The House met at 10 a.m. The Most Reverend Oscar H. Lipscomb, Archbishop of Mobile, Mobile, Alabama, offered the following prayer:

O God, our shield and defender, ancestor of days, pavilioned in the splendor of Your creation and girded with the praise of Your children, be with us now as we pray for this House and all parts of our government and Nation.

Our troubled times teach us that of ourselves peace and security rests uneasy and incomplete. Help us with the wisdom and strength sought by Your servant Solomon as he set out to govern the people You committed to his care.

Touch all our hearts and change them after the model offered us by Your Son: “As I have loved you, love one another.” Then may there be realized in our land the vision of the prophet Isaiah: “There shall be no harm or ruin on all my holy mountain; for the Earth shall be filled with the knowledge of the Lord, as water covers the sea.” Amen.

THE JOURNAL

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.
Mr. INSLEE of Washington; and Mr. Wt. of Oregon.

There was no objection.

RECOGNIZING EPILEPSY FOUNDATION OF SOUTH FLORIDA FOR DEDICATION TO PROMOTING COMMUNITY AWARENESS OF EPILEPSY

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

Mr. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the Epilepsy Foundation of South Florida for its dedication to promoting a community awareness of this disorder, and for its work to improve the lives of individuals afflicted with this terrible disease.

Epilepsy affects 2.3 million Americans, and over 180,000 individuals develop epilepsy each year. In my area alone, over 60,000 people suffer from this disease. The foundation, however, believes that epilepsy should not keep people from achieving a productive life. With this goal in mind, the foundation has raised funds to help provide medical evaluations, treatments, and employment training tailored to meet the needs of these individuals.

Mr. Speaker, I would like to commend the Epilepsy Foundation of South Florida for its use of innovative programs and services that improve the lives of so many in our community.

URGING STATE DEPARTMENT TO TAKE ACTION TO HELP BRING AMERICA’S ABDUCTED CHILDREN HOME

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

Mr. LAMPSON. Mr. Speaker, last week the Committee on Government Reform held a hearing on women and children who are being held in Saudi Arabia. It was an emotional hearing on a situation that unfortunately exists in countries all over the world, not just in the Middle East right now.

I have been telling the story of trying to help a father whose son is being held in Italy, one of our supposed closest friends. His son, Ludwig Koons, has been in Italy for 8 years and is being held in a pornographic compound by his abductor mother, and the Italian authorities and our State Department let it happen.

I applaud the gentleman from Indiana (Chairman Burton) for bringing this issue to light in his strong statement to his committee. For years I have been working with left-behind parents who are trying to get their children back to where they belong. For years I have witnessed a State Department that does nothing tangible to help.

We need a State Department that fights for U.S. citizens, not an idle information agency. This issue is one that none of us can afford to ignore. We need to be aware, and we need to put pressure on other countries that are not sending American children home.

American parents are asking for someone to take action and help them bring their children home. The State Department is not stepping up to the plate for Ludwig Koons or for anyone else. Bring our children home.

URGING IMMEDIATE ACTION ON INS REFORM

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

Mr. FOLEY. Mr. Speaker, House rules prohibit me from urging the other body to act on pending legislation, so let me just take a moment to tell of a very important piece of legislation that left this Chamber some time ago, and that was INS reform.

Our borders are vulnerable. We have been picking up absconders who have orders against them to be deported, and yet they are not sent out of the country. We have potential terrorists living in our country, and the INS is in a shambles. We have asked, through this body, that this agency reorganize.

Somewhere between here and the other end of the building, legislation awaits action. We demand action on that bill, and we urge action on that bill for whoever is listening to this conversation. This is a critical issue. It is critical for the safety and security of this country, and I cannot fathom why we wait and delay getting that important piece of legislation to the President's desk for signature.

CUTTING FUNDING FOR A GROWING AMTRAK IS WORST POSSIBLE RESPONSE

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

Mr. BLUMENAUER. Mr. Speaker, as we speak this morning, the administration is distributing a statement that will cut ground out from underneath the efforts of Amtrak to deal with its $200 million shortfall. They are ignoring the wishes of over 160 Members of this House who have joined with us, and a majority of the Senate, to support the bipartisan compromise that has been worked out by the gentleman from New York (Mr. QUINN) and the gentleman from Tennessee (Mr. CLEMENT).

We can long debate the merits of their destructive proposals to gut long range across the country to privatize the most profitable lines, and to abandon any semblance of a rail system in this country, but every Member should don any semblance of a rail system in this country, but every Member should...
worst possible message at the worst possible time. I hope this House will reject the proposals from the administration.

NATIONAL MONUMENT FAIRNESS ACT
(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 I rise to express my strong support for the passage of the National Monuments Fairness Act, which ensures the people’s rights to public land are protected. For too many years the executive branch has abused the Antiquities Act by proclaiming thousands upon thousands of square miles of land as national monuments. Such actions do not reflect the original intention of the Antiquities Act, which was aimed to protect small areas of land and specific items of historical importance which were in imminent danger of destruction.

The National Monuments Fairness Act will restore balance to the national monument designation process by requiring congressional approval and public input.

The people of America deserve input as to how their public lands are managed, and Nevadans can no longer afford to be left out of this process. Close to 90 percent of the State of Nevada is owned by the Federal Government. It is time to ensure the rights of the people to their land. I encourage my colleagues to support the National Monuments Fairness Act.

PRESCRIPTION DRUG BENEFIT
(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON of California. Mr. Speaker, as of now, Medicare does not cover the cost of prescription drugs. Approximately 10 million Medicare recipients nationwide lack any prescription drug coverage. I want Members to support the Democratic plan for strengthening Medicare. The Democratic plan uses the collective bargaining power of Medicare’s 40 million beneficiaries to guarantee lower drug prices, which would enable Congress to provide for enrollees by negotiating discounts. Drug prices will be reduced for everyone by stopping big drug company patent abuses.

Mr. Speaker, the plan the House adopts must lower the cost of drugs for all seniors. It must ensure senior coverage for all drugs their doctor prescribes. The plan should be an affordable and guaranteed Medicare drug benefit. It must not force seniors into HMOs or predatory private insurance. The Democratic proposal addresses each of these points.

Mr. Speaker, the Democratic plan guarantees choice on prescription drugs. I urge my colleagues to honor our seniors.

THE MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT OF 2002
(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise in support of the Medicare Modernization and Prescription Drug Act of 2002. This bill is important and overdue for our seniors.

An article in today’s Minneapolis Star Tribune says that prescription drug prices in Minnesota are among the Nation’s highest. For Minnesotans, and indeed for all Americans, we need to pass a prescription drug coverage bill now.

Yesterday Health and Human Services Secretary Tommy Thompson released a study showing that our plan would save seniors more money than our friends on the other side of the aisle’s proposal. Our plan would give seniors immediately a 30 percent discount off the top on their overall drug costs, and a traditional front-loaded insurance coverage. It would reduce the cost of prescriptions by half for the average senior.

But, in addition, we provide catastrophic coverage so that seniors do not have to deplete a lifetime of savings in order to be able to afford life-giving prescriptions, and we give 100 percent prescription drug coverage for low-income seniors, and give more Medicare and senior choices.

I urge my colleagues to support this bill.

PRESCRIPTION DRUGS
(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, the problem of the skyrocketing cost of prescription drugs is one that requires both a short-term and a long-term solution. It is clear that seniors need a permanent, universal, and voluntary Medicare-based prescription drug benefit that provides more savings and more choice.

My hope is that Congress will implement what I call a two-tiered approach to the problem, immediate relief through a prescription drug discount card, in addition to a long-term benefit through Medicare.

The House Committee on Ways and Means has already passed a bill that uses this approach. Through a generous Medicare benefit and the use of an interim drug discount card, Congress will begin to provide the savings that they need and deserve now and in the future. With the national Medicare-endorsed prescription drug card, seniors will be able to realize a savings between 10 and 20 percent, and once the more comprehensive Medicare benefit is fully implemented, seniors will be able to save 70 percent of their out-of-pocket costs.

America’s seniors deserve a long-term benefit. An interim measure would help keep the cost down.

MAJORITY LEADER EXCUSES CORPORATIONS WHO FLEE AMERICA TO AVOID PAYING TAXES
(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, many Americans wonder why this Congress has taken no effective action to stop another Enron debacle, and no effective action to prevent one multinational corporation after another from fleeing America in order to evade its taxes.

Yesterday, we received the explanation from all of its customary sensitivity, from the Republican majority leader, the gentleman from Texas (Mr. ARMLEY), who attacked those of us who have initiatives to stop these acts of disloyalty to America by saying, “This is akin to punishing a taxpayer for choosing to itemize instead of taking the standard deduction.”

Most Americans may own a few pairs of Bermuda shorts, but they cannot become “Bermudan” on April 15 and remain American the other days of the year. I urge the gentleman from Texas as a member of our American citizenship, I believe this Congress needs to speak and act firmly to prevent those who forget the maxim of
Thomas Paine, a great American patriot, who said, “Those who expect to reap the blessings of freedom must undergo the fatigues of supporting it.” Those who flee and abandon America, denouncing their American citizenship, are rejecting all our democracy represents.

THE FACTS ON AMERICA’S OIL RESERVES

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

Mr. BARTLETT of Maryland. Mr. Speaker, when one is going to make a decision and embark on a course of action, it is always nice to have the facts straight. This is especially important in our debate on energy.

Let us look at some of those facts. The United States uses about one-fourth of all the world’s oil use, about 20 million barrels a day. Now, we have only about 2 percent of the known reserves of oil in the world, but we are pumping that 2 percent pretty fast, because out of that, we are getting about 44 percent of all of our oil needs. That means we are importing about 56 percent of our oil, up from 34 percent at the Arab oil embargo, much of that from countries like Iraq.

Every year since 1970, with only a tiny blip from Prudhoe Bay, oil production in this country has gone down. How much remains in the world? About 1,000 gigabarrels remain in the world. Pretty simple arithmetic will show that at present use rates, that is about 40 years of oil in the world. We will find more, but we will also use more. What these facts mean is that those portions of our bill that deal with conservation, that deal with efficiency, that deal with alternatives and renewables are very important portions of the bill.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

(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, now that Republicans are back from their party with the pharmaceutical industry, we may be able to legislate prescription drug coverage that will be good for our seniors. Unfortunately, the plan being developed by the GOP is one more payback for their buddies in the drug industry and another ploy to privatize Medicare.

The reason Medicare was created was because the free market could not take care of seniors, their health care and health care of some disabled. To think that the private sector will step up and help them now is unrealistic.

In the Republicans’ sham proposal, the party will be over if anyone is counting on Congress to pass a real prescription drug benefit, because we need a benefit that can be relied upon. We do not need a benefit that serves only the drug industry and only the free market.

NEED FOR A COMPREHENSIVE ENERGY POLICY

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

Mr. SHUSTER. Mr. Speaker, I rise today to speak about the need for Congress to pass a comprehensive energy plan. Last August, with the support of President Bush, this body passed a responsible and balanced energy plan, a plan that frees us from the burden of dependence on foreign oil.

It is time for this Congress to decide whether we are going to choose to be proactive or reactive. Are we going to wait until we are faced with an oil crisis similar to that of the 1970s? Should we simply sit by, or should we act on a plan put forth and passed by this House more than 9 months ago?

H.R. 4 is a commonsense approach to our Nation’s energy crisis. It is a plan that balances the need for production with conservation, as well as measures to protect the environment. H.R. 4 strengthens our Nation’s energy infrastructure to ensure that energy gets to the consumer no matter what. Further, H.R. 4 also will use tax incentives to encourage energy production, research efficiency, and conservation.

All in all, H.R. 4 provides the energy for those who need it while at the same time making sure that it is cleaner, cheaper, and more dependable.

Mr. Speaker, August will be the 1-year anniversary of H.R. 4 by this body. It is time for us to stop sitting idly by and enact the President’s energy plan.

MEDICARE PRESCRIPTION DRUG BENEFIT

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

Ms. BERKLEY. Mr. Speaker, I rise today in support of a prescription drug benefit under Medicare. I represent the fastest-growing community in the United States, the fastest-growing senior citizen community. Every weekend I go home, and every weekend I hear story after story from my seniors who simply cannot afford the prescription medication that their doctors have prescribed.

For so many of these older Americans, Medicare is the only health insurance that they have. It does not make sense to deny them a benefit for prescription drugs. Prescription medication is the least expensive, most cost-effective way of dealing with illness. Seniors are demanding relief now, and we ought to give them one.

Older Americans need a Medicare prescription drug benefit that is comprehensive, guaranteed, and affordable. Every senior should have access, no matter where they live or what their income.

Let us pass a prescription drug benefit that will work for all the American people and ensure that our Nation’s seniors will have the medications they need to keep them healthy, active, and vital. In the long run, a prescription medication benefit will not only save the lives of millions of older Americans; it will save billions of taxpayers’ dollars.

TRIBUTE TO EVELENA THOMPSON

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

Mrs. MYRICK. Mr. Speaker, Ms. Evelena Thompson retires from the United States court system, probation office, in Charlotte, on June 30 of this year after 27 years of service.

She started with the U.S. probation office again in Charlotte, in 1975 as a clerk, and she rose to the position of supervising U.S. probation officer in 1991, a true success story.

After the tragic death of her son in 1992 by a drunk driver, she became very active in the organization Mothers Against Drunk Driving, and she received the 1994 Citizens Activist Award presented by the National Commission Against Drunk Driving.

A devout Christian, Ms. Thompson served with her late husband, himself a pastor, in the West Central Conference of the AME’s Zion Church.

Whether through her work as a U.S. probation officer or the many civic duties that she performed, Evelena has always exhibited those very treasured American characteristics of integrity, dedication, devotion, and perseverance.

AMERICAN CORPORATIONS MOVING HEADQUARTERS OVERSEAS TO AVOID PAYING TAXES

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

Mr. DeFAZIO. Mr. Speaker, yesterday, the gentleman from Texas (Mr. ARMEEY), defended the actions of corporations that moved their headquarters overseas to avoid taxes. He said it is just like families taking an itemized deduction. Well, I have got to say it is not exactly like that because Americans who take itemized deductions are paying taxes at a much higher rate than these corporations.

Citizenship has its privileges. It also has some obligations. In a time of crisis, for some of the largest and most profitable corporations in this country to be engaging in a tax dodge to avoid their obligations to our Nation, at the
same time shovelling more burden on
to working Americans, and then for the
majority leader of the Republican
Party to say, hey, this is fine, that is a
new low for the United States House of
Representatives.

More than one million tax paying
American families every April 15 are
obligated to pay, but the CEOs and
some of the largest corporations in this
country, they do not pay anymore.
Tyco International is one of the ones
who has moved down there, Enron, an-
other outraged citizen. He said it is
about competitiveness. It is not about
competitiveness. It is about corruption
and theft.

DEMOCRATS MISLEADING AMERI-
CANS ON DEBATE ON PRESCRIPT-
ION DRUG COVERAGE

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

Mr. FLETCHER. Mr. Speaker, the
Democrats are misleading the Amer-
ican public over the debate on prescrip-
tion drug coverage for our seniors, and
I am very disappointed to see our
friends on the other side of the aisle
once again employing the politics of
demagoguery and fear.

To illustrate to my Democratic
friends how our plan will help States,
in Kentucky, which has 615,000 Medi-
care beneficiaries, a half of those sen-
iors live at 175 percent below the pov-
terty level. In Kentucky, HHS estimates
that the State savings under our plan
would be $549 million in the fiscal years
2005 through 2012.

In a time when seniors and State
governments are experiencing financial
difficulties, our plan provides seniors
with an affordable benefit to Medicare
and immediate savings. States also
benefit by saving about $40 billion esti-
mated over the next several years.

Our plan is the only fiscally respon-
sible choice for both seniors and gov-
ernments and should be supported next
year.

Mr. KIRK. Mr. Speaker, when Medi-
care was founded in 1965, Republicans
and Democrats left drugs out of the
program; but today, Republicans and
Democrats agree we should update
Medicare by covering prescription
drugs. The difference is this:

An extravagant $1 trillion promise by
the minority party is a promise they
cannot afford to keep. They will break
their promise to America’s seniors be-
cause it is too expensive to maintain.

Seniors know there is a war on. Sen-
iors know Social Security is under fi-
nancial pressure. They want a plan to
cover drug costs for needy seniors, one
they can afford.

Very simply, because it is based on the
theory that we will throw the old folks
into the arms of the insurance compa-
nies who will then arm wrestle the
drug companies down in their prices.

If my colleagues believe that, they
must have been unaware of what went
on last night. The reason this bill is
going to pass is last night the bill was
paid: $30 million came in from the insu-
rance companies and the drug com-
panies through the Republican Party
fundraiser.

I am sure they must have sung at
least one chorus of an old song we used
to sing in the camp meetings in Illinois
when I was a young kid called, ‘‘Bring-
ing in the sheaves, bringing in the
sheaves, we shall come rejoicing bring-
ing in the sheaves.’’ But the people will
not benefit from this bill.

It is a bill that is designed to pri-
vatize Medicare with a little sweet-
ening wrapped around it called a drug
benefit. The old folks will be watching
and they are going to want us to vote
no on that bill.

ASSISTANCE NEEDED IN ANTHRAX
INVESTIGATION FROM COAL-
ITION PARTNERS

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

Mr. PENCE. Mr. Speaker, as much of
America continues to focus sadly on 9-
11, I rise to urge my colleagues and the
administration to focus on ‘‘five elev-
en,’’ five dead Americans, eleven in-
fected with the anthrax virus, dozens of
offices affected here on Capitol Hill, in-
cluding mine, that was closed for 4
months during decontamination.

As I learned earlier this week, de-
spite media accounts, Mr. Speaker, the
FBI investigation is ongoing and em-
ploying hundreds of investigators and
dozens of laboratories. Our domestic
investigation is moving forward; but it
seems, Mr. Speaker, that our investiga-
tion of an international connection is
being hampered by a lack of coopera-
tion by the supposed partners in our
coalition.

There are some nations who profess
with us who are not, Mr. Speaker, cooperating with this anthrax
investigation. I call on the administra-
tion to bring all diplomatic pressure
available to bear to insist on the as-
sertion of all of our coalition partners
to fully cooperate in the anthrax inves-
tigation. It is totally unacceptable to
profess a partnership in the war on ter-
rorism and not provide the information
necessary to investigate and protect our
citizens.

AMERICANS CAN COUNT ON
THE REPUBLICANS’ PRESCRIPT-
ION DRUG PLAN

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

Mr. KIRK. Mr. Speaker, when Medi-
care was founded in 1965, Republicans
and Democrats left drugs out of the
program; but today, Republicans and
Democrats agree we should update
Medicare by covering prescription
drugs. The difference is this:

An extravagant $1 trillion promise by
the minority party is a promise they
cannot afford to keep. They will break
their promise to America’s seniors be-
cause it is too expensive to maintain.

Seniors know there is a war on. Sen-
iors know Social Security is under fi-
nancial pressure. They want a plan to
cover drug costs for needy seniors, one
we can afford.

Our majority affordable program
promised is one that people can count
on. They cannot depend on a $1 trillion
program that will collapse from its
own costs. Count on the program we
can afford to keep. Count on the
Speaker’s prescription drug plan.
Mrs. NAPOLITANO. Mr. Speaker, we have long talked, over the years that I have been serving in Congress, about prescription drug plans and how we can effectively deal with the countless seniors who have not been covered over the years and who continue to call our offices and come to us for assistance.

