the program. What it does not do is guarantee that US Air will get the loan guarantees. What it does is say that the program is still going to be here, and US Airways would be able to apply. But there is still the question of whether or not sufficient reorganization of the airline so they can then go to the board and get this kind of loan.

In the Senate, we have included the first step. I hope that provision will not be in the conference report. I know Senators Byrds and Stevens will work hard to make sure that occurs. I thank them for this amendment. I certainly fully support it.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I appreciate the statement of the Senator from Pennsylvania. We in Nevada, in Arizona, and in the Western United States have experience with this loan fund. We had an airline that had been going since September 11—they had a large line of credit that was available. When September 11 hit, it was gone. They could not recoup in time to stay in business had it not been for this loan program.

I believe America West is the only airline that has received the actual approval of a loan. It has been lifesaving to the airline. The airline is now thriving and doing well, and they established direct flights from Las Vegas to Phoenix National to Phoenix and Las Vegas. They are doing very well.

I appreciate the statement of the Senator from Pennsylvania, and I am especially grateful to the managers of this bill for making this the first amendment.

I ask unanimous consent the vote on the pending amendment occur at 2:15 p.m. today and that no amendments to the language proposed to be stricken be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Thank you, the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I find myself in support of the Byrd amendment. The reason I wanted a recorded vote is because we need to send a strong signal to the other body, when this bill goes to conference, that we cannot have our Aviation Loan Guarantee Program, which would have been the effect of this legislation.

The question, of course, is why would the appropriators again take it upon themselves to make a fundamental policy change, which was recently authorized by a 98-to-0 vote in this body? The arrogance of the Appropriations Committee almost overwhelms me. This legislation was about to be emasculated—the Aviation Loan Guarantee Program—without a hearing before the Appropriations Committee. I know of, without any discussion on the floor of this body; it was going to be destroyed.

The reason, obviously, we know—I will state the obvious—the Byrd amendment is now going to pass because of the incredible outcry all over the country from employees, management, and from those who understand the absolute criticality of the aviation industry in this Nation.

I hope this amendment is passed by 100 to 0. But how they could take it upon themselves to fundamentally micromanage the Aviation Loan Guarantee Program passed just 8 months ago, of course, without any consultation with the committee of jurisdiction over this program and which was responsible for the bill we passed just a few months ago creating the Aviation Loan Guarantee Program.

Madam President, let me explain this program. The overarching purpose behind the Air Transportation Safety and Stabilization Act was to address the financial condition of the airline industry. The tragic events that occurred on September 11, 2001, had far-reaching effects on the airline industry. Commercial air carriers were used as weapons of mass destruction as devastating results. The resulting Federal-Government-ordered shutdown of the air transportation system resulted in a total loss of revenue for the airline industry for several days. This loss of revenue, through no fault of the airlines, mandated an appropriate shutdown of the airline industry and the resulting slowdown in air travel and issues regarding potential liability all lead to placing the airline industry in an extremely precarious financial situation.

As a result, Congress acted quickly—through the authorizing committee, I might add—to stabilize the airline industry by setting forth assistance on three fronts. It offered a cash infusion to reimburse the airlines for losses ensuing from the Government shutdown of the airways. It offered loan guarantees to allow those carriers that lost the ability to obtain financing due to a more conservative lending market after the terrorist attacks to obtain Government-guaranteed loans. It offered a limitation on liability to address the problem faced by several airlines that were unable to obtain financing due to their perceived potential liability.

The action taken by Congress was to ensure that all airlines—I emphasize all airlines—were given an equal opportunity to return to their financial positions prior to September 11, 2001. In the interest of full disclosure, some of the airlines, prior to September 11, 2001, were not in good shape. We all recognize that. But Congress believed it was necessary to act in this manner to try to prevent the human catastrophe from becoming a severe economic one that could alter the Nation’s transportation system, at a minimum.

It was never our purpose, and still is not now, to provide a taxpayer-funded bailout for airlines that were doomed to fail even before the events of September 11. However, it was also not our
intention for the Federal Government to become the architect of a new aviation economy, effectively picking winners and losers and, in doing so, contributing to the further consolidation of the airline industry. Yet here we are with the appropriators attempting to circumvent the work of the authorizing committee and fundamentally altering the act’s loan guarantee program because, after all, they know best.

Under section 1004 of the supplemental measure, the Aviation Loan Guarantee Program would be limited to $429 million for this fiscal year. Interestingly, the only loan guarantee approved this year was for $429 million. In other words, no further loan guarantees can be issued this year, according to the appropriators’ directive. There apparently is some report language that is intended to allow the board to continue to review and approve applications, but it would not be able to issue a guarantee instrument until the appropriate facts are told by the financial markets and the airlines this language may not deal with the appropriate issue. If the loan guarantees cannot actually be issued, then the financial markets may not be willing to extend credit.

The bill then reduces the loan program from $10 billion to $1 billion—a whopping 66-percent reduction by a stroke of the appropriators’ pen. You might say $1 billion is a lot of money, and it is a lot of money; but my understanding is that there is grave concern in the industry that if the number of carriers that are expected to apply do so, a $4 billion level would not be sufficient and, in turn, there would be significant consequences throughout the airline industry.

Let me be very clear. I do not support any particular airline’s application under this program. It is the stabilization board’s discretion to determine if particular airline is eligible. But there are numerous applications currently pending, and if their applications are approved, they will need the loan guarantees this year.

Let me note that the competition in the aviation industry has always been precarious. Since deregulation, national and regional competitive low-cost carriers have sprung up and are considered the driving force behind the benefits of airline deregulation. While some argue that the entry of low-cost carriers has significantly reduced fares and enhance service for the flying public. Any attempt by the Federal Government to predetermine which airline should survive and which should go under and Members lost service or, more importantly, low-cost competition, I do not think we could complain about the lost jobs in the economy or high airline fares because any member of the Senate might have put stock in the corporate jet. So, provision would only have only themselves to blame.

I want to speak about the bill for the fiscal year 2002. Before the Memorial Day recess, I stated my strong opposition to moving to consideration of this appropriations bill without first providing sufficient time for a thorough review of its provisions to ensure that we are acting in a responsible manner.

The bill before us today contains $1.5 billion in Federal spending. That is about $1.6 billion more than the House bill and $4.1 billion over the President’s budget request. There is at least $3.1 billion in new spending above the President’s request that is not paid for and will only add to our mounting deficits.

The Government is already running a deficit of $66.5 billion for the first 7 months of the current year, a reversal from the $165 billion surplus recorded for the same period a year ago. It does not take an economist to conclude that at the rate we are increasing spending, we will not only post a sizable deficit for the entire fiscal year but in the years to follow. The budget shortfall could total $100 billion or more, perhaps even approaching $150 billion.

The bulk of this bill does contain provisions that have been designated as emergency in response to the terrorist attacks of September 11, and I fully support them, but the story does not end there.

Can anyone say with a straight face that everything in this bill, which is officially titled “The 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States,” is directly related to this bill’s stated purpose? For example, this bill provides $2 million in emergency funding for the planning and design of an alcohol treatment facility for the national animal disease laboratory in Ames, IA, and will only add to our mounting deficits.

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The bill also provides $15 million to rehabilitate and extend the service life of the FAA’s inventory of certain long-range radars. Although the Appropriations Committee asserts this appropriation is in response to a Department of Defense request, this funding has not been requested or authorized by the President and should not be included in this bill.

Continued funding for these radars, which were scheduled to be decommissioned this year, is a significant policy change. It should be examined by the agency and the FAA before funding is allocated.

In the aftermath of September 11, Congress made a commitment to the airline industry that we would address their needs collectively, not piecemeal, as I described.

This bill includes several other items that are more appropriately within the Senate Commerce Committee’s jurisdiction. However, the relationship between funding these items and fighting the war on terrorism is also questionable.

Under the Fisheries Finance Program account, this bill provides $5 million for individual quota fishing loans and $15 million for traditional loans under the Emergency Loan Program authorized by the Merchant Marine Act of 1926. These authorizations were not even considered by the Commerce Committee. With some limited exceptions, individual quota programs are not allowed under the law. Therefore, this funding will only help fisheries where a quota program already exists, such as a halibut fishery in Alaska.

If someone can explain to me how fishing loans have anything to do with responding to the terrorist attacks on our Nation, as this bill suggests, please do so. I eagerly await the explanation.

In fact, there is a moratorium on any new quota program being put in place before October 1. So there is not even a need for this funding. Therefore, this funding will only help fisheries where a quota program already exists, such as a halibut fishery in Alaska.

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a Federal court order which restricts the number of days fishermen can fish; $10 million for NOAA for such things as backup capability of satellite services and a supercomputer backup.

The bill changes the Advanced Technology Program, which currently poses a ceiling of $40.7 million on the amount of new grants that can be awarded by the end of the fiscal year to establish a floor of $60.7 million that can be awarded in any new grants by the end of the fiscal year: $1.725 million for the National Transportation Administration. ITA has already received a substantial increase in funding during the last few appropriations cycles. The appropriators' practice of legislating on items within the jurisdiction of the Commerce Committee knows no bounds. This bill would prohibit the use of funds to implement, enforce, or otherwise abide by the memorandum of understanding between the Federal Trade Commission and the Department of Justice that was signed March 5, 2002.

Again, the test whether we are acting responsibly is simple. Just read the title of the bill. This bill is the “Further Recovery From and Response to Terrorist Attacks on the United States.” Any item that is not for this purpose should not be in this bill.

Using the guise of responding to the terrorist acts of September 11 to spend Federal funds on items that obviously have nothing to do with fighting terrorism is war profiteering, pure and simple. Such actions do not help the war effort but only do a disservice to the honorable men and women who are on the front line fighting this war.

Again, I am very pleased that one of our first actions is to remove one of the most egregious aspects of this bill, and that is the basic emasculation of the Aviation Loan and Stabilization Program. Why it was ever in the bill, of course, escapes my understanding. Perhaps it was going to be one of those perhaps it was not planned to make an immediate request for a loan but decided to defer until this summer when they are moving to reorganize the company.

Yesterday, while I was traveling in Pennsylvania, I received a call that US Airways had asked me to introduce the amendment to strike section 1004. I immediately agreed to take the lead. Later in the day, I heard that the amendment would be authored by Senator Hollings, the chairman of the Commerce Committee, and Senator McCain, ranking member, with the Aviation Subcommittee chairs joining to give it the impact of the full Commerce Committee which has authorization and jurisdiction. I am pleased to note this morning that Senator Byrd, chairman of the Appropriations Committee, and Senator Stevens, the ranking member, have undertaken the amendment, which shows how the issue has escalated in a very brief period of time.

For a while it was very onerous and very worrisome. Last week, during the recess, I traveled the State. I was in Pittsburgh, where 11,000 of the 17,000 Pennsylvania employees work. There was great consternation as to what would happen to US Airways. When I was in Erie, there was a similar concern. There was a similar concern in Altoona, a concern in Allentown, a concern in Wilkes-Barre, and a concern in Scranton.

That is good news indeed, and not just to US Airways, but also other carriers, with the expectation that United may be applying for a substantial loan guarantee of $2 billion, and US Airways at $1 billion. Had this loan guarantee not been available, it would have been at a particularly bad time to US Airways, which is trying to restructure the entire airline. There has been a very difficult situation regarding cashflow this year.

I am very pleased to see this amendment has been offered by the chairman and ranking member of the Appropriations Committee. That has been done with their awareness of the tremendous impact it would have on the Nation when we had legislation to provide $10 billion in loan guarantees, that it should stand, and there had been reliance by the airline industry on those loan guarantees being available. So this amendment will obviously solve that problem.

We still have to go to conference with the House, which, as I understand it, prohibits loan guarantees until fiscal year 2003, but would not reduce the overall amount of the loan guarantees available.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. Clinton). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Madam President, in the presence of any other Senator in the Chamber, if no one is seeking recognition to talk about the bill, I ask unanimous consent I may proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES-SYRIA RELATIONS

Mr. SPECTER. Madam President. I have sought recognition to talk briefly about a United States-Syria dialogue, which was held two weeks ago at the James A. Baker III Institute for Public Policy at Rice University in Houston, Texas. I attended the conference, chaired by Ambassador Rice. I am encouraged at trying to find some way of improving United States-Syria relations. Quite naturally, the conversation focused on terrorism.

I have had the opportunity to visit Syria on many occasions since the mid-1980s and have always believed that Syria was a key to a comprehensive settlement in the Middle East. During the course of those visits, I came to know President Hafez al-Assad. I saw, with most yearly visits from the late 1980s until I attended President Assad’s funeral in June 2000, a subtle but decisive shift in Syrian thinking so that Syria did attend the Madrid Conference in 1991. Syria was engaged in very extensive discussions with Israel at a time when Prime Minister Rabin was in office. Those negotiations were conducted in a somewhat curious way, through President Bill Clinton. Syrians would not talk directly to the Israelis. The Israelis made efforts to talk directly to the Syrians. However, whatever format those negotiations took, they came very close to an agreement, with Israel committing to a return of
the Golan Heights. Security arrangements had not been quite worked out and the precise boundary form had not been laid, but they were very close.

Regrettably, with the assassination of Prime Minister Rabin and with other events in Israel, there was a time when the relationship was very difficult. In 1996, the Syrians had some maneuvers on their border near Israel at a time when Prime Minister Netanyahu said that Israel would hold Syria accountable for what was happening with Hezbollah in southern Lebanon. At any rate, the peace talks disintegrated.

When I had a chance to visit the new President, Bashar al-Assad, in March 2002, I suggested to him while the time might be not exactly right now, with the problems with Israel and the Palestinian Authority, those negotiations ought to be resumed at an early date. I reported that conversation to President George W. Bush and made the suggestion that Bush might be determinative and influential, as President Clinton had been. While no commitment was made, that is something that would be considered by the Bush Administration when the time was right.

Edward Djerejian had been Ambassador to Syria, and when he visited President Bashar al-Assad early this year, he had a discussion with President al-Assad about his policy in United States-Syrian dialogue, and the James A. Baker III Institute hosted it. Former Ambassador Djerejian is the executive director there. Their plan is to have another Syrian-United States dialogue in the fall. I made the suggestion to the Syrians in attendance, former Secretary of State James Baker, who attended, and also former Ambassador Djerejian, that a good time to schedule another dialogue would be right after the elections this November. The three-day session in Houston was closed to the press, but I think it is within the bounds to comment that terrorism was the focus of attention. It is always salutary when people get together and talk. It is my hope that we can have some influence on Syrian activities, having Hamas and Hezbollah and other organizations, which we consider terrorist organizations and on the terrorist list, to have them ultimately ousted.

There has been a recognition by the State Department about Syria’s help on al-Qaida. There has been a recognition that Syrian assistance has, in fact, saved American lives. Much, much more needs to be done, but the dialogue at the James Baker Institute is a good start. If we could get a significant congressional delegation to go to Damascus in the fall, I think it would help that very important effort. I yield the floor.

Mr. REID. Madam President, I suggest the absence of a quorum.

Mr. BOND. Madam President, I ask unanimous consent that the roll call be recinded.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 257

Mr. BOND. Madam President, when the shocking events of September 11 hit us, we all realized that major changes had occurred. The devastation and the death that was visited by the terrorists were truly shocking. But there was collateral damage as well in many areas. We are seeing small businesses that have been put out of business. We have worked hard to try to help them.

But, obviously, one of the most severely affected areas of our economy was the lifeline of our Nation’s transportation system—the airline industry, was severely hurt by this action. Not only did we shut down flights for a period of days, which cost the airline literally billions of dollars, their insurance rates skyrocketed and put them at risk. And when you put the airline industry at risk, you put all of us at risk because ours is a very mobile country that depends upon a healthy, competitive airline industry.

I came to the floor on September 13 to urge my colleagues to take immediate action. Well, people in both Houses shared that view, and we did act. We adopted critical legislation to ensure that our airline industry continue to operate even as their insurance rates skyrocketed. This was a successful approach.

Then we embarked on another approach. We said we would set up a $10 billion loan guarantee program to provide assistance to airlines that were doing well, that were “taking off,” so to speak, but whose cash shortfall was exacerbated by the shutdown and the slow return of airline passengers. That $10 billion loan guarantee program sounded like a good idea.

We should support this amendment that tries to preserve the full commitment we made to our airlines and to the traveling American public. We have a plan, a plan specifically with the ATSB—that fine group of Federal servants—that decide what airlines get the money. So far, I think there have been seven applications; and they have only granted one. Even if all the applications were granted, I understand that $10 billion would be more than enough to cover them.

I have had a real problem because we have a fine, growing airline, a new airline in Kansas City, called Vanguard Airlines. So far, the ATSB has formally denied three loan applications submitted by Vanguard. Actually, they have only approved one. That was for America West. We are very glad that our colleagues who fly on America West and the people served by America West will be helped.

The intent of this program was to help airlines such as America West and, I believe, such as Vanguard. When you look at the facts, Vanguard actually stacks up better than America West when you consider the necessary criteria. The airline was growing rapidly and consistently prior to September 11. The airline is trying to get back on its feet, has recently made new orders of Boeing MD-90s. That airline that was taking back on a growth track. It is increasing routes and hiring people. They wanted a private loan package that would allow them to purchase more aircraft, more Boeing MD-90s.

When I talked with one of the officials at ATSB, they said: Well, we don’t have any collateral. If you don’t have collateral, and you are going to use the loan to buy an airplane, guess from where the collateral is going to come? They are even bringing in equity that would come in with the loan if it were granted. If we fail to do that, the potential ripple effect will not only be on the airline industry but...
on the entire Kansas City metropolitan area where Vanguard has become a major employer in the area.

I am reminded of a very old and very troubling definition. A friend of mine once said: A banker is a guy who loans you money and takes it back when it rains. If this loan fund were to be made available solely on the criteria by which a bank would issue a loan, we would not need it. If these airlines are healthy enough to go out and get loans—and many of them are—they do not need the loan guarantee package.

We set up criteria which should be observed, but somehow those criteria have resulted in denying everybody except America West a loan.

I hope we adopt this amendment by the distinguished chairman and ranking member of the Appropriations Committee to knock out the rescission because we want to make sure airlines that are healthy, that have a good record, the potential to grow, are not killed in their infancy because of the cashflow problems, the insurance problems, and the short-term lack of confidence in airline travel that came about as a result of September 11.

I say to our friends who serve on the ATSB, we appropriated this money, we made available these loan guarantees for one simple purpose: and that is, to loan the money to airlines that could otherwise not stay in business and that would not meet bankable loan standards.

This is extremely important to the airline industry. It is important to my constituents in Kansas City. I hope we will support the amendment, and I strongly hope that one of these days they will figure out how to provide money to airlines that may not have bankable loan capabilities but which have the growth and which have the potential to get back on their feet after the tragedy of September 11.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak in favor of the amendment. I had the same amendment already drafted. I am the ranking member of the Aviation Subcommittee of the Commerce Committee. I was alarmed when I heard what had happened with regard to the fund that we set aside to stabilize the aviation industry. So I thank Senator BYRD and Senator STEVENS for making this accommodation, for offering this amendment. And I certainly want to be made a cosponsor of the amendment.

Madam President, I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, our aviation industry lost thousands of jobs right after September 11, but it could have been hundreds of thousands if we had not come in and stabilized that industry. Because of repercussions in other parts of the tourism industry—in the hotel industry, the rental car industry—so many other parts of our economy that are dependent on tourism would also have fallen. So we did the right thing.

It is essential that Congress keep its commitment. The deadline is June 28. And there can be applications. US Airways is said to be looking at perhaps making an application. America West and Western may be other airlines. They need to know that when Congress passes a law, they have the right to believe that law is going to be carried out and deadlines will be met.

If we revoked that deadline and said, if you have not come in now, we are going to take the money away, I think it would be a tragedy. So I think this is definitely the right approach.

It is also essential that the traveling public and the banking community know that the airline industry is going to be secured. Today, most airports are reporting about 90 percent of the traffic they had at this time last year. That is phenomenal after what happened on September 11: the cataclysmic event and the impact on our economy. That we are back to 90 percent I believe is the result of the airlines, the airports, the people of our country supporting our economy, and also Congress stabilizing the airlines, and then, secondly, coming in with the aviation security that assured the traveling public that everything was going to be done to secure these airlines. We are well on the way to securing airports. We have a way to go; there is no doubt about that. Those two factors have stabilized the industry.

We are not out of the woods. June 28 is 3 weeks away. We need to allow that time for companies already in the process of making their applications. It is a pretty arduous process. We are not just guaranteeing loans that don’t have any substantiation or any reason to believe that they would be able to be repaid, but we are loans, as we have said we would, for a company that meets the very stringent criteria.

I hope this amendment passes overwhelmingly. I believe it will. I certainly appreciate that we have gone forward to put this amendment in place. I thank Senator BYRD and Senator STEVENS for immediately acting when it became known that this was actually going to cut off companies that were in that could then go into bankruptcy and cause a rippling effect throughout the economy.

We want to support US Air and any other airlines that might want to come in the summer months, so that hopefully by September 11, 2002, we will have a good report for the people of America that our airline industry has been stabilized and that the aviation and tourism industry are a part of that. This amendment will be one more step in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I ask unanimous consent to speak for up to 5 minutes on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I rise in support of the amendment. The amendment, introduced by Senators BYRD and STEVENS, is a logical one relating to the aviation loan guarantee language in the emergency supplemental appropriations bill. As my colleagues might recollect, last year we voted unanimously to extend an immediate cash infusion and loan guarantees to airlines struggling as a result of the September 11, 2001 attacks and the resulting closure of the nationwide aviation network. I wish to associate myself with the remarks of Senator HUTCHISON of Texas and Senator BOND of Missouri in their views and statements on the history.

Access to these funds is necessary for many airlines to continue operations and vital to the future of our nationwide aviation network.

My colleagues might recollect that all of our airports were shut down for 2 weeks, but Reagan International Airport, stayed closed for an extended period of time. Even today, commercial aviation is still getting up to full capacity and general aviation is still shut down. I hope that soon we will change the regulations for private or general aviation.

With the phased reopening over many months of Reagan National Airport, there was one airline, US Airways, which was particularly adversely affected. US Airways intends to work through all of the requirements they have with labor and management and put forward an application for the loan guarantee program in an effort to avoid bankruptcy.

The proposed language, in limiting the total funds available and eliminating any more loans for 2002, would be a detrimental blow to the health of this airline and very possibly other major carriers. The language in the bill, in this present form, represents a broken promise.

There was a time frame for which airlines, if they wanted to avail themselves of this assistance, would be able to make that effort. It is not easy to go through the whole loan guarantee process. To change the deadline at this point would clearly be a breach of trust and very unwise. When we passed the stabilization bill, the airlines were given until June 28, 2002 to apply for these loans. The funds were to be available through the end of the year. We now have to go back to the airlines in addressing this proposed injustice and appreciate the amendment offered by the chairman, Senator BYRD, and Senator STEVENS. I urge all Senators to adopt the amendment.

The amendment will not only correct an error, but will also provide the opportunity for our nation’s air carriers,
as they try to address the aviation security quandary in a much better way than is currently being done, to protect the jobs of tens of thousands of hard-working Americans. We are also trying to keep competition in aviation and trying to get Americans and America’s airways flying again.

I thank my colleagues and urge their support for this very important amendment for jobs, for the commercial aviation industry, and for the traveling public. This amendment also puts the Senate on record as keeping our word to this very important part of our economy.

Thank you and I yield the floor.

Ms. SNOWE. Mr. President, I rise in support of the Byrd-Stevens amendment that would protect the funding for the airline financial support program established by the Air Transportation Safety and System Stabilization Act of 2001.

Congress and the President moved swiftly after September 11, 2001 terrorist attacks to provide the airline industry with critical financial support to avoid a crisis in our national transportation network and in our economy.

The Air Transportation Safety and System Stabilization Act signed into law on September 22, 2001 was designed to give airlines access to up to $15 billion in assistance. It included $5 billion for direct aid to pay for industry losses associated with the results of the World Trade Center and Pentagon attacks. It also included $10 billion for loan guarantees.

The Fiscal Year 2002 supplemental appropriations bill which we are debating this week would have reduced the size of the loan guarantee provision to $4 billion. The Byrd-Stevens amendment before the Senate for consideration this afternoon would strike the provision in the supplemental and restore the program to the full $10 billion level.

I voted for the legislation that established this important financial assistance program in order to ensure the financial viability of the airline industry—which generates 3 percent of the gross domestic product, almost $273 billion. There is no question as to the significance of airline service not only to our quality of life, but also our national economy. In my home state of Maine, over 56,000 jobs, $1.29 billion in payroll and $3.73 billion in sales are tied to the availability of scheduled commercial air service.

In the wake of the attacks of September 11, thousands of airline employees lost their jobs and remain laid-off. Most major airlines continue to operate more limited schedules than before September 11. United Airlines and American Airlines both announced layoffs of 20,000 personnel and scheduled reductions of about 20 percent.

The airlines have begun to re-hire some employees and restore service, but we are still not where we were prior to September 11. Approximately 750 to 1,000 aircraft that were in operation before the terrorist attacks are out of service to this day.

According to the Air Transport Association, the airlines suffered losses of about $1.4 billion during the aviation system lockdown that followed the tragic events of September 11. And they have continued to lose money. Before September 11, the airline industry was expected to lose $1 to $2 billion in 2001. In the aftermath of September 11, the losses exceeded $7 billion, and could have been catastrophic for the financial assistance package passed by Congress and signed by the President.

US Airways, the only commercial carrier to serve all six of Maine’s commercial airports, warns that without the loan guarantees, it may be forced into bankruptcy. US Airways is a major carrier providing service along the Northeast corridor, and with some hub operations based at Ronald Reagan National Airport, suffered significantly as a result of increased security requirements and reduced service levels to Washington.

I think the numbers speak for themselves. I believe it is critical that we restore this funding, and I urge my colleagues to join in a strong show of support of this amendment.

Mr. KENNEDY. Mr. President, I wish to thank our distinguished chairman of the Appropriations Committee, Senator BYRD, and Senator STEVENS for this amendment, which is so very important to tens of thousands of airline industry employees across the country.

This amendment will restore the integrity of the loan guarantee fund we established in the Air Transportation and System Stabilization Act of 2001, and ensure that airlines suffering from the continued effects of September 11 will be able to remain strong and competitive.

I greatly appreciate the efforts of Senator BYRD and STEVENS to put the U.S. Senate on record with this issue as the fiscal year 2002 emergency supplemental appropriations bill moves to conference with the House of Representatives. Their leadership is so very important, because the House bill has a provision that would cripple the loan guarantee fund, a provision that may well bankrupt more than one major U.S. air carrier.

I also want to recognize the thousands of airline industry workers who made their voices heard on this issue over the Memorial Day recess. These workers united in a most impressive way to lobby on behalf of their companies. I found their commitment inspiring, and I want to congratulate them on this great victory they have won on the Senate floor.

Mrs. CARNAHAN. Mr. President, I support the Byrd-Stevens amendment, which will preserve the loan guarantee program that we established last year.

We acted swiftly and in a bipartisan fashion to respond to the September 11 attacks.

We authorized the use of force, we appropriated funds to start rebuilding, we bolstered security efforts, and we took important action to assist the aviation industry.

As part of our initiative to promote the ongoing stability of the aviation industry, we created the Air Transportation Stabilization Board, ATSB, to ensure that airlines would continue to have access to capital.

Now, after the ATSB has approved just one airline’s application, the bill before us is seeking to impose new limits on this extremely important program.

I think this is unwise, and I am supporting this amendment to strike these new limits from the bill.

When we enacted the airline stabilization bill last year we essentially made a promise of assistance to struggling airlines.

Limiting this program now would be unfair to airlines that are counting on it to help them in their efforts to regain sound financial footing.

One airline that is particularly in need of assistance is Kansas City-based Vanguard Airlines.

As a member of the Senate Commerce Committee, I understand how important low-fare competitors are in our nation’s transportation network.

As a low-fare airline operating out of Kansas City, Vanguard contributes substantially to keeping airfares competitive in Kansas City and throughout the Midwest.

Not only did September 11 have a devastating financial impact on Vanguard, but it severely limited the company’s ability to obtain private financing as well.

Vanguard’s approximately 1,000 employees have been fighting diligently to improve the company’s financial standing.

But securing additional capital is absolutely essential to the company’s long-term health.

I have been extremely frustrated and disappointed by the ATSB’s reluctance to approve Vanguard’s application. I am committed to ensuring that the loan guarantee program is maintained in its current form.

Moreover, I plan to continue working with Vanguard as it re-submits its application in an effort to achieve a positive outcome.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:35 p.m. Mr. EDWARDS?

The PRESIDING OFFICER. The question is on agreeing to the Byrd-Stevens amendment.

The yeas and nays have been ordered.

VOTE ON AMENDMENT NO. 357

The PRESIDING OFFICER. The question is on agreeing to the Byrd-Stevens amendment.

The ayes and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.
Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MUKVOSKI), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting that the Senator from North Carolina (Mr. HELMS) would vote "yea." The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 131 Leg.]


Yeas—91

Nay—4

Mr. REID. Will the Senator yield?

Mr. McCAIN. I am happy to yield. Mr. REID. Would the Senator be able to have that letter from the administration made a part of the RECORD?

Mr. McCAIN. I ask unanimous consent that the President's statement of administration policy dated 4 June 2002 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,

STATEMENT OF ADMINISTRATION POLICY
S. 205—MAKING SUPPLEMENTAL APPROPRIATIONS FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES, FY 2002

This Statement of Administration Policy provides the Administration's views on the FY 2002 Emergency Supplemental Bill as reported by the Senate Appropriations Committee.

While the Senate Committee bill funds the Defense request at the President's level, it exceeds the President's request for other programs by more than $4 billion and funds numerous lower priority non-emergency programs as "emergency" needs. The Administration strongly opposes any amendment to further increase spending above the President's request. For instance, the recently enacted Farm Bill, which has historically high level of agriculture spending that can accommodate funding for emergencies, economic assistance, rural development, and other purposes. The Administration supported the Farm Bill to ensure farmers have the resources they need. The Farm Bill breaks the bad fiscal habit of passing emergency appropriations bills including drought assistance and other supplemental payments that make it difficult for Congress to live within its budget leading to uncertainty for farmers, ranchers and their creditors. The Administration strongly opposes any new agriculture spending.

In addition, the bill severely constrains the President's ability to fund emergency homeland requirements by compelling him to release non-emergency money provided in the bill. If the supplemental appropriations bill were provided in its current form, the senior advisers would recommend that he veto the bill.

Overall Funding Level

The proposals for emergency funding included in the bill were crafted to provide critical resources to support the war on terrorism, secure the homeland, and help displaced workers as the Nation continues to recover and rebuild following the September 11, 2001, terrorist attacks. It is important to note that Congress has already provided $46 billion December 11th and only half of those funds have been spent. The President's FY 2002 emergency supplemental request was targeted at this year's immediate needs, but funding in addition to this request is not warranted at this time.