Many of our seniors have been forced to choose between buying essential medications, paying for food, and I know some of them who have subsisted, when their money does not stretch far enough, by buying canned pet food and meals. They have to figure out how to buy their essentials: pay their rent and pay for the heat during the winter, or cool off during the hot summer weather months that we have. Women seniors, in particular, need prescription drug coverage. Over a quarter of them have no prescription drug coverage.

Our Democratic plan is voluntary. Seniors who would choose to participate would pay a $25 monthly premium, $100 annual deductible, and 20 percent of their prescription drugs, up to $25,000 a year.

We have talked about prescription drug benefits long enough. It is time to give seniors what they deserve, a comprehensive, reliable, affordable plan.

**MEANINGFUL SAVINGS FOR SENIORS UNDER HOUSE PRESCRIPTION DRUG PLAN**

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

Mr. BOOZMAN. Mr. Speaker, I rise today in support of a Medicare prescription drug benefit that provides immediate, meaningful savings for American seniors.

The Department of Health and Human Services released a study yesterday that stated the House Republican plan will give seniors a 60 percent to 85 percent savings per prescription and cut their out-of-pocket costs by as much as 70 percent.

This same HHS study confirmed that our plan creates a fiscally responsible benefit that results in immediate savings for American seniors. The study backs us up by pointing out that the Democrats plan does not help seniors with subsistence. Twelve million do not have prescription drug coverage.

Quality health care for seniors should not end when they turn 65. Our proposal would deliver 21st century prescription drug coverage by providing a voluntary, affordable prescription drug benefit as a permanent entitlement to Medicare beneficiaries.

I encourage my colleagues to support this proposal that will save seniors across the country money on their prescription drug bills.

**MAJORITY LEADER SPEAKS FROM THE HEART**

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

Ms. KAPTOR. Mr. Speaker, the best you can say about the comments made yesterday by the gentleman from Texas (Mr. ARMLEY), the House Republican leader, of U.S. companies fleeing to offshore locations in order to reap additional tax benefits, is that he spoke from his heart, and the heart of the Republican Party.

At the same time as his party was raising over $30 million up the street at the Washington Convention Center from groups like the pharmaceutical industry, Congressional Quarterly reported that, he defended the actions of corporations to move their headquarters abroad to reduce their tax burdens. With all his party is taking from the Social Security and Medicare Trust Funds, his remarks reveal the true heart of the Republican Party: Take our people’s money before everything, before Social Security and Medicare, before prescription drugs, before jobs in America.

So the best I can do is to thank the Republican leader for revealing the true heart of the Republican Party. It is the reason this Member is a Democrat.

**PRESCRIPTION DRUGS**

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

Ms. BROWN. Mr. Speaker, tomorrow, in my district in Orlando, President Bush will be visiting the Marks Community Center on Physical Fitness, and we thank him. I have a lot of seniors in my district, but besides physical fitness, they need the prescription drug benefit that was promised to them in the last election.

When I was home recently in Jacksonville, I had to go to the drugstore to pick up a prescription for my grandmother. I thought the copayment would be $15. It was $91. Our grandparents deserve better than that.

If the Republican leadership and Mr. Bush could take a break from their $30 million drug company fund-raisers and their tax cuts to the rich, maybe they would work on a compromise that will provide our seniors with the relief they need and that was promised to them in the last election. They need to get their priorities straight.

**SMALL AIRPORT SAFETY, SECURITY, AND AIR SERVICE IMPROVEMENT ACT OF 2002**

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 447**

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule X, VIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide special treatment for the construction of air traffic control towers. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. It shall be in order for the consideration of any purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendment to its final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COOK) recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customarily 30 minutes to my colleague and friend, the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 447 is an open rule, which provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Transportation and Infrastructure on H.R. 1979, the Small Airport Safety, Security, and Air Service Improvement Act of 2002.

The rule provides that it shall be in order to consider for the purpose of amendment the amendment in the nature of a substitute now printed in the bill. The rule waives all points of order against consideration of the committee amendment in the nature of a substitute and provides that it shall be open for amendment by section.

Any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House. However, the rule allows the Chairman of the Committee of the
Mr. MCGOVERN. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is a fair rule, providing for an hour of debate on H.R. 1979, Securing Small Airports Safety, Security, and Air Service Improvement Act. This is an open rule, allowing for any germane amendment to be offered, and I support this rule and commend the majority for reporting this fair rule.

Prior to being selected on the Committee on Rules, I had the honor of serving as a member of the Committee on Transportation and Infrastructure. My experiences, first with Mr. SHERWOOD and then with the gentleman from Alaska (Mr. YOUNG), were positive and almost always bipartisan. I have the utmost respect for both the former and current chairmen, and I cannot recall a time when the committee did not work together to resolve partisan differences.

Mr. Speaker, this should be a very good bill. As the distinguished ranking member of the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), said to the Committee on Rules the other day, this bill could have been considered under suspension, except for one provision. That provision is nothing less than an unfair handout to a handful of airports scattered across this country.

The bill would allow small airports to use up to $1.1 million of Airport Improvement Program funds to build or equip an air traffic control tower to be operated under the FAA’s Contact Tower Program. This is not controversial. In fact, if this were the sole scope of the bill, it would have unanimously passed the Committee on Transportation and Infrastructure, and it probably would unanimously pass the House today.

Unfortunately, the bill also contains a provision that takes approximately $30 million of AIP funds to enhance airport security and, instead, uses these funds to reimburse airports for air traffic control towers previously built.

These towers were constructed under an express agreement that the Federal Government would pay the cost of staff and maintenance. In addition, regional service in our rural areas will be enhanced, providing significant savings to the FAA in air traffic costs and increasing economic productivity in smaller communities nationwide.

Mr. Speaker, this is a good bill, and it deserves our support. There is no additional cost to the government, since it simply gives our airports and the FAA another authorized use for AIP grant money. I urge all my colleagues to support this straightforward, non-controversial rule as well as the underlying legislation.

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

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR), the chairman, the gentleman from Connecticut (Mr. WICKER), as well as all the members of the committee for their hard work and steadfast efforts on behalf of our Nation’s transportation infrastructure needs.

Mr. Speaker, it is a well-known fact that safety is enhanced when air traffic controllers guide a plane through the skies and onto a runway. Yet many of our Nation’s smaller airports do not have their own control towers, leaving pilots on their own to see out and avoid air traffic and land on the ground safely.

The FAA has been tasked with the role of building air traffic control towers in our Nation’s larger airports, but the cost of their construction budgets are not large enough to pay for the needed towers at the smaller airports, even though many of these airports have commercial passenger service or very active general aviation business.

This legislation seeks to address this problem by changing existing law to allow small airports to use their Airport Improvement Program, or AIP, grant money to build traffic control towers and to equip these towers. It is important to note that this added safety step is purely voluntary, and the legislation provides each small airport with the flexibility to meet their most pressing individual safety needs.

As we look at this extremely challenging time, there are a lot of small airports that have been unable to take advantage of the AIP funding, and this legislation will provide that opportunity for utilization of those very important funds.

Mr. Speaker, this is a fair rule, providing for an hour of debate on H.R. 1979, Securing Small Airports Safety, Security, and Air Service Improvement Act. This is an open rule, allowing for any germane amendment to be offered, and I support this rule and commend the majority for reporting this fair rule.

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

Mr. McGOVERN. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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Mr. Speaker, I reserve the balance of my time.
Mr. Speaker, I would like to first off-
rise in support of the Oberstar amend-
ment, which I think is a very wise legis-
lative proposal to protect these dol-
ars against being used retroactively; and
after an agreement has been reached. A deal
should be a deal. I also, though, want to
express my concerns about the air-
port improvement program, the way it is
run by the FAA and how it impacts on
local communities. There is a com-

munity airport in my district in Mont-
gomery County, Pennsylvania, called
Wings Field. It has been there for
many, many years; and it is a commu-
nity asset. As a county commissioner,
when the private owners wanted to sell
it, I cooperated with my colleagues to
try to create a county authority to buy
it so that we could keep it as a commu-
nity asset and as a valuable transpor-
tation program, an asset in our subur-
bancounty outside of Philadelphia.

The community was concerned about
that, did not want it to go into public
hands, and that authority was dis-
banded.

The pilots that were using Wings Field
then bought the field themselves and
have undertaken some improve-
ment programs which I think were
meritorious. Specifically, they applied
for an airport improvement program
grant and received it for about $3 mil-
lion to extend the runway, which I be-
lieve made the airport safer. It was
controversial in the community, but I
think it was the right thing to do.

The problem was that there was no
public discussion, that the owners, the
new pilot group owning the airport, ap-
piled to the FAA quietly without in-
volving the local township supervisors
who had been deeply involved in zoning
matters and such affecting this airport.

They did not tell the county commis-
sioners, the current board deeply in-
volved in the affairs of this airport, and
did not tell the township supervisors
myself, from the community; and I
have also been deeply involved in pro-
moting this airport. I am a friend of
Wings Field, but it has transpired that
this grant was approved without notice
in a way that generated great public
outcry.

Pennsylvania is a block grant State
when it comes to aviation dollars, and
we all thought and had been told that
any Federal money coming to Pennsyl-
vania would have to be approved by the

grant program. There would be trans-
parency, and people would understand
when money was being applied for and
when money was being appropriated, and
there would be notice. These air-
port programs might still be controver-
sial, but there should be notice and un-
derstanding. That did not happen. The
ownership group applied directly to the
FAA and got $3.5 million to extend the
runway. The merits of that runway are
very real, but the process is terrible.

Mr. Speaker, I hope that the com-
mittee will, next year, when I under-
stand from the ranking member of the
committee, the gentleman from Min-
nesota (Mr. OBERSTAR), that his com-
mittee will be dealing with FAA re-
newal and reauthorization, that the
committee will look at how the FAA
deals with the airport improvement
program.

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

Mr. HOEFFEL. I yield to the gen-
tleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I
thank the gentleman for raising this
issue.

In general it is a standing principle
that any AIP funds, any project that is
AIP funded, must conform to the Fed-
eral rules and regulations, which in-
clude the public-hearing process.

Since this is a block grant program,
I think we would have to review the
conditions under which Pennsylvania
manages that program and may want
to amend the requirements in next
year’s reauthorization of FAA pro-
grants to ensure that States in their
block grant programs comply with the
public notification issue that the gen-
tleman has raised here. I fully sym-
pathize with the gentleman’s position.

Ms. PRYCE of Ohio. Mr. Speaker, I
yield such time as he may consume to
the gentleman from Mississippi (Mr.
WICKER), the sponsor and author of

Mr. WICKER. Mr. Speaker, I thank
the gentlewoman for yielding me this
time and for her fine statement on be-
half of the rule and the legislation.

Mr. Speaker, I am pleased to have
the opportunity to speak on behalf of
this bill. I appreciate the gentleman
from Alaska (Mr. YOUNG) and the gen-
tleman from Florida (Mr. MICA) for
moving this bill through their com-
mittee so it could be brought to the
door today, and appreciate the hard
work of the gentleman from California
(Mr. DREIER) and the Committee on
Rules for providing the House with a
fair and open rule.

I introduced H.R. 1979 a year ago
after listening to the people who run
small regional airports in my home
State of Mississippi. A common con-
cern of the airport managers is that
their airports lack the necessary facili-
ties and equipment to guide commer-
cial and general aviation safely. But
this is not just a worry in small-town
Mississippi. It is commonplace through-
out America. Smaller airports depend
on Federal money provided through
the airport improvement pro-
grant, AIP, for capital improvements.

However, the program that is de-
signed to improve the safety and ef-
ciency of our national aviation system
does not allow airports to use AIP
money to construct and equip control
towers, and that is what this bill is
about today. The bill before us today
corrects this situation by giving our
airports the option to use their AIP
funds to construct or equip contract
towers. If more airports are able to use
the most up-to-date safety equipment,
accidents will be prevented and lives will be
saved. Air traffic controllers will be able to verify the
position of planes all over America, not just around the airports at larger cit-
ies.

Unfortunately, there are many ex-
amples of the type of accident we are try-
ing to prevent today. On February 8,
2000, over Zion, Illinois, two planes col-
lided, crashing into a residential area.
A total of seven passengers were killed. De-
bris from the accident fell on residen-
tial streets and the Midwestern Re-
gional Medical Center where the win-
dows were blown out and two hospitals
workers were burned. At the time of
the accident, the controllers at the
Waukegan Airport directed traffic
based only on the pilots’ reports of
their locations. A student pilot re-
ported on her position inaccurately,
and the controllers had no way to con-
firm the pilots’ positions.

At this accident, the National Transpor-
tation Safety Board issued a report on
April 27, 2001, stating, “Preliminary findings
indicate if the Waukegan tower had been
equipped with a terminal radar display at the time of the incident, the
controller could have confirmed the pi-
lots’ position reports and established a
more effective sequencing plan, there-
by preventing the accident.”

However, the equipment the National
Transportation Safety Board said the
controller needed is very expensive. It is
just the type of safety precautionary
equipment for which the AIP program
should be utilized. This legislation will
make that possible.

Since this and other accidents, many
airports have found room in tight
budgets to equip their control towers
with terminal radar displays. But this
is not an option for airports which do

not even have a tower yet.

On June 23, 2000, a half miles from the Boca Raton, Florida, airport,
a Learjet collided with a stunt plane,
killing four people. Wreckage of the
planes fell on a heavily populated golf
course and community. At the time of
the accident, neither pilot was talking
to controllers to verify their respective
positions because the airport did not
have a tower to house an air traffic
controller.

While the most important goal of
this legislation is to improve safety in
our skies, there are ancillary benefits.

Building and equipping more control
towers will provide relief for our con-
gested air traffic system as more re-
liever airports are created, and rural
communities will be more attractive
for economic development prospects as
air travel opportunities increase.

This commonsense legislation does
not direct more money to any par-
cular airport. All the bill does is give
airports more options to use funds
which they are already going to receive
from the Federal Government.

I expect a good portion of the debate
today will be about an amendment
which I expect the gentleman from Minnesota (Mr. OBERSTAR) to offer. It is my understanding the ranking member of the full committee plans to offer an amendment which would strike a portion of the bill concerning possible reimbursement for airports which have built air traffic control towers or have been reimbursed for that purpose since October 1996. I urge my colleagues to defeat this amendment.

The purpose of this section in the bill is to provide support to airports that depleted their reserves or increased their debt service to provide an optimum level of safety and security at their airports. During a time when regional airports are struggling, removing debt or replenishing reserves would allow airports to complete projects that are not AIP eligible or to comply with unfunded Federal security mandates, thereby further enhancing security and safety at airports. This is a budget-neutral position which will not direct any money to any airports. All this provision does is give airports the ability to reimburse a portion of their expenses with a cap of $1.1 million. Of the only 21 airports which will be eligible for reimbursement, most will not even be able to reach the $1.1 million cap since many of the airports utilize funding streams which are not eligible for reimbursement.

During the debate, the ranking member may argue that the reimbursement provision of this legislation will negatively affect the safety of the national airport system. I believe nothing could be further from the truth. Mr. Speaker. The 21 airports that have built towers have been proactive in providing the same level of safety at their regional airports as the large hub airports provide, and in the process have enhanced security of the national airport system.

I believe these airports should be rewarded for their proactive consideration. I urge my colleagues to vote against the Oberstar amendment which would strip this valuable portion of the legislation.

In closing, I look forward to the debate. Once again, I thank the Rules Committee for a fair rule. I look forward to the enactment of this legislation, which will increase safety for all Americans. I urge a vote in favor of the rule and in favor of H.R. 1979.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. I listened with great interest to the remarks of the chairman of the Committee on Rules and the remarks of the gentleman from Mississippi. Were it not for the reimbursement provision in this bill we would be on the Union Calendar. We would have disposed of it on the suspension calendar. We could have even brought it on unanimous consent. But because of an egregious provision that the Law and Order Caucus, ordinarily on the other side of the aisle, would not support, we have to take this up in the current procedure, and, that is, the reimbursement provision. I want to be absolutely frank to the gentleman who comes up to your front door, paints the door and says, Look what a great job I did. It was in such bad shape. It was a terrible-looking front door. Now it looks wonderful. Pay me. There was no contract. There was no agreement. Every one of the 20 or 21 airports that will be windfall beneficiaries of this provision in the bill knew what they were getting into, I say to the gentleman.

We discussed this when the gentleman first proposed this before he even introduced his bill a year ago. I am for the purposes of your legislation except for the reimbursement. They signed a contract with the FAA. They knew what they were getting into. They agreed to build a tower in order for the FAA to operate that tower. It is not right to come back and say, Oh, gosh, why don’t you reimburse us for being good guys and building this tower even though we knew it was our obligation? Even though we knew we had to pay for it.

What this amendment is going to allow is these airports to reach out into the future, into the entitlement that we provided for small airports in 1996. I agreed to that. If it, to give small airports an entitlement. Over many years we have expanded the funding available for small airports going back to the passenger facility charge of 1990 where large airports had to yield half of their entitlement funds, 50 cents, their entitlement for every dollar of PFC that then went into a small airport development fund, to increase the amount of money going out to upgrade airports at the end of the system of aviation. That amounted to an $800 million set-aside for small airports every year from 1990 forward.

In addition to that, I said, Fine. We ought to have an entitlement now for small airports because some of them are not getting that money. That is $150,000 a year. Those airports, at $1.1 million average, will soak up 7 future years of their entitlement money. Then what is going to happen, those airports are going to come to the House Mem- bers of Congress and say, Goodness, we’ve run out of money. Can you help us get more funds? Are we supposed to then bail them out twice?

They agreed to this provision. The basic bill is prospective. It says, in the future we will fund these kinds of projects on a request basis. But we should not go back in time and pay for something that an airport agreed to do on their own. The airport program has limited dollars, limited funding. It is a confined, targeted program. The Federal Government, State and local each has to do their part. The part of the small airports and the airport authority was to get an agreement. If they could not agree, if they could not meet the benefit-cost standard, then they had to go and build the tower themselves and the FAA comes in and operates that tower. They are not shouldering the whole responsibility themselves. The Federal Government, the FAA, is paying for the operation of that tower and the air traffic controllers.

Absent the reimbursement provision, which is simply a windfall benefit, under the rest of the good, is needed, will serve security and safety enhancement and capacity needs in the future. But we ought to defeat that provision of the bill. Under any other circumstance, I cannot imagine any other Member of this body supporting something like that. We do not do it in the Corps of Engineers, we do not do it in the Federal highway program, and we ought not to be doing it in the small airport program.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield each time as he may consume to the gentleman from Florida (Mr. MICA), my distinguished colleague and classmate and the chairman of the Committee on Rules, and the gentlewoman from Ohio (Ms. PRYCE), my classmate. We were elected together. We served at times under a regime when rules were not open, when you did not even get an opportunity to present in a fair manner your opposition. I commend both the gentleman from California and the gentlewoman from Ohio for their operation of a Rules Committee that gives everybody a fair opportunity to be heard.

As we have heard the ranking member of the Committee on Transportation and Infrastructure, the distinguished gentleman from Minnesota (Mr. OBERSTAR), say, this is a fairly noncontroversial measure. It is an important measure because it addresses safety at our small airports. We heard the sponsor of the legislation, the gentleman from Mississippi (Mr. BOND), cite instances in which unfortunately many of our aviation accidents are at small airports that do not have one of the most important features, which is an air traffic control tower, in their facilities. It is an important issue, and it would be noncontroversial except for one or two amendments. The most difficult of those amendments, which has again been given an opportunity to be heard here on the floor in open fairness and debate, is the Oberstar amendment.

But let me speak just a moment about the legislation. The legislation was crafted in a very fair and reasonable fashion, I believe, and that is to
provide assistance to these small airports to put in part of their facility. Runways may be important and safety lights may be important and other infrastructure improvements at our small aviation and general aviation facilities is important; of it is capped for smaller airports, some of it is based on passenger revenue for other commercial facilities, but that is money that really is an entitlement to these local airports to use in an optional manner. This is an option in the manner in which they think is best and best serves safety purposes. Certainly nothing can be a bigger safety measure than an air traffic control tower. That, we all agree upon.

The issue that is in debate is whether those small communities who have dipped into their own pocket and taken the initiative to make a major safety improvement and expend their own funds can make a determination as to whether they want to use their future funds which are entitled to the way, for reimbursement. What could be a fairer presentation? And not to cut off these communities who have taken an initiative, who have looked out for the most important interest, and that is the safety of the pilots and the aircraft and passengers coming into these smaller airports. Nothing can be a better utilization of funds. Why should we as Congress, why should we in Washington tell these communities what they can do with their funds when they already have the option of spending them in any manner in which they make the improvement?

The Members that may be listening, Mr. Speaker, from Arizona, from California, from Colorado, from Florida, from Georgia, from Idaho, from Illinois, from Indiana, from Kansas, from Louisiana, also from Minnesota, from Mississippi, from Missouri, from New Hampshire, from Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Wisconsin and other States will be entitled to use their funds for this. Why should we penalize those from the States of Texas, Kansas, Arkansas, North Carolina, Maryland, Ohio, Wyoming, Connecticut, North Carolina, Ohio, Georgia, Oklahoma and others who have taken the initiative? This is a fairness issue. This is not an egregious misuse, as we have heard it termed, of funds. It is a fairness issue to all the Members and local communities and to safety improvements in these small airports across our Nation.

The rule is fair. It could not be a fairer rule, to take time to debate this issue of what we are agreeing. We agree on the larger part. I have worked with the gentleman from Minnesota (Mr. Oberstar). He is one of the champions in the House of safety and the transportation improvements, infrastructure improvements across the Nation. The gentleman from Illinois (Mr. Lipinski), the ranking member, he does an excellent job working together. We disagree on this one issue. I view this as a fairness issue. I view this as a Washington knows best, knows all and will-tell-you-exactly-how-to-do-it issue, and that is not fair.

Let us be fair. I think we need to oppose the Oberstar amendment. We need to first pass this rule which again allows for debate. Again I recommend the Rules Committee on that. I ask first that we pass the rule and then that we oppose the Oberstar amendment and that we allow again local governments to do what they know is best and that is make those safety improvements and not be penalized for having made good decisions in the past.

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

I just want to respond to something that the gentleman from Florida said. He praised the Rules Committee for the new openness and condemned past rules that have been more restrictive. I just want to say to the gentleman that wait until the next rule that is coming up on the Trade Adjustment Act. It is probably one of the most restrictive, antidemocratic rules that I think I have ever seen in my life. It is so restrictive and so strange, in fact, that the distinguished chairman of our committee, from California, last night said that what the committee was doing was unprecedented.

I hope that given the fact that the gentleman has expressed his support for open and more democratic rules, that he will be on the floor fighting the defeat of that rule when it comes up later today.

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

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

Mr. Mica. I appreciate what the gentleman said. Possibly he views this rule in a different light. The gentleman from Ohio (Ms. Pryce) and I were here in an earlier era and we saw much more oppressive operations of the Rules Committee.

Mr. McGovern. I reclaim my time. You ain’t seen nothing yet until you have seen the rule that is going to come up this afternoon, believe me.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Ms. Eddie Bernice Johnson), a member of the Committee on Transportation and Infrastructure.

Ms. Eddie Bernice Johnson of Texas. Mr. Speaker, I rise in favor of this rule. It is a breath of fresh air that we are getting this kind of fair and open process that is so important to our American majority. But I also rise to support the amendment to be offered by the gentleman from Minnesota (Mr. Oberstar), the ranking member, which seeks to prevent the diversion of funds from the Airport Improvement Program.

Like the ranking member, I am not opposed to the underlying provisions of the bill which seek to expand the eligibility of the AIP program to include future construction of contract towers. I am, however, opposed to allowing airports to be reimbursed for work that has already been completed by airport improvement entitlements that are due for reimbursement.

As a matter of equity, the 26 airports that would be eligible for reimbursement had no reasonable expectations that Federal funds would cover construction of their contract towers. If we now allow these airports to recover their costs under this AIP program, it sends the message to other airports that any contract fairly entered into with the FAA can be overturned when they get ready, if they can muster the support in Congress. So it is a matter of principle. I also understand that the 26 airports that are eligible to be reimbursed have an estimated $232 million in safety, security and capacity needs. If future airport improvement entitlements are diverted to work on contract towers that have already been completed, these 26 airports could face a major funding shortfall in the future.

Essentially what this amendment seeks to do is prohibit these 26 airports from double-dipping from their short-sighted attempts to mortgage their future. I ask my colleagues to support the Oberstar amendment and to oppose final passage if the Oberstar amendment is not adopted.

Ms. Pryce of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the distinguished gentleman from Montana (Mr. Rehberg) a freshman Member of this body and a great addition, as well as a member of the Subcommittee on Aviation.

Mr. Rehberg. Mr. Speaker, I thank my colleague very much for yielding me time.

Mr. Speaker, I want to stand today in favor of the rule, I think it is a fair rule, but definitely in opposition to the Oberstar amendment.

Let me lay out a scenario for you. I do not know about the other 25 airports that we are under consideration. I can tell you about one in the State of Montana. Over the course of the years, and we can debate whether it is because of mismanagement of our forests or whatever you want, we have more forest fires than we ever had before. Starting in 2000, we have had practically a forest fire every single year, and, in fact, in the year 2000, we got up to 1 million acres of Montana burned. This last year the Glacier Park was on fire.

We have an airport called the Glacier International Airport near Glacier Park, it is in Kalispell, Montana, that has 100 airplanes that fly every day. We are not talking about small planes, we
are talking about large planes, because it is a destination point.

Unfortunately, during the fire season that increases to 200 a day. And what are the other 100? They are bombers, they are tankers, they are helicopters. Now, we are going up in the air, and you are a traveler in the middle of all of this. And do you know what happened? They did not have a tower. The Federal Government would not help them build a tower.

So this last year, finally, after all these years of fires, this small community came to the conclusion, for the safety of the air traveler and because the Federal Government was not helping them, they would go ahead and tax themselves to build a tower. So this community, after having built this control tower previously, did, in fact, save the money.

It is only fair that we recognize the construction costs of the safety aspect of this small community, because it is something that the Federal Government did not do and they did for themselves.

If we do not pass the Oberstar amendment, that means that these airports will not be able to make any security improvements, which they need to bring their safety aspects of fighting those fires.

It is only fair that we recognize the construction costs of the safety aspect of this small community, because it is something that the Federal Government did not do and they did for themselves.

Now, what were they using for a tower before? Every time these fires started, the Forest Service and the FAA would bring in a trailer, and the FAA would charge the Forest Service for this construction. This community only made the decision to increase their own safety aspects, but they also saved the Federal Government the charges of having to bring that trailer in every year, displace workers, try and deal with the safety aspects of fighting those fires.

If we do not pass the Oberstar amendment, that means that these airports will not be able to make any security improvements, which they need to bring their safety aspects of fighting those fires.

So, to me, the most reasonable, practical, fair thing to do is pass the Oberstar amendment.

Mr. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Kansas (Mr. MORGAN), another member of the Subcommittee on Aviation.

Mr. MORGAN of Kansas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am happy to rise in support of this legislation and of the rule. It is unusual for those of us who are Members of the Committee on Transportation and Infrastructure to be here today in controversy. We almost always resolve our differences before we reach the House floor, and in this case we were unable to do so.

Unlike the gentleman from Illinois, I find that only 99 percent, but 100 percent of this legislation, and in particular I would like to highlight the importance of the contract tower program to places across the country, especially places in rural America where contract tower services provide the only air traffic control that our passengers or airlines have.

An example is the community in my district, Garden City, Kansas, population approximately 30,000 people. It has commercial service a trail from Garden City to Kansas City, a round trip, a 2 hour flight to Denver, and a general aviation component that is significant as well. They are a contract tower city, which means that the Federal Government does not have to pay for all of its tower services, and that community made a decision, prior to passage of AIR-21, in support of a contract tower. The tower is built.

All this bill does, in addition to support for the contract tower, is allow places like Garden City, Kansas, to utilize money that they would receive anyway. They are an entitlement airport, will receive approximately $1 million of AIP funding, entitlement funding, and they have the option, if they choose, unless the gentleman’s amendment passes, they have the option, the flexibility to decide our highest priority is to pay for the contract tower previously built.

It has $1 million coming to Garden City’s airport regardless, and this legislation that allows them to be reimbursed does not detract from any other airport in the country. It does not take any money from the airport in any other community. It simply allows the community of Garden City or any other community that has built a contract tower prior to the passage of AIR-21 to use money they are going to receive anyway for purposes of reimbursing the city for that contract tower construction.

It is an issue that allows local units of government, our local airports, the flexibility to decide where their priorities are, and does not take money away from any other community. I do not know whether my community would choose that or not, but I believe in that flexibility.

Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, just in response to the previous speaker, we are talking about $150,000 a year would be the allocation. The towers cost over $250,000 a year. So you basically talking about 8 to 10 years of the allocation that will be diverted from safety, security and other issues for a retroactive, unanticipated reimbursement for an unqualified project.

Now, we could do this pretty broadly. There is a whole lot of things airports have done out there that were not qualified that were expensive projects. My city of Eugene is still paying for their terminal expansion. Maybe we could do this pretty broadly, but I do not know whether my community would choose that or not.
Mr. McGOVERN. Mr. Speaker, I reserve the balance of my time.

Ms. FYRCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentlewoman from Arkansas (Mr. BOOZMAN), a member of the Subcommittee on Aviation.

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

Mr. Speaker, I would like to commend the gentleman from Mississippi (Mr. RIKI) for introducing H.R. 1979 for which I am a proud cosponsor. The Small Airport Safety, Security and Air Service Improvement Act would change the law to allow small airports to not only use their AIP money to build a new or replacement FAA contract tower, but also to use AIP funds to equip their tower facilities.

This legislation is very important to my rural Third District of Arkansas. Currently I have three contract towers in my district located at the Fayetteville, Springdale and Northwest Arkansas Regional Airports. In addition, a fourth airport in my hometown of Rogers, Arkansas, has recently begun construction on their tower. What is amazing is all of these airports are within a 30-mile radius of each other.

We have been blessed with a booming economy in this part of the State, and therefore, we have a large volume of business travelers. Rogers, Arkansas, is the second busiest airport in the State in terms of flight Operations, and Northwest Arkansas Regional Airport is the second busiest airport in the State in terms of passengers. With four very busy airports all within a very close proximity, we have extremely crowded airspace. Most of the flights coming into my airports originate from large hubs. The planes are passed from FAA towers to airports that generally do not even have radar screens.

Mr. Speaker, H.R. 1979 would allow the airports of the third district of Arkansas who operate under a visual flight rule to use their AIP funds to acquire the terminal radar displays which they so desperately need to monitor the busy airspace. I fly home almost every weekend, and each time I am thankful that my airports had the vision and foresight to build contract towers. They have increased air safety exponentially with the addition of the towers.

I fully support H.R. 1979, which would give local authorities the ability to use their AIP money for contract towers, renovation, and equipping of their contract tower.

Allowing airports to use their AIP money for contract towers promotes local control and advocates safety. Who knows the needs of our airports better than the airport managers. I hope all rural districts can benefit from the contract towers as my district has.

Mr. McGOVERN. Mr. Speaker, if I have enough time, I will respect the gentleman's request; but let me finish, because I am on a very good roll here.

Mr. Speaker, the gentleman is; I can see that. That is why I wanted to talk with the gentleman.

Mr. MICA. Mr. Speaker, we also heard from the other side “unqualified project.” I wrote it down and I put quotes around this, “to fund and pay for an unqualified project.”

Now, if anyone knows of any air traffic control tower that has been built, again, we heard the other side say that they are built with FAA approval, if anyone knows of any air traffic tower, I want them to come forward and present it before the House at this time, because it is my understanding, and again the other side has said that these are FAA-approved towers, and they would have to be FAA-approved towers to be built for air traffic control purposes, but they were termed as “unqualified projects.” I think that is unfair, because a local community has produced a qualified project, taken a local initiative, and then they want to decide what to do with their money in the future. If it is to pay off the wise decision that they made in the past, we will not, as we are in Washington stand in their way.

Then, one other issue that was brought up here about the use of AIP funds from the distinguished ranking member on the subcommittee, and he said, this could harm the use of AIP funds for security improvements. Well, I say to my colleagues, we are in very bad shape if we use all of our AIP funds when Washington dictates for security improvements and require local governments to make those improvements in these local communities.

Mr. Speaker, may I inquire as to the amount of time remaining on this side, Mr. Speaker?

Mr. McGOVERN. The time of the gentlewoman from Ohio (Ms. FYRCE) has expired.

Mr. MICA. Mr. Speaker, I have much more, and I am sorry I did not get to yield to the gentleman.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. OBERSTAR) so that he can engage in and continue the discussion.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the distinguished chairman if he believes in the sanctity of contracts. When one signs an agreement, when one signs a contract, does one live up to it?

Mr. MICA. Yes. Yes. Mr. OBERSTAR. Yes. And I think that happened here, as the gentleman full well knows.

Mr. MICA. Mr. Speaker, if the gentleman will yield, this is a question of paying for the contract.

Mr. OBERSTAR. Mr. Speaker, let us throw out all of the other extraneous matters. These airport authorities signed an agreement with the FAA. This is not about Federal dollars, local dollars, who is in charge or whatever. They signed an agreement that said they will build the tower; the FAA will operate that tower. They entered into it, full well knowing that they had to pay that cost.

Now, we are about to give them a windfall benefit. That is not right, and the gentleman knows that.

Mr. MICA. Mr. Speaker, if the gentleman will yield, I would agree with the gentleman, and they have signed that contract, they have made that improvement. But I think that they are also entitled to take their money for their future and pay any obligations that they have incurred.

Mr. OBERSTAR. Mr. Speaker, re-
Mr. OBERSTAR. No. We want them to live up to their contract. That is the point.

Furthermore, the reason that the tower was not approved to be built with FAA funds is that it did not meet FAA benefit-cost requirements.

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

Mr. OBERSTAR. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I appreciate the gentleman yielding on this question of a contract, because I think that is going to be the subject of a lot of debate during his amendment.

There is no question that we can hold these people to this contract; but I think the question for this House is, is it fair to hold to a contract under the law as it was, that an airport that did not live up to their contract. That is the issue.

Furthermore, the reason that the tower program was not approved to be built was that it did not meet the benefit-cost analysis. The airport, they claimed, was not going to be a good bipartisan bill, and it still can be if we enact the Oberstar amendment.

So I would urge my colleagues to support the rule, which is open; to support the Oberstar amendment, and, if the Oberstar amendment fails, I would urge my colleagues to vote “no” on the final passage of this bill.

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

The SPEAKER pro tempore. The Gentleman from Ohio, Mr. Speaker, has only one problem with the amendment, and that is the gentleman yield?

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

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

Mr. Speaker, I yield further, I am not sure that analogy is exactly correct.

I would just say this. The gentleman is exactly right. We have the weight of the Federal Government, and we can hold them to that contract if we want to. I do not think it is fair, and I think that is what the majority of the committee was saying.

Mr. OBERSTAR. Mr. Speaker, re-claiming my time, it is fair because, in the first place, that tower cannot qualify for Federal FAA; and that is what is at issue.

For the future, going forward, I think that the bill is appropriate, and I told the gentleman that a year ago... I am going to close then.
H3736
CONGRESSIONAL RECORD — HOUSE  June 20, 2002

Whitfield  Wicker  Wilson (NM)  Wilson (SC)

WOLF  Young (AK)  Woolsey  Young (FL)

WOLCOTT  Wynne

NOT VOTING — 15

Bonilla  Chabot  Chambliss  Cox  Grucela  Hefley

Hilliard  Issa  Isakson  Kouakou  Lewis (GA)  Mollohan

McInnis  Peterson (PA)  Roukema  Tanner  Traicoff  Weiser

Weiner

Mr. YOUNG of Alaska. Mr. Chairman, I yield the remainder of my time to the gentleman from
Florida (Mr. Mica), for the great cooperation that I always receive and the entire Democratic side receives from him and his staff on all aviation matters.

As the gentleman from Alaska (Mr. Young) said, this measure allows small airports to use Federal Airport Improvement Program funds to construct and equip privately operated contract towers. Under current law, these grants cannot be used to construct airport control towers not operated by FAA air traffic controllers.

I, along with every other Democratic member on the Committee on Transportation and Infrastructure, am supportive of the primary provisions of H.R. 1979 to simply authorize the use of Federal funds to support the building of new towers. However, this measure also includes a provision that retroactively reimburses towers that were constructed under an express agreement that the Federal Government would pay the cost of the towers but not the construction costs. I want to run that by everyone once again. Under this agreement, the Federal Government would pay the cost of staffing the towers but not the construction costs.

The gentleman from Minnesota (Mr. Oberstar), my colleague and the ranking member of the full committee, is going to offer an amendment that would eliminate the provision for retroactive reimbursement.

In addition, these 26 towers have been built since 1996 cost on an average about $1.3 million. Therefore, the retroactive reimbursement provision of H.R. 1979 provides about $30 million in funding for work that has already been completed, despite the fact that these airports have hundreds of millions of dollars of unmet safety and security needs.

Using their AIP entitlement money, which is a maximum $150,000 a year, these airports could be drained of entitlement funds for almost a decade, funds that should be used on safety, security and capacity enhancement improvement projects.

In addition, these 26 airports have identified and requested from the Federal Aviation Administration a total of $258 million in Federal funding for the future AIP-eligible projects, including AIP-eligible security projects needed in the wake of September 11.

If H.R. 1979 is enacted and allowed, retroactive reimbursement funds will not be available for needed safety and security projects. When we offered the amendment to strike the retroactive reimbursement provision and keep the funds available for almost a decade, funds that should be used on safety, security and capacity enhancement improvement projects. I urge Members on both sides of the aisle to pass a clean, fair bill, by supporting the Oberstar amendment to
strike the unfair retroactive reimbursement position.
I am also asking Members to oppose any amendment that would weaken the AIP program, which is intended to pay for infrastructure costs, not operating costs.

In closing, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and the gentleman from Alaska (Mr. YOUNG) for their work on this measure. Hopefully, we can pass a clear bill today with bipartisan support that rewards those airports that play by the rules.

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

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

Mr. Chairman, let me just comment in general on this legislation, and it is noncontroversial for the most part. It is legislation which will allow our small airports to receive Federal grants to build air traffic control towers. The construction of a control tower at these small airports provides important safety benefits, as controllers in the tower prevent planes from running into one another. So there is probably no more important use of Federal funds or funds from the AIP fund.

Many small airports have commercial air service or are active for general aviation facilities, but at some of these airports there is today no air traffic control tower. This means that there are no air traffic control controllers to guide planes safely through the sky or along the runways. Pilots are on their own, responsible for themselves and for seeing and avoiding other planes.