The Senate bill includes scores of unneeded items that total billions of dollars--classified as an "emergency." The bill adds unrequested funds for numerous programs and projects throughout nearly all of the Federal agencies, with few of these items relate to homeland security, many do not, including: $11 million to the National Oceanic and Atmospheric Administration (NOAA) for economic assistance to New England fishermen and fishing communities; $25.8 million for the U.S. Geological Survey for urban mapping activities; $2 million for the Smithsonian to begin design of an alcohol storage facility for specimens away from the Mall (President's FY 2003 Budget already includes funding for this project in FY 2000); and a directive for the Department of Energy to construct duplicate waste treatment plants in Ohio and Kentucky that will cost at least $100 million more than necessary. In addition, without regard to the quality of the awards, the bill requires $28 million more for new Advanced Technology Program awards than the Administration recommends for 2002. These awards are not related to homeland security needs, may not meet the Federal Government's standard of peer review, and over their duration are likely to cost the government over $75 million.

While the Administration is pleased that the Senate Committee provided $1 billion of the $3.3 billion needed to fund the Pell Grant shortfall, the Administration objects to the provision that designation these funds as an "emergency." The Administration urges the Senate to follow the House's lead and offset this funding. The Administration will continue to work with Congress to identify offsets necessary to finance this and any other non-emergency activities that have not been fully paid for in the bill.

The Administration believes the funding requested for assistance to Colombia is crucial to support the anti-narcotics and anti-terrorism in that country. The reductions in funding and the restrictions on the requested expansion of counternarcotics authorities in Colombia will impede the Administration's prospects of defeating these twin threats.

Homeland Security Needs

While the Senate Committee bill fully funds the President's request for the Transportation Security Administration (TSA), the Senate version of the bill provides $2.6 billion more than the Administration requested for homeland security funding. This funding could not possibly be obligated in the remaining months of this fiscal year, and therefore is not an emergency.

The Senate bill provides in new, unrequested funding for the Agriculture Department for research, inspection, and monitoring activities related to bioterrorism. These significant new resources have already been provided through the Emergency Response Fund (ERF) as well as in the FY 2003 President's Budget request. For example, funding is provided for the design and renovation of an Ames, Iowa facility is redundant because a total of $90 million has already been provided for FY 2002 as part of the ERF and similar appropriations, so that additional funding is not needed in FY 2002 and FY 2003.
The Senate Committee also added $100 million for nuclear non-proliferation activities for the National Nuclear Security Agency (NNSA). It is not possible for NNSSA to use these funds for the remaining four months of the current fiscal year. The Senate bill also provides $315 million in unrequested funds for Centers for Disease Control and Prevention (CDC) buildings and facilities, including $278 million for accelerated planning, design, and construction of new facilities, of which $28 million is designated as bioterrorism-related. This language would be able to obligate the additional funding in FY 2002 since they may not even be able to obligate all of the $250 million they already received in FY 2002 for building design. To date, CDC has obligated approximately $18 million (7 percent) of its FY 2002 funding. In addition, the appropriate analyses have not yet been completed for many of these activities making it unlikely that these funds would be spent until well into FY 2003.

The bill also includes $85 million for the Justice Department’s COPS program to create a new grant program to finance communications equipment for local first responder agencies. Communications equipment is a major priority under the COPS program. The Senate initiative the President has proposed for FEMA in his FY 2003 budget. The creation of a new grant program for these purposes in the Defense budget runs contrary to the Administration’s proposal to consolidate First Responder programs in FEMA, and in any event is duplicative of efforts currently underway in the Office of Justice Programs and FEMA.

The Administration also objects to the proposed $18 million requested for communications equipment for local first responder agencies. Communications equipment is not only a significant portion of the COPS program, but is a major priority under the COPS program. The Senate version of the bill also unduly restricts the President’s prerogatives in counterterrorism efforts. While well-intentioned, the creation of this position would hinder, rather than enhance, the Administration’s counterterrorism efforts by creating another unnecessary layer of bureaucracy. In addition, this program would complicate recently announced restructuring plans by the Federal Bureau of Investigation to enhance counterterrorism efforts.

Restrictions on Presidential Authorities

The Senate version of the bill also unduly restricts the President’s prerogatives in numerous areas. First, it requires the President to designate “all or none” of the non-defense funding contained in the bill as an emergency. Second, the National Security Act requires the President retain control over the release of emergency funds added by the Congress to ensure that the funds respond to critical needs. By compelling the President to spend this long-established budget enforcement mechanism, the Senate would require the President to waste taxpayers’ dollars on low-priority, non-emergency items in order to access vital high-priority homeland security and recovery funding.

The Senate version of the bill also requires payment to the United Nations Population Fund (UNFPA) by July 10, 2002. On May 26, 2002, a three-member team returned from a two-week investigation of UNFPA in China, designed to provide information relevant to the determination whether UNFPA is in compliance with the Kemp-Kasten law barring support for any program involving coercion. The team is in the process of completing a report outlining their findings. Thus the Senate version would remove the flexibility provided by Federal Aid to Countries under P.L. 107-114, the FY 2002 Foreign Operations Appropriations Act, to weigh the report’s findings in his consideration of funding levels. As has been U.S. policy since 1989, no support should be provided to UNFPA if that organization’s programs in China support coercion.

In addition, the bill requires that the Director of Homeland Security be confirmed by the Senate, and makes the provision of $5 million in homeland security funding for the White House Counterterrorism Coordinator. The Administration recognizes Congress’ need to receive information on homeland security, and the Administration to take this into consideration. This is the case while protecting the confidentiality of Presidential counsel. The President has said that the initial structure for organizing and overseeing homeland security may evolve over time and the National Strategy Review now underway may recommend an arrangement different from the current one.

The Senate version also purports to prevent the Department of Defense from providing assistance to the Department of Homeland Security. The Administration does not believe the Department of Defense should be held accountable for managing and disbursing funds directly related to military operations.

Assistance to Dislocated Workers

The Administration appreciates that the Committee provided $400 million of the President’s $420 million request to help dislocated workers return to work. However, the Administration is concerned that the Committee provided insufficient funds for the National Institute for Career Development (NICD); provided an unrequested $580 million for State Dislocated Worker formula grants; and did not provide adequate funds for community economic adjustment and high-growth job training demonstration. The Administration looks forward to working with the Senate to ensure that adequate assistance is available to displaced workers, through National Emergency Grants, and distressed communities to address higher unemployment levels resulting from the recession.

New York

The Administration appreciates the Senate support for the request for additional disaster relief efforts for New York in response to the September 11 terrorist attacks. However, we are concerned about language that expands FEMA’s Mortgage and Rental Assistance program and proposes to redirect $90 million from FEMA to the Centers for Disease Control. The Administration believes that the program expansion is unnecessary because FEMA has sufficient authority to address homeowners and renters and that the President’s full $2.75 billion request for FEMA is needed.

Funding for Global HIV/AIDS

The Administration appreciates the Senate support for the request for additional disaster relief efforts for New York in response to the September 11 terrorist attacks. However, we are concerned about language that expands FEMA’s Mortgage and Rental Assistance program and proposes to redirect $90 million from FEMA to the Centers for Disease Control. The Administration believes that the program expansion is unnecessary because FEMA has sufficient authority to address homeowners and renters and that the President’s full $2.75 billion request for FEMA is needed.

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United States." That is the name of the bill. That is why the two managers, two of the most senior Members, the most senior Members and one of the most senior Members, Senator BYRD and Senator STEVENS, have worked so hard to move it forward.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. MCCAIN. I wonder why there should be an exception made for a manager, as there was an amendment by Senator BYRD and an amendment by Senator STEVENS. Shouldn't all Members be treated the same in this scenario? Why couldn't it be amended to say that all first-degree amendments be filed by whatever date we agreed to, rather than adding a managers' amendment at any time, when we know the havoc that can wreak, in an amendment by Senator BYRD and Senator STEVENS; why not add Senator GRAMM, Senator MCCAIN and the other 96 Senators, anyway?

Mr. STEVENS. Will the Senator yield?

Mr. REID. Please.

Mr. STEVENS. I would like to answer that.

Mr. President, the request for Senator BYRD and myself is because of absent Members who have an interest in this legislation. We had asked for an amendment to protect those absent Members, particularly with regard to the budget.

From my point of view, I would be happy to have an agreement that all amendments must be filed by 5 p.m. without regard to anything else, and we would proceed. We would be happy with that.

As far as the managers' amendment is concerned, those primarily are technical amendments that are brought to us as the day goes along. Sometimes people disagree with them and laugh about them, but it is very important that people bring them forward, and I remind the Senate they are adopted by unanimous consent.

An amendment that could have objected in the past or now to such a process. I am happy to leave that. We can get the votes on the managers' amendment any time we want. We don't need unanimous consent to get a managers' package adopted.

I would be happy to have an agreement that everything has to be filed by 5 o'clock. I ask the majority whip to change the request so that all amendments must be filed by 5 o'clock.

Mr. MCCAIN. Including the managers' amendment?

Mr. STEVENS. Including the managers' amendment.

Mr. REID. Mr. President, this shows the wisdom of having two managers of this legislation. I don't have nearly the experience the two managers have, but I have had some experience. There are always things that go wrong with legislation, most of which are technical in nature, and that is why you need a managers' amendment.

These two experts on Senate procedure have asked that I propose a unanimous consent request, just as I have done, except eliminate the fact that there would be any other amendments in order.

The two managers have more knowledge than I do, but I know the former chair of the Budget Committee, the ranking member in the subcommittee of appropriations with whom I work, Senator DOMENICI, is not here today. They have a very important primary election in New Mexico. He is not here. I ask for this request, keeping in mind that we would be protecting Senator DOMENICI, who is a person who has some knowledge of things that happen around here. But if the two managers are willing to go forward, I would be happy to do that.

So I propose this unanimous consent request again, indicating—in fact, I will just read it.

I ask unanimous consent all first-degree amendments be filed by 5 p.m., Tuesday, June 4; that any second-degree amendments be relevant to the first degree to which offered or dealt with offsets on the first degree; and that upon disposition of all amendments, the Senate vote upon passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

Mr. REID. I wonder, while the Senator from Texas is on the floor, would the Senator agree, on behalf of the minority, to have a time tonight, say, 5 o'clock, 5:30, for a finite list of amendments? The two managers would be given, by their respective cloakrooms, a finite list of amendments. This has worked well in the past as we proceed to get a finite list of amendments. Mr. GRAMM addressed the Chair.

Mr. REID. I am sorry to interrupt. If we could get a finite list of amendments, then we could proceed to getting a cutoff of amendments at some subsequent time.

Mr. GRAMM. Mr. President, I have high regard for the Senator. I understand he is trying to do his job.

We just had a luncheon with the OMB Director, representing the President. We were given the understanding, and Senator MCCAIN and Senator MCCAIN put it in the RECORD so it will be immediately available to everybody—I am sure everybody will get a copy of it—an outline of why the President opposes the bill, why he will veto it if it becomes law.

This bill is 115 pages long. Just looking through it, there are provisions of which I was unaware. We need time to sit down and read it.

On that basis, we are not going to agree to limit amendments on this bill this day. What we will do tomorrow, I think, depends on where we are when people have had the time to look at it.

For the people who are on the committee who studied these issues, obviously they are up on them; they know them. Most Members are not members of the Appropriations Committee. So in reading through here, I see we have $2.5 million to train journalists in Egypt. That may be a very good idea. I don't know.

Or that, of the funds appropriated in this paragraph, not less than $3.5 million shall be made available to programs and activities which support the development of the independent media in Pakistan.

I would have to say, I may be exhibiting my ignorance, but I don't know whether or not that is a good expenditure of the taxpayers' money. I don't know if the President requested it in his bill. We have just gotten on this bill today.

We are going to have to look at this to know where we are going and what we are doing. There are some very controversial amendments coming to be offered. I think we are going to have to see what they are before we are going to be ready to limit our amendments.

I think there is a hope that this bill might be finished this week. I know our leader has that objective. But it is going to take us time to get through the bill and look at it and see to what extent we are going to want to offer amendments.

Again, having just gotten the administration's position, given their strong opposition to the bill, I think it is going to take a day or 2 days or so for us to get through the bill and decide how we want to go about it.

I know the Senator wants the trains to run on time, but there may be people who decide to blow the train up. They would have a very different objective.

It is going to take us time to absorb this bill and decide what we want to do.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will sit down very shortly. My friend from Texas is one of the smartest people in the Senate. He is an academic, he has a Ph.D., taught in college, and I certainly have every respect for not only his academic brilliance but also his common sense.

Common sense dictates that this bill, which has been available since May 23—it has been available. Staffs had it; my staff had it. Other staffs have had an opportunity to look at it. There may be a lot of reasons why the Senator from Texas doesn't want to go forward with this legislation, but it is not that this bill just got here, because the bill has been here since May 23. It was reported out May 22.

By Senate standards, it is a pretty thin bill. It is 117 pages. But in this there are a number of issues about which people have complained. The Egyptian journalists section was not requested by Senator BYRD; it was requested by Senator McCONNELL. That
is why it is in the bill. The $3.5 million for the independent media in Pakistan about which my friend complained, that was not requested by Senator BYRD; it was requested by Senator MCCONNELL.

So I appreciate the concern of the Senator from Texas and others. But he is right. We want to move this train. We have so many important things to do and this is the most important thing we have to do now.

I repeat, this is a bill for further recovery and response to terrorist attacks in the United States. Every time we slow the train down, there are resources not going to agencies and entities and people throughout America that they desperately need.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I don't want to get into lengthy debate here. I raised the question about the journalists because I didn't know. I could have spent more time on this bill. I did not. Maybe many of my colleagues did. I doubt it.

We are not going to get this bill passed by passing it in a form that the President has already said he is going to veto. Let's not seem to me if we are really in a hurry to pass this bill, that we need to figure out what we need to do to put it in a form so the President can and will sign it.

I think we have three clearly identifiable problems. One, it spends $3.8 billion more than the President requested. No. 2, it does not fund $10 billion of emergency programs the President did request. And No. 3—what the administration says—

Mr. STEVENS. If the Senator will yield, that statement is really just not correct. We just didn't fund it in the way he requested it, but we funded what he requested.

Mr. GRAMM. All I know is if you take the programs he requested and you take the programs that are funded here, that there is $10 billion of programs, as he defined them, that are not funded in this bill. That is the second problem.

The third problem is there are $14 billion of programs that he did not request, that he did not designate as emergencies, that are funded in the bill.

So you have three major problems: It spends too much money, it leaves out $10 billion that the President asked for to fight the war on terrorism, and then it spends $14 billion for which the President did not ask.

It may very well be that the way he asked and the way you provided are subtly different. I think that is one of the reasons we need to look at it.

Mr. STEVENS. Will the Senator yield?

Mr. GRAMM. All I am saying is that is what the administration is saying in these letters. They are giving us. I appreciate the job of the Senator from Nevada. He does it well. But if our objective is to get the money passed for the war on terrorism so it becomes law and the money can be spent, we are not going to do that by passing a bill the President today, in writing, is saying he will veto.

If we are in a hurry to get the money, what we ought to do is find a way to fix those three problems: No. 1, we are spending way too much money as compared to what the President requested. No. 2, $10 billion he asked for in some form that we didn't provide. And then the $4 billion he didn't ask for, didn't say that they were emergencies, but we are calling them emergencies.

Then we have a provision in the bill that says he cannot spend any of the money as an emergency unless this $14 billion is deemed as an emergency, even though he doesn't think it is an emergency.

So I just think we are a long way from home. And if our objective is to get some portion of the budget and will sign and will become law, there are going to have to be dramatic changes in the bill.

If I knew how to fix the bill today, I would do it; but I do not know how. It is just going to take time for us to figure it out. And that is what this is about.

The PRESIDING OFFICER (Mr. CARR). The Senator from Alaska.

Mr. STEVENS. Mr. President, the President asked for this money as an emergency. The committee has made it a contingent emergency. And in terms of the accounting process, that turns up in one column or the other, but it is $10 billion in each column.

Now, I would hope that the President would allocate some of that money in ways the President did not seek to allocate it. And there is a difference in whether we want money to go to one Department or the other for homeland defense, but it is all still there as in terms of the budget.

I understand the comments of the Senator from Texas about vetoes. If every time we had a veto threat, since I have been in the Senate, we just stood still there would never pass any bills. The appropriations process always faces veto threats—until we come out of conference. And guess what. With very few exceptions, in the 30 years I have been on the committee, we have not had vetoes of the appropriations bills. It is just a tactic of the administration that tells us: If you don't do this and that, we are going to veto the bill. We will work this out, and eventually we will get the President's agreement.

We have to deal with the House, too. The House bill itself was finally deemed acceptable after it passed, but it faced a veto threat before it passed. As far as I am concerned, the difficulty with the matter out with the House and not sit around here to wait for people, in 2 days, to tell us what they object to in this bill that is going to the House for conference in any event.

So I want to serve notice, tomorrow afternoon, unless the chairman disagrees, I think we ought to have a test vote and see who wants to delay the supplemental appropriations bill. We ought to go to third reading tomorrow and take this bill to conference on Thursday. As I had lengthy hearings on the bill. Those hearings were well attended by Members on both sides of the aisle. The witnesses who came before the committee were witnesses who were agreed upon by both the ranking member, Mr. STEVENS, and myself.

Everything was done that could have been done to try to ascertain what the true needs of the country are. We had seven Department heads. We had the Director of FEMA. We had mayors, Governors, local responders, the people who are first on the scene: the firemen, health personnel, law enforcement people. And we assiduously studied the hearings results as we prepared the bill.

Now, it is easy to sit around and carp and complain and criticize, but there are some around here who believe they have to do some things to help this country. We have to move a bill. It is easy to find fault, but it is not so easy to try to develop the kind of support that this bill justifies. I think we have gone a long way to try to meet the true needs of this country.

I have respect for the President, but he is not the fountain of all wisdom. I would hope that the President would take time to look at the bill, to study it. I think he will find there are provisions in it that he did not request but which are justified. That would be reasonable in that respect.

We appropriated the $14 billion. Now the President asked for the Department of Defense. We appropriated the $5.5 billion for New York the President asked for. We appropriated the $1.6 billion for foreign aid. And we appropriated the money for homeland defense in the amount of—we approved
his $5.3 billion request. He saw a need for that.

We conducted the hearings. We are the representatives of the people. We are the elected representatives of the people. We come here to represent the people, not here by virtue of any President, Democrat or Republican. No President sends me here, and no President is going to send me home. That is up to the people of West Virginia.

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. REID. I was here in the Chamber when we went out a week ago last Friday. And there were people complaining about this bill. Remember, they had the bill then. And people are complaining about it today, nitpicking it, for lack of a better description.

I say to my friend, the manager of the bill, people within the sound of our voices should understand that there is $6.7 billion in this bill to conduct military operations to continue the fight against terrorism. That is there. There is $4.1 billion for National Guard and Reserve personnel. People, including my friends in Nevada, have been called up. A Capitol policeman here, one person I know very well, left today for 6 months of active duty. He is leaving the Capitol Police, leaving his family, going off to fight for us, to protect us. We have to provide money to take care of that—$4.1 billion.

There is $2.7 billion for personnel, command, control, and communications, and to repair and maintain our facilities. They are blowing up every day over in Afghanistan and other places. I also say to my friend, it is true, is it not, there is money in this bill for embassy security and other State Department activities related to the effort to respond to, deter, prevent international terrorism? That is in the bill.

We have $4.4 billion for the Transportation Security Administration—and I am out of here that—that before September 11th, airport perimeter security, fund research for air cargo inspections.

There is $1 billion for first responders.

Mr. President, firemen, policemen, paramedics died going into those Twin Towers. People died. We need to have better training facilities around this country to help first responders. That is what this money is for, to make my family, as well as all families, all over this country, safe. So I am kind of tired of people coming over and nitpicking this bill.

We have $990 million for port security, $387 million for bioterrorism and to improve lab capacity at the Centers for Disease Control.

I went to the Centers for Disease Control with Max CLELAND. That place is an embarrassment. They do wonderful work, but they are in hundreds of buildings—little buildings, shacks. Some of them go back to before World War II. This money is to help them become more efficient. This is emergency money.

I say to my friend, I appreciate the work that has been done. I say this not for me but for the people of Nevada, I appreciate the work that you and the Senator from Alaska have done—providing $200 million for security at nuclear weapons facilities.

Senator Feinstein and CLINTON and I are holding hearings tomorrow in the full Committee on Environment and Public Works because we believe—and there is a large segment of our society that believes—that our nuclear reactors are not secure. The Senator from West Virginia provides money to help this, to make them safer; money for food safety; cyber-security; border security. There is money in the bill so that the EPA can complete vulnerability assessments of water systems. That is what they are telling us might happen; these evil people are going to come in and poison our water so we can't drink it or, if we drink it, everybody will get sick. There is money in the bill for that. There is money to make sure the Postal Service can respond to bioterrorism attacks.

It is time we understand that this bill is important. It is emergency funding for the programs I have mentioned. I am, for lack of a better word, kind of tired of people coming in, criticizing Senator BYRD and Senator STEVENS for the brilliant work that was done getting the bill here in the first place.

Mr. BYRD. Mr. President, if the Senator will yield to me, I would like to take this time to defend this bill. This is for the defense of our homeland. This is for the defense of our people, our schoolchildren, our people who go to church, our people who work in the mines and in the fields and the yards. We are talking about homeland defense. We can't get any closer to home.

Why some people would come to the floor and attempt to be critical over moneys that are for the defense of our homeland, for the defense of our own people, in the many areas that have been explained by the distinguished Democratic whip, Mr. REID, is beyond me.

Last year, the President requested $6 billion for homeland defense. The Congress appropriated $10 billion for homeland defense. $4 billion more than the President requested. The President signed that legislation.

The President made a request last year. The Congress, in its wisdom, in its capability, under the leadership of Senator NIXON, approved more money. Those additional moneys that Congress appropriated last year over the President's request have made a difference.

With all due respect to the President, I would say the distinguished ranking member, Mr. STEVENS, and I have worked together, and the other Republicans on that committee, to report the bill; 14 Republicans, 15 Democrats. That is a pretty good indication that this bill is a worthwhile piece of legislation.

I hope Members will stop complaining. If they have any amendments they want to offer, offer them. Let's get on with the legislation and get to the floor. We don't know what will happen 5 days from now, a week from now. I hope Members will restrain their appetites to criticize, find fault and complain, and help us put this legislation that is for the benefit of the Nation.

I yield the floor.

Mr. REID. Mr. President, if there are complaints about specific items in this bill, offer an amendment to get rid of them. Don't come here and carp and complain about it. If they don't like the suggestion of Senator McCONNELL to have moneys for training journalists in other countries, they want to strike it, have a vote. We could have a debate on that in 15 or 20 minutes and move on to something else. If there is something else they don't like, move to strike it. These bills are not perfect by any sense of the word.

I hope, rather than trying to slow down the train, as my friend from Texas said, we will try to move the bill along. This is important legislation dealing with the peace and safety and security of the American people.

We are back where we were this morning with a lot of talk and no amendments. This morning there wasn't even much talk. I hope people will move forward and offer amendments to this legislation. We are open for business. It is too bad we don't have people here. I have had a number of people come to me and tell me they have amendments they want to offer. We hope they will come forward and do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. 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. NELSON of Florida. Mr. President, I request permission to speak on the bill.

The PRESIDING OFFICER. The Senator has the right.

Mr. NELSON of Florida. Mr. President, I thank you for recognizing me. I wanted to come and add my voice to the many that have supported the supplemental appropriations bill, and I want to give a unique perspective, that of Florida law enforcement, as to why we need this bill and not the House bill or the President's request.

It is most timely that we examine the question of what we are asking local and State law enforcement personnel to assume in the way of responsibility for investigation of crime and
now terrorist activity. As we face the realistic fact of the threats to our society, not only do we look at the threats from organized crime, drug crime, white-collar crime, all of those kinds of activities on which the FBI has traditionally focused its investigation and worked with State and local law enforcement and worked with the U.S. attorneys and State attorneys, now with the additional requirement to protect the homeland, we have to also marshal considerable law enforcement investigative resources to go after a threat that would try to tear down our society by terrorist acts. It also adds a much greater burden as we go about the process of investigating the activity of these people we otherwise would call bad guys who are trying to destroy our way of life in this country.

So then we get to the point of last week's announcement by the FBI Director that he is going to take 400 of his approximately 11,000 agents and shift them from going after normal criminal investigative procedures and shift them specifically to terrorists. I don't think there is any Member who disagrees.

We have to have pause and ask: How are we going to go about the normal job of investigating all the other bad guys besides the terrorists? If we shift this resource of 400 agents, who typically have gone after drug crime and white-collar crime, to going only after terrorist inspections, we will shift all of that burden of investigation to State and local law enforcement organizations?

Unfortunately, I come from a State that has one of the most active criminal investigations, particularly in the Southern District of Florida. The U.S. attorney in the Southern District of Florida is one of the most active in the country, in large part because we have to prosecute so much drug crime in Florida.

I spoke with one of my advisers this past week during the recess, the sheriff of Broward County, the second largest county in our State; he is an elected official. All the sheriffs in our 67 counties are elected. I asked his opinion. He clearly said, who does not support the shifting of these assets in going after the terrorists. In particular the sheriff of Broward County had a tremendous working relationship with the FBI, the DEA, and all the other Federal agencies that work with State and local law enforcement.

He wanted to encourage that. However, he pondered how he could have the needed resources for that burden of criminal investigation that the FBI was shifting to State and local law enforcement, particularly a very big police force, a sheriff's department.

That is what brings me to the floor today, to speak in favor of this bill, not the House bill and not the President's position. This is a big amount of money in a supplemental appropriations bill, $31 billion; the President requested $27 billion; the House passed $29 billion. There is a $2 billion difference.

What are some of the major differences? One of the major differences in the two bills and why we sought to accept the Senate bill is $1 million for first responder efforts, including firefighting, State and local law enforcement agencies, emergency medical personnel, and particularly in emergency responding to biological, chemical, and nuclear threats. That is important. And there is more funding here than from the House.

If this will give law enforcement organizations such as my 67 sheriffs in Florida, our hundreds of police chiefs in Florida, our excellent Florida Department of Law Enforcement, headed by Tim Moore—and I have had the privilege of working with him for years—if it will give them the resources they need to go after the bad guy terrorists, that is why we need to pass this Senate bill.

Furthermore, it is instructive, when you see the Web site of the FBI, to see what the FBI priorities are. The first three priorities have to do with going after and investigating the activities of terrorists. Priority No. 4 is public corruption and priority No. 5 is civil rights. It is priority No. 6 that involves drug crimes and going after the national and international criminal enterprise, including lots of activities of the mob.

Therefore, I want to make sure there is not a Member who does not support these priorities of the FBI. I want to make sure that in the process of supporting the Director as he reorients these 400 agents we have not put an unbearable burden of investigation on State and local law enforcement to the point they cannot handle it and they get overworked and overextended, and that those kinds of criminal activities in America go uninvestigated. That would be unacceptable.

That is why I come to the floor today, to say to my colleagues that we need to pass this Senate version of the supplemental appropriations bill which passed by a unanimous bipartisan vote in the Appropriations Committee, led in great bipartisan fashion, as they so often do, by Senator Byrd and Senator Stevens, the two leaders of their respective parties on this Appropriations Committee. We need to pass this bill.

Therefore, I ask my colleagues to get on with it; stop standing around. Don't make us go to a cloture motion to have to cut off debate. Let's get this supplemental appropriations bill passed and into a conference so we can go about the business of the country.

I yield the floor.

MR. REID. AMENDMENT NO. 3570

Mr. REID. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senate from Nevada [Mr. Reid] proposes an amendment numbered 3570.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: (Purpose: To direct the Secretary of Agriculture to carry out a certain transfer of funds.)

On page 7, between lines 12 and 13, insert the following:

The amendment is important. It is already in the farm bill. I am simply asking that they do what they are already required to do.

As many of my colleagues know, the farm bill is 1,000 pages long. The Department of Agriculture just met with the Senate staff to talk about their plans to implement this mammoth bill. It is taking the Department a long time to work out the details of all the programs and provisions of this bill.

This is in there. They are required to do it. It requires the USDA to carry out a mandatory congressional directive by a date certain so that a small portion of the money does not change the underlying farm bill.

I ask unanimous consent that I be permitted to pass the reading of the amendment be dispensed with.

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want others to, if they have any question about it. It is a fairly simple thing, requiring the Department of Agriculture to do something that the farm bill directs them to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll...

Mr. WELLSTONE. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise today to speak in support of the $417 million in additional fiscal year 2002 funding for veterans health care contained in this supplemental appropriation bill. First, let me give a little background.

In November of last year, Secretary of Veterans Affairs Anthony Principi identified $400 million in fiscal year 2001 shortfall in the VA medical care appropriation for FY2002. This shortfall, driven by increased demand for VA services as well as rising medical costs, threatened to force the Secretary to stop enrolling new veterans into the VA system.

This was not something that the Secretary wanted to do, but he is someone who tries to face challenges honestly and he determined that he couldn’t maintain services for veterans already enrolled in the VA and serve new veterans at the same time. But rather than have that happen, the White House told the Secretary that they would find him additional money.

But Mr. President, when the administration sent their supplemental request to Congress in March they only asked for $142 million for the VA—$258 million below the level the Secretary said he needed. To add insult to injury, the VA was then told that it had to make up the difference through “management efficiencies.”

Well, Mr. President, I think we all now know that “management efficiencies” is just inside the beltway talk for balancing the budget on the backs of veterans. I was at any number of joint veterans committee hearings over on the House side where the veterans were talking about the importance of leaving no veteran behind. And remember, this occurs in the context of half a decade in the mid-nineties of cost cutting and $2 billion at the VA. There really isn’t much more fat to trim.

I knew that the administration’s request was a non-starter. I knew that there was a tremendous need for additional money. I knew that the fiscal year 2001 shortfall has had a tremendous impact on what I was hearing from veterans in my state.

Already this year’s shortfall has had a tremendous impact on veterans across the country. Already this year’s shortfall has had a tremendous impact in South Dakota as well. Already this year’s shortfall has had a tremendous impact in Minnesota as well. Already this year’s shortfall has had a tremendous impact.

The closing of clinics at our hospitals—specifically, for example, the night clinics at the Minneapolis facility—the flagship hospital in our network. And at St. Cloud, the caregivers there tell me they have never seen it so bad, in terms of the cuts they are having to make. And what it means to the way it is affecting quality of services.

But these problems are not unique to Minnesota, they are happening all over the country. That’s why these additional funds are so critical. Something had to be done.

I, Senator JOHNSON, now the Presiding Officer, and Senator COLLINS drafted a bipartisan letter to the Appropriations Committee asking that the committee include at least $400 million in additional funding in the supplemental. Altogether, 27 Senators signed our letter—Republicans and Democrats. The veterans organizations that put together the Independent Fiscal Board had endorsed our effort. I ask unanimous consent that a copy of each of those letters be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See Exhibit 1.]

Mr. WELLSTONE. Mr. President, I am pleased to say that the committee agreed to our request. In particular I want to thank Chairman BYRD and Senator STEVENS as well as Senator MIKULSKI and Senator BOND, the chair and ranking member of the VA/HUD subcommittee. They all care deeply about veterans and they know better than anyone the challenges that the VA faces.