Unlike larger airports across the country where the FAA will build a tower, smaller airports will only get a tower if they build it themselves. Yet many lack the resources to do so, and that is why this legislation is important. We allow the states to change the rules, and we allow the Federal assistance in that effort.

The Federal assistance will come entirely from the Airport Improvement Program, and the Airport Improvement Program, AIP, is funded by taxes on airline passenger and other aviation users. No general taxpayer funds will be used to support this program.

Currently, the AIP program is used to pay for a variety of infrastructure improvements at our airports.

Mr. Chairman, I ask my colleagues to support this program.

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

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

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCARELL).

Mr. PASCARELL. Mr. Chairman, I want to thank the gentleman from Illinois (Mr. LIPINSKI) for helping to move this legislation along.

I urge the passage of the legislation without the Oberstar amendment.

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

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCARELL).

Mr. PASCARELL. Mr. Chairman, I want to thank the gentleman from Illinois (Mr. LIPINSKI) for helping to move this legislation along.

I urge the passage of the legislation without the Oberstar amendment.

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

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCARELL).

Mr. PASCARELL. Mr. Chairman, I want to thank the gentleman from Illinois (Mr. LIPINSKI) for helping to move this legislation along.

I urge the passage of the legislation without the Oberstar amendment.

Mr. Chairman, this is an exception to the usual bipartisanship that we usually have on the Subcommittee on Aviation. I think the history proves that. But H.R. 1979 allows small airports to use their Airport Improvement Program grant funds to build contract towers.

Airports have signed contracts since 1996. These are contracts. Now what those 27 airports want to do is have us change the rules so that they become eligible for construction funds. This is pretty simple. The game is over, and they want to change the rules.

I am a supporter of the contract towers program, as all of us are. The program provides worthy safety benefits to small communities and airports. However, the element of this bill I must rise to oppose is the use of the AIP funds to pay airports that have already built or contracted to build air traffic control towers. When an airport goes into contract with the Federal Government and agrees to build a tower, the terms of the agreement are clearly stated. If you build a tower, we, the Federal Government, will staff and operate it. This legislation ignores the agreement and changes it retroactively.

It is a mistake to use the sparse money, the sparse resources that we do have to provide reimbursement to airports that built or equipped contract towers. These airports knew full well what was at stake when they agreed to build the tower. Mr. Chairman, it was a deal, and there is no logical reason why either party should go back on that deal right now. There should be no reasonable expectation of reimbursement.

AIP funds are short enough as it is without funding previously constructed towers. Safety, security, and capacity enhancement improvements at these airports would suffer by being unable to access the AIP funds for possibly several years.

A further problem with the reported bill is that it does not require airports seeking reimbursement to have complied with all of the statutory and regulatory requirements that apply to an AIP project. I do not think that is acceptable. If it is good for one, it is good for all. If we are to change the rules, change all the rules.

Under this flawed bill, there can be reimbursement from the AIP for construction that did not comply with six Federal statutes, including the Fair Labor Standards Act. This is not chopped liver. This is important here. The Fair Labor Standards Act was not complied with. It is not fair that many properly funded towers were built in compliance with all Federal laws, but those that were not can get a windfall nonetheless.

Finally, in preparation of FAA reauthorization next year, the House must not weaken funding or reimbursement for airport projects. Passing this legislation is a slippery slope to reimbursing projects in a host of categories. We must focus Federal assistance through the AIP on supporting future improvements, not on the past.

Mr. Chairman, I ask my colleagues to present this legislation and support the Oberstar amendment.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WICKER).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of the underlying legislation and in opposition to the amendment that will be offered by the gentleman from Minnesota (Mr. OENSTAD) at a later time in this debate.

This bill was originally introduced by the gentleman from Mississippi (Mr. WICKER). I think it is an outstanding piece of legislation as drafted. It would allow small airports to use their Airport Improvement Program, AIP, grant money to build or equip an air traffic control tower that would be operated
Since that time, traffic has grown because of construction of two fabulous new golf courses down in Bandon and general growth of the community and some improved commuter service to Coos Bay-North Bend. So they very much associate my remarks with what

Mr. Chairman, I want to raise my concerns about H.R. 1979, and signal my objections to the parts of it I believe should not be in the bill. I very much associate my remarks with what the gentleman from Texas (Mr. LAMPSON) and several other speakers said earlier.

As we have already heard, within the bill exists a provision which retroactively reimburses 26 small airports for building air traffic control towers. H.R. 1979, without the aforementioned provision, is a good bill. And if the provision is removed, I will be happy to lend my support to passing that legislation.

But by allowing these 26 airports to qualify for that reimbursement, the bill will significantly reduce the amount of Federal airport improvement funds that would be directed towards airport security and safety improvements. That is precisely what has happened to one of the airports within my congressional district, the Southeast Texas Regional Airport.

We tried our best to play by the rules. We took the time to go through the system, to win the support, putting off other priorities within our airport that would be used for our support of the air traffic control tower. We do indeed have a number of security issues that are facing us at that same airport.
Following through with what this bill is proposing right now would deplete the amounts available for significant security improvements which remain a priority for this Congress and our country. These 26 airports would also be reimbursed without demonstrating to the public or to Members of Congress how those rules and others apparently will not? That is not right.

As we have focused on providing the resources for airports to address the gaping security concerns in the aftermath of September 11, we have been bipartisan in our approach. This is an issue of security, and it does affect every citizen of this country who steps into an airport and onto an airplane. I urge Members to consider the consequences of waiving security funds to reimburse 26 airports who chose to build their towers without the promise of recouping these funds.

We built ours with the assistance of this government’s funding in southeast Texas, but we put off other priorities to allow it to happen. Allowing these 26 airports exemptions from current law is bad policy, and will set a precedent. Allowing these 26 airports exemptions from current law is bad policy, and will set a precedent that will take us in the wrong direction.

I would hope that the House would find the collective wisdom to strike these provisions from the bill. I intend to support the Oberstar amendment to the bill; and if it carries, to support the legislation which has been put forth.

Mr. MICA. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BOOZMAN), a member of the subcommittee.

Mr. BOOZMAN. Mr. Chairman, I would like to commend the gentleman from Mississippi (Mr. WICKER) and the gentleman from Florida (Mr. MICA) for introducing H.R. 1979. I also would also like to state my sincere opposition to the Oberstar amendment.

One of the airports in my district, the Northwest Arkansas Regional Airport, otherwise known as XNA, would be eligible under the reimbursement provision to be reimbursed for their AIP entitlement funds for a portion of the costs they incurred when they built the tower.

AIP entitlement funds are allocated by law to these small airports. This is money that the airports have a rate to as a matter of the formula in the law to be used for any eligible purpose. Congress has wisely left the decision to local authorities as to an individual airport’s use of the entitlement funds, and this provision simply gives local authorities another option as they contemplate the range of safety, security and capacity enhancement needs at their facility.

From my calculations, XNA would be eligible to be reimbursed for roughly $177,000, which was the cost of equipping their tower. This may not seem to be a large amount of money, but we have experienced a 46 percent growth in passengers over the past 5 years and are the third-fastest-growing county in the Nation, so $177,000 goes a long way toward improving and expanding the facility.

Although the tower at XNA is very small, it adds an incredible level of safety to the large volume of travelers, including myself, who utilize the airport. There are four airports located within a 30 mile radius of each other. As I mentioned, XNA is one of the fastest-growing airports in the country. While most airports experienced a detrimental decline in passengers after September 11, XNA continued to see a continued growth in traffic. Just a few miles away from XNA is the Rogers Airport, which is the second-busiest airport in the State in terms of flight operations. As Members of Congress who are northwestern Arkansas very crowded.

Mr. Chairman, the addition of contract towers has improved safety in my region exponentially because the towers allow the air traffic controllers to monitor vital spaces and give pilots the direction they need. If we do not allow our airports to be reimbursed from their entitlement funds, we will be penalizing them for having the foresight to invest in public safety. I urge Members to vote against this amendment.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to H.R. 1979 in its current form unless the Oberstar amendment is adopted. I would like to quote Mr. WICKER referring to those airports who have taken the initiative, built their towers, and are now saying that I would like to quote is, “We support the concept of making contract air traffic control towers eligible for Federal assistance under the Airport Improvement Program.”

Mr. Chairman, this has been said by Members of the other side of the aisle earlier today. It is a good idea to change the law to allow this. As a matter of fact, it has been stated by the leadership of the committee that, for this small item of reimbursement, this would be unanimous, it might even go under suspension or unanimous consent. We are all under agreement that this change in the law should be made. I would like to quote the minority views, “While we applaud the airports for their foresight and proactive steps to enhance safety, Federal funding is limited,” referring to those airports who have taken the initiative, built the contract towers, and are now saying, “We support the concept of making contract air traffic control towers eligible for Federal assistance under the Airport Improvement Program.”

Mr. Chairman, the minority views seem to be saying you did the right thing, you enhanced safety, and you are to be commended. However, we are not going to allow airports the opportunity to use their AIP money for this purpose.

Now the minority makes the point that Federal funding is limited, but I would strongly make this point: AIP money is an entitlement. It is a set amount, and we are not increasing or decreasing that in this bill. We are simply adding an allowed type of usage of the AIP money. So what we have this year and what we are seeing today is the big Federal Government, coming in in the form of an action by the House of Representatives, and we hope by the other body
later on, and saying that, yes, we all agree. It is a good idea to change the purposes of the AIP and to add this additional usage of contract control towers. We are almost unanimous in doing so.

Yet, Mr. Chairman, there are airports which just got finished building their own contract towers, and they come in and say we did the right thing. Mr. Congressman. We took the initiative. We acted in a proactive manner; and they say, in effect, we hope we will not have to be reimbursed for these towers if they knew that 5, 6, 7 years down the line, there would be a reachback provision. I do not think the gentleman would do that, AIP money. If we so choose, and retire our bonded indebtedness.

I believe a majority of the committee saw it that way, and I believe a majority of this House will see it that way, too. This is money that the airports are entitled to use anyway. We are simply saying, yes, thank you for being proactive and enhancing safety.

People will say, well, you've got a contract. Well, the contract was signed because that is what the law said at that time. It is almost making the point. Mr. Chairman, that contract was signed under duress. But we are saying as a Congress today, we can change the law, and we are saying on both sides of the aisle, we ought to change it. We should change it. It is a good idea. It simply comes down to a question of fairness. We do not have to pass this bill today. Mr. Chairman.

We certainly can hold these airports to this contract they signed under the old law. We can do it. The question is, is it egregious to let them out of their contract as my friend from Minnesota has said? Or is it fair to let them out of this; having changed the rules for everyone else in the country, for this little handful of airports, is it fair to hold them to a contract made under duress? I think most of the Members of this House today will say no, it is not fair. They will say that the committee version is correct, and they will resist voting for the Oberstar amendment.

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

In regards to some of the things that the previous speaker had to say, first of all, we do change the law. The change in law was quite often, but we change the law for the future. Very rarely, if ever, for the past to the best of my knowledge. Here, unfortunately, a portion of this bill is changing the law for the past.

The previous speaker also said that we were just being fair to these airports. What about the other airports that would have gone ahead and built these towers if they knew that 5, 6, 7 years down the line, they were going to get reimbursed for those towers? I do not believe that is very fair to them.

Getting airports are going to be reimbursed because of a portion of this bill, remember, they only receive $150,000 a year for AIP funds. If we pass this bill in its present form, they are going to take 7 or 8 years of AIP money paying for this tower. The same group of airports have asked for $258 million for safety and security in the future. It is going to be almost a decade before they get around to getting their towers up. The AIP is a program, unless you are planning on increasing the budget in the near future to see to it that they also receive moneys from the AIP fund for other things they are going to do in the future.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Oberstar). Mr. Oberstar. I think the gentleman for yielding me this time.

Mr. Chairman, I listened attentively to the gentleman from Mississippi, who is a very congenial, a very thoughtful gentleman with whom I had extensive discussions a year ago about this bill prior to his introduction of the legislation. I pointed out to him my reservations then. I pointed out the concerns about reimbursement to airports for towers built under conditions where the tower did not comply with FAA cost-benefit requirements. I said, "I am fully willing to support the forward-looking part of this bill, because I think we ought to do this, but I can't have a reachback provision. It is just not good national policy."

And this is why, Mr. Chairman, I say to the gentleman. This is a matter of principle. Is it a penalty for an airport authority to ask that authority to live up to an agreement they signed, eyes wide open? Is it likewise fair to other airports who complied with the law, who met the benefit-cost analysis, who complied with all the provisions, some of which are excluded from these reimbursement airports under this language, complied with all the provisions of law, to come back and say to a select group of airports, no, you can be reimbursed without having to comply with the full range of Federal law and without having to meet the cost-benefit analysis? In fact, there are at least five of these airports that under no stretch of the imagination can meet the benefit-cost analysis. Furthermore, the argument has been made time and again, these are entitlement funds for these airports. Well, they did not exist prior to Air-21 as entitlement funds.

When I was chair of the Subcommittee on Aviation in 1990 and we crafted the passenger facility charge, I insisted that for the major airports that would impose a PFC, half of their entitlement dollar would go into a special fund dedicated for small airports, for airports at the end of the spokes in the hub and spoke aviation system. Those dollars substantially improved the ability of small airports to build runways, taxiways, lighting, safety enhanced runways.

Then we came to the Air-21 legislation and said, "Let's take it a step further. Let's assure there is an entitlement." That entitlement money, available to small airports, is not money the airport collected or generated in any way. These are dollars from the Airport Improvement Program derived from the Aviation Trust Fund, which is derived from the ticket tax and from a host of other taxes, on a formula that goes into the Airport Trust Fund. Well, that is a national program. Taxes are imposed on all aviation users. These are not revenues generated by that airport to which they have a contractual interest. These are funded from the Airport Improvement Program derived under a formula the Congress has written that the FAA carries out and, therefore, projects and expenses that are approved under FAA rules, guidelines, that are derived from Federal law. If we change that, then you have two classes of small airports: One that got an entitlement and that followed by the rules, another one that gets reimbursed for not complying with the law and the rules.

The law places limits on the use of entitlement funds by each airport. These entitlement funds can be used only for projects that are eligible under the law. This is all about playing by the rules. It does not rub my heart to pain that an airport said, goodness, with our eyes wide open we signed this agreement. We wanted this tower so badly that we were willing to build the tower, and you, FAA, will operate that tower, but now come a few years later, not reimburse us for that expenditure. That is just wrong. That is just simply wrong.

Mr. Chairman, if the gentleman from Mississippi went out in front of his home and paved a section of street and improved that street and then went to the city council in his hometown and said, "Look what an improvement I made. It is safer. No one is going to have an accident. Reimburse me for my cost," they would not give him a dime. I do not think the gentleman would do that. He would not do that. But that is the analogy to what is being proposed in this legislation.

In short, this is a national program to fund airport development in the national interest. It is not designed to provide free capital to airports to use as they see fit; rather, to comply with a body of rules under which everybody plays. In the future we have got a good program, but reaching back is a bad idea.

Mr. Mica. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. Moran).

Mr. Moran of Kansas. Mr. Chairman, I am pleased to be here again today in support of the contract tower program. It is a program created that has lots of benefits for the American traveling public, and certainly those who fly in and out of, commercially, our smallest airports across the country, as well as general aviation and their taxes on aviation fuel, not.

I am here today in support of the bill as it was approved by our Committee on Transportation and Infrastructure.
Mr. LIPIŃSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

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

Mr. Chairman, I rise today concerning H.R. 1979 and in support of the Oberstar-Lipinski amendment which will strike an improper and egregious provision in an otherwise good bill.

This amendment addresses fundamental questions of fairness in allocating scarce resources. This is an issue of national security. Do we allocate funds for national security? Or, rather, do we use these limited funds to reimburse private airports for control towers that have already been built?

In today’s climate, are we not obligated to anticipate and fund present and future needs first? The Aviation Trust Fund, which collects revenues from a variety of sources, provides the dollars for airport improvement programs, the main source of Federal aid to airports. In fact, they were quickly depleted at a time of increased demand. AIP funding is a finite resource, and the Federal Government places restrictions on its use to maximize safety and security. It is a reimbursement fund for private airports. Allowing private airports that have already constructed towers to be reimbursed is a poor use of limited AIP funds. Decisions to build these towers were made at a local level without the expectation of a Federal commitment to the project. In fact, it was our expectation there would be no such Federal participation. And as we say in Texas, a deal is a deal.

Time and time again, our friends in the majority tell us we have to do more with less. We do not have sufficient AIP funds for all the worthy projects across the country. We should not reimburse a handful of private airports who clearly did not need Federal assistance in the first place to lay claim to a limited amount of dollars. This provision is estimated to cost $30 million. That is $30 million not available to a new and unmet need.

What airport security project will go unfunded? Which Member wants to see a critical safety improvement delayed because the funds are going to reimburse a few select airports?

Mr. Chairman, our aviation infrastructure needs are great and will continue to grow. We cannot let any funds be spent that do not add to the future of the system, but merely pass for past improvements.

Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. HAYES), also a member of the Subcommittee on Aviation and our vice chair of that subcommittee.

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

Mr. HAYES. Mr. Chairman, I rise today in opposition to the amendment of my friend the gentleman from Minnesota (Mr. OBERSTAR), and I rise to take a counterposition from my friend the gentleman from Texas. The issue here is safety. The issue is safety as well as security.

For example, Concord Regional Airport in my district will lose if this amendment passes, but that is not the issue. The issue is not losing potential funding alone. The real issue is they will lose their ability to address vital safety needs.

The two key components of this bill are increased safety and flexibility for local concerns. The number one concern of any aviator and the public is safety. The presence of air traffic control towers, where appropriate, staffed by competent professionals, greatly increases safety for the flying public, whether commercial or general aviation.

Concord Regional is the fourth busiest airport in North Carolina. Local leaders in Concord had the vision to address safety concerns before an accident occurred, and that is what we are talking about here. We have a clear choice. Either we go back to local governments and leaders, we are going to reward you for thinking ahead, thinking out into the future and addressing vital safety needs of the flying public and the public who are on the ground; or we are going to punish you for doing the things that make sense, for using common sense.

I know it is contrary to Washington thinking, but common sense provides that these forward-thinking leaders, wherever they might be, have provided for vital safety concerns, and that is important to America, along with security.

Many of the airports that will be eligible under this legislation are located near metropolitan areas. Without guidance from air traffic controllers, pilots are solely responsible for locating and avoiding other aircraft. In the past, a lack of control from towers has often been a major contributing factor to air-to-air collisions, even over residential areas, with damage to ground structures and threat to human lives.

The Congress should not penalize airports for taking positive steps to increase safety. These airports built towers to make their operators more efficient and to avoid the dangers associated with congested airspace.

Contrary to what has been reported here today, reimbursement of AIP funds for contract towers will not take money away from needed security improvements at airports. In fact, this bill will allow airports to prioritize their safety and security improvements above and beyond the most significant needs.

Funds for reimbursement would come only from entitlement funds, not discretionary spending. Under this bill, airports may not apply for discretionary funds to build, equip or reimburse themselves for contract control towers.

In the end we must let local airports, not bureaucrats in Washington, decide
how to best utilize the limited entitlement funds from the Airport Improvement Program. I am confident the Administrator at Concord Regional Airport will fund wisely the safety and security needs and concerns of that airport and the flying public.

Mr. Chairman, I urge my colleagues to oppose the Oberstar amendment.

Mr. LIPINSKI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman is recognized for 1 minute.

Mr. LIPINSKI. Mr. Chairman, there was a speaker up here not too long ago who said something to the effect if we are not going to do this or not going to do that, if we are going to pass the Oberstar amendment, maybe we should not pass any bill at all. Well, probably the wisest thing in regard to this particular situation would have been to wait until next year when we reauthorize the Aviation Trust Fund. Then we could have dealt with many, many of the concerns that have been raised here on the floor not only by our side, but also on the other side.

But getting back to the Oberstar amendment, first of all, we have a signed contract, a legal document, saying that we are going to build a tower if you will staff it for us. No one was blindsided. These small airports agreed to that, beyond a shadow of a doubt. They had to sign a contract to that effect. Did they do so. They moved ahead, built a tower, and the Federal Government has been staffing it with contract employees. This legislation merely allows these small airports to utilize the AIP money already appropriated, to also construct control towers. It will not cost anything to taxpayers, and mandates nothing to the airports. It simply gives them more flexibility to use the money as they see fit. This should be anything but controversial.

However, apparently some of our friends on the other side of the aisle seem to have problems with this bill, apparently concluding that although airports should be able to use AIP funding to construct new towers, they want to prevent airports which have recently constructed or modified a control tower for safety reasons, from utilizing these funds retroactively via reimbursement.

I ask my colleagues on the other side of the aisle, if these towers are necessary safety measures now, were they not necessary a month ago? A year ago? A year from now? I believe Gwinnett County, GA, believed it necessary to update its control tower at Briscoe Field recently. Opponents of this provision today would argue Gwinnett County should not be reimbursed for its expenditure. Apparently, they feel having operating control towers was not a safety concern before today, but suddenly and magically now it is. The work was done at Briscoe Field because it was vital to the safety interests of air-traffic in North Georgia. Briscoe, and the other twenty-five airports across the country which have done likewise, should be able to use AIP money for their tower projects.

I urge you to vote “no” on any amendment eliminating the reimbursement provision of this bill and to vote “aye” on H.R. 1979.

Mrs. CUBIN. Mr. Chairman, I rise today in support of the Small Airport Safety, Security, and Air Service Improvement Act. Safety and Security, we hear these words a lot now—and we should, we are fighting a war and working to protect the home front. This is a fact that affects all legislation every day. In fact, every bill should be reviewed to ensure safe operating conditions.

This legislation merely allows these small airports to utilize the AIP money already appropriated, to also construct control towers. It will not cost anything to taxpayers, and mandates nothing to the airports. It simply gives them more flexibility to use the money as they see fit. This should be anything but controversial.

I urge you to vote “no” on any amendment eliminating the reimbursement provision of this bill and to vote “aye” on H.R. 1979.

Mr. BARR of Georgia. Mr. Chairman, I rise today in support of the Small Airport Safety, Security, and Air Service Improvement Act. Safety and Security, we hear these words a lot now—and we should, we are fighting a war and working to protect the home front. This is a fact that affects all legislation every day. In fact, every bill should be reviewed to ensure safe operating conditions.

First of all, one must understand that there are some people in Congress who think that Washington knows best, that Washington must dictate exactly what every local government, every local entity, should do.

Nothing about funds here that these communities and airports would be entitled to, and we set certain parameters. We have set certain parameters. We have set certain parameters in the past as to what projects would be eligible. Towers were not eligible.

We are today, with the passage of this legislation, changing those rules. We told them in the past, you build a tower, and we will man the tower. At that time you could not use AIP funds for construction of those towers. We are changing that rule now. I do not want to participate in “gotcha” legislation. This is not fair. It is just a question of fairness.
SEC. 2. INCLUSION OF TOWERS IN AIRPORT DEVELOPMENT.

(a) IN GENERAL.—Section 47124(b)(4) of title 49, United States Code, is amended to read as follows:

(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

(A) GRANTS.—The Secretary may provide grants to a sponsor of—

(i) a primary airport—

(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

(III) from amounts made available under sections 47114(c)(4) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996; and

(ii) a public-use airport that is not a primary airport—

(I) from amounts made available under sections 47114(c) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

(III) from amounts made available under sections 47114(c)(1) and 47114(d) for reimbursement for the cost of acquiring and installing that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996; and

(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—

(i) the sponsor is a participant in the Federal Aviation Administration contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3); or

(ii) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;

(iii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;

(iv) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Administration’s cost of the contract to operate the tower to be constructed under this paragraph;

(v) the Secretary certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and

(vi) in the case of a tower to be constructed under this paragraph from amounts made available under sections 47114(c)(1) and 47114(c)(2); and

(C) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of construction of a nonapproach control tower under this paragraph may not exceed a specified percentage of the cost of constructing or improving that tower as defined by the Secretary, and inserting “nonapproach control towers, as defined by the Secretary,”; and

(3) shall provide that the United States will not acquire or evidence any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(4) shall provide that the private entity may not execute any instrument or document creating or evidencing any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(5) shall provide that the United States will not be liable for any action, debt, or liability of any entity created by the agreement or for any action not covered by the agreement.

(b) CONFORMING AMENDMENTS.—Section 47124(b) of title 49, United States Code, is amended—

(1) in paragraph (2)(A) by striking “Level 1 air traffic control towers, as defined by the Secretary,”; and inserting “nonapproach control towers, as defined by the Secretary,”; and

(2) in paragraph (3)(D) by striking “(I)” and inserting “(Q)”.

(c) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, the 2 towers for which assistance is being provided on the day before the date of enactment of this Act under section 47124(b)(4) of title 49, United States Code, shall continue to be provided such assistance under the terms of such section.

SEC. 4. NONAPPROACH CONTROL TOWERS.

(A) IN GENERAL.—The Federal Aviation Administration may enter into a lease agreement or contract agreement with a private entity to provide for construction and operation of a nonapproach control tower as defined by the Secretary of Transportation.

(B) TERMS AND CONDITIONS.—An agreement entered into under this section—

(1) shall be negotiated by the Administrator of the Federal Aviation Administration in conjunction with the private entity;

(2) shall require, unless specifically determined otherwise by the Administrator of the Federal Aviation Administration, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(3) shall require, unless specifically determined otherwise by the Administrator of the Federal Aviation Administration, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(4) shall require, unless specifically determined otherwise by the Administrator of the Federal Aviation Administration, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(5) shall require, unless specifically determined otherwise by the Administrator of the Federal Aviation Administration, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(6) shall require, unless specifically determined otherwise by the Administrator of the Federal Aviation Administration, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(7) shall include such other terms and conditions as the Administrator considers appropriate.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR:

Page 3, strike line 3 and all that follows through line 13 on page 5 and insert the following:

(A) GRANTS.—The Secretary may provide grants to a sponsor of—

(a) a primary airport from amounts made available under sections 47114(c)(1) and 47114(c)(2); and

(b) a public-use airport that is not a primary airport from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower.
Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? There was no objection. The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes on his amendment.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to be an accorded an additional 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota? There was no objection. The CHAIRMAN pro tempore. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I listened again with great attention to the distinguished chairman of the subcommittee, who made a very compassionate, or passionate, argument, compassionate for those 20 airports who are going to be windfall beneficiaries.

This idea that airports that built the contract towers are rewarded for thinking ahead by this amendment is just not right.

I heard another appeal to common sense, but is it common sense to vitiate common law? Common law says you made an agreement, which is a contract. Live by it. That is all we are saying.

They built the tower. They received an enormous benefit from the FAA to the tune of an average $350,000 a year in air traffic control services provided by the FAA at that tower. Other airports did not take a flying leap and build a tower and then hope that someday in the future, some future Congress would come back and benefit them.

In addition, while these towers may have been indeed built for safety purposes and built with the very clear purpose of economic benefits for the communities. They need not be double-imbursed by having the ability to be compensated for something they did at a time when they knew they would not be compensated for it.

These are scarce dollars, AIP dollars, very limited amounts of money. They have to be very carefully managed. We criticize the FAA when they badly manage those dollars, and we ought not to further mismanage on this House floor by allowing the reach-back provision to cover the cost of towers previously built under terms and conditions that, in many cases, do not comply with the benefit-cost analysis required by FAA rules of contract towers.

The gentleman from Illinois (Mr. Lipinski) has already said the 26 airports to be covered by this provision have already requested funds totaling in excess of $252 million in Federal funding for future AIP-eligible projects under the NPIAS. They have requested $6.3 million for security projects, access control, fencing, vehicles, infrared cameras, closed circuit monitors, blast analyses, berm construction, safety enhancements for lighting, deicing, snow removal and weather reporting, and capacity projects such as runway extensions, taxiways, apron extensions, cargo and general aviation taxiways.

These airports get $150,000 a year under the AIR-21 legislation we passed just 2 years ago and I supported initiating the idea of special funding for smaller airports in our era of hub-and-spoke aviation systems. In the contract to our program, and remember, that was started in the aftermath of the air traffic controller strike in 1981 when there was a need to increase safety in the system, the contract tower program provides for air traffic control services only. Tower construction is outside the scope of the program for those who participate who did not have approval from the FAA. Once they are accepted into the contract tower program, those airports signed a contract air traffic control tower operating agreement that says specifically, "In consideration of air traffic control service being provided to the airport sponsored by the government, the airport sponsor agrees to the following terms and conditions at no cost to the government. The airport sponsor shall provide an air traffic control tower structure meeting all applicable State and local standards.

How can it be more clear than that? They signed an agreement, eyes wide open, knowing full well that they had to meet this cost. Now they are going to come back and say, oh, we did not mean that. We throw contract law right out the window. We throw agreements right out the window.

I am offended by this idea that we ought to scatter these dollars around and just make whole those airports that signed an agreement they already knew what they were getting into, who received significant benefits since they built those towers. Mr. Chairman, $350,000 a year on average for air traffic control services, and now we want to double benefit them.

Furthermore, the bill before us does not require the airport to use the reimbursement fund to fund AIP-eligible projects; it would be somewhat tolerable if we were limited in that respect, but we have to show that it complied with Davis-Bacon, Small Business and Veterans Preference, but not the other statutory requirements, the National Environmental Policy Act, for example. Well, I just do not understand how it can be considered to be a burden and a penalty to ask an airport to live up to the terms of an agreement it entered into voluntarily, an agreement through which it got the Federal funding for the cost of operating the tower.

If this amendment is approved with this provision in it, I will be watching very carefully in the future to see how many other circumstances there will be, reach-back provisions, and let us exonerate this interest from that requirement. I will be very interested to see if the gentleman from Mississippi is going to be the first one to step up to the plate and offer additional funding in the transportation appropriations bill to cover additional costs that are going to be incurred by these small airports in the future. They are going to need additional money. They are going to soak up this $30 million to pay for something they already built; and then they are going to come back and say, but we are out-of-pocket and we need money for security and safety and capacity enhancements.

Where is that money going to come from? Well, I hope it does not come out of the AIP program or the F&E account or the operational account or any other accounts, because they are all limited; and that is the point. We do not have infinite dollars in the aviation trust fund.

Mr. Chairman, let me repeat. These entitlement dollars come from the aviation trust fund contributed by all users. They are not coming from a passenger facility charge that the airport imposed, if it imposed a passenger facility charge, that is their dollars; they can use it as they see fit. I supported it. I initiated that legislation in 1990. This is different. These are different.

There are substantial economic benefits that flow to a city from an airport with a control tower. Safety is one of them, but significant economic benefits. We are just coming here and saying, although you did not qualify, although you did not meet the eligibility requirements, we are still going to reimburse you for having gone ahead and, with your eyes wide open, signed an agreement that you would build this tower at your expense for the FAA to operate that tower.

Now, there could be an argument, although I have not heard it yet from our chairman, that in the 1996 legislation we provided funding for any small airport of non-AIP-eligible projects. However, in the 1996 bill, that was prospective, not retroactive. That is the difference, and that is the consistency with Federal law that I was expecting and arguing for in this legislation. We do not have that consistency. And the chairman is going to have a hard time, Mr. Chairman, reconciling this action with any future FAA legislation that wants to deviate from historic precedent and practice.

The basic underlying bill is prospective, and that is appropriate. What is not appropriate is to compensate airports for something that they agreed to build, for costs they agreed to incur, and in return for which they have received significant benefits.

Mr. Chairman, this amendment should be passed. We should delete this provision of the bill.

Mr. Mica. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again, I must speak in opposition to the amendment offered
by the distinguished gentleman from Minnesota (Mr. OBERSTAR). We have worked long and hard on the Committee on Transportation and Infrastructure and the Subcommittee on Aviation to achieve a bipartisan agreement on this legislation. I think for the most part we have succeeded. However, on this reimbursement issue, we just do not see eye to eye.

I disagree with the underlying premise of the amendment proposed here that for some reason the reimbursement for control tower construction is bad. Our current law allows reimbursement for airport terminal construction. Control towers are certainly at least as important as the terminal buildings. Control towers provide, I believe, one of the most important safety benefits. Airports that have taken the initiative to build them on their own should, in fact, be rewarded. We changed the law in 1996 to be prospective. We made some changes at that point. I am asking that we change the law now as we changed the law on the payment eligibility to be retrospective to the 1996 law.

The airports that would be adversely affected by this amendment are relatively small airports. Spending approximately $1 million to build and equip a control tower is a significant burden on them. Although they may not have had a legal right to reimbursement at the time that they built the towers, that was the rule at that point, and we are changing the rules and the law at this point, many were hopeful that when Congress saw fit to make tower construction eligible for these grants, and, again, they have eligibility to use this entitlement money however they wish, that in fact the Congress would help them.

I have letters from at least five airports that say that they were hoping for such a reimbursement at the time that they built their towers; and, in fact, we know that we do them an injustice if we pass this Oberstar amendment.

It is also important to note that the airports can only use AIP entitlements for reimbursement. Now, it does not say that they shall be reimbursed. There is no language in here that says they shall be reimbursed. It may be, or it may not be, that which may be the amount that that group is entitled to over future years. It is "may," that they "may." It gives them the option. We have opened the option of having towers as being eligible, construction being eligible for payment now, this is an awfully, that they may use some of the money that they are getting anyway in a discretionary fashion. It does not say that they shall. So we have a bogus argument that $30 million is going to somehow be sucked out of the community.

This is money that the airport has a right to as a matter of law and entitlement. How they use that money should be a part of local control and local decision. Again, that is a fundamental difference. This is a debate about principle. A principle that Washington knows best, one-size-fits-all, we tell you. Now, we may change the rules, but we got you, because you are not made for everyone. This means that contract towers constructed prior to the enactment of this bill would be reimbursed with AIP funds, but subject to different and lower standards than all other AIP projects, including new control towers built pursuant to the reported bill.
build their towers did not need it or are somehow at a loss for this. No, they made the determination that safety reasons they did not need to have a tower, but our airport did make that determination. So rather than punish our communities for doing that, we ought to reward them for it.

The $30 million figure, again, I will give an example of why that is not true. I am the only Congressman in this body who has two of those airports in their district, Bozeman, Montana, and Kalispell, Montana. I will ask for a reimbursement from their account. It is their money into the future. They have made that a determination. So rather than punish them, they have a determination. So rather than punish them and Kalispell, Montana. Kalispell, Montana. They have announced that they have made that a determination. So rather than punish them from their account. It is their money into the future. They have made that a determination. So rather than punish them.

I thank the gentleman from Florida (Chairman MICA) for specifically pointing out the difference between “may” because in our particular case, it is “made.” So I ask the Members, my friends in the legislative body, to please oppose this amendment. It does not make sense. It is one-size-fits-all, and that is the wrongheadedness that so often occurs in the United States Congress.

We need the flexibility. We need to understand it is not about money, it is about safety and saving lives. Let us reward the airports for doing the right thing. I hope Members will kill this amendment and support the Wickert bill.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a Republican mentioned earlier that perhaps these issues should have been dealt with in the reauthorization of the Aviation Trust Fund next year. Those probably were some of the wisest words that we have had on the floor here today. We should not be dealing with these aviation issues in such a piecemeal fashion.

Everybody agrees that we have a solenm, sacred contract signed by the local airport authority and the FAA. Now the Federal Government, stepping in and breaking that contract between the FAA and the local airport authority. It has been mentioned that safety will be compromised unless the Oberstar amendment is defeated. These towers have already been built for safety purposes. This amendment has nothing to do in reality with the safety at those particular airports, because those airports have already got their towers up. They have already got their air traffic controllers in place.

I want to get back to the point, the fact that there is a $250 million request for future safety and security needs at these airports. I asked the question, where is that money going to come from to finance those safety and security needs when, because of the retroactivity in this bill, the vast majority, if not all, of those airports are going to be using their $150,000 per year to pay for these towers that have already been built, that they knew were not going to be reimbursed for?

It seems to me if we are going to be fair to the entire aviation system that they have already done, that they had already done, that they had already done, that they had already done, that they had already done. Even after it was taken out of my district, I worked closely with the county and the airport authority to secure the funds to operate the air traffic control tower, and made it clear that at the time they did not qualify for funds.

They were willing to build a tower anyway. They knew, they knew that they wanted this tower for a variety of reasons. But it is not right to come back and say, well, now you can be reimbursed. I was deeply involved in that whole situation.

Mr. KENNEDY of Minnesota. Mr. Chairman, I appreciate the gentleman’s great efforts for transportation throughout Minnesota, but if they had built that tower in the future, they would be eligible for reimbursement. I do not want to be in a position of penalizing somebody for acting in a proactive manner and moving forward, ahead without that.

I think that if we had the door artificially shut, and now we are opening it for reimbursement, it is not fair to say that because they were proactive, that they are not being reimbursed. It is on that ground that I encourage Members to not support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Oberstar amendment to HR 1979. Since the tragic event of 9/11, we have all focused on the issues of making this country a safer place—especially in regards to our airways. The Small Airport Safety, Security, and Air Service Improvement Act is one of many pieces of legislation that will help to make the dream of safe-skies a reality.

However, one provision of the resolution is actually a step in the wrong direction. Although it makes good sense to allow small airports to use AIP funds to fill a funding gap and fund future construction of control towers, making such use of funds retroactive would make sense. AIP money that has previously been allocated to small airports could be used to upgrade safety and security. This is now our number-one priority. Reimbursing airports for past construction—that they have already done, as they had already budgeted for, that they could already afford—would simply divert 30 million dollars away from new priorities.

Furthermore, all federally funded construction projects are subject to standard statutory and administrative requirements and must meet the needs of the airports they serve. Past projects presumably were able to bypass the Fair Labor Standards Act, the National Environmental Policy Authorization Act, and the Airline Deregulation Act.
Act, and the National Historic Preservation Act, to name just a few. Allowing reimbursement of airports for tower-construction costs would provide an inappropriate double-Count of.

Therefore, I support the Amendment from the gentleman from Minnesota—to the interest of airports, that all federally funded control towers are subject to the same standards and regulations. More importantly, I support the Oberstar amendment to keep funding focused on the efforts of making our skies safer and more secure.

The CHAIRMAN pro tempore (Mr. LaHood). The question is on the amendment offered by the gentleman from Minnesota (Mr. Oberstar).

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

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to rule XIX, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. Oberstar) will be postponed.

AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows: Amendment offered by Mr. NETHERCUTT:

At the end of the bill, add the following:

SEC. 5. USE OF APPORTIONMENTS TO PAY NON-FEDERAL SHARE OF OPERATION COSTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study of the feasibility, costs, and benefits of allowing the sponsor of an airport to use to not exceed 10 percent of amounts apportioned to the sponsor under section 4714 to pay the non-Federal share of the cost of operation of an air traffic control tower under section 47126(b) of title 49, United States Code.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

Mr. NETHERCUTT. Mr. Chairman, I rise in support of my amendment on this bill. I had originally planned to have an amendment introduced that would have given relief and assistance to small airports to use part of their AIP money for that purpose. We all know that it needs to be done. Each airport needs to have a tower to make sure that it is providing necessary service to the public and safety to the public. So I think it will do all of us will have considered both the Department of Transportation and others as well as the committees of jurisdiction, to take a look at what the findings will be in the next year of who is affected by this kind of disparity, if you will, high costs for small airports, large airports getting cost assistance.