The $417 million for veterans health care in this bill will mean that Minnesota veterans will get an additional $21.4 million to reduce waiting times, keep clinics open, open new clinics, and improve the quality of healthcare. This is very badly needed.

Mr. President, this bill has drawn criticism for going beyond the President’s request. Well, at least on veterans health care the President didn’t ask for enough. The VA is straining to serve more veterans while spending much less per patient. The VA is our nation’s backbone, the public provider for the U.S. military. It is the back up provider for our public health care system and, frankly, to metro as well—whether it be our hospitals, our nursing homes, our home health care providers, whether it be the whole issue of physician reimbursement vis-à-vis Medicare.

I have heard from people in Minnesota—eldery people, but not just senior citizens, others as well—about what we talk about all the time—and the majority leader said, indeed, we will bring this to the floor of the Senate—affordable prescription drug legislation. But just as important as that is, our health care delivery system in Minnesota is in crisis. The Medicare reimbursement, which was dramatically cut in the Balanced Budget Act of 1997, has simply没 been devastating to our rural hospital system and, frankly, to metro as well—whether it be our hospitals, our nursing homes, our home health care providers, whether it be the whole issue of physician reimbursement.

Turning back to the issue of veterans’ health care, when I visit veterans in our medical centers, and then maybe spend some time talking to their

primary care, 4 to 170 days for specialty care at the medical centers.

A freeze on new CBOCs.

A freeze on new patients at some of our medical centers.

The closing of clinics at our hospitals—specifically, for example, the night clinics at the Minneapolis facility—the flagship hospital in our network. And at St. Cloud, the caregivers there tell me they have never seen it so bad, in terms of the cuts they are having to make. And what it means to the way it is affecting quality of services.

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Turning back to the issue of veterans’ health care, when I visit veterans in our medical centers, and then maybe spend some time talking to their
spouses, their spouses do not have a clue about what they are going to do when their husbands get home. Maybe one of the veterans has had hip surgery, and he is 75 or 80 years old. We don’t know what to do about home health care, or we can support people so they can stay at home.

But that does not affect just veterans; it affects all of us as we get older or, God forbid, it affects others who struggle with disabilities at a much younger age. I have been hearing from small businesses more in recent years. Although I have always believed our failure to finance, organize, and deliver health care in our country in a way that makes sense most seriously affects, obviously, people with no insurance and people who are underinsured, my gosh, the self-employed and small businesses are getting killed by these spiraling health care costs. This is an insidious threat.

Frankly, I think we ultimately have to get back to health security for all. I think we have to get back to comprehensive health care coverage.

I remember hearing about some of the reports in the New York Times about nursing home conditions. These are elderly people who have built a country, who are infirm, who wind up in nursing homes with inadequate staffing, and some pretty horrendous conditions. And it is not because the people in the nursing homes are cruel; it is that they do not have adequate funding.

I could not believe the New York Times front page story, a three-part series. I think the journalist should receive a Pulitzer for his work on adult care for people struggling with mental illness, people who jump out of windows and take their lives because they never received pharmacological treatment, people who have died in heat, people who wear the same urine-soaked and urine-smelling clothing day after day because they have received no care.

This is in the United States of America in the year 2002. Surely we can do better.

By the way, this Thursday there will be maybe as many as 2,000 men and women who will have come to Washington, DC, from all across the country, who are basically going to say: When are you going to pass a mental health parity bill? When are you going to consolidate? We would love to meet with you, Representatives.

They are going to focus most of their effort on the House side. We passed this as an amendment last year in the appropriations bill. We have 66 cosponsors. The VA has done a great job taking the lead. It has been an honor to be his partner in this effort.

But these are people who are just getting tired of waiting, tired of the delays, the delays of one or themselves who are affected.

My only point is, I really do think we are on a collision course between tax cuts, tax cuts, tax cuts—too much of this, of course, focused on the wealthiest citizens or multinational corporations—and not having, therefore, any of the revenue or the funding to make any investment in these other areas. I do not think, when it comes to education and health care, when it comes to the question of conditions in nursing homes, and when it comes to the question of whether we are going to do everything we can to do the research and find the cure for horrible diseases, that we should happen in a position of not making the investment. How can we do that? We will not be a better nation if that is the case.

So I really believe these tax cuts have put us in a straitjacket. When I look at what is being asked for the Pentagon, and then look at what is being asked—and probably there should be more—for homeland defense, and then I look at these other compelling needs, and then I look at all the tax cuts, I ask myself the question: How can you do all of it at the same time? And you can’t.

So I hope we will sort that out and make some of these decisions. That is part of what this battle has been about—veterans care. Every body is for veterans. No Senator would ever make a speech saying they were not for veterans. But veterans are saying: Look, when push comes to shove, there is the Fourth of July, there is Memorial Day, and there is Veterans Day. We mark the days and we appreciate the ceremonies, but the truth is, the best way you can honor us is by, please, living up to your commitment to give us the very best health care, by honoring us when we are in the later years of our lives, if we are World War II veterans, by making sure we are not tucked away in some nursing home; if we are Vietnam veterans and we are homeless, and we are struggling with PTSD, try to give us care; if we are Persian Gulf veterans trying to figure out what happened to us, make sure we get the health care.

I think this supplemental bill is, at least in part, a recognition of that. I appreciate the work of all involved, and I especially appreciate the work of the Presiding Officer, Senator JOHN- son. The Presiding Officer has been a real leader in this area. I know veterans in South Dakota thank Senator JOHNSON as well. And I thank Senator COLLINS for her good work also.

Mr. President, I yield the floor.

EXHIBIT 1


Hon. ROBERT C. BYRD, Chairman, Senate Committee on Appropriations, The Capital, Washington, DC.

Hon. TED STEVENS, Ranking Member, Senate Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR STEVENS: We write to urge you to include $400 million for veterans medical care in the FY2002 Appropriations bill. This is the minimum amount necessary to allow the Department of Veterans Affairs (VA) to maintain current services in the current fiscal year without impairing veterans’ access to quality, timely health care.

The VA in recent years has stretched their appropriations as far as they can, as the number of veterans seeking VA care has risen dramatically. In November of last year, Secretary of Veterans Affairs Anthony Principi identified a $400 million shortfall in the VA medical care appropriation for FY2002. This shortfall, driven by increased demand for VA services and rising medical costs, threatened to force the Secre- tary to restrict enrollment of new veterans into the VA system.

The Administration has requested a $142 million supplemental appropriation for the VA—$258 million below the level the Secre- tary said he needed. We appreciate that the President included veterans medical care in his supplemental request, but we are con- cerned that it will not cover the entire shortfall. VA has said the Veterans Health Administration will make up the difference through “management efficiencies.” However, such steps will severely undermine the VA’s ability to deliver quality, timely health care to America’s veterans. The im- pact of this budget gap has already affected many veterans in the form of late apologiz- ing for medical appointments, stressed and overworked VA staff, closing of clinics, moratoriums on new Community Based Out- patient Clinics and frozen enrollment at ex- isting CBOCs.

We know that the fiscal strains on the federal budget are significant. However, the cri- sis in the veterans’ health care system re- quires that it be made a top priority. To avert further hardship on veterans, the sup- plemental should reflect VA’s stated need and include $400 million for medical care.

Thank you for your attention this request. We know of your commitment to our vet- erans, and look forward to working with you as the appropriation process moves forward.

Sincerely,

Paul D. Wellstone; Susan Collins; James M. Jeffords; Byran L. Dorgan; Harry Reid; Max Baucus; Barbara Boxer; Dick Durbin; Robert G. Torricelli; John F. Kerry; Mark Dayton; Patty Murray; Patrick Leahy; Tim Johnson; Jay Rockefeller; Debbie Stabenow; Kent Conrad; Bill Nelson; Tom Daschle; Max Cleland; Zell Miller; Gordon Smith; Ted Kennedy; Kay Hagan; Tom Harkin; Jean Carnahan.


DEAR SENATOR: Last Autumn, Secretary of Veterans Affairs Anthony Principi stated that the Department of Veterans Affairs (VA) was facing a shortfall of $400 million in this fiscal year. In fact, the VA came peril- ously close to curtailing the enrollment of veterans seeking health care in order to meet this deficit. The co-authors of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, urge you to sign-on to the Dear Colleague letter being circulated by Senators Paul Wellstone, Susan Collins and Tim Johnson seeking $400 million in FY2002 supplemental funding for veterans’ health care.

The Administration requested only $142 million in supplemental funding for veterans’ health care, $258 million below the demonstrated need. Because of inadequate funding, the VA health care system is in cri- sis and veterans are facing de facto health care rationing. In fact, almost 175,000 vet- erans are waiting months and months for medical care. The Independent Budget has recommended a $3.1 bil- lion increase in FY2003, and why urge
you to help us achieve the $400 million in supplemental funding veterans’ health care needs this year.

Again, we urge you to support the funding levels needed by veterans’ health care.

Sincerely,

[Names and titles]

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Mr. WELSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLS). Without objection, it is so ordered.

Mr. REID. Can the Presiding Officer tell me when is the last time an amendment was offered; what time was that?

The PRESIDING OFFICER. At 3:47 p.m.

Mr. REID. At 3:47 p.m., Mr. President. It is now 4:47 p.m. That is an hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The debate on that amendment took approximately 2 minutes. So following the vote this afternoon, there was some dialog as to what we should do on this bill. We asked unanimous consent to move forward, having expedited time for filling amendments. At that time, there were a number of people who said they did not like certain provisions in the bill. There was an example of some money that had been suggested by Senator MCCONNELL as an example of some money that had been called up to active duty, and I used the example of police officers who is part of the 

April 20, 2010

Dear Senator MCCONNELL,

I am writing to express my support for the amendment to the defense authorization bill that you have introduced. I believe that the additional funding for military operations is necessary to continue the fight against terrorism. I do not think anyone would dispute that it is necessary; $41 billion for National Guard and Reserve personnel who have been called up to active duty, and I used the example of police officers who is part of the plain text representation of this document as if you were reading it naturally. 

Sincerely,

[Name and title]

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Sincerely,

[Name and title]
Mr. JOHNSON. If I may continue, I do not have the chance at our weekly Saturday address to how important this legislation is, and for people to say they oppose this emergency legislation for further recovery from and response to terrorist attacks in the United States are not willing to come forward. That is all we have done today, something the House put in the bill that everyone wanted out dealing with making sure the airlines remain sound, secure, and strong financially. That is all we have done.

I think it is too bad that people who oppose something as much as people say they oppose this emergency legislation for further recovery from and response to terrorist attacks in the United States are not willing to come forward. That is all we have done today, something the House put in the bill that everyone wanted out dealing with making sure the airlines remain sound, secure, and strong financially. That is all we have done.

Senator STEVENS said he was going to move to third reading tomorrow, and if people did not want to go to third reading, they would have to respond. That really is a debatable motion. People need to come over and tell us why they do not want to move forward. I can understand that in this bill there may be parts of it people do not like. If they do not like part of it, I repeat, try to get rid of it. It is not as if we are working on insignificant legislation. The President has devoted his weekly Saturday address to how important this legislation is. He has given press conferences about how important this legislation is, and for people to say the President is going to veto it, the President is not going to veto this legislation. We have a statement of administration policy, unsigned, of course, and we all know it came from staff. The President certainly has not had anything to do with this, or if he has, it is general in nature.

If we pass something out of here, there is nothing for the President to veto. It goes to conference with the House, and then we would do as we always do on something important: We would work with the House, as we have to; work with the administration, as we have to; and work out differences if important. We have something at that time that he does not like.

Remember, this bill is going to pass by a wide margin anyway, so the President also has to be very careful as to what happens. I heard a statement today from the Senator from Georgia, Mr. MILLER, who has just come into the Chamber. Having been Governor and being, as some say, a legend in his own time as to popularity in the State of Georgia for all the good things he has done in education and other things, he was lamenting the fact how can this body, the Senate, on something that is this important do nothing? He was talking about prescription drugs. How can we keep going day by day and do nothing? I say to my friend from Georgia, we have a bill for further recovery from the response to terrorist attacks in the United States and nobody from South Dakota has been there. Nothing has happened. We had some meaningless vote that everybody supported basically, passing 94 to 4, or whatever it was. I am not too sure of the—anway, I do not need to give an editorial comment.

I think the Senator is so right. The only thing I would say to the Senator from Georgia is the Senator from Georgia said that it seems that people who are a little older—and he mentioned specifically the Senator from West Virginia and the Senators from South Carolina and the Senator from Georgia—may understand how important it is to move forward. More than those Members with white hair understand that the Senators from South Dakota, the Senator from Georgia, the Senator from South Dakota, the Senator is absolutely right. This bill is a supplemental appropriation for further recovery from and response to terrorist activities. There are major provisions, including $14 billion for the Department of Defense.

Mr. JOHNSON. My oldest son returned from Afghanistan with the 101st Airborne just this week. We are proud to have him back.

Mr. REID. I yield to my friend from South Dakota.

Mr. JOHNSON. I ask the Senator from Nevada, is there any parliamentary obstacle to anyone bringing an amendment to the floor at any time? Is there anything the leader, or you, would do to interfere with our right to offer an amendment, have a debate, and vote up or down on any amendments?

Mr. REID. The answer is no.

I speak from pretty good information: I bet the minority leader, the Republican leader, wants the bill passed. His President wants the bill passed. A few people are stopping us. We were told they want to slow down the train. I repeat to my friend from South Dakota, if they don't like something on the train, take it off.

Mr. JOHNSON. If I may continue, I am struck that it is one thing to slow down the train on noncontroversial legislation. But, very legi- lisation that our troops in uniform are relying on so they can continue to be equipped, continue to have ammuni-
To have no debate and no opportunity to move the legislation forward, win or lose, is truly an outrage.

I commend the Senator from Nevada for being on the floor today to clarify why this needed legislation, which frankly should have passed weeks ago, is still pending.

Mr. REID. I apologize to my friend. I did not know that your son also not only has served in a combat role in the Balkans but also in Afghanistan. Is that the same son?

Mr. JOHNSON. Same son, just returned from the 101st this past week.

Mr. REID. I saw the pictures of this very young man who I knew as a boy, as an athlete. I am glad he is home.

The Presiding Officer proudly wears his marine pin. He has written a book about the Marines.

I mentioned briefly, I attended a reception across the floor this morning and met four of the wind talkers, the Navajo Indians who did so much. These old men were, finally after all these years, four of 29 wind talkers, getting recognition, value for what they did.

I also mentioned on the floor this morning, I talked to them and asked them where they went. They talked about Guadalcanal and Guam. One of the Navajo Indians spoke in the native Tarawa: That is where I lost a lot of my buddies. He had tears in his eyes.

Mr. JOHNSON. I don't want to be overly dramatic, but we had 3,000 people killed at the Pentagon and New York City. That is what this legislation is all about. It is about the war we have going on with terrorists. The next bill we will bring up is the hate crimes bill. We should get this done and move on. Why not legislate?

I have said it 10 times today, and I will say it for the 11th time. If there is something in this bill that somebody does not like, move to strike it. Get rid of it. We need, nothing is happening. I don't understand how anyone can do that to our troops; the Senator is absolutely right.

Part of this legislation provides $1.1 billion for payment of veterans' disability compensation. Veterans are not freeloaders. Talk about something they need—disability compensation.

Mr. JOHNSON. I am sure the Senator from Nevada finds the same circumstances when he returns home to his State. So our veterans, we talk to our military, we talk to our firefighters, we talk to our law enforcement officers, our ambulance people, our first responders. These are all people willing to put their lives in harm's way, willing to work at very modest wages. They are willing to disrupt their families. They are willing to do a great deal. All they ask is that the American people and the Senate stand behind them, reinforce them, and show support.

What kind of signal does this inaction, this obstruction—what kind of signal does this send to those men and women in uniform who do so very much for our Nation during this difficult time? This must be dispiriting to each and every one of them the longer this goes on. I wonder if the Senator has any observations from the people he has talked to in his State about what they will do when these hard tasks and put their lives on the line but do they expect their Nation to stand behind them.

Mr. REID. I confirm what the Senator said, of course, from my trip to Nevada—yes, during the break and went to other places doing some work as relates to the Senate—Utah, various parts of California, and Colorado. All over the country, not only Nevada and South Dakota, all over the country people want our soldiers, sailors, airmen, coastguardsmen, to have enough resources to do their job. But also, as the Senator from South Dakota has said, it is important that those people who are first responders have the necessary equipment and the resources.

The problem we have is, every minute this bill does not pass, people in Georgia, South Dakota, and Nevada will have less than their own budgets for issues that are the responsibility of the Federal Government. So the people of Nevada are being hurt as we speak because programs that must be provided for first responders—fire, police, paramedics, and medical personnel—are being paid for out of their own budgets. This will relieve them of some of that responsibility.

So the Senator is absolutely right. It is a shame. I do not understand why we are here doing nothing—I mean nothing. If somebody doesn't like the bill, let them have the intestinal fortitude to come and tell us what they are going to do about it.

I say to my friend from South Dakota, we even tried: OK, if you don't like the bill, let's have a half-hour; I think somebody could find, from May 22 to today, a half-hour to read the bill. If not, if you are really slow, maybe assign several staff members and they could divide it up, 25 pages each, and give a report.

We could not get amendments. They said they needed more time to study the bill. Then when I said why don't we try having a time when the two cloakrooms—the exchange amendments, we would have a finite list of amendments—you may not want to offer all those, but we would have a finite list, we could cut the amendments off, maybe 25, maybe 250—whatever, they said no, can't do that. We have to have time to study the bill.

But they did say the President had already studied it and sent us a statement of administration policy. So some of the moles down in the administration—I do not say that negatively, I mean people who work in the bowels of the White House—have had a chance to look at this bill. From May 22 until today, they found a half-hour to look over it.

I would also say the threat of a veto doesn't work. If we passed the bill 10 minutes from now, the President would not have anything to veto. It has to go to conference with the House. That, I repeat, is where the House will work with the administration, and come up with something the President will not veto.

Senator BYRD, Senator STEVENS, some of the most senior Members of the Senate, have said they cannot remember an appropriations bill they could not work out with a President. Senator BYRD I think has been here since President Truman.

Mr. JOHNSON. Would the Senator concur as a member of the Appropriations Committee, as this Senator is—I recall the hearings, which were substantial. We went into the formula that this legislation. Then to try to recall a markup in the Appropriations Committee where I believe this bill was passed something like 19 to 0.

Mr. REID. Every Member of the Senate who is on the committee voted for the bill.

Mr. JOHNSON. This is not some legislation which the Democratic Party is somehow trying to shove past our colleagues on the other side of the aisle. In fact, Senator STEVENS voted for this bill. We had unanimous bipartisan support in the Appropriations Committee by the people who worked very closely on this and attended the many hearings that went into the legislation.

If I understood the Senator correctly, Senator LOTT as well would just as soon see this legislation move forward now.

I think it does need to be clear, this is not some sort of partisan, one-party-against-the-other gridlock. This is an instance where a small handful of people are using and manipulating the rules of the Senate to thwart the will, not just of one political party but the large majority of the Senate who would wish to pass legislation.

So we have heard references to obstructionism around this Chamber over the course of this past year. I ask the Senator, what is the source of the obstruction on this legislation and why are we not proceeding with it and the whole array of additional legislation which the majority leader has outlined for us just today, which is daunting in terms of the scope and breadth of legislation this body is obligated to deal with in the coming couple of months. But we cannot begin to even move on the business we have to take care of this urgent matter. That obstructionism appears to me to be not only a political tactic but one that is a disservice to the men
and women in the uniform of this Nation, a disservice to those of us who believe this Nation needs to move aggressively to prepare itself against terror.

Mr. REID. Mr. President, I have said and I believe Senator Lott supports this legislation. I have not spoken to him last week. I have spoken to those who have spoken to him, and that is my understanding. I do not want to put words in Senator Lott’s mouth, but I do believe he wants this legislation passed.

I am a dear friend from South Dakota. I very much appreciate his statements. I think the perspective he has added dealing with his son speaks volumes.

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. DASCHLE. 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. DASCHLE. Mr. President, this is our first full day back. We were in session yesterday. We are not off to a very strong start. Hoping we could have a vigorous debate today on the supplemental; we could offer amendments; we could move the process forward.

For those who may not be aware, we are now debating the supplemental appropriations for further recovery from and response to terrorist attacks on the United States. Let me repeat that because people ought to be cognizant of the gravity of the bill we are considering. It is the supplemental appropriations act for further recovery from and response to terrorist attacks on the United States.

It includes $14 billion requested by the President of the United States for the Department of Defense; $2 billion for homeland security efforts. It includes $5 billion for recovery in New York City. It includes money for the global AIDS trust fund, and a number of very high priorities.

This legislation passed on a unanimous basis in the Appropriations Committee.

We are told by some of our colleagues on the other side that—I think the phrase was—they wanted to ‘slow walk’ this legislation. I do not understand why our colleagues would want to slow walk a request by the President of the United States to address the supplemental needs on an emergency basis for homeland defense and for the defense of our country under these circumstances. I do not understand that. But it is clear is what is underway.

We must get this legislation passed. It must go to conference. We have to get this done. We have virtually wasted an entire day. We have not come to the floor to offer their amendments, and the calendar pages are turning. I have shared a list of additional legislation with our caucus and with Senator Lott, and I must say that list is ambitious. The President Officer talked about the importance of getting prescription drug benefits passed. I said I would like to get that done before we complete debate on a supplemental.

But it is hard to see how we can take on any priorities unless we can complete our work on an emergency supplemental appropriations bill. We have been negotiating with a number of our colleagues with regard to the budget and the deeming resolution that has been the subject of some discussion over the last several weeks.

We also must pass, at some point in the not-too-distant future, a debt limit increase. That is not something anybody relishes. I indicated to Senator Lott this morning that if we cannot put a deeming mechanism in the supplemental—and I am told there is opposition on the other side to doing that—we will have no choice but to file a freestanding resolution with regard to the budget and the deeming language associated with it. I intend to rule XIV—that is, put the legislation on the calendar this week—as early as tomorrow. So we will do it one way or the other. We will do it in a freestanding resolution or in the supplemental appropriations bill or we will do it in a freestanding resolution. But it will be done. I hope our colleagues on both sides of the aisle will work to achieve what we know must be done. So I hope we can and the other outstanding questions there are with regard to the deeming and the supplemental budget so we can move forward.

Mr. President, I must say that this has been a very unproductive day, and it is not a good beginning to what I hoped would be a very productive week.

In order to expedite our consideration of the supplemental, I intend to send a cloture motion to the desk today so we might accelerate the debate, get the amendments on the floor, and let’s have these votes.

Let’s complete our work so we can move to the other pieces of legislation that I know so many colleagues anticipated we would consider this month and next.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I had not intended to offer a cloture motion this soon, but when I hear colleagues on the other side of the aisle saying they intend to “slow the train down”—those were the words used on the Senate floor—on a bill to provide funding for defense, for homeland security, and for New York City, we have no choice but to accelerate the debate and bring this bill to a successful close.

I am hopeful that, on a bipartisan basis, my colleagues will support cloture and that we can get this bill done this week.

I very regretfully announce that there are no more votes tonight. But those Senators who are concerned about amendments are invited to come to the floor early tomorrow and proceed with offering, considering, and voting on their amendments prior to the cloture vote on Thursday. I know that on both sides there are amendments to be offered. Let’s get on with this debate, get the amendments on the floor, and let’s have these votes.

Let’s complete our work so we can move to the other pieces of legislation that I know so many colleagues anticipated we would consider this month and next.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD).

Mr. ROCKEFELLER. Mr. President, the airline stabilization program is vital to the health of the United States, and I am pleased that we have reached agreement to strike a potentially threatening provision in the supplemental appropriations bill.

Last September, we created the Airline Stabilization Loan Guarantee program to prevent a collapse of our airline industry in the wake of the September 11th terrorist attacks. Such a collapse would have had a disastrous effect on the national economy, and on communities throughout America.

The loan program is a last alternative to bankruptcy for airlines struggling to recover after September 11. The Air Transportation Stabilization Board has been a strict guardian of public funds with respect to the terms it has required of applicants. The program was intended to be a last resort for airlines and passengers when they have no place else to go.

We established the airline loan guarantee program less than 2 weeks after September 11 because the airlines faced crushing losses and the threat of losing their insurance altogether. The law gives the airlines until
June 28 to apply for loans because we knew the full effects of September 11 would take at least that long to be realized. The airlines’ continuing poor financial health has proven the case.

It is essential that we not undermine the 135 billion recovery by freezing funding for the remainder of this fiscal year. Absent this amendment, the supplemental would have prevented applicants from obtaining loan guarantees until October 1. Some major carriers, including West Virginia’s most prominent airline, just can’t wait that long for relief. Here is why.

First, a freeze would have sent negative signals to the financial markets. Airline stocks are low already, and the only reason they aren’t even lower is because Wall Street is reasonably expecting support of the airlines from the loan guarantee program. Eliminating funding—even if only temporarily—could signal Wall Street that the program is unstable and subject to change as soon as Congress. Given the financial predicament of many airlines, these signals alone could be devastating.

Second, airlines would not have been able to obtain commercial bridge loans between now and October. I know from hard experience in my efforts to help the steel industry that lenders do not offer bridge loans without a reliable Federal guarantee. Anything short of actual issuance of the credit instrument would be insufficient for the private market. A freeze on the loan board would have prevented this from happening.

Without this important amendment, we were almost certain to see more airline bankruptcies. This would have been a terrible result, not just for the airlines, but for the hundreds of communities that depend on them.

My State of West Virginia would have been particularly hard hit, as would communities throughout America—regions which frequently have little or no choice of airlines. The predominant airline serving West Virginia is US Airways, and it is expected to apply for a critically-needed loan guarantee within the next couple of weeks.

As of March 31, US Airways had cash reserves of $561 million and was losing $3.5 million per day. Airline officials said in a recent SEC filing that, without the loan program, they will be forced to declare bankruptcy as early as this summer.

In Beckley, Bluefield, Parkersburg, and Morgantown, WV, US Airways is the only provider of passenger air service. US Airways is the only way to fly from Clarksburg to Pittsburgh. It is the only way to fly from Huntington to Charlotte or Pittsburgh. It is the only way to fly from Lewisburg to Charlotte or Pittsburgh. And it is the only way to fly from Charleston to Baltimore, Charlotte, Philadelphia, or Pittsburgh.

For people all across West Virginia, US Airways is a critical connection to the rest of the world, and a major force in our local economy. If US Airways were to go under, the result would be a serious blow to my state.

Today’s amendment is not about any one airline or state. It is about communities across the country that will suffer if airlines go bankrupt.

Last September, we decided that we could not permit the attacks of September 11 to bring down our entire airline industry. That was the right decision then. And I am glad that my colleagues recognize that it is also the right decision today. I urge my colleagues to vote for the amendment.

I should also note today is a very proud day for my family as we gather for my youngest son’s college graduation. I am confident the amendment will pass by a large margin, and had I been present, I would have cast my vote in support of the amendment. I am grateful for everyone’s hard work in recent weeks to achieve this good result.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee’s official scoring of S. 2551, the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States.

The Senate bill provides $31 billion in net, new discretionary budget authority, of which $13.9 billion is for defense activities and $17.1 billion is for nondefense activities. That additional budget authority will increase outlays by a total of $8.43 billion in 2002. Of the total spending authority provided, the Appropriations Committee has designated $31.07 billion as emergency spending, which will increase outlays by $8.243 billion in 2002. In accordance with standard budget practice, the Budget Committee will adjust the Appropriations Committee’s allocation for emergency spending at the end of conference. The Senate bill is within the committee’s revised section 302(a) and 302(b) allocations for budget authority and outlays. In addition, it provides more than $1 billion less in net, nonemergency spending authority than either provided by the House Appropriations Committee or requested by the President.

The Senate bill violates section 205 of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001, by including a number of emergency designations for spending on nondefense activities.

I ask unanimous consent that two tables displaying the Budget Committee scoring of this bill be printed in the RECORD at this point.

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Today’s amendment is not about any one airline or state. It is about communities across the country that will suffer if airlines go bankrupt.

Last September, we decided that we could not permit the attacks of September 11 to bring down our entire airline industry. That was the right decision then. And I am glad that my colleagues recognize that it is also the right decision today. I urge my colleagues to vote for the amendment.

I should also note today is a very proud day for my family as we gather for my youngest son’s college graduation. I am confident the amendment will pass by a large margin, and had I been present, I would have cast my vote in support of the amendment. I am grateful for everyone’s hard work in recent weeks to achieve this good result.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee’s official scoring of S. 2551, the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States.

The Senate bill provides $31 billion in net, new discretionary budget authority, of which $13.9 billion is for defense activities and $17.1 billion is for nondefense activities. That additional budget authority will increase outlays by a total of $8.43 billion in 2002. Of the total spending authority provided, the Appropriations Committee has designated $31.07 billion as emergency spending, which will increase outlays by $8.243 billion in 2002. In accordance with standard budget practice, the Budget Committee will adjust the Appropriations Committee’s allocation for emergency spending at the end of conference. The Senate bill is within the committee’s revised section 302(a) and 302(b) allocations for budget authority and outlays. In addition, it provides more than $1 billion less in net, nonemergency spending authority than either provided by the House Appropriations Committee or requested by the President.

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Keith places a high value on education. He served as a member of President George W. Bush's transition team on education. He has served on the Education Task Force of the Business Roundtable and is currently the chair of the National Alliance of Business NAB. Keith was actively engaged in promoting the President's education reform package. Three of his four children are educators, one of them teaching in Oklahoma.

Keith is a native Oklahoman and has played an integral role in the growth of Williams. He joined Williams in 1973 and was named Chairman of the Board in 1994, when the company's assets totaled $5 billion. Today assets stand at $38 billion. Shareholders have enjoyed a 790 percent return from 1990 to 2001. The company is listed at number 174 on the "Fortune 500" list this year. On Bailey's watch, the company has grown to be the nation's third largest marketer of natural gas; a top 10 power marketer; North America's second largest gas gatherer and producer; owner of the largest petrochemical storage facilities in North America; and a top independent energy producer and second largest gas pipeline transporter in the nation.

Mr. LEVIN. Mr. President, this act recognizes the role that Syria continues to play in promoting instability and terrorism in the Middle East. Syria's support for terrorism, its occupation of Lebanon and efforts toward the development of weapons of mass destruction threaten to hinder efforts to encourage democracy, the rule of law and a lasting peace in the region. As such, this bill represents an effort by Congress to express its outrage with these actions and urge President Bush to take the needed steps that will prod Syria to halt these actions.

Syria has long been on the State Department's list of terrorist nations, and Bailey would like to be remembered in more humanistic terms. Bailey has said, "I don't think of the deals. I think of the people." Keith Bailey lives the core values and beliefs of the company every day. I know he will be missed.

Tribute to Keith E. Bailey
Mr. NICKLES. Mr. President, I rise today to honor a true friend of Oklahoma and the energy industry and a true friend of mine. Keith Bailey, chairman of the Williams Companies, retired last month after leading that company for the last 29 years. Keith is a man of energy, of generosity and compassion, whose values have shaped Williams and set a tone of integrity, creativity and vision for the industry throughout his career. From his office in Tulsa, OK, Keith has run a global energy company with a full spectrum of energy products, services and operations. He has also championed innovation in telecommunications industry, overseeing the building of a nationwide communications network, which sprang from the use of the company's former oil pipeline assets.

Keith is a respected leader in the energy industry in the Tulsa community. His view of corporate and personal success has always included support for people, education and charitable causes. He has energetically gone about the business of supporting his community and his neighbors in a quiet, measurable way. His contributions of time, money and expertise have benefited hundreds in Tulsa, in Oklahoma and thousands nationally. Keith has also provided leadership serving the United Way, both as a campaign and board chair of the Tulsa area, and on the United Way of America's Board of Governors. He has also served as the chair of the Board of Trustees at the University of Tulsa, board chair for the Philbrook Museum of Art, and board of the National Cowboy and Western Heritage Museum. Recently, he sponsored the buffalo mural project, which now adorns the capital building in Oklahoma City.


table 2—2002 supplemental appropriations act for further recovery from and response to terrorist attacks on the united states—continued

<table>
<thead>
<tr>
<th>Outlays</th>
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<td>Total</td>
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1. The table reflects directives of the House Budget Committee to the House Budget Office. It is to cover certain provisions in the House-passed supplemental bill. The adjustments provide comparability between the House and Senate numbers. In addition to its increase in spending, the conference Bill would also increase revenues by $3 billion in 2003 and approximately $850 million over 10 years.

2. Includes the President's request, transmitted with his 2003 budget, to provide supplemental funding in 2002 for Pell grants.


BUDGET SCOREKEEPING REPORT
Mr. CONRAD. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

This report shows the effects of congressional action on the 2002 budget through May 21, 2002. These estimates, which are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002, show that current level spending in 2002 is below the budget in the reconciliation bill by $11.6 billion in budget authority and by $18.8 billion in outlays. Current level revenues are equal to the revenue floor in 2002.

I ask unanimous consent that the report be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:


Hon. KENT CONRAD, Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The enclosed tables show the effects of Congressional action on the 2002 budget and are current through May 21, 2002. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002.
H.R. 3009, ANDEAN TRADE PREFERENCE ACT

Mr. LUGAR. Mr. President, I wish to take a moment to discuss a security problem that exists in the Andean Trade Preference Act extension contained in H.R. 3009, as amended and passed by the Senate, and which must be addressed. The problem is that, in an understandable effort to support Andean economies by providing tuna export preferences, this bill unfairly harms the economies of Thailand, Indonesia, and the Philippines. Providing trade preferences to one ally, or regional bloc, at the expense of others is patently unfair.

The problem this bill creates for the Philippines, and for American interests in the Philippines, is particularly troublesome. The entire tuna industry in the Philippines is located in the southern region of Mindanao. It is in Mindanao that Muslim terrorist cells, with reported ties to al-Qaeda, are operating. In order to combat the terrorist threat in the southern Philippines, American troops have recently been deployed to Mindanao and are training Philippine forces to track down terrorists. Damaging the Philippines’ tuna export market by tipping the scale in favor of other countries will damage the single largest employer and increase instability in the exact area where U.S. troops are deployed to help create stability.

If that were not enough, Mindanao’s tuna industry was largely created by U.S. and other donor nations’ assistance as a means to increase opportunities and provide jobs for former guerrillas. This effort succeeded and the majority of Muslim separatists in Mindanao have laid down their arms. Disrupting Mindanao’s tuna industry will not only create economic instability in a strategically sensitive region, it will waste past investments of U.S. taxpayer money and could return some former Muslim fighters to their violent ways.

I see my colleague from Alaska, the ranking member of the Appropriations Committee on the floor. He may wish to say a word about this matter since he was responsible for bringing this issue to the attention of many Senators.

Mr. STEVENS. I thank my colleague and I agree with him about he seriousness of this matter. Senator INOUYE and I became aware of this problem on a recent trip to Asia during which we met with officials in Beijing, Singapore, Jakarta, and Manila. All of our meetings had one common element—and I became aware of this problem on the trip to the Philippines, and in particular the province of Mindanao where the notorious Abu Sayyaf Group is kidnapping innocent people and wreaking havoc through bombings and murders. The general populace does not support this element, and have therefore been victimized. Currently at the invitation of the Philippine Government, American troops are in Mindanao advising and training Philippine troops to more effectively combat this terrorist threat. The Philippines is clearly on the front line in the war against terror.

Now, the major employee in Mindanao is the canned tuna industry. The bill before us will do significant harm to this industry. If the major employer in Mindanao is not able to maintain economic stability, the chaos in Mindanao will be exacerbated. Damaging the economy of Mindanao, as this bill will do, undermines the ongoing U.S.-Philippine counter-terrorism operation. To harm an ally in the war on terror in this manner clearly is not in the national security interest of the United States.

I strongly urge that a solution to this problem be found before the conference report is presented to this body.

Mr. LUGAR. I thank my colleague for that explanation and for bringing this matter to the Senate’s attention. I certainly will join him in seeking a solution to this important national security matter. The only fair solution is to maintain tariff parity for our anti-terrorism partners who compete in this market. I believe my colleague from Missouri would like to make a comment.
Mr. BOND. I thank my friend for yielding. I, too, would like to express my concern over the dire consequences of extending preferential tariff treatment of packed tuna to the Andean region. If the Andean region had more than one from the Asian Wall Street Journal colleagues, I will ask that two recent issue is too important to be ignored most urgently needed.

Mr. LUGAR, the President, I rise today to join my colleagues in expressing concerns about the effects, however unintended, that the proposed duty-free status for Andean nations would have on the canned tuna industry in the Philippines. I refer specifically to the status that would be accorded to canned tuna imports from Ecuador. I spoke during the debate on the harm the current provisions will do to the Philippine economy and how seriously it will undermine the anti-terrorist efforts in the Philippines and elsewhere in Southeast Asia. But I want to point out again that the tuna industry in the Philippines is located in precisely the area where anti-terrorist efforts are most needed.

Clearly a multitude of issues are involved in any trade legislation. This issue is too important to be ignored and it is my hope that this serious problem will be resolved in the conference report when it comes before us for final passage.

Mr. LUGAR, for the benefit of our colleagues, I will ask that two recent articles from the New York Times and one from the Asian Wall Street Journal be printed in the RECORD at the end of this colloquy. These articles detail the importance of the tuna industry to Mindanao and its strong connection to counter-terrorism efforts.

Mr. TORRICELLI. I appreciate my colleagues' national security issue today. The unintended consequences of biasing our tuna tariffs against the Philippines were brought to my attention by both the Philippine Ambassador, as well as through the work of my distinguished colleagues. I am deeply concerned about how this bill will undermine America's counter-terrorism work in Mindanao and fully support the view that this issue must be resolved before the conference report to the Senate.

Enough has already been said about how undermining Mindanao's largest employer will spread instability, harm America's image, and waste past taxpayer investment in a critically important region. I do not need to elaborate further on those points. I would like to take just a moment, however, to highlight for my colleagues how this ill-advised provision came to be. The House Ways and Means Committee initially added it to their Andean trade bill. It was removed in conference for Andean counter-narcotics legislation. It was added without a hearing and without examination of the national security implications of making this change in trade law.

When the bill came before the Senate Finance Committee, the committee voted to limit the extent of the preference granted to the Andean counties. I will support that change, but it did not go far enough to resolve the matter. I was hopeful that suggestions made by Senators INOUYE and STEVENS might be included into this bill to actually solve the problem created by this provision. Fixing this provision on the floor, however, will not now be possible. Therefore, I join my colleagues in urging that parity be maintained for all America's friends seeking to participate in our tuna market. Tipping the balance of this market toward one group and away from another is unfair, wasteful, shortsighted, and counter to America's broader international interests.

Mr. BIDEN. Mr. President, assisting Andean countries combat illicit narcotics is an important national security goal for the United States. The Foreign Relations Committee has heard considerable testimony from the administration and other witnesses as to the importance of the issue, both for the United States and for the maintenance of democracy in South America. Much effort and resources are already being devoted to this important goal, and the Administration plans to do still more. The Andean Trade Preferences Act extension passed by the Senate adds important additional support to this effort.

Mr. President, I ask unanimous consent that the newspaper articles to which I referred earlier be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 21, 2002]

REDUCED TARIFFS FOR SOME NATIONS STRAINS RELATIONS WITH OTHERS

(By Keith Bradsher)

GENERAL STARS CROSS THE PHILIPPINES, May 16.—How should the United States set its tariffs and trade rules, globally or country-by-country? It is no arid 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 that就是为了 help wean their economies off coca production, could lead to the payoff of thousands of Muslim workers in the tuna industry here, even as American troops help the Philippines fight Abu Sayyaf Muslim insurgents in this region.

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 anti-American government led to 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 is in the news at any given moment. 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 would be awarded to all.

This would be disastrous for the ruinous bilateral trade competition in Europe in the 1930's, the United States backed a global adoption of the same region for many years. I say this economic development program has been successful in Mindanao because most of the former insurgents have laid down their weapons and joined mainstream life in the Philippines. Only the most radical remain terrorists. But I want to point out that the change in trade law.

Mr. President, in the Philippines today we have a successful counterterrorism effort underway that incorporates both economic incentives to give people a reason to participate in civil society, and military action against the few extremists who remain committed to violence. We cannot afford to remove one of the pillars of this effort by giving a competing trade advantage to Andean countries. This must be corrected as this bill moves to conference.

Mr. LUGAR. As stated at the beginning of this colloquy, in addition to the Philippines, the economies of Thailand and Indonesia may also be impacted by this bill. We are hoping the points expressed in this colloquy will be addressed in conference.

Mr. President, I ask unanimous consent that the newspaper articles to which I referred earlier be printed in the RECORD.
approach, leading in the decades after World War II to the international trade rules enshrined in the General Agreement on Tariffs and Trade and later to 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 and led to non-reciprocal treatment and GATT negotiations," said William Cline, a senior economist at the Institute for International Economics in Washington.

Up through the 1980’s, most economists criticized regional trade agreements as just as bad as bilateral free-trade deals. But regional blocs that win over several countries and lose others, regional blocs can be bad for global efficiency, by promoting importers to favor a higher-cost producer inside 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 treaties are becoming increasingly difficult to conclude. The last was wrapped up in Geneva in 2001 to produce the one that did not get under way until last November in Doha, Qatar, and are expected to take years.

But the regional free trade concept has become fashionable again, in great part because of the success of the European Union, which hugely increased trade among its members by eliminating tariffs and trade barriers. It helped inspire the 1992 North American Free Trade Agreement—joining the United States, Canada and Mexico—as well as several other regional groupings.

One provision of the NAFTA treaty helped set off the dispute now rolling American efforts to regain the position of the Philippines in the war on terrorism.

Among the tariffs to be eliminated within North America by the treaty is the American duty on canned tuna imported from Mexico. It will not disappear until 2008, and for the moment it means little because Mexico, well north of the equatorial waters where the best fishing grounds are found, has 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 a fleet despite the high labor and fuel costs for the long journeys to where the tuna swim.

Several smaller Central American and Caribbean nations also have small tuna fleets; three years ago, Congress 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 the United States. The United States had lower tariffs on many products from Andean nations like Ecuador and Colombia in 1991, but canned tuna was not among them. Eliminating any of the 1991 concessions would come up for renewal last year, the Andean nations, supported by Starrkist, 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 them and do not depend on narcotics trafficking. That persuaded the House of Representatives to approve a bill earlier this year that would immediately eliminate duty on Andean tuna.

A more limited bill that would phase out duty on about a third of current shipment is before the Senate as part of a broader trade bill. If both bills passed, the two provisions would be worked out in a conference of senators and representatives.

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, said Senator Dole.

"The purpose of the treaties, and which, if not granted, occasion the preferring of a charge of disloyalty to treaty obligations."

The report was published in 1919.

[From the New York Times, May 16, 2002]

DRUGS, TERROR AND TUNA: HOW GOALS CLASH

(By Keith Bradsher)

GENERAL SANTOS CITY, the Philippines, May 15.—This industrial city on the southern coast of Mindanao Island illustrates how America’s various strategic aims in the wars on drugs and terrorism are threatening important allies engaged in battling terrorism.

Among leaders of the Philippines’ important tuna industry here, resentment is running high over trade legislation now on the Senate floor in Washington. The bill includes a provision to eliminate steep import taxes on canned tuna while keeping taxes in place for other countries like the Philippines.

The provision has attracted Congressional support because it is seen as bolstering America’s war on drugs. The idea is that the bill help create well-paid jobs in Ecuador and Colombia as an alternative to the drug trade. But in another war—the one against terrorism—the legislation is causing anger in a country that has become an important part of the administration’s plans.

It contains $72 million in American soldiers are helping the Philippine Army track Abu Sayyaf Muslim insurgents in the southernmost Philippines, and President Gloria Macapagal Arroyo is using the political capital on helping the United States fight terrorism.

Virtually all of the tuna industry of the Philippines is located here and employs thousands of migrant workers from small Muslim fishing communities that used to be bastions of various Islamic insurgencies. Local officials say that the new legislation could wipe out the tuna industry.

President Arroyo said that passage of the trade provision would deal a severe blow to the economy here while handing a propaganda victory to the Abu Sayyaf movement.

The combination would create heavy domestic pressure for the Philippines to retreat from its active support for the American war on terrorism, she warned in a telephone interview tonight.

"I will try very hard not to, but I will be under tremendous pressure," she said.

In much of the developing world, including Latin America and Africa, trade restrictions on tuna to preserve local tuna canneries and textile industries are causing growing resentment toward the United States. The perception that the Bush administration is a projectionist one has grown stronger.

President Arroyo argued that General Santos, the main city on the southern coast of Mindanao and home to most of the Philippines’ tuna fishing fleet and canneries, was central both to the economic future of this region and to the fight against terrorism.

The town has exploded on a crowded sidewalk outside a supermarket here on April 21, killing 15 people and wounding dozens. A bomb was safely defused before it exploded at another supermarket the same day, and two shopping complexes have recently burned here in the middle of the night in separate, unexplained incidents.

Police detectives here say that they are still unsure whether the attacks were terrorist shenanigans, criminal extortion or some combination of the two. But President Arroyo expresses no such doubts, saying tonight, "The Abu Sayyaf has been trying to get into General Santos and it has been very difficult for us to justify our support for the United States."

In a city a tuna factories festoon everything from billboards to restaurant signs, and where even the golf tournament is the Tuna Cup, the fishing industry’s influence is im- pli- c- it of low-priced steel has forced the closing of a big steel mill in northern Mindanao. The tuna industry here barely existed until the late 1980’s when the United States led Japan, Italy and others in an ambitious foreign aid program aimed at rebuilding the Philippines after the fall of Fer- di- n-ando. The bustling fishing port here and the nearby row of tuna canneries contrast sharply with most of Mindanao, where peasants still till on subsistence farms and on large pineapple and coconut plantations. Years of drought, coupled with inadequate irrigation, have crippled agriculture while the global climate change threatens the Philippines after the fall of Fer- di- n-ando. The bustling fishing port here and the nearby row of tuna canneries contrast sharply with most of Mindanao, where peasants still till on subsistence farms and on large pineapple and coconut plantations.

Workers heave baskets of fish onto crude steel carts, which they then pull by hand over to a long open-sided shed. Women wash the fish on long, rough concrete floor beneath them dark and slippery with fish blood. A few larger tuna, some of the size of a man, are carried individually to large, wooden crates packed with ice, to be shipped directly to Japan to be turned into sashimi.

Renato Alonzo, 47, a fisherman in a ragged T-shirt and flip-flops whose boat had just docked after two weeks at sea, said that he had sold his tiny farm and joined a boat crew 10 years ago after learning he could nearly double his income, to roughly $4,000 a year. Now he can afford to send his two sons, aged 12 and 8, to school.

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sprinted group to lay down their arms under armistices with the government. Many former rebel commanders and foot soldiers have taken jobs at the canneries, which have had a tendency to buy large quantities of tuna here but have recently brought the war on terrorism. A ground-swell of popular concern about the WTO has been building up. Despite the fact that the WTO hadn’t done enough to improve access for their products to rich markets at the body’s ministerial meeting in Doha, Qatar, in November, the tension had somewhat what richer countries agreed to further open key agricultural, fishery and textile markets in the Doha round of trade talks, due to conclude by the end of 2003.

Still, disappointment is rife in Asia, even among committed free traders. “There is a lot of disappointment in Asia,” said Mr. Magno, president of the Manila-based Foundation for Economic Freedom. “Free trade hasn’t produced a lot of job creation here in the Philippines are losers, particularly in garments and other labor-intensive industries. They can’t compete with more inexpensive producers such as China.” This resentment could worsen soon. President George W. Bush signed a new U.S. farm bill this week that will boost crop and dairy subsidies for American farmers. An 18-nation group of agricultural exporters warns that the scale of the $180 billion six-year farm-aid program will hurt farmers around the world and slow their access to the U.S. market. “The impact will be particularly damaging on developing countries,” the group said in a statement released in Geneva on Wednesday.

Of all the developing economies in Asia it was perhaps the Philippines that most enthusiastically embraced free trade in the latter half of the 1990s. While Malaysia carefully protected its car industry and Thailand and Indonesia nurtured their cement markets, the Philippines has generally removed its bulky series of tariff reductions. Despite foot-dragging on opening up its retail industry to foreign hypermarkets, among other stalled pledges, the Philippines has generally been keen to shake off the shackles of a protectionist economy that left the country dawdling during Asia’s boom years.

Yet while the Philippines has benefited from investments geared toward call centers and microprocessors, more traditional industries that employ the bulk of the country’s work force have lagged. In Manila’s Divisoria market, the piles of T-shirts and jeans stacked in the stalls arrive from China; just a few years ago, they came locally. Facing rising unemployment at home, more and more Filipinos are joining the line for visas at the U.S. Embassy in the hope of joining the mass exodus to the U.S. The United States has made such a big impact on the community.”

More than half of General Santos’ 400,000 people are employed in seafood processing. Mr. Roxas, president of the Manila-based Foundation for Economic Freedom. “Free trade hasn’t produced a lot of job creation here in the Philippines are losers, particularly in garments and other labor-intensive industries. They can’t compete with more inexpensive producers such as China.”

The Philippines is particularly upset with new tariff barriers to the European Union. While tuna from former European colonies in Africa, the Caribbean and the Pacific is levy-free, canned tuna from the Philippines is slapped with a brutish 24% tariff. Mr. Roxas can hardly believe it. “We were a Spanish colony for 400 years, and now do they want? EU officials deny that the tariff waiver hurts the Philippines tuna industry.

U.S. legislators, meanwhile, are moving toward reviving 10-year-old reductions in import tariffs on packaged tuna, textiles and cut flowers as a way to wean Ecuador, Bolivia, Peru and other drug-ridden countries. Senators are being lobbied hard by H.J. Heinz Co.’s StarKist Foods to cut the tariffs. The United States has already made more progress in Ecuador, and cutting the Latin American tariffs will be a shot in the arm for its business. It would also make Philippine tuna look much more expensive.

Ignoring trade agreements is nothing new, of course, and the WTO hasn’t proven to be particularly speedy at resolving trade disputes. Trade Secretary Roxas, however, is still keen on giving it a go, at least for the time being. “Let’s see where it gets us,” he said in a recent interview. "We feel that the WTO’s crew row with Europe is headed for the WTO, as is a dispute with Australia over bananas. Manila is anxious to increase fruit and fish exports to the European Union, which have successfully lobbied the government to keep restrictions in place. Politicians in Canberra explain that scientists haven’t finished their research on whether Philppine fish are disease-free and safe to import. The country harbors five diseases, collectively known as the Black Plague. Australian farmers worry that opening up their markets to foreign fisheries could lower prices while their crops, and government quarantine officials now are conducting a risk analysis on importing the bananas, which isn’t likely to be completed soon. Meanwhile, Philippine President Gloria Macapagal Arroyo finds it difficult to contain her frustration. “Sad to say, sanitary requirements and technical standards now seem to be the weapon of choice for protectionists,” she told business leaders in Malaysia.

Koala Bay is the fishing industry that stirs the strongest passions. General Santos City, a remote fishing city. Scores of tuna boats steam in every morning to unload their cargo at the town’s gleaming port, sometimes after a couple of days at sea. A kilometer or two down the road, the General Tuna Corp. canneries churn out more than 300,000 cans of tuna a day for brands such as California, the Sea King, and Fresca. Other factories line the coast nearby. Outrigger boats meanwhile, head out to deeper waters in the hope of landing a bluefin tuna. In Tokyo, bluefin retail for around the price of a Toyota Corolla.

“From the first day I came in 1991, there wasn’t much of anything,” says Neil del Rosario, plant manager at the General Tuna canneries. “Now there are hardware stores, beauty parlors, restaurants. McDonald’s is coming here soon. The internal economy has made such a big impact on the community.”

More than half of General Santos’ 400,000 people are dependent on tuna in one form or another. Mr. Teng, president of the Philippine fishing federation, says many more jobs would be created if the tariffs are dropped quickly. “This place could really take off,” he says.

The tuna industry can also help stabilize one of the more volatile corners of Southeast Asia. Not far from General Santos, about 1,000 U.S. special forces are training Phil-
ippines, as well as a guerilla group linked to Osama bin Laden’s al-Qaeda network. The Abu Sayyaf has kidnapped scores of foreigners over the past few years. Their leaders once engaged an American missionary couple and a Filipino nurse. To the north, a larger but less violent rebel army is in peace talks with the Philippine government.

The 30-year-old uprising has killed more than 120,000 people and severely retarded Mindanao’s economy, however, helps provide jobs for Muslims who might otherwise be tempted to join the decades-old rebellion against Christian domina-
tion.
tighten its belt. General Tuna has cut back to running at 75% capacity; other canneries are running at just half-time. And if there isn’t any work, there isn’t any pay. Mr. Teng is better off to worry about the consequences of the trade war.

“We need development before there is peace,” he says. “Let’s give these rebels the chance to come down out of the hills. Maybe they can become millionaires too.”

**SIXTIETH ANNIVERSARY OF THE BATTLE OF MIDWAY**

Mr. LUGAR. Mr. President today marks the 60th anniversary of the first day of a battle that is regarded as the turning point of the war in the Pacific and that many historians list as one of the two or three most significant naval battles in recorded history. I am speaking, of course, about June 4, 1942, the beginning of the 3-day naval engagement known as the Battle of Midway.

At 10:25 a.m. a Japanese armada including four carriers was steaming east toward Midway Island, 1,150 miles west of Pearl Harbor in the Central Pacific. Its objectives: Invade the strategically situated atoll, seize the U.S. base and airstrip, and (if possible) destroy what remained of the Pacific fleet after the surprise attack on Pearl Harbor the preceding December.

At 10:30 a.m. three of the four Japanese carriers and their aircraft were a flaming shambles. Moments before, Japanese fighter cover had swatted down torpedo bomber squadrons from the U.S. carriers Enterprise, Hornet, and Yorktown, the final, fatal mission for 35 of 41 American planes and 68 of 82 pilots and gunners. But their courageous attack had drawn the fighters down to deck level, leaving the skies nearly empty for the 37 U.S. dive bombers who then appeared and, in five fateful minutes, changed the course of history. By nightfall, the fourth Japanese carrier, too, was a blazing wreck, a fitting coda to this pivotal victory which saw the turning point of the war in the Pacific, and which launched us on the road to eventual victory.

As you may be aware, near the end of the war, Congress authorized four five-star positions each in the Army and Navy. The new Generals of the Army were George Marshall, Douglas MacArthur, and Henry “Hap” Arnold. The first three five-star Admirals were Chester Nimitz, Ernest King, and William Daniel Leahy. But throughout Spruance’s 45-year Navy career, he maintained the unassuming attitude that downplayed his own role at Midway. And, unlike some of his contemporaries, Spruance avoided self-promotion. One consequence was that he forwent levels of recognition accorded others.

“Some ended,” wrote Churchill, “the battle of June 4, rightly regarded as the turning point of the war in the Pacific. ‘The annals of war at sea,’ he intoned, ‘present no more intense, heart-shaking shock’ than Midway and its precursor in the Coral Sea, battles where ‘the bravery and self-devotion of the American airmen and sailors and the nerve and skill of their leaders was the foundation upon which we based our military fortunes of Imperial Japan.’

“_ATTRIBUTED TO CONGRESSMAN J. D. SMITH, CINCINNATI PATRIOT, JUNE 4, 1942"

“Spruance and luck gave him, at a fate-ful hour, to America.”

In June 1942, all of America drew strength from the victory at Midway. Today, the nation and the Naval Service celebrate that victory and we continue to draw strength from the brave contributions of the men who nobly fought 60 years ago and those who there made the ultimate sacrifice as they turned the tide of a very perilous war.

**SPOKANE TRIBE OF INDIANS OF THE SPOKANE RESERVATION GRAND COULEE DAM EQUITABLE COMPENSATION SETTLEMENT ACT**

Ms. CANTWELL, Mr. President, on Thursday, May 23, 2002, I, along with my distinguished colleagues Senators MURRAY from Washington State and Senator INOUYE from Hawaii, introduced the Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act. In 1994, Congress passed legislation providing the Confederated Tribes of the Colville Reservation with a settlement for the losses the tribe incurred from the construction of the Grand Coulee Dam. The legislation we are introducing today will provide a proportional settlement for similar losses experienced by the Spokane Tribe.

The Grand Coulee Dam is an integral part of the Northwest’s power scheme. As the largest concrete dam in the world and the world’s third largest producer of electricity, the Grand Coulee Dam enables the Bonneville Power Administration, BPA, to fulfill its legal obligation of providing the Northwest with an “adequate, efficient, economical and reliable power supply.” My state and all of BPA’s customers greatly benefit from the Grand Coulee Dam.

Since the beginning of the project in the early 1930s, Federal officials acknowledged that the tribes affected by the construction of the dam were entitled to compensation for their losses. The Spokane Tribe is now asking Congress to follow through on that promise.
The Colville Tribe already receives an annual payment in perpetuity of approximately $15 million, plus the one-time payment of $33 million. The Spokane Tribe lost an area that is 39.4 percent of the Colville loss, and although the Spokane Tribe did not settle the timelapse of the Colville in 1994, the Administration and Congress have continued to echo the belief held since the 1930s: that the Spokane Tribe, which was affected by the construction of Grand Coulee along with the Colville, is deserving of equitable compensation.

During the Colville settlement hearing in 1994, Senators MURRAY, INOUYE, McCAIN, and BRADLEY stated repeatedly that, while the United States was not settling with the Spokane Tribe at that time, the United States had the obligation to provide equitable compensation to Spokane Tribe. Just like the Colville Tribe, the Spokane Tribe’s lands, fishing economy and culture were impacted.

We are here today because the Spokane Tribe and the Bonneville Power Administration have been unable to reach a settlement that is mutually agreeable to both parties during its negotiations for the past 30 years. I believe that the United States has a moral obligation to settle with the Spokane Tribe just as it settled with the Colville Tribe. I am eager to see a fair settlement go forward. I urge my colleagues to support this legislation.

Mrs. MURRAY. Mr. President, on May 23, 2002, I was pleased to introduce with Senators CANTWELL and INOUYE, “The Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Act.” This bill will provide compensation to the Spokane Tribe for its contribution to the production of hydropower by the Grand Coulee Dam. This legislation, S. 2567, is very similar to S. 1525, Senator INOUYE and I introduced in the first session of the 106th Congress.

The Grand Coulee Dam is the largest concrete dam in the world, the largest electricity producer in the United States, and the third largest electricity producer in the world. It provides electricity and water to one of the world’s largest irrigation projects, the one million acre Columbia Basin Project. The Grand Coulee is the backbone of the northwest’s Federal power grid and agricultural economy. The Dam has provided and continues to provide tremendous economic benefits to the region.

But for the native peoples of this region, the construction of the Grand Coulee Dam came at a very high price. To the Spokane Tribe, the Dam meant an end to a way of life. The Dam flooded the Tribe’s reservation on two sides. The Spokane River changed from a free flowing waterway that supported plentiful salmon runs to barren slack water that is barren for salmon. The southern half of the reservation. The benefits that accrued to the nation and the Northwest were made possible by uncompensated injury to the Native Americans of the Columbia and Spokane Rivers.

In 1994, Congress enacted settlement legislation to compensate the neighboring Confederated Colville Tribes. That legislation provided a one-time payment of $53 million for past damages and approximately $15 million annually from the proceeds from the sale of hydropower by the Bonneville Power Administration (BPA).

The Spokane settlement legislation would provide a settlement proportional to that provided to the Colville Tribes, which was based on the percentage of lands appropriated from the respective tribes for the dam. This translates into 39.4 percent of the past and future compensation awarded the Colville Tribes. S. 2567 would provide a one-time payment of approximately $21 million from the General Treasury as compensation for past damages. The bill would provide from BPA about $10 million plus interest charged for payments the Colvilles have received since 1995. In addition, the legislation would direct BPA to allocate approximately $6 million annually to the Spokanes.

Since the Treaty and Federal agencies have indicated that both the Colville and Spokane Tribes should be compensated. Since 1994, when an agreement was reached to compensate the Colville Tribes, Congress and Federal agencies have expressed interest in providing fair compensation to the Spokane Tribe, too. This legislation will provide for a long overdue settlement for the Spokane Tribe. I hope my colleagues will support this bill. I also hope the Senate Indian Affairs Committee will hold a hearing on S. 2567 at the Chairman’s earliest convenience.

### ADDITIONAL STATEMENTS

**TRIBUTE TO TIBURON FIRE PROTECTION DISTRICT FIRE CHIEF ROSEMARY BLISS**

- Mrs. BOXER. Mr. President, today I recognize and pay tribute to Rosemary Bliss, fire chief for Tiburon Fire Protection District in my home county of Marin, CA, as she prepares to retire after 30 years in firefighting.

Chief Bliss is truly a credit to firefighting. When highlighting the career of Chief Rosemary Bliss, the word “first” features prominently. Chief Bliss was the first female fire chief for the Tiburon Fire Protection District as fire marshal in 1981. She was the first female fire marshal for Marin County. When she promoted from fire marshal to fire chief in 1993, she became California’s first woman career fire chief. And, notably, in 1973 when she began her career in firefighting, she was the first woman firefighter with the Chataqua Volunteer Fire Department in New York.

Chief Bliss set an example from the very beginning of her career that paved the way for many other women in firefighting.

During her time with the Tiburon Fire Protection District, she worked to ensure the completion of the new fire headquarters on Tiburon Boulevard. Before the new headquarters, the firefighters worked out of an old gas station and an old railroad building. Chief Bliss’ dedication and achievements are truly exceptional and worthy of recognition.

I am honored to congratulate and pay tribute to her, and I invite my colleagues to join me in conveying best wishes to Fire Chief Rosemary Bliss as she closed one remarkable chapter of her life and embarks on a new path.

**NORTH KOREA**

- Mr. BROWNBACK. Mr. President, I ask that the following article by Robert Cohen, a senior fellow at the Brookings Institution, regarding the humanitarian crisis in North Korea be printed in the RECORD. This article should have been referenced in my floor statement of May 20, 2002, also on North Korea.