So what this amendment does is say let us take a look at this. If we at some point provide more assistance to small airports, it will give those airports a chance to use the eligibility to use the airport improvement funds for paying their share of operating costs. That is not what this amendment does. It is just that we are going to take a look at it and see what the extent of the problem is. Recognizing that I think we do respect the freedom of choice and individuality and needs of each airport, each airport authority, to maintain its tower operations, it is critically important that our airports be able to do this.

One airport in my district, the Walla Walla Airport, pays $41,000 almost $2,000,000, to pay for the contract to operate the tower. They get about a million dollars annually in AIP funds, but they cannot use any of that for operations of the tower. So they pay about 16 percent now. Other airports pay a little different figure.

There is a complicated formula, Mr. Chairman, that determines what the allocation is, what the obligation is for each airport, and it is not uniform necessarily as I understand it. So we want to be sure that in the process of providing security and assistance to our airports, that we help the small guys, the little airports like Walla Walla and other similarly situated all across this country so that we are able to provide the security and the operational ability necessary for efficiency and to make sure that the traveling public is protected.

So with that, it is my understanding that both sides have taken a look at this, that there is no objection to the language of our amendment.
The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. NETHERCUTT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded. A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote on the Nethercutt amendment.

The vote was taken by electronic device, and there were—ayes 415, noes 12, not voting 7, as follows: [Roll No. 242]

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Not Voting</th>
</tr>
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<tbody>
<tr>
<td>415</td>
<td>12</td>
<td>7</td>
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</table>

Mrs. CLAYTON, Mr. TAIZUN, and Mr. WELLER changed their vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. NETHERCUTT, on rollcall No. 241. I was unavoidably detained. Had I been present, I would have voted “no.”

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

Mr. PICKERING, Mr. Chairman, on rollcall No. 241. I was unavoidably detained. Had I been present, I would have voted “no.”

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. So the amendment was rejected.

The result of the vote was announced as above recorded.

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The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. So the amendment was rejected.
The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the engrossment and adoption of the committee amendment in the nature of a substitute, as amended, was taken; and the question was taken; and the result of the vote was announced as above recorded.

The vote was taken by electronic device, and there were—yeas 284, nays 143, not voting 7, as follows:

[Roll No. 243]

YEAS—284

Abraham
Aderholt
Akin
Armey
Baca
Bachu
Baker
Ballenger
Barcia
Barrett
Bartlet
Barton
Bass
Berner
Berry
Bigger
Bilirakis
Bishop
Biegeljevich
Blumenauer
Bunt
Boehrer
Boehner
Bonham
Bono
Bosco
Borum
Burr
Burton
Callahan
Calvert
Cannon
Capito
Cardin
Castle
Chabot
Chambliss
Chapman
Cole
Collins
Combett
Condit
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cummins
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeMint
Dent
Diaz-Balart
Dicks
Doggett
Donnelly
Doolittle
Doyle
Dunn
Duncan
Eckart
Ehlers
Ehrlich
Emerick
English
Erich
Etheridge

Shelton
Smith (AL)
Smith (TX)
Smith (WA)
Smuin
Smench
Smyk
Soper
Soto
Soto
Soto
Summers
Swarup
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thompson
Thune
Tiahrt
Tiber
Tigges
Tigges
Tingey
Toomey
Tong
Traficant

Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Walden
Walden

NAYS—143

Ackerman
Allen
Andrews
Badar
Baldacci
Baldwin
Becerra
Benten
Bernie
Bing
Bilirakis
Boden
Brock
Brown (NY)
Brown (SC)
Brown (WV)
Browne
Browne
Brady (PA)
Brady (FL)
Brown (OH)
Capuano
Caruso
Casinos
Cato
Cleaver
Clyburn
Conyers
Costello
Coyne
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
DeMoss
DeOca
Dempsey
Engel
Eshoo
Fallin
Fattah
Filner
Flake
Floor
Foxx
Gephardt
Frost
Gephardt
Green
Gutierrez

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1979, the bill just passed.

The SPEAKER pro tempore. The Committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.
AFFORDABLE PRESCRIPTION DRUG PLAN

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

Ms. MILLENDER-McDONALD. Mr. Speaker, with 12 million seniors without prescription drug coverage, it is time for this House to address the issues that are so critical to seniors.

Mr. Speaker, I want to speak out on behalf of seniors who are in need of comprehensive prescription drug coverage. Both the Senate and the Administration have proposed drug plans, but many seniors are forced to choose between buying food or purchasing necessary prescription drugs to sustain their health.

The Democratic proposal will help all seniors by expanding Medicare to offer a prescription drug benefit that is universal, affordable, dependable, and voluntary. We do not and we cannot do less than to offer elderly women and men access to adequate health care that they can afford and easily be accessible.

Our Republican colleagues are offering a plan that gives no real benefits or assistance to those who need quality prescription drug coverage. Their plan would cover less than one-quarter of Medicare beneficiaries and the cost over the next 10 years. Their plan would leave almost half of all of our seniors with no drug coverage. Remember what I said, 12 million without drug coverage whatsoever.

We need to now give what is needed to seniors, Mr. Speaker. We can ill afford to wait any longer. We cannot advance this position any further. We must give our seniors the necessary prescription drug coverage.

In contrast, the House Democratic plan will add a new Part D in Medicare that offers voluntary prescription drug coverage for all Medicare beneficiaries starting in 2005. The Democratic plan will help women and all seniors by offering: $25 monthly premiums; $100 annual deductibles; co-insurance where beneficiaries pay 20 percent and Medicare pays 80 percent; $2,000 out-of-pocket limit per beneficiary per year.

Low-income beneficiaries with incomes up to 150 percent of the poverty rate will pay no premiums or share costs.

Beneficiaries with income ranging from 150 to 175 percent of the poverty level will receive assistance with the Part D Medicare premium on a sliding scale.

The average senior has an income of about $15,000 per year and so needs an affordable benefit.

Seniors need catastrophic coverage. That is where Medicare pays all prescription costs after the beneficiary has spent a specific amount of money out of their own pockets.

The House plan would pay all drug costs after the beneficiary spends $2,000. By contrast, the Republican proposal would cost women up to $3,800 per year. A woman’s pharmacy must be included in the network according to the Democratic plan, but private plans can limit which pharmacies participate in their network under the Republican plan.

Beneficiaries would have coverage for any drug their doctor prescribes as included in the Democratic plan, yet with the Republican plan, private insurers can create strict formularies and deny any coverage for drugs not listed in the formulary.

Women and seniors must have a prescription drug benefit that is guaranteed by the government as part of Medicare. Private insurance companies cannot be accountable for offering their own plans to people in need.

The Health Insurance Association of America, the private insurance industry’s association, has said they will not offer drug-only insurance because they will lose money. Seniors need a defined benefit so they will know what benefits they are entitled to.

Without offering a minimum benefit, offering a choice to women and seniors won’t make sense.

Too many insurance plans will only confuse those in need of coverage. Women are looking for a defined benefit like the one now offered to them by Medicare.

It’s time to stop talking about providing for women seniors and actually take action to ensure the quality of their healthcare, and thus their lives overall. If we really care about all women, let’s take this opportunity to show our concern by offering prescription drug coverage that will make a difference.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE COST OF PRESCRIPTION DRUGS

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

Mr. GURTNECHT. Mr. Speaker, I rise again to talk about an issue that we are all painfully aware of and more and more of my colleagues are concerned about, and that is the high cost of prescription drugs. I brought with me again this chart, and I would like to continue with my remarks that we are really talking about in terms of the prices that Americans pay relative to people in other parts of the world. These numbers are not my numbers. They were put together by a group called the Life Extension Foundation. I want to point out a couple that I find interesting.

Glucophage, a very commonly prescribed drug for diabetes, one of the most commonly prescribed drugs in the United States. In the United States, a 30-day supply, according to Life Extension Foundation, sells for about $124.65. That same drug made in the same FDA-approved facility in Europe sells for $22. $22. We are not talking about Mexico; we are talking about Europe.

The list goes on and on, and, for example, tomorrow we are going to have a vote, I think, here on the floor of the House about trade. I think we should be very careful about trade promotion authority. We are going to give our negotiators a little more latitude in negotiating with the Senate. I happen to believe in trade. I believe in free and fair trade.

But this is one area where American consumers could benefit enormously. Our estimates are if we simply opened up markets, allowed American consumers to prescription drugs at world market prices, we could save American consumers upwards of $60 billion a year; $60 billion a year. Even here in Washington, that is real money.

What does that mean to the average consumer? For example, my father takes a drug called Coumadin. The United States, the average price is $64.88. That is an interesting number in itself, because 2 1/2 years ago when we started doing these numbers, the price was not $64.88, it was $38. In just the last 2 1/2 years, that drug, and nothing has happened, they have had no new FDA approval they have had to go through, as far as we know there has been no litigation, but the price of the drug has gone from $38 to $64, and, interestingly enough, in Germany you can buy that drug, the same drug, made in the same plant, for $15.80.

How long? How long will we hold American consumers hostage? The time has come for Congress to take action. And I am here today not to say, shame on the pharmaceutical industry. They are doing what any capitalistic organization would do, and that is they are exploiting a market opportunity. And are they exploiting it big time.

It is not shame on them, Mr. Speaker, it is shame on the FDA, and it is shame on us for allowing this to go on. And we cannot afford it. We simply cannot afford to continue to subsidize Europe and the Western nations.

H3750

CONGRESSIONAL RECORD — HOUSE

June 20, 2002
I believe that Americans should pay their fair share of the cost of developing these miracle drugs. The pharmaceutical industry has done some wonderful things for us, the American people, and the people of the world, and I think we ought to pay our fair share. But we subsidize those companies in several ways. We subsidize them through the research dollars we spend here in Washington through the NIH. It will be about $22 billion this year. We represent about 4 percent of the world's population. We represent 44 percent of the basic research dollars being spent, and this research is available to the pharmaceutical companies free of charge.

We subsidize them through the Tax Code. When they do this research, when they invest that money that they say they spend in research, they get to write it off on their tax forms, and in some cases they get a tax credit, so there is no cost if these companies go about it.

Finally, we subsidize them in the prices we pay that are outrageously too high relative to the rest of the world.

No, Mr. Speaker, I think we as Americans ought to pay our fair share, but I am unwilling to continue to subsidize the starving Swiss.

We are going to have a big debate next week about prescription drugs and what we can do about it, and it is time we stepped to the plate and said there is one thing we can do right now with virtually no bureaucracy, with virtually no cost to the taxpayers, that will save American consumers upwards of $60 billion a year, and that is open the markets.

If you believe in free markets, if you believe in NAFTA and GATT and TPA and everything, you believe in free trade, then open up the markets, allow American consumers, working through their own pharmacists, that is my view, to go to markets, whether it be in Germany or Switzerland or Japan. For any FDA-approved drug in the United States made in an FDA-approved facility, you ought to have access to that no matter where it comes from. I will tell you what is going to happen. You are going to see the prices in the United States go down dramatically, and you will probably see prices in the other parts of the world go up a little bit, but that is how markets work.

One of my favorite Presidents was President Ronald Reagan, and he said something so powerful 30 years ago: Markets are more powerful than armies. You cannot hold back markets, and you cannot have a situation where the world's best consumers pay the world's highest prices.

Not shame on the pharmaceutical industry, shame on us. We have a chance next week to do something about it. I hope Members will join me.
WORLD REFUGEE DAY

The SPEAKER pro tempore (Mr. Kennedy of Minnesota). Under a previous order of the House, the gentleman from Texas (Ms. Eddie Bernice Johnson) is recognized for 5 minutes.

Ms. EDIEE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to commemorate World Refugee Day, which is being celebrated today in the United States and in almost 90 countries around the globe. The theme for this year's World Refugee Day is "Refugee Women," which is very appropriate since almost 80 percent of the refugees worldwide are women and children.

World Refugee Day gives us a chance to reflect upon the almost 50 million uprooted people in the world and to think about what the United States is doing to help alleviate their suffering. In fiscal year 2001, the U.S. welcomed 68,426 refugees to its shores and gave those disparate people the chance to seek a new life. While there are some encouraging aspects to our Nation's refugee policy, there is much more to be concerned about.

An extreme regional inequity exists in our Nation's refugee admissions process regarding African refugees. On November 21, 2001, President Bush authorized the admission of 70,000 refugees into the United States for fiscal year 2002. Yet, as of May 31, 2002, slightly more than 13,000 refugees have been admitted. Of those admitted by the end of May 8, 933 were from the former Soviet Union and Eastern Europe, whereas only 891 refugees were from Africa.

When the Congressional Black Caucus asked the Immigration and Naturalization Service and the State Department in March why so few refugees from Africa had been admitted this fiscal year, they replied that security concerns prevented them from admitting the refugees. Yet if security is a reason for the delay, why is it that almost 1,500 refugees from the Near East and South Asia have been admitted when the region is known to have much more serious security concerns than Africa?

Mr. Speaker, I am asking for an equitable refugee admission process. Worldwide, 28 percent of the refugees are from Africa, and I believe that 28 percent of refugees resettled in the U.S. should be African in origin. But to date, less than 7 percent of the refugees admitted this fiscal year to the United States are from Africa. This imbalance really cannot continue.

What can we do to correct these regional inequities? We can roll over fiscal year 2002 admission numbers into fiscal year 2003 numbers so that a precious chance to rebuild a life does not expire. We can institute direct flights from refugee camps to a facility in the United States. Refugees can be processed within the U.S., as was done for Kosovo Albanians during the Balkan war at Fort Dix in New Jersey.

We could give preferential treatment to African refugees into very safe settings, as was done for the Montagnards from Vietnam, and we can increase circuit rides so that refugees can be interviewed where they actually live. Mr. Speaker, where there is a will, there is a way.

The statistics that I have cited are useful in understanding the severity of the refugee admissions crisis that is taking place, but they also obscure the fact that we are talking about desperate, suffering people. Each fraction of a percentage point represents a family that has been united and given a new lease on life; each number represents someone who has escaped a hopeless refugee camp or a violent urban detention center.

Each number represents someone like Rose, a refugee from the Democratic Republic of the Congo, who has resettled in Dallas, Texas, the district that I am proud to represent here in Congress. Rose's husband, an ethnic Tutsi, fled the violence and chaos under the former Zaire to Rwanda to escape persecution. At that time, Rose was expecting her second child. As the war and violence of the Great Lakes Region raged around them, Rose and her children were forced to leave. They found temporary refuge in Benin.

In February 2000, Rose and her two children arrived in Dallas. Rose quickly found a job at a photo processing lab that enabled her to support her two children. Although she was self-sufficient, her life was incomplete without her husband. But by working with resettlement agencies, Rose was able to unite her family in March of this year. Mr. Speaker, the story of Rose from my district has a happy ending, and it demonstrates the hope and opportunity that we can offer if we will.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Cummings) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Payne) is recognized for 5 minutes.

Mr. Payne. Mr. Speaker, today is World Refugee Day. For many years, numerous countries all around the world have set aside a day for remembering the plight of refugees. One of the most widespread is African Refugee Day celebrated June 20 in several African countries.

In 2000, as an expression of solidarity with Africa, a special U.N. General Assembly resolution was passed naming June 20 of every year World Refugee Day.

Some of my colleagues may be thinking, why do we need a day to celebrate refugees? Why? Because today, right now, there are over 21 million refugees worldwide, people displaced by conflict, humanitarian disasters, and crises; men, women, and children whose lives are starkly different from those we lead because they find it very difficult
to meet just basic needs such as food, shelter, and water. Many times, men, women, and children find themselves living in destitute conditions in camps that leave them vulnerable to attack and to disease. There are anywhere from 3 million to 10 million refugees and approximately 10 million to 15 million displaced refugees in Africa. More than half of all African refugees have fled from four countries: Sierra Leone, Somalia, Sudan, and Angola. These four countries, along with Eritrea, Burundi and Rwanda, produce over a quarter of a million or more of refugees. The numbers are staggering, too large even to imagine, and difficult to connect to human lives.

So what do we do? What does it mean to be a refugee? Who needs to be resettled?

Let me tell you the story of one. Jean Pierre Kamwa, a student activist from Cameroon, fled to the United States in 1999 seeking asylum from political repression and torture, evils visited upon him because of his activism, ethnic background, and pro-democracy rhetoric. After arriving at JFK Airport from the long trip and treacherous ordeal, he was immediately taken into custody, fingerprinted, photographed, and handcuffed by an INS officer. Mr. Kamwa was told to remove his clothes and was subsequently searched. Then he was taken, still handcuffed, to the Wallack detention facility in Queens, New York, where he was detained for 5 months until granted asylum in April of 2000.

Mr. Kamwa now works with refugee visitation programs, such as First Friends, a community-based network that coordinates visits to the Elizabeth, New Jersey, immigration facility where 300 refugees are being held waiting for their cases to be judged and, might I add, at a facility that still does not reach the standards, in my opinion, that it should.

This one man’s story shows that even refugees who find their way to our shores have a long way to go before they can lead normal lives again. Now imagine that you are a refugee, seeking asylum in the United States. Imagine how difficult life is, held in detention, while you are being processed.

Since September 11, that wait has become even longer. Understandably, the tragic events there have created крыні in the processing of immigration and refugee resettlement cases. On November 21, 2001, President Bush authorized the admission of 70,000 refugees into the United States for fiscal year 2002. Yet, as of May 31 of this year, slightly less than 13,000 refugees have been admitted. Given the current pace of processing, it is highly unlikely that the allocation admissions level will be reached by September 30 of 2002; and, therefore, those people will not have an opportunity to come into this country.

What is even more disturbing is that while 28 percent of the refugees worldwide are Africans in origin, less than 7 percent of the refugees admitted into this country in fiscal year 2002 are of African origin. A mere 891 African refugees have been admitted this year, while 14,089 refugees from the Near East and South Asia have been resettled in the same amount of time; and a mere 37 percent of the admissions from the former Soviet Union. There is clearly an imbalance here, and it has to be redressed.

Testifying at a February 12 hearing held by the Senate Immigration Subcommittee, Assistant Secretary Dewey, and INS Commissioner James Ziglar committed their agencies to working very diligently to admit the 70,000 refugees that President Bush pledged to bring to the United States of America. In his testimony Ziglar said, “The terrorist attacks of September 11 were caused by evil, not immigration. We can and will protect ourselves against people who seek to harm the United States, but we cannot judge immigrants or refugees by the actions of terrorists. Our Nation must continue in its great tradition of offering a safe haven to the oppressed and persecuted.”

Mr. Speaker, I ask all of my colleagues to join in to try to make the processing of refugees more humane. The Refugee Resettlement program has proved to be a success for many individuals seeking asylum from terrible situations in their own countries, such as the thousands of Dinka youths that have come to be known as the “Lost Boys” of Sudan. The treacherous war in Sudan, fueled by the lust for oil, has forced thousands of Southern Sudanese to flee to neighboring countries like Kenya and Ethiopia. As the war rages on, thousands of Sudanese boys went from one country to another and 5,000 survivors of the 33,000 who originally fled Sudan ended up in a refugee camp in Northern Kenya called Kakuma. They have since become known as the “Lost Boys” of Sudan.