The article follows:

(From the New York Times, May 16, 2002)

**AID MEANT FOR THE HUNGRY**

(By Roberta Cohen)

WASHINGTON.—Hunger still threatens millions in North Korea, and one symptom of the harsh conditions is the desperation of North Korean refugees trying in the past few days to elude Chinese police and seek asylum at American and Japanese consulates in China. As the Bush administration prepares to restart talks with North Korea, food, as well as weapons and troops, should be on the agenda. Despite the tense relationship between the two countries, the United States is the leading donor of food to North Korea, which cannot feed its 22 million people. American negotiators should insist on assurances that this aid is reaching those most in need.

Since 1995, the United States has provided more than $500 million in food and other commodities to North Korea—up to 350,000 metric tons of food each year. But this aid is down to 155,000 metric tons because of demands for aid in Afghanistan; other countries are also sending less to North Korea. But American deliveries of food and fuel remain critical to Pyongyang. Sending food aid has helped the United States persuade the North Koreans to engage in talks on mutual-strategic interests. But North Korea also exercises control over the Pyonggyang regime, which Washington would rather see improve than collapse, since sudden disintegration could overwhelm South Korea with refugees and create political and economic turmoil. But there is also an overriding humanitarian imperative. More than 2 million North Koreans are reported to be malnourished, according to the World Food Program, a United Nations agency.

No one really knows, however, how much donated food is diverted to the North Korean military, police, Communist Party officials, or other essential workers and those loyal to the regime. The World Food Program argues that food aid is not going to the military because the military has the internal harvests. But the agency has no evidence because there is no independent monitoring of donated food. As the main conduit of American aid, the World Food Program has managed to increase the number of North Korean counties it can visit to 163, but its staff is...
I have had the privilege of knowing JJ for more than two decades. We first worked together when I was Delaware's state treasurer in 1980 and negotiated the state's loan to Chrysler during the company's darkest hours. Right from the start, JJ impressed me as one who possessed great ability and poise. He was interested in doing what was right. He believed in doing things well. He followed the Golden Rule, treating others the way he wanted to be treated. He was adept at hammering out compromises. He knew the right way, and he was loath to give up. Never boisterous or overbearing, JJ's quiet confidence helped to make him an effective advocate for his members and won the respect of Chrysler's management team at their Newark, Delaware assembly plant. I especially respected his willingness to share the credit when things went right, while assuming the blame when things went wrong. JJ deserves a good deal of the credit for labor-management relations at the Newark assembly plant. The rapport he helped to establish has served to preserve the plant during an era when many other automotive plants were closed due to overcapacity. Under his leadership, an atmosphere of cooperation emerged to replace the atmosphere of confrontation that had earlier existed. Under his watchful eye, quality products were built and productivity was enhanced as labor and management learned to work together towards common goals.

JJ has been a respected colleague for over half of his life, and he remains a trusted friend to many. He takes pride in his work and has made thousands of autoworkers proud to work alongside of him. I thank him for his friendship, congratulate him on a successful first career and wish him and his family only the very best in all that lies ahead for him and for them.

IN HONOR OF DR. NORMAN SAMUELS

Mr. TORRICELLI. Mr. President, today I recognize Dr. Norman Samuels, who has served as the Provost of the Newark Campus of Rutgers, the State University of New Jersey for the past 20 years. Dr. Samuels is retiring from his position as Provost after 20 years of outstanding service. Dr. Samuels has been a member of the Rutgers-Newark family since 1967, when he first joined the university as an assistant professor of Political Science. He then proceeded to serve as Associate Dean for Academic Affairs at the Rutgers Newark College of Arts and Sciences, NCAS, from 1971–76; as Dean of NCAS from 1976–82; and as Provost since 1982.

During his tenure as Provost, Dr. Samuels has directed the development of the Newark campus into a major national research university center with extensive undergraduate, graduate, professional and outreach programs. It has been Dr. Samuels' vision and dedication to create an inspiring new atmosphere in Newark, along with his commitment to establish an imaginative urban educational enterprise that has led to Rutgers-Newark becoming what it is today. As a result of his vision, programs have inched forward and work has been ranked first among national universities in diversity by U.S. News and World Report and has held that title.
ever since the magazine created that category.

Dr. Samuels, a native of Montreal, Quebec, received his B.A. from McGill University, and his M.A. and Ph.D. from Duke University. He currently resides in Orange, New Jersey with his wife, Sandra, a physical therapist at the Rutgers-Newark student health center. In his post-retirement life, Dr. Samuels plans a return to teaching as a political science professor at Rutgers-Newark.

So I join with Newark Campus of Rutgers University in recognizing Dr. Norman Samuels, a visionary who helped steer the University from its difficult days of civil unrest to its current burgeoning resurgence. On the campus of Rutgers-Newark, no one person has had a greater hand in Rutgers' commitment to its students and the City than Dr. Samuels. He is to be saluted.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 7, 1991 in New York, NY. A gay man was attacked and beaten with a bottle. The assailant shouted anti-gay epithets toward the victim and his companion. Lahosa Duggins, 19, was arrested in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

IN MEMORY OF SHARON MONSKY

Mrs. BOXER. Mr. President, I would like to take this moment to reflect on the life of Sharon Monsky. I feel proud and fortunate to have known Sharon, who was a wonderfully effective advocate for health research and scleroderma. Scleroderma is an autoimmune disease that affects primarily women.

As a strong supporter of her important mission, I was profoundly saddened to learn that, at the age of 48, Sharon Monsky died of complications from scleroderma on May 11 in Santa Barbara, CA. Her strong passion for finding a cure for scleroderma has helped raise awareness and has made a tremendous impact on the lives of many people suffering from this devastating disease.

Born in Omaha, NE, Sharon Monsky was a nationally ranked figure skater during her teenage years, and later graduated at the top of her class from Pitzer College in Claremont. After earning a BA in economics, she began a career at McKinsey & Co., an international management-consulting firm in San Francisco, an MBA from Stanford University. However, her career took a different path when Monsky developed scleroderma in 1981. Determined to win her battle with scleroderma, she helps others suffering from the disease, Sharon Monsky decided to devote her life to finding a cure. In 1986 she founded the Scleroderma Research Foundation, which has raised more than $14 million and funds two research centers: the San Francisco Bay Area Scleroderma Center at the University of California at San Francisco and the East Coast Scleroderma Research Center at John Hopkins University. Monsky received many awards for her work, including Research America's National Volunteer Advocacy Award, the America's Award and the American Medical Association's International Health and Medical Film Award.

Sharon Monsky's tragic death represents a great loss for California and the Nation. She served as a powerful voice for those stricken with scleroderma, and will be deeply missed by me and by all those who were privileged to have known her. Although Sharon Monsky ultimately lost her battle with this disease, she has helped make it possible to prevail against this disease. I will never forget her moving words, compassionate heart and enduring strength. Her spirit will continue to inspire us all for generations to come.

I owe her a great debt for involving me in the fight against scleroderma. My heart goes out to her beautiful family.

IN RECOGNITION OF DR. ANNEMARIE ROEPER AND THE ROEPER SCHOOL

Mr. LEVIN. Mr. President, I would like to congratulate Dr. Annemarie Roepner on her seven decades of making a difference in the field of education including the success of The Roepner School for 60 years of academic excellence. Dr. Roepner and her school have given selflessly to the Michigan community.

As the horrors of World War II ravaged Europe, Annemarie Roepner and George (deceased) fled their native Germany for America in 1941; a year later they founded The Roepner School. President in its design, the mission of The Roepner School was groundbreaking in 1942 and is reaffirmed in the aftermath of September 11 as an institution dedicated to teaching the values of basic human rights, membership in a global community, and awareness of self. The curriculum fosters a compassion for those who need help and is based on the Scleroderma Research Foundation, which has raised more than $14 million and funds two research centers: the San Francisco Bay Area Scleroderma Center at the University of California at San Francisco and the East Coast Scleroderma Research Center at John Hopkins University. Monsky received many awards for her work, including Research America's National Volunteer Advocacy Award, the America's Award and the American Medical Association's International Health and Medical Film Award.

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As Dr. Roepner enters her seventh decade of education, she has created a legacy of positive achievement. The Roepner School stands as a testament to her contributions in forming an environment of mutual respect and understanding. That testament grows even stronger today as the school's Capital Campaign seeks to expand Dr. Roepner's dream to enlarge the school. Her selfless dedication has built The Roepner School into an institution that not only educates our children but challenges them to take hold of their future and design a truly multicultural and peaceful society.

I am sure that the staff, teachers, students, and family of Dr. Annemarie Roepner are extremely proud of her accomplishments. In addition I would like to give my own heartfelt congratulations and thanks to my Senate colleagues who join me in celebrating the hard work of Dr. Roepner.

"WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" NATIONAL FINALS

Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate students Jaime Bentley, Alexis Bertsch, Wes Boucka, Taylor Dykes, Grant Feteri, Kirsten Graslie, Jamie Hahn, Deming Haugland, Jessica Henry, Jayni Lueders, Teresa Martinez, Derek Meyers, Erin Nelson, Sydni Richey, Sydney Schemp, Jeremy Smith, John Steele, Kiaja Swisher, Kyle Triplett, Cami Tripp, Jackie Vosler, Caleb Wells, John Williams, Adam Ziegler of Spearfish High School, Idaho, and the 50 other classes from all across the country. The students who competed against 50 other classes from all across the Nation. Their extraordinary effort and dedication to learning and
studying are demonstrated in their remarkable understanding of the fundamental ideals and values of American constitutional government.

The national finals competition simulates a congressional hearing in which high school students testify and defend hypothetical legislation before a panel of judges. Not only does this program encourage learning, but it also gives the students a chance to articulate what it is they have learned. In order to speak intelligently about any subject, it is important for students to be well-prepared, and these students have done just that. They have dedicated time and hard work, and have committed themselves to performing to their best abilities.

The preparation and dedication the students of Spearfish High School committed to the national final competition is to be commended. All of South Dakota is proud of their performance. They represented our state with tremendous poise and motivation. Their success is an example for other talented young people to emulate.

Again, congratulations to Spearfish High School for their outstanding performance in the “We the People... The Citizen and the Constitution.”

IN RECOGNITION OF BELINDA GUADARRAMA

Mrs. BOXER. Mr. President, I take this opportunity to share with the Senate the accomplishments of one of my constituents, Belinda Guadarrama, of Petaluma.

It is my great pleasure to honor the tremendous contributions Ms. Guadarrama has made to our economy. She has been recognized by the Small Business Administration as the California Small Business Person of the Year for 2002.

In 1986, Ms. Guadarrama started GC Micro with two employees, $20,000 and a three-room office as a retirement account. Through her hard work, diligence and business acumen, the firm is now one of the nation’s leading suppliers of computer hardware and software products to the defense and aerospace industries. Today the company employs 28 people and sales last year topped $34 million.

Building GC Micro from the ground up was not easy. When Ms. Guadarrama applied for a $5,000 loan for her company, bank laughed at her lack of collateral. However, Ms. Guadarrama persevered.

Through hard work and a passion for customer service, Belinda overcame the perception that a minority woman couldn’t make it in the competitive field of technology and marketing to defense-related contractors. She never gave up and her success is a testament to her determination.

Ms. Guadarrama has been a strong advocate for minority business development in America. In working with the National Association of Small Disadvantaged Businesses, the Hispanic Chamber of Commerce, and the Hispanic Business CEO Roundtable, she effectively brings the concerns of the minority business community to the attention of the media and policy makers.

Belinda’s story has been an inspiration to Latins. Her enthusiasm and drive are evident to anyone who has had the pleasure of meeting her.

I send my warmest congratulations to Belinda on her recognition by the Small Business Administration as the Small Business Person of the Year for 2002, representing California.

TRIBUTE TO THE ARKANSAS GUNSLINGERS NATIONAL GUARD UNIT

Mrs. LINCOLN. Mr. President, today I pay tribute to the Arkansas Army National Guard Task Force 2-153—or as they’re more commonly known, the Arkansas Gunslingers.

The Gunslingers were mobilized on October 8, 2001. After a brief period of training in Fort Carson, Colorado, the 529-member unit was deployed to Sinai, Egypt, as the first pure National Guard unit in history to serve as part of a “Multinational Force and Observer” mission in this region. In this peacekeeping capacity, the Gunslingers task force is responsible for observing and reporting activity along the eastern side of the Sinai peninsula. This zone includes the desert mountains and coastal area form Elat, Israel, to the southern tip of the peninsula along the Gulf of Aqaba.

Time does not permit me to recognize by name each of the dedicated men and women of the Gunslingers Task Force, though they all deserve such recognition for the sacrifices they make in service to their country. However, I do want to take a moment to pay special tribute to Task Force Commander Lieutenant Colonel Steve Womack. When not serving with the Task Force, Steve also serves as mayor of the city of Rogers, Arkansas. His commitment to public service, both in uniform and as a civilian, sets an example for all of us, and he stands as a wonderful representative of the values that animate the entire Gunslingers unit. I am proud to recognize him and his fellow Guardsmen on the floor of this body today.

Today we face tremendous challenges in the world arena, as the threat of international terrorism has brought heightened tensions both at home and abroad. In such an uncertain time, it is reassuring to know that we have dedicated soldiers such as the Gunslingers to ensure a stable and peaceful international order. I ask that all my colleagues in the U.S. Senate join me in expressing our gratitude to the Gunslingers Task Force.

RECOGNITION OF JAMES JOHNSON’S RETIREMENT

Mr. CARPER. Mr. President, I rise today in recognition of James Johnson upon his retirement from DaimlerChrysler and as president of UAW Local 1183 in Newark, DE, after more than thirty-eight years of dedicated service. Known to friends and colleagues alike as “JJ,” he is a man with a kind heart, diverse interests and great abilities. JJ embodies the best of Delaware, the UAW and the American worker.

JJ joined Chrysler as an assembler in 1964 and affiliated with Local 1183. Over time, he began to work his way up through the leadership ranks of his local. By the 1980’s, he had been elected a committeeman, and he served as a facilitator for the negotiation of the assembly plant’s historic Modern Operating Agreement. His leadership ability apparent, he continued to climb the leadership ladder. Beginning in the early 1990’s, his brothers and sisters of Local 1183 elected him as their vice-president, and over the next three years, he held that post for a total of eight years. Then, in June of 2001, JJ assumed the post of president of his local, a leadership position that he has held until his retirement.

I have had the pleasure of knowing JJ for more than two decades. We first worked together when I was Delaware’s State treasurer in 1980 and negotiated the State’s loan to Chrysler during the company’s darkest hours. Right from the start, JJ impressed me as one who possessed the qualities of a leader. He was interested in doing what was right. He believed in doing things well. He followed the Golden Rule, treating others the way he wanted to be treated. He was adept at handling compromises, but when he knew he was right, he was loath to give up. Never boisterous or overbearing, JJ’s quiet confidence helped to make him an effective advocate for his members and won the respect of the plant management team at their Newark, DE assembly plant. I especially respected his willingness to share the credit when things went right, while assuming the blame when things went wrong.

He deserves a good share of the credit for helping to foster the positive relationship between labor and management that is the hallmark of DaimlerChrysler’s Newark assembly plant. The rapport he helped to establish has served to preserve the plant during an era when many other automotive plants were closed due to undercapacity. Under his leadership, an atmosphere of cooperation emerged to replace the atmosphere of confrontation that had earlier existed. Under his watchful eye, quality products were built and productivity was enhanced as labor and management learned to work together towards common goals.

He has been a respected colleague for over half of his life, and he remains a trusted friend to many. He takes pride in his work and has made thousands of autoworkers proud to work alongside him. I thank him for his friendship, congratulate him on a successful first career and wish him and his family only the very best in all that lies ahead for him and for them.
IN MEMORY OF RICHARD SYLBERT

Mrs. BOXER. Mr. President, I rise to reflect on the life and memory of Richard Sylbert, an admired and talented production designer, whose work made a tremendous impact on the entertainment industry and on the lives of so many.

At the age of 73, Richard Sylbert died on May 23, 2002 of cancer in Woodland Hills, CA. Richard, through his remarkable creativity and imagination, helped bring more than 40 stories to the screen, including “Chinatown,” “Dick Tracy,” “The Graduate,” and “Who’s Afraid of Virginia Woolf.” He was a true visionary.

Born in Brooklyn in 1928, Sylbert served our country in Korea and attended the Tyler School of Art at Temple University before returning to his home state of New York. In 1964, he got a job painting scenery at NBC. He started working on films 2 years later, and collaborated with his twin brother Paul as an art director for “Baby Doll.” In 1975, he became the vice president in charge of production at Paramount, marking the first and only time a production designer headed production at a major motion picture studio. After he left Paramount, the two-time Academy Award winner continued to work in film and television, making each production of work compelling and moving. I extend my deepest condolences to Richard’s family, friends, and all those touched by his work. His career spanned four decades, and was extremely versatile and varied in scope. Although Richard is no longer with us, his lasting contributions to entertainment are forever documented in works we will enjoy for generations to come.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate the 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.)

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 2000—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 86, 80th Congress (15 U.S.C. 714k), I transmit hereewith the report of the Commodity Credit Corporation for the fiscal year ending September 30, 2000.

GEORGE W. BUSH,

THE WHITE HOUSE, June 4, 2002.

MEASURE REFERRED

The Committee on Armed Services was discharged from further consideration of the following measure which was referred to the Committee on Commerce, Science, and Transportation:

S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–726. A communication from the chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled “Brokerage Loans and Lines of Credit” received on May 30, 2002; to the Committee on Rules and Administration.

EC–727. A communication from the Deputy Commissioner for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the annual statistical report of the National Center for Education Statistics for 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–728. A communication from the Assistant Director, Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “National Security; Prevention of Acts of Violence and Terrorism” (RIN 1129–AB08) received on June 3, 2002; to the Committee on the Judiciary.

EC–729. A communication from the principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Vinclozolin; Tolerance Revocations” (FRL7178–5) received on May 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–730. A communication from the principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Methyl Parathion and Ethyl Parathion; Tolerance Revocations” (FRL7179–9) received on May 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–731. A communication from the principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Cyhalofop-butyrl; Time-Limited Pesticide Tolerance” (FRL8178–5) received on May 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–732. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Change in Disease Status of Estonia for Parathion; Tolerance Revocations” received on May 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–733. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to interest payments on student loans for service in the Armed Forces; to the Committee on Armed Services.

EC–734. A communication from the Assistant to the Secretary of Defense, Nuclear and Chemical and Biological Defense Programs, transmitting, pursuant to law, the Annual Force pursuing a multiyear contract for the C-17 aircraft to the Boeing Company and a multiyear contract to the United Technologies Corporation, Pratt and Whitney Aircraft Group for the engines; to the Committee on Armed Services.

EC–735. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the Independent Study on Monetary and Parts Shortages Report; to the Committee on Armed Services.

EC–736. A communication from the Assistant Secretary of Defense, Command, Control, Communications, and Intelligence, transmitting, pursuant to law, the Fiscal Year 2001 Annual Report of the Department of Defense to the Director, Office of the Under Secretary of Defense for Policy; to the Committee on Armed Services.

EC–737. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, to the Joint Medal Executive Skills Program Report; to the Committee on Armed Services.

EC–738. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to the Air Force Secretary’s announcement of a draft of proposed legislation relative to service in the Armed Forces; to the Committee on Armed Services.

EC–739. A communication from the Assistant Secretary of Defense, the Interior, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Locating, Recording, and Maintaining Mining Claims or Sites” (RIN 1004–AD52) received on May 30, 2002; to the Committee on Energy and Natural Resources.

EC–740. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Kentucky Regulatory Program” (KY–235–FOR) received on May 31, 2002; to the Committee on Energy and Natural Resources.

EC–741. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting pursuant to law, the report of a rule entitled “Standards for Business Practices of Interstate Natural Gas Pipelines” (Doc. No. BC–619) received on June 3, 2002; to the Committee on Energy and Natural Resources.

EC–742. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting pursuant to law, the report of a rule entitled “Standards for Business Practices of Interstate Natural Gas Pipelines” (Doc. No. BC–619) received on June 3, 2002; to the Committee on Energy and Natural Resources.

EC–743. A communication from the Assistant to the Secretary of Energy, Department of Energy, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting,
pursuant to law, the report of a rule entitled “Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards” (FRL7222–9) received on May 30, 2002; to the Committee on Energy and Natural Resources.

EC–7294. 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 for Source Categories: Generic Maximum Achievable Control Technology Standards” (FRL7222–5) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7295. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revision to Regulations Implementing the Federal Permits Program in Areas for Which the Indian Country Status is Question” (FRL7221–6) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7296. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Control of Air Pollution from New Motor Vehicles; Second Amendment to the Tier 2/Gasoline Sulfur Regulations” (FRL7221–9) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7297. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Control of Air Pollution from New Motor Vehicles; Amendment to the Tier 2/Gasoline Sulfur Regulations” (FRL7221–9) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7298. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Loss Limitation Rules” (RIN1545–BA52) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7299. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Approval of Revisions to Operating Permits Program in Oregon” (FRL7221–9) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7300. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of the Clean Air Act for Section 112(r), Delegation of Authority to the Oregon Department of Environmental Quality and Lane Regional Air Pollution Authority” (FRL7221–9) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7301. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approvals and Promulgation of Implementation Plans; Indiana” (FRL7213–5) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7302. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “California State Implementation Plan, Ventura County, Air Pollution Control District” (FRL7219–2) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7303. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Notice of Modification of Certification Requirements for Skilled Nursing Facilities” (CMS–1208–N) received on May 30, 2002; to the Committee on Finance.

EC–7304. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Health Insurance Reform: Standard Unique Health Identifier for Health Care Providers” (RIN0598–AH9) received on May 30, 2002; to the Committee on Finance.

EC–7305. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the amendment to the State Notice of Nonapplicability Under the Social Security Income Program for 2002; to the Committee on Finance.

EC–7306. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Importation of Tobacco and Firearms, Department of the Treasury, Notice of Final and Temporary Minimum Distribution Regulations” (Rev.Proc.2002–29) received on May 31, 2002; to the Committee on Finance.

EC–7307. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Rev.Proc.2002–30” (RP–12153–02) received on May 31, 2002; to the Committee on Finance.

EC–7308. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Plan Amendment as a Result of Final and Temporary Minimum Distribution Regulations” (Rev.Proc.2002–29) received on May 31, 2002; to the Committee on Finance.

EC–7309. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Rev.Proc.2002–30” (RP–12153–02) received on May 31, 2002; to the Committee on Finance.

EC–7310. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Carryback of Consolidated Net Operating Losses to Separate Return Years” (RIN1545–BA76; TD9977) received on May 31, 2002; to the Committee on Finance.

EC–7311. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Importation of Tobacco and Firearms, Notice of Reconsideration of Final and Temporary Minimum Distribution Regulations” (RIN1512–AC47) received on June 3, 2002; to the Committee on Finance.

EC–7312. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2002–21, relative to the Republic of Belarus; to the Committee on Finance.

EC–7313. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled “Clinical Preventive Services for Older Americans”; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

A communication adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to the Island Municipality of Vieques; to the Committee on Armed Services.

S.R. 1508
STATEMENT OF MOTIVES

The Constitution of the Commonwealth of Puerto Rico, in its Section 4 of Article II, establishes that “no law shall be made abridging the freedom of speech . . . or the right of the people peaceably to assemble and to petition the government for a redress of grievances.” It further provides that “persons may join with each other and organize freely for any lawful purpose.” Article II, Section 6 of the Constitution of the Commonwealth of Puerto Rico.

It has been recently reported that Navy personnel used tear gas and fired rubber bullets against persons assembled in front at the gates of Camp Garcia on the Island Municipality of Vieques. According to the information reported, the Navy of the United States of America used unreasonable and disproportionate force and violence against the people who—in the exercise of the above stated rights—were expressing their opposition to the occupation of the land and to the military practices conducted by the Navy in Vieques.

All the members of this Body, the Senate of the Commonwealth of Puerto Rico, took an oath to defend the constitutional postulates cited above and the laws of Puerto Rico when sworn into office. This entails the use of the available mechanisms to watch over and protect the rights recognized for all our fellow citizens. In this sense, this Senate emphatically censures the use of unreasonable and disproportionate force and violence in order to limit or restrict the right of all U.S. citizens to freely express themselves and to assemble peacefully.

This Senate rejects the use of force and violence without reasonable justification for the purpose or effect of limiting or restricting the rights recognized by the constitution or by our laws. The violence displayed by navy officers should have the effect of reaffirming in the people of Puerto Rico their desire to achieve the ceasing of military practices and the prompt return of the occupied lands on the Island Municipality of Vieques. The cause of Vieques is for peace; not for violence: Now, therefore, be it

Resolved by the Senate of Puerto Rico:

SECTION 1.—The Senate of the Commonwealth of Puerto Rico emphatically rejects the use of force and violence by the United States Navy without reasonable justification for the purpose or effect of limiting or restricting the right of all U.S. citizens to freely express themselves and to assemble peacefully against the occupation and the military practices conducted by the Armed Forces of the United States of America. The cause of Vieques is for peace; not for violence.

SECTION 2.—This Resolution shall be translated into the English language and remitted to the President of the United States of

S4966 CONGRESSIONAL RECORD — SENATE June 4, 2002
America, the Secretary of Defense of the United States of America, the Secretary of the United States Navy, the President and Floor Leaders of the Senate of the United States, the Speaker and the Floor Leaders of the House of Representa-
tives of the United States of America, the Secretary General of the United Nations, Amnesties the International Civil Rights Commission, and the Civil Rights Commission of Puerto Rico, and to the Human Rights Commission in Geneva, as well as to the UN.

SECTION 3.—This Resolution shall take ef-
fect immediately after its approval.

POM–247. A resolution adopted by the House of the Legislature of the State of Michigan relative to the Federal Prison In-
dustries Competition in Contracting Act; to the Committee on the House of the Legislature of the State of Michigan; to the Committee on the Bankruptcy and Reorganization, and to the Committee on the Constitution of the United States.

RESOLUTION NO. 409

Whereas, In 1934, Federal Prison Industries (FPI) was created as a wholly owned government corporation. Today, FPI operates 133 factories, with over 21,000 inmate workers and annual sales of more than $500 million per year. The operation offers over 130 products. FPI enjoys significant advantages over private employers making similar products because of government procurement policies, including a “mandatory source” requirement for government agencies; and

Whereas, FPI’s personnel and benefits advantages over private sector firms, there is a clear penalty to employers and workers under the current situation. Some of the most respected companies in many fields suffer significantly from the unfair competition from FPI; and

Whereas, In Michigan, the impact of current employment losses has been strongly felt by many working families. Last year, Michigan lost thousands of manufacturing jobs; and

Whereas, Congress is presently considering a measure that would bring comprehensive reforms to the operations of FPI. The Fed-
eral Prison Industries Competition in Con-
tracting Act would address directly the present unfair government purchasing poli-
cies. This legislation, H.R. 1577, includes spe-
cific requirements that FPI would have to follow to achieve fairness and promote competi-
tion under the Federal Prison In-
dustries Competition in Contracting Act. FPI would compete for contracts in a manner that minimizes unfair advantages and ensures that government agencies get the best value for taxpayer dollars. The leg-
islation also includes numerous account-
ability and oversight measures, including emphasis on pres-
paring inmates for a return to society, and enhanced restitution for victims of crime; and

Whereas, A more appropriate approach to prison-based manufacturing will not only bring fairness to the marketplace and thou-
sands of America’s working families, but it also enhances the federal corrections sys-
tem; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States Senate, the Speaker of the United States House of Representatives, and the President of the United States, the President of the United States Senate, the Speaker of the House of Representa-
tives, and each member of Congress from the State of Washington.

POM–249. A resolution adopted by the Common Council of the City of Buffalo, New York relative to the Clean Air Act; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. BREAUX, from the Committee on Aging:


INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolu-
tions were introduced, read the first and second times by unanimous consent, and referred to the appropriate committees:

By Mr. SMITH of New Hampshire:

S. 2575. A bill to preserve the sovereignty of the United States over property owned by the United States, to preserve State sov-
eignty over and private property rights in non-Federal property surrounding Federal Property, and for other purposes; to the Committee on Energy and Natural Re-

By Mr. BINGAMAN:

S. 2576. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Re-

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DE WINKLE, Mr. BINGA-
MAN, Mr. COLLINS, Mr. NELSON of Florida, Mr. McCAIN, Mr. JEFFORDS, Mr. TORRICELLI, and Mrs. CLINTON):

S. 2577. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconcili-
ation Act of 2001 with respect to the exclusion from Federal income tax for restitutionreceived by victims of the Nazi Regime; to the Committee on Finance.

By Mr. DASCHEL:

S. 2578. A bill to extend title 31 of the United States Code to increase the public debt limit; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, and Mrs. MURRAY):

S. Res. 280. A resolution designating June 5, 2002, as “National Hunger Awareness Day” and authorizing that the Senate office of Senator Richard J. Durbin be used to collect donations of food from June 5, 2002, until June 14, 2002, from concerned Members of Congress and staff to assist families suffer-
ing from hunger and food insecurity in the Washington, D.C. metropolitan area; consid-
ered and agreed to.

ADDITIONAL COSPONSORS

8–121

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a co-
sponsor of S. 121, a bill to establish an
Office of Children’s Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRÉ) was added as a cosponsor of S. 538, a bill to provide for infant crib safety, and for other purposes.

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

At the request of Mr. THOMPSON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of debt 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.

At the request of Mr. BREAX, the name of the Senator from Florida (Ms. GRAHAM) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of debt 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.

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. EDWARDS) 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.

At the request of Mr. CHAFFEE, the name of the Senator from Louisiana (Ms. LANDRÉ) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1339, a bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies.

At the request of Mr. CAMPBELL, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Wisconsin (Mr. KOHL), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with respect to American POW/MIA veterans, and for other purposes.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 1399, supra.

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1383, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases.

At the request of Mr. ENSIGN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel.

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1712, a bill to amend the procedures for consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MUKLSK) was added as a cosponsor of S. 1806, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

At the request of Mr. ALLARD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

At the request of Mr. HAGEL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1973, a bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of a member of a uniformed service from the determination of eligibility for free and reduced price meals of a child of the member.

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1978, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Ms. LANDRÉ) was added as a cosponsor of S. 1984, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. CARNABAN) was added as a cosponsor of S. 2028, a bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson, of Albany, New York, for acts of
valor during World War I and to direct the Secretary of the Army to conduct a review of military service records to determine whether certain other African American World War I veterans should be awarded the Medal of Honor for actions during that war.

At the request of Mr. Jeffords, the name of the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 2035, a bill to provide for the establishment of health plan purchasing alliances.

At the request of Mr. Baucus, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 2135, a bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain Medicare cost-sharing grants.

At the request of Mr. Breaux, the name of the Senator from West Virginia (Mr. Rockefeller) was added as a cosponsor of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

At the request of Mr. McConnell, the name of the Senator from Maine (Ms. Snowe) 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.

At the request of Mrs. Feinstein, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 2194, supra.

At the request of Mr. Levin, his name was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

At the request of Mrs. Boxer, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 2215, supra.

At the request of Mr. Johnson, his name was added as a cosponsor of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

At the request of Mr. Miller, the names of the Senator from Mississippi (Mr. Lott), the Senator from Alaska (Mr. Murkowski), the Senator from Texas (Mr. Gramm), and the Senator from South Dakota (Mr. Johnson) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

At the request of Mr. Smith of New Hampshire, the name of the Senator from Arkansas (Mr. Hutchinson) was added as a cosponsor of S. 2271, a bill to provide for research on, and services for, individuals with post-abortion depression and psychosis.

At the request of Mr. Edwards, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 2426, a bill to amend the National and Community Service Act of 1990 to establish a Community Corps, and for other purposes.

At the request of Mr. Schumer, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 2426, a bill to increase security for United States ports, and for other purposes.

At the request of Mr. Durbin, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 2447, a bill to amend title XVIII of the Social Security Act to freeze the reduction in payments to hospitals for indirect costs of medical education.

At the request of Mr. Leahy, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

At the request of Mr. Cleland, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 2492, a bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

At the request of Mr. Biden, the names of the Senator from Delaware (Mr. Carper) and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of S. 2534, a bill to reduce crime and prevent terrorism at America’s seaports.

At the request of Mr. Reed, the names of the Senator from Washington (Mrs. Murray) and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of S. 2558, a bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

At the request of Ms. Collins, the names of the Senator from Virginia (Mr. Warner) and the Senator from Georgia (Mr. Miller) were added as cosponsors of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

At the request of Mr. Wellstone, the name of the Senator from Massachusetts (Mr. Kerry) 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 medicaid 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.

At the request of Mr. Smith of New Hampshire, his name was added as a cosponsor of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

At the request of Mr. Nelson of Nebraska, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

At the request of Mr. Nelson of Nebraska, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. Res. 272, a resolution expressing the sense of the Senate regarding the success of the Varella Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

At the request of Mr. Snowe, the name of the Senator from Wisconsin (Mr. Kohl) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enslaved people in the occupied area of Cyprus.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Smith of New Hampshire:

S. 2575. A bill to preserve the sovereignty of the United States over property owned by the United States, to preserve State sovereignty over and private property rights in non-Federal property surrounding Federal Property, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. Smith of New Hampshire. Mr. President, I would like to take this opportunity to introduce the Senate version of the American Land Sovereignty Act of 2002. Quite simply, this
legislation would help to ensure Ameri-
can sovereignty over property and pri-
vate property rights will be part of the
World Heritage Program and the United Nations Man and Biosphere
Program. The two programs referenced in this legislation are international
land use policies that will allow States,
local governments, or private property
owners a veto right over any nomina-
tion. I look forward to exploring this
possibility as the legislation moves
through the Senate.
I ask unanimous consent that the
text of the bill be printed in the
RECORD.
There being no objection, the bill was
ordered to be printed in the RECORD, as
follows:
SEC. 2. FINDINGS AND PURPOSES.
(a) FINDINGS.—Congress finds that—
(1) the power to dispose of and make all
necessary arrangements relating to
property belonging to the United
States is vested in the President;
(2) some Federal property designa-
tions under international agreements
concern land use policies and regulations for property
belonging to the United States that, under
section 3 of article IV of the Constitution,
can be implemented only by an Act of Congress;
(3) some international property designa-
tions, such as those under the United States
Biosphere Reserve Program and the Man and
Biosphere Program of the United Nations
Scientific, Educational, and Cultural Organi-
zation, operate under independent national
committees, such as the United States Na-
tional Man and Biosphere Committee, that
have no legislative directive or authoriza-
tion from Congress;
(4) actions by the United States in making
such designations may affect the use and
value of nearby non-Federal property;
(5) the sovereignty of the States is a crit-
ical component of our Federal system of gov-
ernment and a bulwark against the unwise
concentration of power;
(6) private property rights are essential for
the protection of freedom;
(7) actions by the United States to des-
ignate property belonging to the United
States under international agreements in
some cases conflict with congressional con-
stitutional responsibilities and the sovereign
powers of the States; and
(8) actions by the President in applying
international agreements could impose
risks of diminishment as a result of Federal ac-
tions for the purpose of imposing re-
strictions on use of the property;
(9) to protect private interests in property
from diminishment as a result of Federal ac-
tions designating property under inter-
national agreements; and
(10) to provide a process under which the
United States may, when it is desirable to
designate property under an inter-
national agreement.
SEC. 3. CLARIFICATION OF CONGRESSIONAL
ROLE IN WORLD HERITAGE SITE
LISTING.
Section 401 of the National Historic
470a-1) is amended—
(1) by striking “SEC. 401. (a)” and inserting the following:
“SEC. 401. PARTICIPATION BY THE UNITED
STATES.
(a) IN GENERAL.—
(1) in the first sentence of subsection (a)—
(A) by striking “The Secretary of the Inter-
rior” and inserting “Subject to subsections
(b), (c), (d), and (e), the Secretary of the Inter-
rior (referred to in this section as the ‘Sec-
retary’);” and
(B) by inserting “(referred to in this sec-
tion as the ‘Convention’)” after “1973;”
(2) in subsection (b)—
(A) by striking “(b) The Secretary of the Inter-
terior” and inserting “(b) Nomination of
Property to WORLD HERITAGE COMMITTEE.—The
Secretary;” and
(B) in the fourth sentence—
(i) by striking “Representatives and” and
inserting “Representatives;” and
(ii) by inserting before the final period “,
and the appropriate State and local govern-
ments”; and
(3) in subsection (c), by striking “(c) No
non-Federal property may be nominated by the
Secretary of the Interior” and inserting “(c) Nomi-
nation of Non-Federal Property to WORLD HERITAGE COMMITTEE.—No non-
Federal property may be nominated by the
Secretary”; and
(4) by adding at the end the following:
“(d) REQUIREMENTS FOR NOMINATION
OF PROPERTIES.—The Secretary shall not nomi-
nate a property under subsection (b) unless—
(1) the Secretary publishes a proposed
nomination in the Federal Register and con-
ducts a proceeding under sections 555, 556,
and 557, of title 5, United States Code;
(2) the Secretary, in carrying out the pro-
cceeding described in paragraph (1)—
(A) considers—
(i) natural resources associated with the
property proposed to be nominated and other
property located within 10 miles of the prop-
erty to be nominated; and
(ii) the impact that inclusion of the prop-
erty proposed to be nominated on the World
Heritage List would have on existing and fu-
ture uses of the property proposed to be
nominated or other property located within
10 miles of the property to be nominated; and
(B) determines that commercially viable
uses (in existence on the date of the nomina-
tion) of the property proposed to be
nominated and of other property located within
10 miles of the property proposed to be nomi-
nated will not be adversely affected by inclu-
sion of the property on the World Heritage
List; and
(3) the Secretary submits to Congress a
report that—
“(A) contains the information described in
subparagraphs (A) and (B); and
(B) describes the necessity for including
the property on the list; and
“(C) proposes legislation authorizing nomi-
nation of the property; and
“(D) the nomination is specifically author-
ized by an Act of Congress enacted after the
date of the report.”
S. 2575
CONGRESSIONAL RECORD — SENATE
June 4, 2002
SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(b) The management entity shall develop the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(c) The management plan shall, at a minimum—

(1) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(2) identify sources of funding;

(3) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(4) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(5) an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(d) If the management entity fails to submit a management plan to the Secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal support.

SEC. 6. UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.

(a) IN GENERAL.—No Federal official may nominate property in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization unless—

(1) is specifically authorized by a law enacted after the date of enactment of this section and before December 31, 2003;

(2) the Secretary of State submits to Congress a report required under subsection (a)(1)(C); and

(3) the Secretary is specifically authorized to assent to the inclusion of the property on the list of World Heritage in Danger established under Article 11.4 of the Convention, unless—

(1) the Secretary submits to Congress the report required under subsection (d)(1)(C); and

(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list of World Heritage in Danger established under Article 11.4 of the Convention, all land management decisions with respect to any Federal or State land shall remain the responsibility of the land management agency that administers the land.

(b) Administration.—The Secretary shall object to the inclusion of the property on the list of World Heritage in Danger established under Article 11.4 of the Convention, all land management decisions with respect to any Federal or State land shall remain the responsibility of the land management agency that administers the land.

(c) PROPERTIES DESIGNATED BEFORE DATE OF ENACTMENT.—Any designation of property in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization made before the date of enactment of this section shall terminate on December 31, 2003, unless the Biosphere Reserve—

(1) is specifically authorized by a law enacted after the date of enactment of this section and before December 31, 2003;

(2) consists solely of property that on the date of enactment of this section is owned by the United States; and

(3) is subject to a management plan that specifically ensures that the use of nearby non-Federal property is not limited or restricted as a result of the designation as a Biosphere Reserve.

(d) PROTECTION OF IMPORTANT CULTURAL RESOURCES.—

(1) in the last sentence of section 401(b), by striking "President in his discretion; and" and inserting "President in his discretion; and"

(2) the term "Secretary" means the Secretary of State, in carrying out his duties under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization unless—

(1) is specifically authorized by a law enacted after the date of enactment of this section and before December 31, 2003;

(2) the Secretary of State, in carrying out his duties under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization unless—

(1) is specifically authorized by a law enacted after the date of enactment of this section and before December 31, 2003;

(2) the Secretary of State submits to Congress a report required under subsection (a)(1)(C); and

(3) the Secretary is specifically authorized to assent to the inclusion of the property on the list of World Heritage in Danger established under Article 11.4 of the Convention, all land management decisions with respect to any Federal or State land shall remain the responsibility of the land management agency that administers the land.

SEC. 7. TECHNICAL AMENDMENTS.

As used in this Act—

(1) the term "heritage area" means the Northern Rio Grande National Heritage Area; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos in the State of New Mexico.

(c) MANAGEMENT ENTITY.—The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

SEC. 2. CONGRESSIONAL FINDINGS.

(a) The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history including several Indian tribes and the descendants of Spanish ancestors who settled in the area in 1508;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local government, industry, and other groups to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving and interpreting the cultural, historical, and natural resources.

SEC. 3. DEFINITIONS.

As used in this Act—

(a) "heritage area" means the Northern Rio Grande National Heritage Area in northern New Mexico.

(b) "national heritage area" means the Northern Rio Grande National Heritage Area in northern New Mexico.

(c) "NMRA" means the Northern Rio Grande National Heritage Area Act.

(d) "Secretary" means the Secretary of the Interior.

(e) "State" means the State of New Mexico.

(f) "tribal government" means the tribal government of the Pueblo of Taos Pueblo.

(g) "tribal program" means a program of the Pueblo of Taos Pueblo.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Rio Grande National Heritage Area Act".
funding under this Act until such time as a plan is submitted to the Secretary.

(5)(A) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission.

(B) If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendation for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to local and tribal governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archeological and natural resources and sites in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act.

(d) PROHIBITION ON ACQUIRE REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually concerning the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—(1) For any year in which the management entity receives Federal funds under this Act, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, with respect to any assurance funds, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of such funds.

SEC. 6. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITIZATION.—In providing assistance under subsection (a), the Secretary shall give priority in the following order of priority:

(1) the conservation of the significant natural, cultural, historical, archeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 7. SAVINGS PROVISIONS.

(a) NO EFFECT ON PRIVATE PROPERTY.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) to authorize the management entity to assume any management authorities over such lands.

SEC. 8. SUNSET.

The Secretary may not make any grant or provide any financial assistance under this Act after September 30, 2017.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $10,000,000 to carry out this Act. Not more than $1,000,000 may be appropriated for any fiscal year. The Federal share of the costs for any activity funded under this Act shall not exceed 50 percent.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DEWEENE, Mr. LANDRUM, Mr. COLLINS, Mr. NELSON of Florida, Mr. MCCAIN, Mr. JEFFORDS, Mr. TORRICE, and Mrs. CLINTON):

S. 2577. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi regime; to the Committee on Finance.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2577

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 “Holocaust Restitution Tax Fairness Act of 2002”.

SEC. 2. REPEAL OF APPLICABILITY OF SUNSET FOR THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXCLUSION FROM FEDERAL INCOME TAX FOR RESTITUTION RECEIVED BY VICTIMS OF NAZI REGIME.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

“(c) EXCEPTION.—Subsection (a) shall not apply to section 803 (relating to no federal income tax on restitution received by victims of the Nazi regime or their heirs or estates).”.

Resolved, That the Senate—

(1) designates June 5, 2002, as “National Hunger Awareness Day”;

(2) requests that the President issue a proclamation calling upon the people of the United States to observe “National Hunger Awareness Day”;

WHEREAS food insecurity and hunger are a fact of life for millions of low-income Americans and can produce physical, mental, and social impairments;

WHEREAS recent census data show that almost 12,000,000 children in the United States live in families experiencing hunger or food insecurity;

WHEREAS the problem of hunger and food insecurity can be found in rural, suburban, and urban America touching nearly every American community;

WHEREAS although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

WHEREAS the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

WHEREAS the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

WHEREAS there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

WHEREAS more than 50,000 local community-based organizations provide the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

WHEREAS a diverse group of organizations, including America’s Second Harvest, the United States Conference of Mayors, and other organizations have documented substantial increases in demand for emergency food assistance over the past year; and

WHEREAS all Americans can help participate in hunger relief efforts in their communities by donating food and money, by volunteering, and by supporting public policies aimed at reducing hunger: Now, therefore, be it

RESOLVED, That the Senate—

(1) designates June 5, 2002, as “National Hunger Awareness Day”;

(2) requests that the President issue a proclamation calling upon the people of the United States to observe “National Hunger Awareness Day”;

(3) requests that the President issue a proclamation recognizing the efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people; and

(4) requests that the President issue a proclamation recognizing the significant role that community-based organizations, institutions of faith, and charities play in addressing hunger and food insecurity in the United States.

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban America touching nearly every American community;

WHEREAS although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

WHEREAS the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

Whereas more than 50,000 local community-based organizations provide the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations, including America’s Second Harvest, the United States Conference of Mayors, and other organizations have documented substantial increases in demand for emergency food assistance over the past year; and

Whereas all Americans can help participate in hunger relief efforts in their communities by donating food and money, by volunteering, and by supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5, 2002, as “National Hunger Awareness Day”;

(2) requests that the President issue a proclamation calling upon the people of the United States to observe “National Hunger Awareness Day”;
EMERGENCY AGRICULTURE ASSISTANCE

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

SEC. 05. REGULATIONS.

(a) GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture referred to in this title $50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall accept and, shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 06. EMERGENCY REQUIREMENT.

The entire amount necessary to carry out this title is designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 911(c)).

SA 3553. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

TITLES

SEC. 07. CROP LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $1,800,000,000 of funds of the Commodity Credit Corporation to make disaster payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).
On page 8, line 18, strike “Provided, and insert "Provided, That $5,000,000 is for the Louisiana State University System, to establish, in coordination with other universities, the National Center for Biological and Chemical Warfare Medicine, for the purpose of conducting research and education to prevent, detect, warn, and treat the newly emerging threats to humans, animals, and crops caused by biological and chemical warfare agents: "Provided further.".

SA 3554. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, strike lines 4 through 8.

SA 3555. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 807. Notwithstanding any other provision of law, effective for discharges occurring and services furnished during fiscal year 2003 and subsequent fiscal years, for purposes of making payments under title XVIII of the Social Security Act (42 U.S.C. 1395ww et seq.)—

(1) hospitals in the Jackson, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Ann Arbor, Michigan, Metropolitan Statistical Area;

(2) hospitals in the Saginaw-Bay City-Midland, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Flint, Michigan, Metropolitan Statistical Area.

The reclassifications made in this section shall be treated as decisions of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

SA 3557. Mr. BYRD (for himself, Mr. STEVENS, Mrs. HUTCHISON, Ms. SNOWE, and Mr. STEVENS) proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1001 of the bill.

SA 3558. Mrs. MURRAY (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 4 and 5, insert the following:

SEC. 210. Section 286(e) of the Immigration and Nationality Act (8 U.S.C. 1395ww(d)(10)) is amended by striking paragraph (3) and inserting the following:

"(3)(A) Except as provided in subparagraph (B), the Attorney General is authorized to charge a fee of $5 per person for the immigration inspection or preinspection of each commercial vessel passenger whose journey originated in the United States or in any place set forth in paragraph (1).

(B) The authorization described in subparagraph (A) shall not apply to immigration inspection at designated ports of entry of passengers arriving by the following vessels, when operating on a regular schedule:

(i) Great Lakes international ferries.

(ii) Great Lakes international ferries on the Great Lakes and connecting waterways.

(iii) International ferries operating between Canada and—

(1) the State of New York; or

(2) the State of Washington; or

(3) hospitals in the Saginaw-Bay City-Midland, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Flint, Michigan, Metropolitan Statistical Area.

The reclassifications made in this section shall be treated as decisions of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

SA 3559. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On pages 6 and 7, strike section 101 and insert the following:

SEC. 101. ASSISTANCE TO AGRICULTURAL PRODUCERS FOR FLOODING IN EASTERN KENTUCKY: USE OF FEDERAL MATCHING FUND.—(a) IN GENERAL.—The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Kentucky, acting through the Kentucky Department of Agriculture, to provide assistance to agricultural producers in Eastern Kentucky, the western Upper Peninsula of Michigan, areas of the Dakotas, central Wisconsin, southern Virginia, and southern West Virginia.

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

(c) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SA 3560. Ms. LANDRIEU (for herself and Mr. Breaux) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 307. (a) INCREASE IN APPROPRIATION FOR OPERATION AND MAINTENANCE, AIR FORCE.—The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE" is hereby increased by $19,300,000.

(b) AVAILABILITY FOR MILITARY CONSTRUCTION AT BARKSDALE AIR FORCE BASE, LOUISIANA, IN RESPONSE TO NATURAL DISASTER.—Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE", as increased by subsection (a), $19,300,000 shall be available for a military construction project to reconstruct the Headquarters for the 8th Air Force at Barksdale Air Force Base, Louisiana, which was damaged by natural disaster.

SA 3561. Ms. LANDRIEU (for herself and Mr. Breaux) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. (a) APPROPRIATION FOR GULF STATES INITIATIVE.—(1) There is hereby appropriated $12,000,000 for the Gulf States Initiative.

(b) The amount appropriated by paragraph (1) is in addition to any other amounts appropriated by this Act for the Gulf States Initiative.

(c) AVAILABILITY FOR COUNTER-DRUG AND COUNTER-TERRORISM OPERATIONS.—Of the amount appropriated by this Act for the Gulf States Initiative, as increased (if at all) by subsection (a), $12,000,000 shall be available under that Initiative for counter-drug and counter-terrorism operations.

(d) OFFSET.—(1) The amount appropriated by Public Law 107–115 and this Act for the Gulf States Initiative, as increased (if at all) by subsection (a), shall be reduced in aggregate by $12,000,000.

(2) The President shall allocate among the amounts referred to in paragraph (1) the amount of the reduction required by that paragraph.

SA 3562. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, add the following:

SEC. 10 . ELIGIBILITY OF CERTAIN PROJECTS AND ACTIVITIES TO RECEIVE FUNDS FOR FISCAL YEAR 2002.

Notwithstanding any other provision of law, projects and activities designated on pages 82 through 92 of House Report No. 107–115 shall be eligible for fiscal year 2002 funds made available for the program for which each project or activity is so designated.

SA 3563. Ms. LANDRIEU (for herself and Mr. Breaux) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:
SA 3564. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 25, strike “$181,650,000” and insert “$171,650,000”.

On page 51, line 10, strike “$7,000,000” and insert “$10,000,000, of which $10,000,000 shall be used by the Secretary of Energy to pay 100 percent of the total cost of making upgrades to critical oil and gas energy infrastructure, provided that the funds shall be used for emergency water- shed protection in Lincoln Parish, Louisiana.”

SA 3565. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 3, insert “, of which $2,000,000 shall be made available to the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51) for 2001 losses in a county under the critical oil and gas energy infrastructure program that has received an emergency designation by the President or the Secretary after January 1, 2001, $12,000,000: Provided: That the entire amount is available by Congress only if the Secretary has provided written notification to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate of a national emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)).”

SA 3567. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, between lines 3 and 4, insert the following:

SEC. 807. (a) CONDITIONAL RECLASSIFICATIONS OF CERTAIN MICHIGAN HOSPITALS.—Notwithstanding any other provision of law, if this Act includes reclassifications of certain hospitals located in Pennsylvania for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww(d) and (j)) and the large urban area of New York, New York to include Orange County, New York, and Dutchess County, New York, for purposes of making payments under section 1866(d) of the Social Security Act (42 U.S.C. 1395ww(d)) then, with respect to discharges occurring and services furnished during fiscal year 2000 and subsequent fiscal years, for purposes of making payments under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to:

(1) hospitals in the Jackson, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Ann Arbor, Michigan, Metropolitan Statistical Area; (b) R ULES.—The reclassifications made in paragraphs (1), (2), and (3) of subsection (a) shall be treated as decisions of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

SA 3568. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SUC. 102. (a) The Senate finds that—

(1) the Federal Bureau of Investigation is the principle investigative arm of the Department of Justice;

(2) the Federal Bureau of Investigation has the authority and responsibility to investigate terrorism, to the extent that, including violations concerning organized crime and drugs, civil rights, violent crimes, financial crimes, counterterrorism, and foreign counterintelligence; and

(3) the mission of the Federal Bureau of Investigation is—

(A) to uphold the law through the investigation of violations of Federal criminal law;

(B) to protect the United States from foreign intelligence and terrorist activities; and

(C) provide leadership and law enforcement assistance to Federal, State, local, and international agencies; and

(D) to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

(B) It is the sense of the Senate that—

(1) the reorganization of the FBI as the Nation’s first responders.

SA 3570. Mr. REID proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 7, between lines 12 and 13, insert the following:

SUC. 102. Not later than 14 days after the date of enactment of this Act, the Secretary of Agriculture shall carry out the transfer of funds under section 2507(a) of the Food Security and Rural Investment Act of 2002 (Public Law 107-71).

SA 3571. Mr. FRIST (for Mr. HELMS (for himself, Mr. Frist, Mr. WARNER, Mr. BINGAMAN, Mr. GRAHAM (for himself, Mr. MERKEL, Mr. Kerr, and Mr. DWINE)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, between lines 17 and 18, insert the following:
For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended, that such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: Provided further, That such special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission, and that of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: Provided further, That such funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, may be made available for a project or activity only if such funds are matched, on a stock basis, from sources other than the United States Government: Provided further, That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, including section 10 of Public Law 94-672: Provided further, That not more than seven percent of the amount made available pursuant to this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: Provided further, That the entire 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 (2 U.S.C. 901(b)(2)(A)).

SA 3572. Mr. FRIST (for Mr. HELMS for himself, Mr. FRIST, Mr. WARNER, Mr. KERRY, and Mr. DEWINE) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 4, after "flooding in", insert "Missouri.

SA 3574. Mr. FRIST (for himself, Mr. FRIST, Mr. WARNER, Mr. KERRY, and Mr. DEWINE) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 4, after "flooding in", insert "Missouri.

SA 3576. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended, that such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: Provided further, That such special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission, and that of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: Provided further, That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, including section 10 of Public Law 94-672: Provided further, That not more than seven percent of the amount made available pursuant to this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: Provided further, That the entire 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, as amended, by the President to Congress.

SA 3575. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 6 and 7, insert the following:

ADMINISTRATION FOR CHILDREN AND FAMILIES ADMINISTRATION FOR CHILDREN AND FAMILIES SERVICES PROGRAMS For an additional amount to carry out the Developmental Disabilities Assistance and Bill of Rights Act of 2000, in addition to amounts already appropriated for fiscal year 2001, $2,590,533, for the purpose of eliminating the need to recover funds from States (or repaying recovered funds to States) that received overpayments under subtitle B of title I of that Act for fiscal years 2001 and 2002, in the following amounts:

(1) For Alabama, $91,709.
(2) For Alaska, $3,626.
(3) For Arkansas, $489.
(4) For Colorado, $36,547.
(5) For Connecticut, $126,810.
(6) For Delaware, $3,626.
(7) For the District of Columbia, $3,626.
(8) For Georgia, $3,626.
(9) For Hawaii, $3,626.
(10) For Illinois, $119,542.
(11) For Indiana, $15,537.
(12) For Iowa, $120,529.
(13) For Kansas, $12,297.
(14) For Kentucky, $96,248.
(15) For Louisiana, $219,989.
(16) For Maine, $3,626.
(17) For Massachusetts, $107,858.
(18) For Mississippi, $1,766.
(19) For Missouri, $1,166.
(20) For Montana, $3,626.
(21) For Nebraska, $9,104.
(22) For Nevada, $3,626.
(23) For New Hampshire, $3,626.
(24) For New Jersey, $2,530.
(26) For North Dakota, $3,626.
(27) For Ohio, $139,896.
(28) For Oklahoma, $39,826.
(29) For Pennsylvania, $480,847.
(30) For Rhode Island, $3,626.
(31) For South Dakota, $3,626.
(32) For Tennessee, $27,398.
(33) For Texas, $25,633.
(34) For Utah, $3,626.
(35) For Vermont, $3,626.
(36) For Virginia, $221,412.
(37) For Wisconsin, $13,861.
(38) For Wyoming, $3,626.

On page 89, between lines 3 and 4, insert the following:

S 807. (a) Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)) is amended—
(1) in paragraph (3)(A), by striking clauses (i) and (ii) and inserting the following: (i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of— (A) $21,000; or (B) except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year; and (ii) to any State not described in clause (i) may not be less than the greater of— (A) $40,000; or (B) except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year; and
(2) in paragraph (4)(A), by striking clauses (i) and (ii) and inserting the following: (i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of— (A) $22,000; or (B) except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year; and
The amendments made by subsection (a) take effect on October 1, 2002.

SA 3576. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, for food security at the University of Missouri, for an interdisciplinary center for food security through, in the State of Missouri.
and for other purposes; which was ordered to lie on the table; as follows: 

On page 89, between lines 3 and 4, insert the following: 

SEC. 807. PARTICIPATION IN STUDENT ASSISTANCE PROGRAMS. 

Notwithstanding section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)), a public 2-year institution established before July 1, 1968, and December 31, 2001, in furtherance of a settlement agreement entered into between the State of Louisiana and the United States in 1997, is eligible to participate in student assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) during the period that such institution continues to make progress towards preaccreditation status with an accreditation agency recognized by the Secretary of Education. 

SA 3577. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows: 

On page 7, between lines 12 and 13, insert the following: 

SEC. 102. ASSISTANCE FOR LOSSES RESULTING FROM CITRUS CANKER INFECTION. 

The Secretary of Agriculture shall use $40,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to provide assistance to commercial citrus and lime producers in the State of Florida for losses resulting from, as determined by the Secretary— 

(1) the removal, on or after September 30, 2001, of citrus and lime trees in order to control citrus canker; and 

(2) the quarantine of nursery stocks of such trees located within citrus canker quarantine areas. 

SA 3578. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows: 

Add at the end the following: 

( ) CONTINGENT PROHIBITION ON AVAILABILITY OF FISCAL YEAR 2003 FUNDS FOR SUPPORT OF PALESTINIAN AUTHORITY.—(1) Notwithstanding any other provision of law, no funds available to any department, agency, or other element of the Federal Government for fiscal year 2003 may be obligated or expended for the purpose, or in a manner which would have the effect, of supporting— 

(A) the Palestinian Authority; 

(B) any entity supported by the Palestinian Authority; 

(C) any successor entity to the Palestinian Authority or an entity referred to in subparagraph (B); or 

(D) any private, voluntary organization for— 

(i) projects related to the Palestinian Authority; or 

(ii) projects located in Palestine that would otherwise be undertaken by the Palestinian Authority or an entity referred to in paragraph (b) (2). 

(2) The prohibition in paragraph (1) shall cease to be effective upon the submittal by the President to Congress of a certification that the Palestinian Authority, or any entity supported by the Palestinian Authority, has engaged in planning or carrying out any terrorist act during the six-month period ending on the date of the certification. 

(3) For purposes of this subsection, support shall include direct and indirect support, whether such support is financial or otherwise, including support for the Hoist Fund of the World Bank and the United Nations Relief and Works Agency. 

SA 3579. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows: 

At the appropriate place, insert the following: 

SEC. 11. BLACK CANYON OF THE GUNNISON NATIONAL PARK. 

The Secretary of the Interior shall use $10,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to provide for studies, surveys, or other research necessary to carry out the provisions of chapter II of chapter 417 of title 49, United States Code, to perform a feasibility study of the Black Canyon of the Gunnison National Park, the boundaries of which shall be determined by the Secretary. 

NOTICES OF HEARINGS/MEETINGS 

COMMITTEE ON ENERGY AND NATURAL RESOURCES 

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources. 

The hearing will take place on Wednesday, June 12, 2002, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C. 

The purpose of the hearing is to receive testimony on the following bills: S. 1257 and H.R. 107, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the cold war; S. 1312 and H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; S. 1944, 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; H.R. 38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes; H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System; and H.R. 1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes. 

Because of the limited time available for the hearing, witnesses may testify by written declaration only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510. 

For further information, please contact David Brooks of the committee staff at (202) 224-9863. 

COMMITTEE ON INDIAN AFFAIRS 

Mr. INOUIYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 4, 2002, at 10 a.m. in room 405 of the Russell Senate Office Building to conduct an oversight hearing on the protection of Native American sacred places as they are affected by undertakings and activities of the military services of the Department of Defense. Those wishing additional information may contact the Indian Affairs Committee at 224-2251. 

AUTHORITY FOR COMMITTEES TO MEET 

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS 

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing during the session of the Senate on Tuesday, June 4, 2002, at 9:45 a.m. in SD-366. 

The purpose of the hearing is to receive testimony on the nomination of Kyle McSlarrow to be Deputy Secretary of Energy, Department of Energy. 

The PRESIDING OFFICER. Without objection, it is so ordered. 

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS 

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday June 4, 2002, at 9 a.m. to conduct a hearing, entitled “Kennedy Center,” to focus on the proposed Kennedy Center plaza project. 

The hearing will be held in SD-406. The PRESIDING OFFICER. Without objection, it is so ordered. 

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS 

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday June 4, 2002, at 12:30 p.m. to conduct a business meeting to consider S. 1917, the Highway Funding Restoration Act, a bill to amend highway infrastructure investment. 

The meeting will be held in S-216 of the capitol (The President’s Room).
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 4, 2002, at 2 p.m. to hear testimony on Small Business and Rural Economic Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 4, 2002 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the protection of Native American sacred places as they are affected by undertakings and activities of the military services of the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 4, 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 OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, June 4, 2002 at 2:30 p.m. for a hearing entitled “Half a Loaf—The Impact of Excluding Surplus Commodities from America’s Response to Global Hunger” to examine the structure, scope and effectiveness of U.S. food aid programs, the role therein of surplus commodities, and the likely impact of changes now under consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that Senator McCain’s legislative fellow, Navy LCDR Paul Gronemeier, be granted the privilege of the floor during the consideration of the 2002 Supplemental Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar numbers: No. 389, S. Res. 182; No. 390, S. Res. 253; No. 402, S. Res. 263.