John Tot and 109 other Sudanese teenagers arrived in Philadelphia and other cities around the U.S. in late 2000, part of a humanitarian effort of the State Department and the UN High Commissioner on Refugees. These young boys have overcome numerous obstacles to learn English, graduate from high school, and even make their way to college.

The refugee resettlement program can work and can make the difference between barely surviving and leading a full, productive life. We must do what we can to urge the processing of African refugees. It’s a matter of life and death.

WARPED LEGISLATIVE PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise to discuss this administration’s and this Republican leadership’s warped and discriminatory priorities. Let us start with Social Security, which is dead last on their priority list. This House leadership has simply refused to bring up Social Security. Not only are they refusing to debate. They are completely dodging the issue.

The situation is so bad that this week, Democrats were forced to launch a discharge petition wherein we have to get 218 signatures in order to try to bring a bill to the floor to provide the American public with the debate on Social Security that our people deserve. All the while, the Republicans are on a course to raid and are raiding the Social Security trust fund to the tune of $1.8 trillion.

This debt clock tells the story of this week. Every week since they have started to do this, because we were in surplus a year and a half ago, finally, after years of budget regimen during the Clinton years and this Congress, we were able to bring revenues and expenditures into balance, even though we have an accumulated debt we are paying off. Nonetheless, they have begun to try to raid the Social Security trust fund to pay for their copay for prescription medicines, and every week while they are doing this, I am going to come down here and let the American people know how much they borrowed this week.

So as of today, they have now taken $219,055,890,410, which amounts to, for each senior citizen in this country, they dipped into your pocket $775. You could say it is akin to a tax imposed on each senior and their family in this country.

Now, what do Republicans propose to do about it? Nothing. In fact, if they had their way, they would sneak through a debt ceiling increase and go on about the business of pushing their number one priority, one which lies at the very heart of the Republican Party, and that is cashing out the revenues of the people of the United States to the wealthiest people and corporations in this country, even those that locate their headquarters offshore, as the gentleman from Texas (Mr. ARMY), the Republican leader, endorsed yesterday.

Members know the companies I am talking about, the energy giants like Enron Corporation, which is going to take 350 million more dollars of our seniors’ money for tax breaks that are given to them, and the pharmaceutical companies that lined up for the big dinner that the Republicans held last night over here at the convention center, where they raised over $30 million for this fall’s election.

Let us look at veterans. That is another low priority on the Republican list. This administration has proposed a 250 percent increase on copay for pharmaceuticals that our veterans must buy when they go into the veterans’ clinics or veterans’ hospitals.

If one is a heart patient or somebody that needs 10 prescriptions a month, figure out, if one is charged an additional $7 per prescription, that is over $218 additional per month. That is a tax on our veterans.

Republicans who profess to be the party of tax cuts would impose new
The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, during this special order hour, the Members of the Democratic side of the aisle are going to talk about an issue that we feel very strongly about, and that is the problem that senior citizens are having today affording their prescription medicines.

We just heard a few remarks a moment ago from the gentleman from Georgia (Mr. KINGSTON) talking about this problem, and yet the real heart of the problem lies in the fact that this Congress, and particularly those on the Republican side of the aisle, have refused to really deal with this problem of providing adequate prescription drugs for our seniors.

In fact, next week we are going to have a Republican plan presented on the floor of this House. Now, we do not know yet, since we are the party in the minority, whether the Republican majority will allow us to present our alternative plan or not. It may be very difficult for them to allow us to do so, because our plan is so attractive to American seniors.

But we are here this afternoon because we believe it is important for the American people and our senior citizens to understand the differences in what the two parties are proposing to do to help our seniors afford their prescription medications.

Ever since I have been in Congress, I have received hundreds of letters from constituents discussing the need to provide prescription drug coverage. I am probably as passionate about this issue as any Member of Congress.

Mr. KINGSTON. Mr. Speaker, I want to say these things, Mr. Speaker. When the gentleman from Georgia (Mr. KINGSTON) has put into this himself, and look forward to following this process down. As my mother would say to me, it is the cost, stupid. Bring down the cost of my prescription drugs. We need to do it now.

Our constituents come to us every day about the cost of prescription medications. They are worried about how their co-payments are going to be, how they are going to pay for prescription drugs. The average prescription in the United States costs $90, but if they buy it over the counter, it costs $29. The gentleman from Wisconsin (Mr. GUTKNECHT) has submitted for the record time and time again a list of the costs of drugs for America versus Europe and America versus Canada. We need to allow seniors to buy their drugs from any country they want if they are FDA-approved drugs, and we should let their pharmacists do it locally, on a wholesale basis.

The second thing we should do, Mr. Speaker, is look at the patent issue. Drugs right now get a 17-year patent. I ask Members, is that long enough, or is that too short?

One of my concerns is we pay for a lot of the basic research as American taxpayers. We pay to the National Institutes of Health and other government research agencies, and then we allow the pharmaceutical companies to get a big research and development write-off on their taxes, so we do subsidize drug research.

That being the case, should we allow a 17-year patent on drugs? When the patent on Prozac went off last August, the price of Prozac fell 70 percent. We have to ask ourselves, this government-sanctioned monopoly, is this a good idea? I bring up the question, Mr. Speaker. I do not know the answer to it, but I think we should look at it.

Thirdly, we should look at drug approval time. The FDA right now takes 3 to 8 years to approve a new drug. We need to narrow that window. We need to put safety first, but if we can get the drug to market faster in a safe way, we need to do it.

Finally, Mr. Speaker, there is a study from the University of Minnesota, which the gentleman may be familiar with, which actually says as much as 40 percent of the prescription drugs that are taken are either unnecessary or are taken incorrectly. We need to help people take the prescription drugs in a safe and in a correct manner because the cost. If we can imagine 40 percent of the drugs being used incorrectly, that is a tremendous amount of savings and a huge health hazard.

These are some of the things we should continue to do along with the prescription drug benefit, which the Republican Party is offering next week on the House floor.

I want to say these things. Mr. Speaker, very carefully about the time that the work the gentleman from Minnesota (Mr. KENNEDY) has put into this himself, and look forward to following this process down. As my mother would say to me, it is the cost, stupid. Bring down the cost of my prescription drugs. We need to do it now.

THE PROBLEM: SENIOR CITIZENS FACE AFFORDING PRESCRIPTION MEDICINE

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In fact, next week we are going to have a Republican plan presented on the floor of this House. Now, we do not know yet, since we are the party in the minority, whether the Republican majority will allow us to present our alternative plan or not. It may be very difficult for them to allow us to do so, because our plan is so attractive to American seniors.

But we are here this afternoon because we believe it is important for the American people and our senior citizens to understand the differences in what the two parties are proposing to do to help our seniors afford their prescription medications.

Ever since I have been in Congress, I have received hundreds of letters from constituents discussing the need to provide prescription drug coverage. I am probably as passionate about this issue as any Member of Congress.
our seniors complaining about the high cost of prescription drugs. I have had numerous town meetings to talk about the subject, and it brings tears to one’s eyes to listen to some of the situations that many of our seniors are finding themselves in today.

In many cases, they are going to their local pharmacies with their prescriptions that their doctors have just given them, and in many cases they are unable to purchase the medicine that the prescription prescribes because they just cannot afford the bill. Prescription drugs have gone up in this country in price faster than any other item that we commonly purchase.

Members heard a discussion just a moment ago about the importance of allowing prescription drugs to be imported from other countries so that we can get the same low prices that people do in Mexico and Canada, and every other country in the world, which we ultimately end up paying. We think that is wrong.

On the Democratic side of the aisle, we have had legislation that we have filed for many years now to try to require the drug manufacturers to fairly price their drugs to the American people. After all, it is our government that gives those drug manufacturers the right to exclusively market those prescription drugs because we, through our government, give those manufacturers a guaranteed protection that says for 17 years they can market their products, which we ultimately end up paying. We think that is wrong.

The answer is very simple. The American people today are paying over twice the price for prescription medications as any other people in any other part of the world, including Mexico and Canada, because the drug manufacturers charge the highest prices to our local pharmacies, which we ultimately end up paying. We think that is wrong.

As we all know, in a capitalistic society, we believe in competition. That is what holds down prices. But for prescription drugs, there is no competition. Now, in every other country in the world, the governments there have some mechanism to control costs. In the United States, we do not. That is why we find the pharmaceutical industry to be one of the largest contributors to political campaigns of any special interest in this Nation.

In the last Republican friends last night had a big fundraiser, and if Members read the Washington Post yesterday, they saw how many of the large pharmaceutical manufacturers contributed $100,000 and $250,000 apiece to go to the Republican fundraiser, we are not going to find the same thing, because long ago the Democrats in this Congress said that it is wrong for the pharmaceutical manufacturers to be able to charge people in this country over twice what they charge people in other nations for the same prescription medicine in the same bottle made by the same manufacturer.

We are going to have that debate on the floor of this House next week, because our Republican friends are proposing their solution for the problem of prescription drug costs for our seniors. I must tell the Members that it is a plan that is wholeheartedly supported by the pharmaceutical manufacturers because it fails to deal with the fundamental problem that exists not only for seniors, but for every one of us who has to buy prescription medicines; that is, the pharmaceutical manufacturers have engaged in price discrimination because they charge on average over twice for their products to the American people that they charge to people in any other country of the world.

Our plan would change that. The Democratic plan says that we will allow the buying power of the Federal Government to be exercised by the Secretary of the Department of Health and Human Services to purchase in bulk prescription drugs for our seniors so that they can pay $35-a-month premium for them.

Now, Members can imagine how upsetting that is to the pharmaceutical industry, because they know if the government gets into the business of helping our seniors get their prescription drugs and uses the bulk buying power of the government, pharmaceutical companies are not going to be able to charge the same high prices that they are charging to us and our seniors today.

So the Democrats have a plan that gets pricing under control.

Our Republican friends say, oh, we do not want to meddle with the pharmaceutical industry, but we will provide a benefit to our seniors; but they do not want to do it through the Medicare program as we have known it for so many years. Medicare, in my judgment, is one of the best programs that the United States has ever enacted; and if my colleagues talk to seniors today, they are confident in the Medicare program. They know what it means, they know what their benefits are; and the beautiful thing about it, because we all pay the Medicare tax for that plan, we all get the benefit when we reach 65. No matter what our income is, we all get the benefit because we have all paid in. It is why Medicare enjoys such widespread support among the American people.

Our Republican friends say they do not want to add a prescription drug benefit to regular Medicare. What they are proposing is that we have a separate program that, in fact, would be a private insurance plan. In essence, they are going to come to the floor of this House next week and say we are going to require the private insurance industry to offer a prescription drug plan for all our seniors.

We have been down that road before; it was years ago in this House, and we had hearings, and the insurance industry came in and testified under oath that they will not offer such private

insurance plans because they know the only people that are going to buy them are the people that need prescription drugs, and it is hard to offer an affordable plan if the only people that are signing up for insurance are people that need prescription drugs. It is kind of like trying to sell fire insurance. If the only people that bought fire insurance for their homes were people whose houses were going to burn down, it would be pretty expensive insurance. So we spread the risk around. Democrats have fought to have a prescription drug benefit as a part of Medicare, not a private insurance plan, where the seniors will not know what the premiums are going to be, they will not know what the coverage is going to be. They are simply told the private insurance companies of this country have got to offer some kind of plan, and it is up to Mr. and Ms. Senior to figure out which one they can afford because we are just going to sign up and give them $35-a-month premium for them, and they can figure out if they can afford a more expensive plan and add some money to it to afford a real good prescription drug plan.

That is not what Medicare has meant to seniors in this country. Medicare has given them the security that they know that if they pay a small premium for their doctor care and no premium for their hospital care they are going to have a defined set of benefits under Medicare; and this Republican plan that is coming to the floor next week is not going to provide them that kind of assurance.

There is another very interesting portion to the Republican plan, and that is, it has in it what we call a donut hole. That sounds sort of unusual, but let me explain it.

What the Republican plan says is they will have these private insurance companies that these seniors will have to sign up with, they will pay 80 percent of the first $1,000 of the prescription drug costs a year, and they will require these insurance companies to cover 50 percent of the second $1,000 of the prescription drug costs a year; but when they get over $2,000 in prescription drug costs, all the way up to about $5,000, there is no coverage under the Republican plan.

It creates a very interesting situation because we all know that, on average, seniors in this country are paying around $300, little less than $300 a month for their prescription drugs. In fact, it is not uncommon to find seniors are paying $400 and $500 a month for prescription drugs.

I ran into a gentleman in my district a few months back. He said between him and his wife they pay $1,400 a month in prescription drug costs. I do not know how he did it. I do know the gentleman, and I know he is on the board and he may be an officer of some wealth, but can my colleagues imagine, for average seniors, if they find themselves burdened with $1,400 of prescription drug costs a month? It can
happen. It can happen to my colleagues; it could happen to me.

If we look at this chart, how much would the average senior save in prescription drug costs under the Republican plan versus the Democratic plan? Under the Republican plan, people will save 22 percent of their current prescription drug costs. Under the Democratic plan, they will save 68 percent. Obviously, a more generous benefit under the Democratic plan.

In the Senate has under the Republican plan $400 a month in prescription drug costs, that is, $4,800 a year, under their plan, they would pay $3,920, and the plan would pay them only $1,300. How many seniors do my colleagues think are going to sign up for a plan with a benefit that is that meager? I do not think many, and I think when our seniors find out that here we are on election eve and our Republican friends have run out on to the floor of this House and passed a sham prescription drug plan that really does not mean anything to them, I think they are going to hold them accountable when the election comes in November.

We all know that our seniors are well and past time for relief on their prescription drug costs. If Medicare had been such a significant part of our health care costs when Medicare was first enacted into law in the 1960s, we would already have a prescription drug element in Medicare; but back in those days, we did not have all of these miracle drugs, and prescription drugs were a very small portion of total health care costs.

So when the Congress and President Johnson proposed Medicare for our seniors, nobody thought about putting a prescription drug coverage in it; but times have changed, and if my colleagues and I get sick, one of the biggest parts of our health care expenses will be prescription drugs, and I think we are all going to have to face all those prescription drugs because they are providing us cures to many very serious illnesses.

What good is the cure if we cannot afford the pill? That is the situation facing our seniors today. So we are here this afternoon, members of the Democratic Caucus in this House, to talk about the plan that we think is right for America's seniors and to point out the deficiencies in the sham plan that is coming to this floor next week and with perhaps the denial of our aisle to even offer what we think is a much better plan.

So we believe it is important for us to spend some time talking about it. I am joined today on the floor by several of my colleagues, Members of this Congress, who have fought for many years for prescription drug coverage for seniors.

The first one I want to recognize is the gentleman from Arkansas (Mr. BERRY), a pharmacist by training, a man who understands the problem of many of us the problem of the high cost of prescription medicine; and I am proud to yield to him and to thank the gentleman from Arkansas for his steadfast leadership on this most critical issue.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas, and I thank him for his leadership and the great work that he has done on this issue throughout this year, and also his friendship and willingness to cooperate not only with me but with many others in the Democratic Caucus to try to solve this problem for our senior citizens and for all Americans.

Mr. Speaker, it is a sad day when we come to this floor once again, and we have done this over and over. I came in with the gentleman from Texas in 1997. Ever since then, we have been coming to this floor, coming to the well of the House, repeatedly asking the United States Congress and the House of Representatives to pass a prescription drug plan for our seniors.

The reason I say it is a sad day, we know how to do this. We know how to pay for it. We can do it. Just last weekend, I was back home in Arkansas, ran into a dear, dear friend, has breast cancer, has to take expensive medicine. Her medicine in Arkansas costs $775 a month, just for one particular item. She can buy that medicine in Connecticut for $50 a month. Medicine, made in the same place, the same thing for a person, made by the same company; but it costs 10 times as much. That is not right. It is not fair. It is unbelievable that the United States Congress has allowed that to go on and on and on.

We tried to do something about that. In December of 2000 as an amendment to the agricultural appropriations bill, we made it possible for the Food and Drug Administration to put a stop to that very practice, to make it so that Americans could buy their medicine at the same low price as every other country in the world. We passed it, Senate passed it, President Clinton signed it into law; today, it has never been implemented because the instructions were given to the Food and Drug Administration, do not implement this law, do not let this happen.

The same folks that made that decision, attended that multi-million dollar dinner last night at the convention center right here in Washington, D.C., that was paid for in large part by enormous, hundreds of thousands of dollars in contributions from the manufacturers of prescription medicine. I wonder why they did that? That is unbelievable. That is so inhumane that we cannot imagine that we would allow this to happen.

I never go home and spend time with my colleagues on the years and the years and the years and the years and the years that we have fought for this issue. I am proud to yield to him and to thank the gentleman from Arkansas for his steadfast leadership on this most critical issue.

Our seniors have a Social Security check that will not even pay their drug bill; but if they lived in Canada, if they lived in Mexico, if they lived in Great Britain, if they lived in Panama, if they lived in Argentina, or Russia, they would have enough money because they would not be getting robbed, and yet we allow this to go on and on.

I represent a rural district, grew up in a rural community, place that is very special to me. We did not have a lot, but we did not know we had a lot of very wise people in that community that I grew up around. They had a lot of sayings. Sometimes they made sense and sometimes they did not. One that I particularly remember that this particular situation brings to mind, they used to say. Don't worry about the mule going blind, just load the wagon.

I can tell my colleagues for a fact that the American people and certainly the American seniors have had their wagon loaded. They cannot pull any more. They cannot bear any more burden as far as the cost of their prescription medicine and the way the prescription manufacturers in this country continue to rob the American people. This is something we should not allow to continue.

Just yesterday I believe the Committee on Ways and Means marked up a new prescription drug bill. Talk about loading the wagon. My colleague from Texas has already described the bill. It takes Medicare funds that are collected, supposed to be used to pay for health benefits for our senior citizens, and it does not buy one single pill. It does not buy any medicine. They take that money with that bill, and they give it to the insurance companies; and they say now we want the insurance companies to provide a prescription drug benefit for our seniors.
Mr. BERRY. I will be glad to yield to the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I especially want to comment on the remarks of the gentleman from Texas earlier with respect to insuring this initiative. I hail from the great city of East Hartford, in Hartford, home of the insurance industry, and I am very proud of that. But as the gentleman from Texas indicated earlier, under oath, people in the insurance industry understand that this is a sham; that this is something which simply cannot be written; that actuarially it is impossible to do this kind of risk. And they do so candidly.

In talking to one CEO, he said this would be like trying to underwater get a haircut. So to perpetrate this kind of a sham and a myth on the elderly is outrageous. Incidentally the only thing more outrageous is the high prices that they are paying. And the only thing more outrageous than that would be if we do not have an opportunity to present a Democratic alternative here on the floor.

I commend the gentleman from Arkansas and the gentleman from Texas for their long-standing work and efforts in this specific area. But even the insurance industry CEOs understand this is a sham; that it cannot work; that it cannot possibly be priced where anyone who need this benefit could afford to purchase the insurance that would cover it.

Mr. BERRY. Mr. Speaker, I thank the gentlelady from Connecticut. And, as I said when I began, it is sad that we are back on this floor once again to have to talk about this issue when we have senior citizens and other Americans all over this country today that are being put at a tremendous disadvantage just because we have continued to allow the prescription drug manufacturers in this country to rob them.