I further ask that the committee amendments, where applicable, be agreed to; the resolutions, as amended, where applicable, be agreed to; the preambles and any amendments, where applicable, be agreed to; the title amendment, where applicable, be agreed to; that the consideration of the 2002 Supplemental Appropriations Act for Rural Economic Development, etc., be printed in the RECORD as if given, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD ALLOCATE SIGNIFICANTLY MORE RESOURCES TO COMBAT GLOBAL POVERTY

The Senate proceeded to consider the resolution (S. Res. 182) expressing the sense of the Senate that- (1) widespread poverty in developing nations is a significant threat to democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security and the welfare and safety of United States citizens at risk; Now, therefore, be it

Whereas the World Bank estimates that 1,200,000,000 people live on less than $1 a day, and of these, more than 550,000,000 are in South Asia, which is 40 percent of the South Asian population, and more than 290,000,000 are in sub-Saharan Africa, which is approximately 50 percent of the sub-Saharan population;

Whereas 3,000,000,000 people, about half the world’s population, live on approximately $2 a day;

Whereas 1,200,000,000 people lack access to safe drinking water;

Whereas 2,900,000,000 people have inadequate access to sanitation;

Whereas at least 1,000,000,000 people in developing nations are unemployed or underemployed;

Whereas President Bush, by announcing the establishment of a Millennium Challenge Account committed the United States to spending significantly more money on foreign assistance beginning fiscal year 2004;

Whereas United States foreign assistance amounts to approximately $30 per American citizen per year, not including the President’s recently announced increases;

Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years ranks next to last among 21 industrialized donor countries in per capita foreign assistance spending;

Whereas economic assistance can only be effective if it is linked to sound policies in developing nations;

Whereas open markets and free trade are important forces for economic development and poverty reduction;

Whereas the United States is a top importer of goods from developing countries, importing $450,000,000,000 in 2000 which was 8 times greater than all official development assistance to developing countries from all donors;

Whereas the United States is the top source of private capital to developing countries, averaging $65,000,000,000 annually between 1997 and 2000;

Whereas reducing poverty, promoting equitable economic growth, and democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security and the welfare and safety of United States citizens at risk: Now, therefore, be it

Resolved,

That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, the world’s wealthiest and most powerful Nation, in order to promote its humanitarian, economic, and security interests around the world, should increase foreign assistance spending by at least 25 percent per year for the next 5 years, and with the goal of reaching an amount equal to or exceeding 0.7 percent of gross domestic product by 2010; and

(4) the Administration of the United States Agency for International Development should—

(4) the Administration of the United States Agency for International Development should—
June 4, 2002

CONGRESSIONAL RECORD — SENATE

S4979

[Offsets]

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator’s findings and recommendations for foreign assistance funding and policies to reduce poverty, and promote equitable economic growth and the development of democratic institutions.

That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, as the world’s wealthiest, most powerful nation, should build on the idea behind President Bush’s proposal for the Millennium Challenge Account and increase foreign assistance spending by at least 25 percent for the next 5 years with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010 in order to promote its humanitarian, economic, and security interests around the world; and

(4) the Administrator of the United States Agency for International Development should—

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator’s findings and recommendations for foreign assistance funding and policies to reduce poverty and promote equitable economic growth and the development of democratic institutions.

Amend the title so as to read: “A resolution expressing the sense of the Senate that the United States, as the world’s wealthiest, most powerful nation, should build on the idea behind President Bush’s proposal for the Millennium Challenge Account and increase foreign assistance spending by at least 25 percent for the next 5 years with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010 in order to promote its humanitarian, economic, and security interests around the world; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator’s findings and recommendations for foreign assistance funding and policies to reduce poverty and promote equitable economic growth and the development of democratic institutions.”

The amendment to the preamble was agreed to.

The resolution (S. Res. 182), as amended, was agreed to.

The amendment to the preamble was agreed to.

The title amendment was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

Whereas 1,200,000,000 people lack access to safe drinking water;

Whereas 2,900,000,000 people have inadequate access to sanitation;

Whereas 1,000,000,000 people in developing nations are unemployed or underemployed;

Whereas President Bush, by announcing the establishment of a Millennium Challenge Account committed the United States to spending significantly more money on foreign assistance beginning fiscal year 2004;

Whereas United States assistance amounts to approximately $30 per American citizen per year, not including the President’s recently announced increases;

Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years ranks next to last among the industrialized donor countries in per capita foreign assistance spending;

Whereas economic assistance can only be effective if it is linked to sound policies in developing countries;

Whereas open markets and free trade are important forces for economic development and poverty reduction;

Whereas the United States is a top importer of goods from developing countries, importing $450,000,000,000 in 2000 which was 8 times greater than all official development assistance to developing countries from all donors;

Whereas the United States is the top source of private capital to developing countries, averaging $250,000,000 annually between 1997 and 2000; and

Whereas reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting instability and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk: Now, therefore, be it

Resolved,

That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, as the world’s wealthiest, most powerful nation, should build on the idea behind President Bush’s proposal for the Millennium Challenge Account and increase foreign assistance spending by at least 25 percent for the next 5 years with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010 in order to promote its humanitarian, economic, and security interests around the world; and

(4) the Administrator of the United States Agency for International Development should—

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator’s findings and recommendations for foreign assistance funding and policies to reduce poverty and promote equitable economic growth and the development of democratic institutions.

Amend the title so as to read: “A resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty and that the President’s decision to establish the Millennium Challenge Account is a step in the right direction.”

REITERATING THE SENSE OF THE SENATE REGARDING ANTI-SEMITISM AND RELIGIOUS TOLERANCE IN EUROPE

The Senate proceeded to consider the resolution (S. Res. 253) reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe, which was reported from the Committee on Foreign Relations with an amendment.

[Omit the parts in black brackets and insert the parts printed in italic.]

S. Res. 253

Whereas many countries in Europe are protectors of human rights and have stood as shining examples of freedom and liberty to the world;

Whereas freedom of religion is guaranteed by all Organization for Security and Cooperation in Europe (OSCE) participating states;

Whereas the 1990 Copenhagen Concluding Document declares all participating OSCE States will “unequivocally condemn” anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

Whereas anti-Semitism was one of the most destructive forces unleashed during the last century;

Whereas there has been a startling rise in attacks on Jewish community institutions in cities across Europe in the last 18 months; and

Whereas these violent incidents have targeted youth such as an assault on a Jewish teen soccer team in Bondy, France on April 11, 2002, and the brutal beating of two Jewish schoolchildren in Creteil and Marseille and as recently as April 22 an automatic weapon attack on a synagogue in Charleroi, Belgium;

Whereas the statue in Paris of Captain Alfred Dreyfus, who was the victim of anti-Semitic accusations and became a symbol of this prejudice in the last century, was defaced with anti-Jewish emblems;

Whereas the French Ministry of Interior documented hundreds of hundred hate attacks on synagogues and Jewish institutions in France in just the first two weeks of April, 2002;

Whereas the revitalization of European right wing movements, such as the strong showing of the National Front party in France’s presidential election, reaffirm the urgency for governments to assert a strong public stance against anti-Semitism, as well as other forms of xenophobia and intolerance; and

Whereas some government leaders have repeatedly dismissed the seriousness of these attacks and attributed them to hooliganism and Muslim immigrant youth expressing solidarity with Palestinians;

Whereas the legitimization of armed struggle against Israeli civilians by some governments voting in the U.N. Commission on
Human Rights has embodied some individuals and organizations to lash out against Jews and Jewish institutions:

Whereas hostility, frustration and disaffection over violence in the Middle East must never be permitted to justify personal attacks on Jewish citizens;

Whereas when governments have raised a strong voice against anti-Semitism and worked to promote and implement educational initiatives which foster tolerance, we have seen success; and

Whereas Congress recognizes the vital historical alliance between nations of Europe and the United States and has high regard for the commitment of our allies to fighting discrimination, hatred, and violence on racial, ethnic, or religious grounds: Now, therefore, be it

Resolved, that—

(1) acknowledge publicly and without reservation the anti-Semitic character of the attacks as violations of human rights; and to utilize the full power of its law enforcement tools to investigate the crimes and punish the perpetrators;

(2) decry the rationalizing of anti-Jewish attitudes and even violent attacks against Jews as merely a result of justified popular frustration with the conflict in the Middle East; and

(3) take measures to protect and ensure the security of Jewish citizens and their institutions, many of whom suffered so grievously in Europe in the past century.

(b) Further, it is the sense of the Senate that—

(1) both Congress and the Administration must raise this issue in its bilateral contacts;

(2) the State Department’s Annual Country Reports on Human Rights should thoroughly document this phenomenon, not just in Europe but worldwide; and

(3) the Commission on International Religious Freedom should continue to document and report on this phenomenon in Europe and worldwide.

That (a) the Senate calls upon European governments to—

(1) acknowledge publicly and without reservation the anti-Semitic character of the attacks as violations of human rights;

(2) utilize the full power of their law enforcement tools to investigate the crimes and punish the perpetrators;

(3) decry the rationalizing of anti-Jewish attitudes and even violent attacks against Jews as merely a result of justified popular frustration with the conflict in the Middle East;

(4) take measures to protect and ensure the security of Jewish citizens and their institutions, many of whom suffered so grievously in Europe in the past century; and

(5) make a concerted effort to cultivate an atmosphere of cooperation and reconciliation among the Jewish and non-Jewish residents of Europe.

(b) Further, it is the sense of the Senate that—

(1) both Congress and the Administration should raise this issue in their bilateral contacts;

(2) the State Department’s Annual Country Reports on Human Rights should thoroughly document this phenomenon, not just in Europe but worldwide; and

(3) the Commission on International Religious Freedom should continue to document and report on this phenomenon in Europe and worldwide.

Mr. BIDEN. I rise today to support S. Res. 253, which condemns the growing intolerance and acts of persecution against Jews in many European countries.

The Resolution urges European governments to own up to this growing evil, to reject any excuse for it, to use every tool at hand to combat these crimes, and to punish the criminals.

Finally, the Resolution calls upon European governments to cultivate an atmosphere of cooperation and reconciliation among the continent’s Jewish and non-Jewish residents.

Making Jews or Jewish institutions scapegoats for societal ills has an ominous history. The Nazis’ Holocaust was preceded by centuries of gradually increasing anti-Semitism—first by religious dogma, then by racial pseudo-theories—spread through preaching, villainous written propaganda, exclusionary laws, and finally pogroms and massacres.

The so-called civilized governments of the twentieth century largely remained silent and failed to confront the rising tide of anti-Jewish persecution. A result was the stage for the murder of the vast majority of European Jewry.

Some of the individuals committing anti-Semitic acts today are the affluent beneficiaries of unprecedented Western European prosperity. Some may be bigots. Others may simply be ignorant of the hideous causality of the Holocaust, now more than fifty years in the past. Still others are mindless thugs.

In France, where a large number of violent attacks have occurred, many of the perpetrators are young Israeli Arab immigrants from North Africa who feel alienated from their host country.

Nearly all European leaders have condemned physical violence against Jews, although occasionally politicians have tempered their criticism with ill-considered advice. An unfortunate example of this was the well-intentioned Mayor of Paris who, after a vicious attack on an Orthodox Jewish American tourist, warned Jewish Berliners that they should not wear clothing identifying them as Jews.

Rhetorical anti-Semitism has been met with even less principle. Instead, verbal expressions of anti-Semitism in Europe are increasingly being trivialized.

For example, we might consider the recent London dinner party at which the French Ambassador to the U.K. made a demeaning, scatological reference to the State of Israel. What happened when the story was leaked to the press? The major scandal was the so-called “indiscretion” of other guests for having revealed the French Ambassador’s crude, bigoted, and amateurish behavior! Or we might note the wife of Wim Duisenberg, the President of the European Central Bank who, after flying the PLO flag from her house in Amsterdam complained that “Israel is being kept going by those rich Jews in America.” Her highly respected husband removed the PLO flag but remained silent on her incendiary political commentary.

A similar example of objectivity came from Oslo where a member of the Norwegian Nobel Committee declared that she would like to rescind Shimon Peres’s Nobel Peace Prize. Needless to say, she didn’t choose to mention, let alone criticize, Yasser Arafat or the suicide bombers whom he aids and abets.

Even venerable European political institutions no longer seem immune to the anti-Semitic virus. Consider the blatant attempt to woo right-wing voters by Juergen Moellemann, one of the top officials of Germany’s Free Democrats, a party with a proud history of liberalism and tolerance. Moellemann explained that the Deputy Director of the Central Council of Jews in Germany had brought on anti-Semitism himself by his supposedly aggressive behavior as a television talk-show host. If this kind of argumentation weren’t so dangerous, it might almost be funny. But it’s not.

To Germany’s credit, Moellemann’s warped demagoguery has come in for massive public criticism, including from both Chancellor Gerhard Schröder and his conservative challenger Bavarian Minister-President Edmund Stoiber.

I want to believe that most Europeans reject the nauseating anti-Semitism of the last several months. I want to believe that a trans-Atlantic community of shared values still links us with the continent.

But without continuous efforts by European statesmen to combat anti-Semitism, my optimism may prove to be naive.

Instant communication means that how Europe responds to these acts of hatred matters around the world. Europe must make bigots, not Jews, its outcasts. No temporizing, no rationalizing, and no naiveté.

Toward that end, I urge my colleagues to vote for S. Res. 253.

The committee amendment was agreed to.

The resolution (S. Res. 253), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. Res. 253

Whereas many countries in Europe are protectors of human rights and have stood as shining examples of freedom and liberty to the world;

Whereas freedom of religion is guaranteed by all Organization for Security and Cooperation in Europe (OSCE) participating states;

Whereas the 1990 Copenhagen Concluding Document declares all participating OSCE States will “unequivocally condemn” anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

Whereas anti-Semitism was one of the most destructive forces unleashed during the last century;
Whereas there has been a startling rise in attacks on Jewish community institutions in cities across Europe in the last 18 months;

Whereas these violent incidents have targeted not only an assault on a Jewish soccer team in Bondy, France on April 11, 2002, and the brutal beating of two Jewish students in Berlin, Germany, the burning of Jewish schools in Creteil and Marseille, France and even the stoning of a bus carrying Jewish schoolchildren;

Whereas attacks on Jewish houses of worship have been reported in many cities including Antwerp, Brussels, and Marseille and as recently as April 22 an automatic weapon attack on a synagogue in Charleroi, Belgium;

Whereas the statue in Paris of Captain Alfred Dreyfus, who was the victim of anti-Semitic accusations and became a symbol of this prejudice in the last century, was defaced with anti-Jewish emblems;

Whereas the French Ministry of Interior documented hundreds of crimes against Jews and Jewish institutions in France in just the first two weeks of April, 2002;

Whereas the revitalization of European right-wing, such as the strong showing of the National Front party in France’s presidential election, reaffirm the urgency for governments to assert a strong public and strong moral voice against anti-Semitism, as well as other forms of xenophobia and intolerance;

Whereas some government leaders have repeatedly dismissed the significance of these attacks and attributed them to hooliganism and Muslim immigrant youth expressing solidarity with Palestinians;

Whereas the legitimization of armed struggle against Israeli civilians by some governments voting in the U.N. Commission on Human Rights has emboldened some individuals and organizations to lash out against Jews and Jewish institutions;

Whereas hostility, frustration and disaffection over violence in the Middle East must never be permitted to justify personal attacks on Jewish citizens;

Whereas when governments have raised a strong moral voice against anti-Semitism and worked to promote and implement educational initiatives which foster tolerance, we have seen success; and

Whereas Croatia recognizes the vital historical alliance between nations of Europe and the United States, which had been reported on the 10th anniversary of its recognition by the United States, and which had been reported from the Committee on Foreign Relations with an amendment.

[Omit the parts in black brackets and insert the parts printed in italic.]

The Senate proceeded to consider the resolution (S. Res. 263) congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States, which had been reported from the Committee on Foreign Relations with an amendment.

CONGRATULATING THE REPUBLIC OF CROATIA

The Senate proceeded to consider the resolution (S. Res. 263) congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States, which had been reported from the Committee on Foreign Relations with an amendment.

[Omit the parts in black brackets and insert the parts printed in italic.]

The Senate proceeded to consider the resolution (S. Res. 263) congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States, which had been reported from the Committee on Foreign Relations with an amendment.

Resolved, That the Senate—

(1) commends the Republic of Croatia for the significant progress it has made during the past decade, and encourages its democratic orientation and further strengthening of respect for human rights, the rule of law, and the free market;

(2) supports the Republic of Croatia’s aspirations to become a member of the North Atlantic Treaty Organization (NATO), welcomes its commitment to the reforms required for NATO membership, acknowledges the importance of its continued commitment to those reforms, and congratulates it on its acceptance into the Membership Action Plan at the NATO Ministerial in Reykjavik, Iceland;

(3) encourages Croatia’s continued contributions in bringing peace, stability, and prosperity to the region of South Central Europe, including continuing its cooperation with the International Criminal Tribunal for the former Yugoslavia; and

(4) recognizes the important role of the Croatian-American community in supporting the strengthening of bilateral relations between the United States and the Republic of Croatia.
prosperity to the region of South Central Europe, including continuing its cooperation with the International Criminal Tribunal for the former Yugoslavia; and

(4) recognizing the important role of the Croatian-American community in supporting the strengthening of bilateral relations between the United States and the Republic of Croatia.

EXPRESSING THE SENSE OF THE SENATE REGARDING HUMAN RIGHTS VIOLATIONS IN TIBET

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, S. Res. 252.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (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.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble.

[Omit the parts in black brackets and insert the parts printed in italic.]

S. Res. 252

[(Whereas Hu Jintao, Vice President of the People’s Republic of China and former Party Secretary of the Tibet Autonomous Region, will visit the United States in April and May of 2002;]

[(Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama;]

[(Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights conventions to which the People’s Republic of China is a party, including the Convention on the Rights of the Child; whereupon, as amended, was agreed to.]

The amendment to the preamble agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights conventions to which the People’s Republic of China is a party, including the Convention on the Rights of the Child; whereupon, as amended, was agreed to.

The amendment to the preamble agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama; whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights conventions to which the People’s Republic of China is a party, including the Convention on the Rights of the Child; whereas the use of religious belief as a criterion for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50; whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet’s unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied; whereas the releases of political prisoners Ngawang Choephel, a 36-year-old ethnomusicologist on January 20, 2002, after 6 years in prison, and Tanak Jigme Sangpo, a 76-year-old schoolteacher on March 31, 2002, after 32 years in prison, were facilitated in part by diplomatic efforts of the United States Government and are welcome, modest developments in the campaign to encourage the Chinese Government to respect human rights, including religious freedom, and to release remaining prisoners of conscience; whereas the appointment of the Under Secretary of State for Global Affairs, Paula J. Dobriansky, as the Special Coordinator for Tibetan Issues is a sign of the high priority the United States Government places on the political and religious liberties of the people of Tibet; and whereas the Government of the People’s Republic of China has failed to respond positively to efforts by the Dalai Lama to enter dialogue with the Dalai Lama or his representatives; and whereas the use of religious belief as the primary basis for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50; whereas Hu Jintao, Vice President of the People’s Republic of China has failed to respond positively to efforts by the Dalai Lama to enter into dialogue based on his proposal for genuine autonomy within the People’s Republic of China with a view to safeguarding the distinct identity of Tibet and protecting the human rights of the Tibetan people; now, therefore, be it—

Resolved, That it is the sense of the Senate that the Government of the People’s Republic of China should—

(1) release the Panchen Lama and allow him to pursue his traditional role at Tashi Lhunpo monastery in Tibet; and

(2) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

Resolved, That it is the sense of the Senate that the Government of the People’s Republic of China should—

(1) release the Panchen Lama and allow him to pursue his traditional role at Tashi Lhunpo monastery in Tibet; and

(2) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to; the resolution, as amended, be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 252), as amended, was agreed to.

Designating June 5, 2002, as "National Hunger Awareness Day"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 280, submitted earlier by Senators DURBIN, Lugar and SPECTER.

The PRESIDING OFFICER. The clerk will state the resolution by title. The legislative clerk read as follows:
A resolution (S. Res. 280) designating June 5, 2002, as “National Hunger Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and its preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 280) was agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 280

Whereas food insecurity and hunger are a fact of life for millions of low-income Americans and can produce physical, mental, and social impairments;

Whereas recent census data show that almost 20% of children and 1 in 6 elderly in the United States live in families experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity exists in rural, suburban, and urban America, touching nearly every American community;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations, including America’s Second Harvest, the United States Conference of Mayors, and other organizations have documented substantial increases in requests for emergency food assistance over the past year; and

Whereas all Americans can help participate in hunger relief efforts in their communities by donating food and money, by volunteering, and by supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5, 2002, as “National Hunger Awareness Day”;

(2) requests that the President issue a proclamation calling upon the people of the United States to observe “National Hunger Awareness Day”;

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(b) with the year-round support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) office of Senator Richard J. Durbin is authorized to collect donations of food from June 5, 2002, until June 14, 2002, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

DISCHARGE AND REFERRAL—S. 2546

Mr. REID. Mr. President, I ask unanimous consent that S. 2546, Arming Points Against Terrorism Act, be discharged from the Armed Services Committee and then referred to the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2578

Mr. REID. Mr. President, I understand that S. 2578, introduced earlier today by Senator DASCHLE, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk reads as follows:

A bill (S. 2578) to amend title III of the United States Code to increase the public debt limit.

Mr. REID. I now ask for its second reading and object to my own request on behalf of the Republicans.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, JUNE 5, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:15 a.m., Wednesday, June 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 10:15 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 10:15 a.m. the Senate resume consideration of the supplemental appropriations bill; further, that with respect to the cloture motion filed, the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As a reminder, Mr. President, cloture was filed on the supple-

mental appropriations bill today. Therefore, all first-degree amendments must be filed before 1 p.m. tomorrow, Wednesday, June 5.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate—and I believe there is not—I ask unanimous consent that the Senate stand in adjournment under the previous order. Whereupon no objection, the Senate, at 6:56 p.m., adjourned until Wednesday, June 5, 2002, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 2002:

RICHARD L. BALTIMORE III, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES TO THE SULTANATE OF OMAN.

LUCAS C. GEORGE III, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO KENYA.

DEAN B. HUBBIDGE, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MEXICO.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

JIMMY KOLKER, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND plenipotentiary of the united states of america to the republic of uganda.

GAIL DINDOSH THOMAS MADHURI, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

IN THE ARMY

The following named officers for appointment in the reserve of the army to the grades indicated under title 10, U.S.C., section 12202.

To be major general

BRIG. GEN. GEORGE W. REID, 0000

To be brigadier general

COL. LARRY KNIGHTNER, 0000

The following named officers for appointment in the reserve of the army to the grades indicated under title 10, U.S.C., section 12203.

To be major general

BRIG. GEN. EDWIN H. SPAIN III, 0000

To be brigadier general

COL. DENNIS E. LUTZ, 0000

The following army national guard of the united states officers for appointment in the reserve of the army to the grades indicated under title 10, U.S.C., section 12202.

To be major general

BRIG. GEN. VIRGIL F. BROWNING, JR., 0000

To be brigadier general

COL. ROBERT E. THOMPSON, 0000

The following officers for appointment in the united states army to the grade indicated under title 10, U.S.C., section 1234.

To be major general

BRIGADIER GENERAL DORIS T. ANDERSON, 0000

BRIGADIER GENERAL GUY M. ROGERS, 0000

BRIGADIER GENERAL JOHN M. BROWN III, 0000

BRIGADIER GENERAL RONALD B. REED, JR., 0000

BRIGADIER GENERAL WILLIAM B. CRAWFORD IV, 0000

BRIGADIER GENERAL KENNETH CAMPBELL III, 0000

BRIGADIER GENERAL ANN E. DUNWOODY, 0000

BRIGADIER GENERAL JACQUELINE K. EDMUNDS, 0000

BRIGADIER GENERAL DENNIS E. HARDY, 0000

BRIGADIER GENERAL GALEN B. JACKMAN, 0000

BRIGADIER GENERAL RONALD H. MARIN, 0000

BRIGADIER GENERAL JOHN P. FIMMINS, 0000

BRIGADIER GENERAL JAMES A. MARKS, 0000

BRIGADIER GENERAL STEVEY A. MCCRARY, 0000

S4988
CONGRESSIONAL RECORD — SENATE
June 4, 2002

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 1230:

To be captain

BRIAN B ROBARDS III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID R BAUCOM, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 1230:

To be captain

ROBERT D BECHILL, 0000
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LYNN P ABRUMAR, 0000
ESTHER K ALEXANDER, 0000
BENNETT V BOCUZZI, 0000
JUDITH A BROOKS, 0000
ROBERT CONTINO, 0000
MARY T COUNTS, 0000
ATHERINE W COX, 0000
LINDA M DITRICH, 0000
ANDREA C DISITEN, 0000
CATHEDRIN U DESCHEN, 0000
DEBORAH L ENIS, 0000
MARKIJE R PONZA, 0000
DOURIS V RANNA, 0000
CAROLYN B HARGROVE, 0000
KENNETH L HUFFMAN II, 0000
ANITA L JACKSON, 0000
SUSANA P JUAREZLEAL, 0000
LAURETTA A KROENIGSDEER, 0000
DIANR G MARVIN, 0000
MARTIN J MYERS, 0000
KATHERINE L RUSSELL, 0000
MARGARET A BYKOWSKI, 0000
SHARON L SIES, 0000
NANCY L SMITH, 0000
KAY B STEPHER, 0000
FAMALA A THOMPSON, 0000
BARBARA A TURBING, 0000
LOUISA C WASHUK, 0000
THOMAS A WILSON, 0000
SUSAN YOKOVAMA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID W ANDERSON, 0000
WILLIAM AUBUCHON, 0000
BRAD A BERNSTEIN, 0000
DANIEL G BOSIO, 0000
VICTOR J CATULLO, 0000
PAUL R CLEVELAND, 0000
ROBERT P COLLAUGHAN, 0000
WILLIAM L DARBY JR., 0000
WILLIAM V J DOLE, 0000
JOHN A DUNCAN II, 0000
HARRY D ELSHIRE III, 0000
TIMOTHY W FLEMING, 0000
JAMES F GOLDSZH, 0000
JON P KEPFERMAN, 0000
GEORGE M KUDISON, 0000
MAIKE J INTULLA, 0000
LAWRENCE P JENDR, 0000
THOMAS M KUNCICK, 0000
JEFFREY A LEE, 0000
STEVEN V LEWINSKI, 0000
WAYNE F LITTLE, 0000
JAMES J LITYNSKI, 0000
ROBERT D MATTHEWS, 0000
THOMAS G MERRY, 0000
ROBERT A MEVORACH, 0000
JAMES D MURRAY, 0000
WILLIAM P NELSON, 0000
WILLIAM W OCONOR, 0000
CHRISTOPHER A OHIL, 0000
STEVEN L ORRHAUGH, 0000
JENNIFER B OTTA, 0000
WILLIAM P J POMPUTUS, 0000
KERRI E ROCITO, 0000
SHERI L ROLF, 0000
CARLOS R RUBIO, 0000
ALAN L SCHILLER, 0000
JAMES M SHEERY, 0000
RICKY L SIVDOE, 0000
STEPHEN R STEELE, 0000
IN RECOGNITION OF THE EDMONDS COMMUNITY COLLEGE CENTER FOR FAMILIES GROUNDBREAKING
HON. JAY INSLEE OF WASHINGTON IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. INSLEE. Mr. Speaker, balancing work and family has become increasingly difficult for families across America. One of the greatest challenges that many families face is finding safe, affordable childcare. It is with these challenges in mind that I am delighted to announce that a week from today, on June 11, 2002, Edmonds Community College will officially begin construction on their new Center for Families. The Center for Families, scheduled to open in September 2003, will triple the college’s on-site childcare center from about 5,000 to 15,000 square feet. The Center will also triple its childcare capacity for the children of students, including students who are retraining for new jobs after unemployment and those participating in welfare-to-work programs.

Moreover, this new center will serve as a training facility for future professionals in early childhood education and as a model of best practices in parent education, childcare, preschool education (including Head Start), and family support. The Center for Families will have a Family Resource Center providing a “one stop” reference service for parents and professionals. Here, families can find the resources they need to stay in school and find the best care for their children, as well as parenting resources, professional help, and support groups.

The Edmonds Community College Foundation successfully raised $4 million dollars for this exciting new center from a combination of federal, state, county, city, and private funds. The center will bring together children from all backgrounds—some have parents who are new immigrants, other parents are professionals seeking new job skills, while others are transitioning from welfare. As a community resource, it will create more graduates who are successful and, ultimately, a more educated community.

Mr. Speaker, I encourage my colleagues to join me in congratulating Edmonds Community College on their wonderful Center for Families. The Center for Families will truly be, “Expanding Childcare, Educating Families, Enhancing Community.”

IN RECOGNITION OF THE POPULATION COUNCIL ON THE OCCASION OF ITS 50TH ANNIVERSARY
HON. CAROLYN B. MALONEY OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Population Council, which is celebrating its 50th anniversary. Its headquarters are located in the 14th Congressional district which I represent. The Population Council strives to improve the well-being and reproductive health of people around the world and works to achieve a humane, equitable, and sustainable balance between people and resources.

Established in 1952, the organization conducts high-quality, objective, policy-relevant research in biomedicine, public health and social science. It also offers evidence-based technical assistance and capacity building through collaborative research, awards, fellowships, and training.

Founder John D. Rockefeller III believed that the reason to care about population was too idolaters. This fidelity to the Council’s mission is what makes it possible for individual’s everywhere to develop their full potential. Although the circumstances facing the world have changed substantially over the past 50 years, that vision has motivated the organization throughout its history. Today the Council remains in the forefront of its field, anticipating problems, doing the research, and providing the results that inform the debate and facilitate the development and implementation of science-based solutions. The Council’s research agenda now includes HIV/AIDS, urbanization, adolescents, and aging, along with its long-standing work in contraceptive development, improving access to high-quality reproductive health services, and understanding the causes and consequences of population change.

The Population Council began as a funding agency with a professional staff of fewer than ten and an annual budget of less than $1 million. Today, the Council will operate on a budget of $86 million, with offices in 18 countries and on four different continents. It conducts research and programs in more than 70 countries. The Council’s extensive work is critical to improving the lives of those who are facing the challenges of population change.

The Population Council Board of Trustees is comprised of leaders in the fields of biomedicine, business, economic development, health, the media, philanthropy, and social science.

The organization receives funding from the government as well as private foundations, corporations, and individuals. In all of its endeavors, the Population Council has aspired to the highest professional and ethical standards and has earned a worldwide reputation for excellence and integrity. Policymakers, program managers and others concerned with population issues turn to the Population Council for rigorous research results—results that help improve people’s lives.

Mr. Speaker, I ask that my colleagues join me in commending the Population Council for 50 years of groundbreaking research and wishing them continued excellence in the next 50 years.

RETIREMENT OF ROBERT E. MELICAN
HON. JAMES P. MCGOVERN OF MASSACHUSETTS IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to join the community of Northborough, Massachusetts in honoring Robert E. Melican, Superintendent of Schools, as the Northborough Middle School is renamed the Robert E. Melican Middle School.

Mr. Melican is representative of all the hardworking and dedicated educators in Central Massachusetts. He has been a part of the Northborough School District since 1969, serving the children of Northborough and Southborough as a sixth grade teacher, math teacher, Assistant to the Superintendent, Assistant Superintendent, Acting Superintendent, and finally as Superintendent for the Northborough and Southborough School Districts since 1996. For 33 years, Mr. Melican has dedicated himself to the children fortunate to live in these communities.

Additionally, Mr. Melican has deeply committed himself to those outside of the school community, serving as a member of the Worcester County Superintendents’ Association, the Massachusetts Superintendents’ Association, the Worcester Vocational School District, and the Advisory Board at Worcester State College. Currently, Mr. Melican serves as Vice President of the Massachusetts Association of School Superintendents and in that capacity has earned the respect of his peers throughout the state.

Mr. Speaker, I am certain that the entire U.S. House of Representatives joins me in congratulating Mr. Melican for his accomplishments.

TRIBUTE TO PATRICK NAGLE
HON. BILL SHUSTER OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Patrick Nagle for being recognized with the Pennsylvania Financial Services Advocate award given by the Small Business Administration (SBA). This award, which recognizes his ongoing service in the banking industry, made Mr. Nagle the state winner in addition to being the winner in the Western Pennsylvania District for 2002. Mr. Nagle serves as the Vice President and Small Business Manager/SBA Coordinator for Central Bank, a division of First Commonwealth Bank. In this position he is responsible for the expanding portfolio of SBA loans for Central Bank as well as the entire First Commonwealth system.

When Mr. Nagle first accepted the responsibility for this program in 1994, the portfolio...
While commanding the Ninth Bomb Squadron, Col. Raaberg trained Navy, Marine Corps and allied pilots. Raaberg has served at Vance Air Force Base,
management and national security strategy. Col. Douglas L. Raaberg holds two masters degrees in systems management and a BA in aeronautical engineering. He also attended small business seminars in his and surrounding communities. By sharing what he knows, he makes it possible for others to provide a helping hand in starting new businesses. This creates a chain reaction of community growth and in turn the opportunity for prosperity for everyone. Many of this country’s small businesses were made possible because someone cared enough to believe in another person’s vision. Pat Nagle has embodied this spirit in his work and community activism.

As a small businessman myself, I know exactly how hard it is to make payroll, schedule, keep inventory, and all the other responsibilities that fall under being a small business owner. I also know that in this country small businesses are the number one creators of jobs—and the more we help small businesses, the stronger our local economies will be.

I would like to congratulate Mr. Nagle once again on this tremendous award he has received and thank him for all of his hard work. I wish him the very best of luck in all of his future endeavors.

HON. CAROLYN B. MALONEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 4, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to the YMCA of Greater New York City, which is celebrating 150 years of remarkable service to New Yorkers. Through a variety of programs and initiatives the YMCA has demonstrated an unwavering commitment to serving those in need, and to strengthening the community at large.

Founded in 1852, the YMCA distinguished itself as an institution committed to aiding those emigrating to New York City. It also garnered a reputation as an institution firmly committed to social justice, and throughout its existence has advocated on behalf of a number of historically significant causes. During the 19th century the YMCA was identified as staunchly abolitionist. In addition, it formed a commission to minister to soldiers in the camps, hospitals and battlefields of the Civil War. Upon the conclusion of the Civil War, the YMCA initiated new programs to serve African-Americans, railroad workers and young urban boys.

During the first half of the 20th century the YMCA continued to emerge as a pioneer on social issues. While racial integration was not obtained nationally until the mid 20th century, many New York City YMCA programs were integrated much earlier. During this time women also became members.

In the latter half of the 20th century the YMCA began to focus on addressing the needs of the rapidly growing urban population. In particular, it began to initiate programs targeted at aiding adolescents and their families. A number of these programs addressed poverty, delinquency, and drug abuse, including Jobmobiles and Youthmobiles, which allowed YMCA programs to be mobile and travel into communities in need. A growing emphasis on physical fitness led to the introduction of sports programming including two sports involved at the YMCA—basketball and volleyball.

During New York City’s fiscal crisis, the YMCA worked to assist families affected by expanding childcare and family programs. Over the last decade the YMCA has continued to demonstrate a commitment to serving youth. Through partnerships with the United Way and the New York City Board of Education, the YMCA has become a presence in nearly 200 public schools in every school district in New York City through the Virtual Y. The Virtual Y currently serves 7,500 students. It also operates Teen Action NYC which currently operates in five schools and provides life skills and career planning.

During its existence, the YMCA has also demonstrated a commitment to public and private partnerships. Early YMCA supporters from the private sector included William E. Dodge, Jr., J.P. Morgan, and Cornelius Vanderlip II. It has also received substantial support from some of New York City’s most influential leaders, including Governor Thomas Dewey, Mayor John Lindsay and Mayors David Dinkins, Rudolph Giuliani and Michael Bloomberg.

During 2002 the YMCA of Greater New York will serve 170,000 youth and 200,000 adults. The YMCA of Greater New York will commemorate its 150th anniversary with a book entitled, “The YMCA at 150: A History of the YMCA of Greater New York, 1852–2002.” I ask that my colleagues join me in saluting the YMCA of Greater New York on 150 years of outstanding service to the community.

Mr. Speaker, as Col. Douglas L. Raaberg takes command of the 509th Bomb Wing at Whiteman Air Force Base, I know that the Members of the House will join me in wishing him the best in the days ahead.

Mr. Speaker, on Monday, May 31st, at the annual Harrisonfest to honor the Ferreiro family, Harrisonfest’s 2002 Family of the Year, I would like to congratulate Mr. Nagle once again on this tremendous award he has received on May 31st, at the annual Harrisonfest's 2002 Family of the Year, Harrisonfest’s 2002 Family of the Year. The family was honored on May 31st, at the annual Harrisonfest's 2002 Family of the Year. The family was honored on May 31st, at the annual Harrisonfest's 2002 Family of the Year.
in Harrison, New Jersey. This festival, consisting of a marathon race, an array of vendors, fun family games, dazzling floats, fireworks, and performances by folk groups and musical bands, lasted through the weekend to raise scholarship funds for the students of Harrison Public Schools.

In 1905, at the age of nine, Louis Ferreiro, along with his mother, father, four brothers, and two sisters arrived in America and settled in Harrison, New Jersey. It was to be the beginning of a prosperous and wholesome life for his entire family in the community of Harrison.

Louis Ferreiro married Angelina Forte in 1925, and together they raised five sons. This blossoming family ran a landmark store known as “Louie the Sausage King” at 7 North 3rd Street for over 50 years. The store was known for its delicious Italian-style hotdogs, and many Harrison citizens continue to reminisce about the good old days when they could catch up with friends, while enjoying the store’s specialty.

The Ferreiro family also had many talented athletes participate at Harrison High School: Tom Jr., a Football and Girls Basketball Coach; Vin, a star Basketball player; Michelle and Donna, exceptional players on the Girls Basketball team; and Jim Jr., an outstanding Football and Baseball player.

The five Ferreiro sons and their families, as well as their children’s families, have created a legacy of 21 grandchildren and 22 great grandchildren. And today, four generations of the Ferreiro family—29 individuals—continue to live in Harrison. I ask my colleagues to join me in honoring the Ferreiro family, who, through their strong sense of family values, and their commitment and dedication, helped shape today’s beautiful community of Harrison, New Jersey.

TRIBUTE TO LOUIS BERTHAUME

HON. JAMES P. McGovern
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 4, 2002

Mr. McGovern. Mr. Speaker, I rise today to recognize Louis Berthiaume of Rutland, Massachusetts who has announced his retirement after many years of dedicated service as a rural carrier for the Rutland Post Office.

Mr. Berthiaume was born in Worcester, Massachusetts on May 24, 1942, attended public schools in Worcester and Shrewsbury and graduated from Shrewsbury High School. In November 1960, Mr. Berthiaume served in the United States Army for six years with the 101st Airborne and the 1st Division. While in the Army, Mr. Berthiaume’s tours included Korea and Vietnam. Following his service, Mr. Berthiaume was honorably discharged in 1966.

In addition to his service to our nation as a civil and military employee, Mr. Berthiaume has been deeply involved with the Special Olympics, and he has volunteered for many years in the annual Post Office food drive. It is a pleasure to acknowledge such a fine individual, and I am certain the entire House of Representatives joins me in extending our very best wishes to him and his family for a happy and healthy retirement.

TRIBUTE TO ERNIE WISSINGER

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 4, 2002

Mr. Shuster. Mr. Speaker, I rise today to congratulate Ernie Wissinger for earning the Blair County Chamber of Commerce’s Lifetime Achievement Award for Business Advocacy. Mr. Wissinger is the first ever to receive this award and set a high standard of excellence for other entrepreneurs to follow.

Mr. Wissinger resides in Blair County, Pennsylvania where he owned and operated a retail grocery store for 42 years. In addition to focusing on his own business, he was always available to assist others within the business community. By lending a helping hand where one was needed, he has played a crucial part in helping to make Blair County businesses thrive and grow. For years he took it upon himself to act as an unofficial ambassador and advocate for the people and the businesses of Blair County whenever he traveled across Pennsylvania or to other states.

In addition to being an insightful businessman, he is also a generous volunteer. Mr. Wissinger provided financial support to organizations such as Easter Seals, the Altoona Area Public Library, and the Altoona Campus of Penn State to name just a few. In addition to donating resources, he donated his time to the Blair County youth. His involvement in volunteering for community organizations has made a positive impact on those around him. Blair County is a better place because of Ernie Wissinger’s professional and personal investments in his community.

I congratulate Mr. Wissinger on all his business accomplishments and thank him for his involvement in the local community. By being the first to receive this award Mr. Wissinger set a standard for businessmen and women to strive to achieve. This award signals that he began a tradition of excellence that will be hard to duplicate. President George W. Bush, in his last State of the Union Address, challenged all of us to give two years or 4,000 hours of service over our lifetimes. If the President were here today I am positive he would shake Mr. Wissinger’s hand and hold him up as an example for others to follow. I too, would like to encourage others to follow in Mr. Wissinger’s footsteps by being active volunteers and thoughtful entrepreneurs. One person can impact a community in many wonderful ways, and Blair County’s example is Ernie Wissinger. I wish him the very best of luck in the years to come.
Peacekeeper (MX) Intercontinental Ballistic Missiles (ICBM) now at F.E. Warren Air Force Base, Wyoming.

As a field grade and general officer, he distinguished himself by serving in numerous capacities, including commanding a Minuteman ICBM squadron selected as “Best in Strategic Air Command,” and subsequently our nation’s largest ICBM wing.

As the Director of Plans and Programs at Headquarters, Air Force Space Command, Colorado Springs, Colorado, he created the command’s Strategic Master Plan.

While in Moscow, he negotiated with the Soviet Union “The Reduction of Dangerous Military Activities Agreement.” Since its 1989 signing, it has allowed Russian and American forces to operate in proximity to one another and precludes an involuntary act or miscalculation by either military force—whether land, air or sea—to escalate into a combat or war situation.

Brigadier General Pettit’s final command was at the 45th Space Wing, overseeing America’s eastern space launch range. The Eastern Range encompasses a 15 million square mile area.

Brigadier General Pettit’s education accomplishments include an undergraduate degree from the University of Miami, Master of Arts degree from Pepperdine University, and graduating from the Marine and Air Force command and staff colleges and the Air War College.

His awards and decorations include the Legion of Merit, Defense Superior Service Medal, and Joint Defense Meritorious Service Medal with oak leaf cluster and Air Force Meritorious Service Medal with two oak leaf clusters.

Brigadier General Pettit is married to the former Carol Worley, of Miami, Fla., and they have a son Michael, a 2002 University of Colorado graduate.

I am honored to rise in support of General Pettit’s service to our nation, and I am proud of his commitment to the cause of liberty and freedom.

TRIBUTE TO JUSTIN WELLS

HON. ANNE M. NORTHPUP
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 4, 2002

Mrs. NORTHPUP. Mr. Speaker, I rise today to congratulate and honor a very brave young man from my district in Kentucky. Mr. Justin Wells is a hero in the truest sense of the word. While driving home from the hardware store, Justin and his father came upon a near fatal car accident. Taking the first aid kit from his father’s trunk, Justin rushed to help the injured man, who was bleeding profusely and whose leg had been pinned down by the steering wheel of the car. Holding a compression bandage to the man’s wounds while trying to keep the victim calm, Justin used the skills he had gained as both a Medical Trainer Instructor for Boy Scout Troop 380 to attend to the injuries. Justin was not deterred by the danger of the situation, or the possibility of an electric fire from the sparks emanating from the dashboard. Instead, he courageously tended to the injured man until the rescue squad arrived.

It is my great honor to pay tribute to Justin Wells, and to thank him for his courage, resourcefulness, and desire to help those in need. Justin is a very special young man, and I hardly applaud his commitment to his fellow citizens, even in the face of danger. His actions show that one person can make a great difference. Again, I offer my congratulations to Justin for his courage and good will.

HONORING ERLNER G. OVERDEER

HON. GEORGE W. GEKAS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 4, 2002

Mr. GEKAS. Mr. Speaker, I rise today to congratulate Elner G. Overdeer who was honored as the winner of the 2002 Dauphin County Senior EXPO Outstanding Senior Award. She has dedicated her life to the service of others and for this she must be both appreciated and congratulated.

Ms. Overdeer clearly demonstrates a spirit of unconditional giving through her many initiatives that have benefited our community. She is a sterling example of kindness and integrity. Throughout the years she has been affiliated with a number of charitable and selfless organizations. These include the Middletown Historical Restoration Commission where she has served on the board since 1980, the Middletown Historical Society, the Regent of SWATARA Pine-Ford Chapter of the Daughters of the American Revolution, the Middletown Senior Citizens Center, the Middletown Area Alumni Association, the Presbyterian Congregational Church where she has served as an ordained ruling elder, and the Middletown Borough Authority where she has been the secretary for the past thirteen years.

It is with great honor, Mr. Speaker, that I call on all Members to join me in congratulating and thanking Elner G. Overdeer. Her years of service to the community have benefitted many people in more ways than these mere words can express.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4931–S4989

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 2575–2578, and S. Res. 280.

Measures Reported:

Measures Passed:
- Global Poverty: Senate agreed to S. Res. 182, expressing the sense of the Senate that the United States must allocate significantly more resources to combat global poverty and that the President’s decision to establish the Millennium Challenge Account is a step in the right direction, after agreeing to a committee amendment in the nature of a substitute.

- Religious Intolerance in Europe: Senate agreed to S. Res. 253, reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe, after agreeing to a committee amendment in the nature of a substitute.

- U.S. Recognition of Republic of Croatia Anniversary: Senate agreed to S. Res. 263, congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States, after agreeing to a committee amendment in the nature of a substitute.

- Human Rights Violations in Tibet: Senate agreed to 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, after agreeing to a committee amendment in the nature of a substitute.

- National Hunger Awareness Day: Senate agreed to S. Res. 280, designating June 5, 2002, as “National Hunger Awareness Day” and authorizing that the Senate office of Senator Richard J. Durbin be used to collect donations of food from June 5, 2002, until June 14, 2002, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, DC metropolitan area.

Supplemental Appropriations Act: Senate continued consideration of H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto:

- Adopted:
  By 91 yeas to 4 nays (Vote No. 131), Byrd/Stevens Amendment No. 3557, to strike section 1004 of the bill, which would cap the amount of loan guarantees that would be available to the nation’s airlines for the duration of the current year.

- Pending:
  Reid Amendment No. 3570, to direct the Secretary of Agriculture to carry out a certain transfer of funds.

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, June 6, 2002.

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:15 a.m., on Wednesday, June 5, 2002, and that no point of order be waived by virtue of having adopted the text of the Senate companion, S. 2551.

Committee Referral: A unanimous-consent agreement was reached providing that S. 2546, Arming Pilots Against Terrorism Act, be discharged from the Armed Services Committee and then referred to the Committee on Commerce, Science and Transportation.

Messages From the President: Senate received the following message from the President of the United States:
Transmitting, pursuant to law, the Annual Report of the Commodity Credit Corporation for Fiscal Year 2000; to the Committee on Agriculture, Nutrition, and Forestry. (PM–88)

Nominations Received: Senate received the following nominations:

- Richard L. Baltimore III, of New York, to be Ambassador of the United States to the Sultanate of Oman.
- Martin George Brennan, of California, to be Ambassador to the Republic of Zambia.
- Vicki Huddleston, of Arizona, to be Ambassador to the Republic of Mali.
- Donald C. Johnson, of Texas, to be Ambassador to the Republic of Cape Verde.
- Jimmy Kolker, of Missouri, to be Ambassador to the Republic of Uganda.
- Gail Dennise Thomas Mathieu, of New Jersey, to be Ambassador to the Republic of Niger.

33 Army nominations in the rank of general. Routine lists in the Army, Marine Corps, Navy.

Measures Referred: Page S4965

Measures Read First Time: Page S4965

Executive Communications: Pages S4965–66

Petitions and Memorials: Pages S4966–67

Additional Cosponsors: Pages S4967–69

Statements on Introduced Bills/Resolutions:

- Additional Statements: Pages S4969–73
- Amendments Submitted: Pages S4961–65
- Notices of Hearings/Meetings: Page S4977
- Authority for Committees to Meet: Pages S4977–78
- Privilege of the Floor: Page S4978
- Record Votes: One record vote was taken today. (Total–131) Page S4942

Adjournment: Senate met at 10 a.m., and adjourned at 6:56 p.m., until 9:15 a.m., on Wednesday, June 5, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4983).

Committee Meetings

(Ccommittees not listed did not meet)

CANCER RESEARCH AND PREVENTION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held hearings to examine cancer research and prevention issues, focusing on service delivery programs, approaches, and technologies, receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services; Elmer E. Huerta, Washington Hospital Center Cancer Preventorium, Washington, D.C., on behalf of the One Voice Against Cancer; Ronald B. Herberman, University of Pittsburgh Cancer Institute, Pittsburgh, Pennsylvania, on behalf of the Academic Health Centers Clinical Research Forum; Susie Novis, International Myeloma Foundation, North Hollywood, California; Steve Case, AOL Time Warner, McLean, Virginia; and Michael Bruene, Des Moines, Iowa.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of Kyle E. McSlarrow, of Virginia, to be Deputy Secretary of Energy, after the nominee, who was introduced by Senators Warner and Allen, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported S. 1917, to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century, with an amendment in the nature of a substitute.

KENNEDY CENTER PLAZA PROJECT

Committee on Environment and Public Works: Committee concluded hearings to examine the proposed John F. Kennedy Center for the Performing Arts plaza project, focusing on planning, environmental work, and preliminary engineering of highway, pedestrian, vehicular, and bicycle access in order to improve access, mobility, and safety to and around the Center in the District of Columbia, after receiving testimony from Mary Peters, Administrator, Federal Highway Administration, Department of Transportation; Dan Tangherlini, District of Columbia Department of Transportation, and Michael Kaiser, John F. Kennedy Center for the Performing Arts, both of Washington, D.C.

SMALL BUSINESS AND RURAL ECONOMIC DEVELOPMENT

Committee on Finance: Committee held hearings to examine issues relating to present law and proposed legislation regarding Federal income taxation and economic development of small business and agriculture, including out-migration of people and businesses from rural areas, a proposed increase in the minimum wage, and the proposed repeal of the special occupational tax on alcohol, receiving testimony from Senators Dorgan and Hagel; Lawrence B.
Gibbs, Miller and Chevalier Chartered, former Commissioner, Internal Revenue Service, Department of the Treasury, and Patrick Von Bargen, National Commission on Entrepreneurship, both of Washington, D.C.; Stephen D. Visocan, Pop Inn, Helena, Montana; Peter K. Froelich, Dickinson State University Great Plains Population Symposium Project, Dickinson, North Dakota; Lynn Cornwell, Glasgow, Montana, on behalf of the National Cattlemen's Beef Association; Jeffrey D. Seidel, Parkway Munir Resources, Minneapolis, Minnesota; Jan I. Fox, Marshall University, Huntington, West Virginia; and Steven Dodd Hughes, Livingston, Montana.

Hearings recessed subject to call.

U.S. FOOD AID PROGRAMS
Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine the structure, scope, and effectiveness of U.S. food aid programs, including the role of surplus commodities, and the impact of changes under consideration, after receiving testimony from Representative McGovern; former Senator George McGovern; Loren Yager, Director, International Affairs and Trade, General Accounting Office; A. Ellen Terpstra, Administrator, Foreign Agricultural Service, Department of Agriculture; Roger Winter, Assistant Administrator, Bureau for Democracy, Conflict and Humanitarian Assistance, U.S. Agency for International Development; Ellen S. Levinson, Cadwalader, Wickersham and Taft, Washington, D.C., on behalf of the Coalition for Food Aid; and Jason Phillips, International Rescue Committee, New York, New York.

Hearings recessed subject to call.

SACRED SITES
Committee on Indian Affairs: Committee held oversight hearings to examine the protection of Native American sacred sites as they are affected by the undertakings and activities of certain Federal agencies, focusing on the military services of the Department of Defense, receiving testimony from George S. Dunlop, Deputy Assistant Secretary of the Army for Civil Works (Policy and Legislation); Philip W. Grone, Principal Assistant Deputy Under Secretary of Defense for Installations and Environment; Tex G. Hall, National Congress of American Indians, Washington, D.C.; Rachel A. Joseph, Lone Pine Paiute-Shoshone Tribe, Lone Pine, California; Pemina D. Yellow Bird, Ft. Berthold, North Dakota; Scott Jones, Lower Brule Sioux Tribal Council, Lower Brule, South Dakota; Jimmy Arterberry, Comanche Nation, Medicine Park, Oklahoma; Caleen Sisk-Franco and Mark Franco, Winnemem Wintu Tribe, Redding, California; Leonard A. Selestewa and Elliot Selestewa, Village of Lower Moencopi, and Gilbert Naseyomwa, all of Tuba City, Arizona; Colette Y. Machado, Kaho'olawe Island Reserve Commission, Wailuku, Hawaii; and Noa Emmett Aluli, Kaunakakai, Hawaii.

Hearings recessed subject to call.

House of Representatives

Chamber Action
Measures Introduced: 2 public bills, H.R. 4855–4862; and 1 resolution, H.J. Res. 434, were introduced.

Reports Filed: Reports were filed as follows:
H.R. 4664, to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, amended (H. Rept. 107–488);
H. Res. 432, providing for consideration of H.R. 4664, to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation (H. Rept. 107–489); and
H. Res. 433, waiving points of order against the conference report to accompany S. 1372, to reauthorize the Export-Import Bank of the United States (H. Rept. 107–490).

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaHood to act as Speaker pro tempore for today.

Private Calendar: Agreed to dispense with the call of the Private Calendar of June 4.

Committee on Transportation and Infrastructure: Read a letter from Chairman Young of Alaska wherein he transmitted copies of resolutions adopted by the committee on May 22 and transmitted to the Department of the Army—referred to the Committee on Appropriations.

Presidential Message: Read a message from the President wherein he transmitted the fiscal year 2000 report of the Commodity Credit Corporation—referred to the Committee on Agriculture.
Suspending: The House agreed to suspend the rules and pass the following measures:

Microenterprise Assistance Programs: H.R. 4073, amended, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts; Pages H3079–84

National Transportation Safety Board Reauthorization: H.R. 4466, amended, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005; Pages H3084–89

Holocaust Restitution Tax Fairness Act: H.R. 4823, to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime (agreed to by a yea-and-nay vote of 392 yeas to 1 nay, Roll No. 207); Pages H3089–92, H3099–H3100

Permanent Expansion of Adoption Credit and Assistance Programs: H.R. 4800, to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs (agreed to by a yea-and-nay vote of 391 yeas to 1 nay, Roll No. 208); Pages H3092–94, H3100

Brownfields Redevelopment Enhancement: H.R. 2941, amended, to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; and Pages H3095–99

Maritime Transportation Antiterrorism Act: H.R. 3983, amended, to ensure the security of maritime transportation in the United States against acts of terrorism. Subsequently the House passed S. 1214, a similar Senate-passed bill, after amending it to contain the text of H.R. 3983, as passed the House, and H.R. 3983, was then laid on the table. The House insisted on its amendment and asked for a conference with the Senate. Pages H3103–20

Appointed as conferees from the Committee on Transportation and Infrastructure for consideration of the Senate bill and the House amendment, and modifications committed to conference: Chairman Young of Alaska and Representatives Coble, LoBiondo, Oberstar, and Brown of Florida. From the Committee on Ways and Means, for consideration of sections 112 and 115 of the Senate bill, and section 108 of the House amendment, and modifications committed to conference: Chairman Thomas and Representatives Crane and Rangel. Page H3118

Recess: The House recessed at 3:43 p.m. and reconvened at 3:56 p.m. Page H3095

Recess: The House recessed at 4:05 p.m. and reconvened at 6 p.m. Page H3099

Public Health Security and Bioterrorism Response Act Enrollment Correction: The House agreed to S. Con. Res. 117, to correct technical errors in the enrollment of 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. Page H3101

Juvenile Diabetes Research Funding: The House agreed to H. Con. Res. 36, urging increased Federal funding for juvenile (Type 1) diabetes research. Agreed to the amendments to the text and preamble and agreed to amend the title so as to read: “A concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research.”. Pages H3101–03

Senate Messages: Messages received from the Senate appear on page H3075.

Referrals: S. 1983 was referred to the Committee on Government Reform and S. Con. Res. 109 was held at the desk. Page H3157

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H3099 and H3100. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 9:48 p.m.

Committee Meetings

21ST CENTURY—INSURANCE REGULATION AND COMPETITION


Hearings continue June 11.

DOD—TRANSFORMING FINANCIAL MANAGEMENT

Committee on Government Reform: Subcommittee on National Security, Veterans’ Affairs, and International Relations held a hearing on “Transforming Department of Defense Financial Management: A Strategy for Change.” Testimony was heard from the
following officials of the Department of Defense: Lawrence J. Lanzillotta, Principal Deputy Under Secretary (Comptroller), Deputy Under Secretary, Management Reform; and Joseph E. Schmitz, Inspector General; Gregory Katz, Financial Management and Assurance Team, GAO; and Stephen Friedman, Chairman, Department of Defense Financial Management Study Group.

HOMELAND SECURITY INFORMATION SHARING ACT


Prior to this action, the Subcommittee held a hearing on this legislation. Testimony was heard from Representatives Chambliss and Harman; and a public witness.

CONFERENCE REPORT—EXPORT-IMPORT REAUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany S. 1372, Export-Import Reauthorization Act of 2002, and against its consideration. Testimony was heard from Chairman Oxley.

INVESTING IN AMERICA’S FUTURE ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 4664, Investing in America’s Future Act. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill be considered as an original bill for the purpose of amendment. The rule provides that the bill shall be considered for amendment by section. The rule authorizes the Chairman of the Committee of the Whole to accord priority in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert and Representatives Smith of Michigan and Hall of Texas.

PERMANENT DEATH TAX REPEAL ACT

Committee on Rules: Testimony was heard from Chairman Thomas and Representatives Weldon of Florida and Pomeroy, but action was deferred on H.R. 2143, Permanent Death Tax Repeal Act of 2002.

Will continue tomorrow.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION

Joint Hearing: Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence met in closed session to consider events surrounding September 11, 2001.

Committees will meet again tomorrow.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 5, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine issues surrounding service academy superintendents, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold oversight hearings to examine Federal responses to lead based paint poisoning, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Steven Robert Blust, of Florida, to be a Federal Maritime Commissioner, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings on S. 1586, to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees; and S. 1746, to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities, 10 a.m., SD–406.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold open and closed hearings to examine Cuba’s pursuit of biological weapons, 10 a.m., SD–419.

Select Committee on Intelligence: to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407, Capitol.

House

Committee on Appropriations, Subcommittee on Defense, executive, on the Crusader, 1:30 p.m., H–140 Capitol.

Subcommittee on the District of Columbia, on Fiscal Year 2003 District of Columbia Budget, 1:30 p.m., 2362 Rayburn.

Committee on the Budget, hearing on International Perspectives on Common Fiscal Issues, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Select Education, to mark up H.R. 4854, Citizen Service Act of 2002, 10:45 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on
H.R. 4701, Sports Agent Responsibility and Trust Act, 10 a.m., 2322 Rayburn.

Subcommittee on Energy and Air Quality, hearing entitled “Clean Air Act Implementation: Experience of State and Local Regulators,” 2 p.m., 2123 Rayburn.


Committee on Government Reform, Subcommittee on the District of Columbia, hearing on “Oversight Hearing on the Performance of the Court of Appeals and the Superior Court of the District of Columbia,” 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on “Following the Danforth Report: Defining the Next Step on the Path to Peace in Sudan,” 10:15 a.m., 2172 Rayburn.


Subcommittee on Courts, the Internet and Intellectual Property, oversight hearing on “DRM: The Consumer Benefits of Today's Digital Rights Management Solutions,” 2 p.m., 2141 Rayburn.

Committee on Resources, hearing on the following bills: H.R. 3048, Russian River Land Act; H.R. 3148, to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans; and H.R. 4734, Alaska Federal Lands Management Demonstration Project Act, 11 a.m., 1334 Longworth.

Subcommittee on Water and Power, to mark up H.R. 4638, to reauthorize the Mni Wiconi Rural Water Supply Project; and to hold a hearing on the following bills: H.R. 2202, Lower Yellowstone Reclamation Projects Conveyance Act; and H.R. 3223, Jicarilla Apache Reservation Rural Water System Act, 2 p.m., 1334 Longworth.

Committee on Rules, to continue consideration of H.R. 2143, Permanent Death Tax Repeal Act of 2002, 2 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on U.S. General Services Administration's Fiscal Year 2003 Capital Investment and Leasing Program, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Future Imagery Architecture, 10 a.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407 Capitol.
Next Meeting of the SENATE
9:15 a.m., Wednesday, June 5

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:15 a.m.), Senate will continue consideration of H.R. 4775, Supplemental Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, June 5

House Chamber

Program for Wednesday: Official Photograph for the 107th House of Representatives;

Consideration of the conference report on S. 1372, Export-Import Bank Reauthorization Act (rule waiving points of order); and

Consideration of H.R. 4664, National Science Foundation Authorization Act (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Burton, Dan, Ind., E943
Gekas, George W., Pa., E944
Gordon, Bart, Tenn., E942
Inslee, Jay, Wash., E941
McGovern, James P., Mass., E941, E943
Maloney, Carolyn B., N.Y., E941, E942
Menendez, Robert, N.J., E942
Northup, Anne M., Ky., E944
Riley, Bob, Ala., E943
Shuster, Bill, Pa., E941, E943
Skelton, Ike, Mo., E942
Welsh, Dave, Fla., E943

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