In Washington, D.C., we have a multitude of strategists, consultants, and people that read polls to figure out a strategy to win politically. What the strategists have told our colleagues across the aisle is it does not matter whether they pass anything or not, it does not matter whether they help the people that are getting robbed. It does not matter whether they provide a serious prescription drug benefit for senior citizens or not. The only thing that matters is to vote for something; make them think we are going to do something.

That is just simply not the right thing to do. There are many Members in this House on both sides of the aisle, and we just had a couple of Republicans earlier this afternoon talk about how unfair it is that Americans pay more than anyone else for their medicine. They have the right idea about prescription medicine for America. What we would like to do is, for once, sit down all come together to solve a real problem and to do away with a serious injustice to the American people and to our senior citizens.

Like I said a while ago, we can do this. We know how to do it. This is not rocket science. The interesting thing is that there are many financial analysts that have looked at this and said if we do the right thing, make this medicine affordable, the drug companies will still make more money because they are going to sell a lot more product.

Right now, we have got senior citizens and other Americans that just simply do not take their medicine because they cannot afford it. Imagine a horror movie where there is a terrible, unscrupulous, evil person that owns and has in their possession the medicine to save someone's life, and they could control that person and hold it just out of their reach, and laugh and ridicule them and make fun of them because they cannot afford it. They would have control. That is a scene that none of us would appreciate nor would want to be a part of. But effectively that is what we do in this country when we allow the drug companies to overprice their product and overcharge the American people.

All we are asking for is a free market situation. Take away the monopoly. Let the market do its work. I am confident that if we do that, we will solve an enormous problem. We will do a lot of people a lot of good, and the drug companies will make just as much, if not more money than they are making right now.

Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. LARSON. Mr. Speaker, I thank the gentleman from Arkansas and again applaud both he and the gentleman from Texas for their continued efforts on this floor, along with our distinguished colleague, the gentleman from Maine (Mr. ALLEN), who has also been outspoken with respect to this important issue.

The gentleman from Texas, I think, outlined very succinctly the issue we face here. So many seniors have waited, have anticipated every Presidential candidate, both through-out the primary season and then into the election of 2000, talk about how this was the most important issue facing not only seniors, but Americans in general. They almost unanimously every Member of Congress and members of State legislative bodies as well come forward and say this is the most important issue to seniors. And so while we have universal agreement that this is the most important issue confronting our senior population, to date we have not seen anything come to the floor.

What an outrage. What a shame. A great Republican President once said, you can fool some of the people some of the time, but the American public will not be fooled by sleight of hand, will not be fooled by sham proposals. They want a straightforward, direct answer.

We would have the gentleman on this floor about an issue that everyone universally agrees with should be debated. It is our sincere hope that we have a bipartisan resolution. I heard the gentleman from Minnesota (Mr. GUTENKNECHT) on the floor earlier pleading about the cost of price and the gentleman from Georgia talking about the cost of price and the need for us to get this under control. So, therefore, we ought to have an open debate on this issue, but the American public should be tuned in and understand and be able to see proposals side by each and make up their minds on who is putting forward a proposal that best suits their needs.

The greatest generation that has been heralded by Tom Brokaw and others as the greatest generation ever, this generation that has been heralded in the movies, in books, on the radio, what do they say? They say the time for lip service is over, the window to improve seniors' lives is through; provide us with a prescription drug policy that works, that is universal. As the gentleman from Texas (Mr. TURNER) pointed out, that should have been included under the Medicare provision and the seniors everywhere would have the opportunity to get prescription drugs at a price they can afford.

The gentleman from Minnesota (Mr. GUTENKNECHT) articulated it very well earlier. What we have done is we have turned our senior population into refugees from their own health care system, refugees that have to leave their own country and travel to Canada to afford the prescription drugs that they need to sustain their lives.

Is that how we treat the greatest generation ever? Is that how we award our veterans for their valiant service, that when they need their Nation most in the twilight of their years, when they want to live out their final days in dignity, we are arguing over the cost of a plan? Then if there is a difference between the plans, and the difference is the cost, let the parties be known by what they stand for and whom they are standing for. This is a matter of cost, then the cost has already been paid, and it has been paid for dearly by the sacrifice of generation after generation of Americans, especially those who came back and rebuilt this Nation, who provided our children with the highest education ever, that saw this great country rise to the preeminent military, economic, social leader in the world, and for their thanks they are deserving of living out their final days in dignity.

I commend the gentleman from Texas (Mr. TURNER), I applaud the gentleman from Arkansas (Mr. BERRY), but I recognize deeply as well that...
there is an outrage that is being perpetrated. Americans everywhere should be phoning in and calling and making sure. Perhaps maybe some would agree and argue and say, you know what, we think perhaps their approach is better. Then fine, this is about democracy. Let us lay that proposal out as we are told we are going to see next week, but allow the Democratic proposal. I can’t believe I am saying this in this Chamber. Allow the Democratic proposal. Of course the Democratic proposal should be presented side by side by each, and it should be fully debated. That is what Americans expect. That is the premise on which this Nation was founded. Let it take place. Let it unfold as it well should next week when we have an opportunity to see both plans side by each.

The only thing more outrageous than the price that everyone agrees on, whether they be from Minnesota or Georgia or Texas, Connecticut or Arkansas, is that the prices are way too high, and the people who are paying the price are our senior citizens, those all too often who least can afford to do it. So, therefore, the only thing that would be more outrageous than the prices that they are already paying would be this body not having an open and fair debate where every Member gets to come down and speak their mind under an open rule on this, that everyone agrees universally is the most important issue that faces our senior citizens in the twilight of their lives who deserve to live out those final days in dignity.

I thank the gentlemen from Texas and Arkansas for their support and continue to laud their efforts.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Connecticut (Mr. Larson). We appreciate the passion with which he speaks on this issue, which I think is the most important issue that we face. It clearly is an issue that has defined more clearly than any other the difference in viewpoint between the Democratic Party and the Republican Party in this House of Representatives. I am amazed as I try to deal with this issue and talk to my seniors when they struggle to know why can the two parties not sit down and figure this out for seniors. They thought it was going to be done after the last Presidential election.

It breaks my heart to have to explain to them the difficulty that we are having getting this done in Washington, and the reasons that we are having trouble are totally inexcusable. It is not just a matter of the fact that our plan provides a more generous benefit for seniors. In fact, I believe that our plan is the only plan that seniors would want to sign up for because our plan and the Republican plan are both voluntary. This is a出席er they do not sign up and pay the premium. I do not think that they will sign up for an insurance plan that only offers 22 percent of the savings and the Democratic plan offers over twice as much.

Mr. LARSON of Connecticut. Mr. Speaker, they could not afford to sign up. It is impossible to underwrite that actuarially. Every insurance man and CEO will say that. They have sworn under oath that is the case. The gentleman is right about this being a defining moment, not only for the respective parties, but for America and for this Chamber. Between this body and the other body, there are 535 Members. There are over 600 pharmaceutical lobbyists currently working the Hill. It is time to decide who is going to have their way and who. As I stand here this afternoon on the floor of the House of Representatives, with thousands of seniors listening to this discussion, at this very moment the pharmaceutical industry is running television ads by rest of the people in Republican plan in almost every State in this Nation.

In fact, I watched one of the ads this weekend when I was in my district. It is paid for by the United Senior Citizen Association, and has a senior citizen actor talking about the benefits of the Republican plan. Not many people know that the United Senior Citizen Association is a front group for the pharmaceutical manufacturers, well-reputed, well known in the major newspapers; but many seniors will never notice, and they will think that ad is talking about something that is good for them. But the only folks that Republican plan is good for is the pharmaceutical industry which backs it 100 percent.

I think it is important for us to be honest with the American people about this debate. It is not only a debate of the power of the pharmaceutical industry versus the rest of the people in this country and our seniors, it is a battle that involves the issue of what do we really think about Medicare. The Democrats in this House believe Medicare has been a successful program for our seniors. One of the additions to the opposition to the pharmaceutical industry, one other reason that our Republican friends will not support the plan we propose is because we add the prescription drug benefit as a part of the regular Medicare program. One of the agendas in the Republican prescription drug plan is to move this country away from regular Medicare into what we commonly call Medicare+Choice plans that are run advocated by the insurance industry.

Now, I come from a rural area, and there were a few Medicare+Choice plans offered a couple of years ago, and some of my seniors signed up for them because they were told that companies said they would give them a little prescription drug benefit. Those private plans have sent out notice to seniors their plan is cancelled, and they are back on regular Medicare wondering how they are going to get any help with their prescription drugs.

Some people act like the private insurance industry is ready to offer...
plans. The truth is we would never have had Medicare in 1965 if the private insurance industry would have been able to take care of the problem of providing health care for seniors.

But our Republican friends say we cannot afford prescription drug benefit as a part of regular Medicare because they know that if they do, everybody is not only going to be happy with regular Medicare, they are really going to be happy with Medicare if we can get the prescription drug problem solved; and they will not have the opportunity to push this country toward private health insurance for all Medicare recipients. That is the heart of the issue that we are debating here today.

I am pleased that I have got another Member of the Democratic caucus here who has worked hard trying to help us provide coverage for our senior citizens, the gentleman from Illinois (Mr. PHELPS), a tough fighter for his constituents, who believes in the Medicare prescription drug benefit and I am proud to yield to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER), from Arkansas (Mr. BERRY), and the gentleman from Connecticut (Mr. LARSON). The challenges are before us, and I thank the gentleman from Texas (Mr. TURNER) for bringing us here to talk about this issue, which I think could possibly be the most important domestic concern outside of homeland security and what we are trying to do against the terrorists than any other issue.

First, I will go into a more formal statement, and then I will talk in more informal terms.

Mr. Speaker, the time has come to implement a real prescription drug plan for seniors. John and Ann Craig are residents in Muddy, Illinois, a rural settlement in Illinois not far from my hometown of Eldorado. It is a small community, coal mining, farming community. The Craigs suffer from a combination of diseases, including diabetes, heart disease and high blood pressure. His medication runs around $450 a month while her medication runs around $350 a month. They pay a total of $1,300 a month for prescription drugs and receive a mere $700 in Social Security. The Craigs own a small farm where they have worked hard most of their lives. However, their overwhelming pharmacy bills have effectively ruined any chance of worry-free retirement because their savings have been used on medications.

This is just one example of the many that we can give of the unnecessary hardships our citizens are facing due to over-priced prescription drugs. We use names and faces many times to make this debate and these issues come alive, many facts and figures and statistics, that it can have a tendency to be artificial, and that is why with these people’s permission, their examples.

It is time to stop the delays and pass meaningful Medicare reform that will help our seniors and not confuse them. We need a prescription drug plan that will help each and every senior in need. The Republican plan, the plan of the other side of people contains a huge gap that will leave out a number of seniors. This plan will not provide any coverage for drug costs between $2,000 and $3,800. The inadequate coverage is sure to leave many of our seniors our constituents out in the cold.

Their plan also contains many other provisions that need to be changed. There is no defined benefit, no guaranteed premium; and geographic inequalities exist. This issue is way too important to millions of Americans to not have a definite fair plan that will benefit each and every senior citizen who cannot afford to pay for their monthly medication.

The Democratic plan, our plan, gives seniors what they are looking for. There are no gaps in coverage. There is a guaranteed benefit for seniors. That is an important item. We know with insurance plans and all these other medical dictates, there is much confusion, directions, all kinds of small print, footnotes that they overlook many times. We want something simple, to be understandable and affordable. Our citizens are depending on us to work together to come up with a plan that will bring them prescription drugs at a price they can afford, a price that does not take a large chunk out of their monthly budget that would normally be spent on food and other necessities. We have a moral and ethical responsibility to look out for our seniors. We must implement a plan that will benefit each and every senior that is paying ridiculous prices for their necessary medications.

I wanted to come to this sacred institution to have a fair, courteous, yet professional exchange. We call it debate. This is what we will engage in in our campaigns from now to the election in the fall. We will go back to our districts and we will try to come before our constituents, the citizens of our district and our State, and try to compare and contrast where we stand on issues as opposed to our opponents. If in fact, that is what we are here for, after we went through our campaigns and made promises, each and every one of us, that we would address this issue, not this session, but even the session before, people are wondering asking questions: You stood before us on camera, you stood before us in debate in person in our town hall meetings, in our assemblies and our auditoriums, and you made promises, and there was rhetoric that was going out. We wonder now why there is not action to follow.

That is why I stand here today. That is why I wanted to be elected to be the Representative of the 19th District in Illinois, downstate in southernmost Illinois, where health care and the problems are unique, a very highly medically underserved, manpower shortage area. Where I chaired the health care and the Medicare Committee in my 14 years of service there, I chaired both the education and the health care committees, I know the uniqueness of rural health care and the challenges there. The senior citizens are great numbers downstate, rural areas, make up the generations of our small family farmers and our small businesses and our unique craft shops that now are not as numerous as they once were. But they have roots there, and they want to stay where their loyalties are and their children have been raised.

This is why this is a great challenge to us to address this now. This is the greatest deliberative body in the world, in a talk to the students and the children together, hopefully after being elected equally, not one higher than the other, we are here on an equal basis. We vote for our leaders to be placed in leadership, together, hopefully after being elected equally, not one higher than the other.

Our leadership is representing us, after we have asked them to, to make sure that this issue is way out front without further delays, affordable, clear and simple, and that it has the kind of quality that we promised them during our rhetoric during our campaigns.

Students often ask me when I visit the classroom, and as a former teacher I do that quite often. I stay in touch with the young people. If you want to know what is going on in the house, I talk to the students and the children. I visit them. Their number one question is, can you tell me, even though they have studied, I am sure, history, and by training I am a history and geography, social studies teacher, they want to know what are the differences between the Democrat and the Republican Parties? They hear the spin on the radio and TV shows and the propaganda that are slanted one side or the other, by both parties, by the way, that we do engage in, but I try to tell them to watch this prescription drug issue come alive.

By the way, the only reason it is coming alive is that the Democrats had to come up to Congress and say to the President’s bill of rights debate, because there was no such debate. There was a plan not to be one, because that would expose the slight of hand of those in the majority that cater to the big interests that don’t cater to those of our House, the insurance companies and the pharmaceutical industry. That is the biggest influx of support and dollars that the Republican Party enjoys, as just even last night we saw.

This is why we are here, to clarify and to ask, come forth with your plan, make it clear to us, and we will debate it here before the American people.
The biggest difference between the plans is, first and foremost, we want to manage it through Medicare, not let the HMOs, as they have done through the other insurance plans. We do not want to put, as the HMOs have, profits ahead of people. We want to put people ahead of profit. We want to put the costs down, contain the costs. We want to make it optional for you to participate, and affordable is the reason why you will choose through our plan to participate. And, finally, to protect the most vulnerable in our society, the most frail elderly of our society who built this country, who endured the Depression, came through the wars, the world wars, the most burdensome world wars that took its toll on their lives. Many of them are disabled, handicapped because of those wars, and the most prosperous, richest, wealthiest country on Earth cannot afford to help the most vulnerable of our society? I am here asking why not?

I thank the gentleman for the opportunity. I appreciate the leadership of the gentleman from Texas.

Mr. TURNER. I thank the gentleman for his passion on this issue and for his leadership. I know we all feel strongly about this, but help but think of the constituencies that you mentioned and the constituents that I visit with all the time who are struggling to pay their prescription drug costs. I just ran into one just the other day, it was at the Quik Lube in Lufkin, angry that the Congress had not acted to pass a meaningful drug plan. I have seen those seniors board those buses in Houston to travel to Mexico and come back and say they have saved $10,000 by making the trip together.

I know the next gentleman who will speak understands that problem, the gentleman from Maine (Mr. ALLEN), a fighter for seniors on the prescription drug issue who has also seen in his State those seniors board those buses and go to Canada and save thousands of dollars.

It is a pleasure to yield to the gentleman from Maine.

Mr. ALLEN. I thank the gentleman for yielding, and I thank the gentleman from Illinois, who has been such a terrific fighter for this issue since he came to the Congress.

I will be very brief. I just wanted to say, the gentleman from Illinois (Mr. PIELLOT), he was the first to explain to people back home what the difference is between the Republican Party and the Democratic Party on this issue. I would add, in addition to what he said, that we Democrats do not believe that the private health care, all the people all of the time. For the second election cycle in a row, the Republican Party has put up a plan which is an illusion, will not provide prescription drug coverage to seniors because the private insurance market will not provide what they say it will provide. This plan will never come law. If it becomes law, it will not provide help to seniors because it relies on the private insurance market. There is no guaranteed benefit, no guaranteed copay. It is whatever the insurance companies want to charge.

The fundamental problem is that the people who will sign up for the plan are those who have very high prescription drug bills. The insurance industry will not be able to make money, and so they will stop providing the coverage. We have already been through this with managed care under Medicare. This kind of approach does not work.

Everyone else in this country who is employed and has prescription drug coverage gets their prescription drug coverage through their health care plan. For seniors, it is Medicare. All we are saying as Democrats is let us have a Medicare prescription drug benefit. Let us not try year after year, election after election, to cloud this issue, pretend we have a plan as the Republicans do and not do anything.

The aversion to strengthening Medicare care from our friends on the other side is so strong that they will never do it. They will never do it. Only a Medicare benefit, only strengthening Medicare, will provide the solution. That is what the Democratic plan is. That is what the Republican plan is not. The Republican plan is labour intensive. We need to pass the Democratic plan.

Mr. TURNER. I thank the gentleman again for his strong leadership. We both came to Congress together. We have both been fighting for this ever since we arrived here. On behalf of all our constituents who continue to struggle to pay their prescription drugs, they need a meaningful, real prescription drug plan that is a part of Medicare, that they can afford, we will continue to fight.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4931, RETIREMENT SAVINGS SECURITY ACT OF 2002

Mr. DIAZ-BALART (during the Special Order of Mr. TURNER) from the Committee on Rules, submitted a privileged report (Rept. No. 107-522) on the resolution (H. Res. 451) providing for consideration of the bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, which was referred to the House Calendar and ordered to be printed.

HUMAN CLONING

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker’s announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I and several of my colleagues, including the distinguished physician and Congresswoman from Florida by the name of DAVID WELDON, wanted to rise in this Chamber to discuss an issue that, while it has fallen to some extent, to use a colloquialism, below the radar screen here in our Nation’s Capital, it is without a doubt the most significant moral question that the institution of the Congress will confront this session of Congress and perhaps, Mr. Speaker, for many sessions of Congress to come.

As we debate the restructuring of agencies of the Federal Government, the new Department of Homeland Security, as we debate in memorable, terms as, my colleagues just did, the extension of benefits under Medicare, all of these issues pale in comparison to the potential cultural impact and the impact on our system of legal ethics that the legalization of human cloning would represent to our society and even to our civilization.

Yet even though this body has acted and awaits action in the balance of the Congress, I believe it is incumbent upon the Members of this institution who cherish the dignity of human life to rise and remind our colleagues, as I will do so in the moments ahead, and any of those that are looking in about the profound moral questions that we wrestle with when we argue in favor of a ban of human cloning. It is my hope that as the gentleman from Florida (Mr. WELDON) joins us later, he will speak to the medical community that would have us move the promise of embryonic stem cell research. The gentleman from Florida will no doubt point out, as many of us did during the debates, that every single breakthrough in the area of stem cell research has taken place using adult stem cells, Mr. Speaker. Not a single breakthrough in medical science has ever occurred using embryonic stem cell research. Yet we are being sold a bill of goods by a technical medical industry that would have us move the line of thousands of years of medical ethics to permit what they, in almost Orwellian terms, refer to as therapeutic cloning, the cloning of human beings, of nascent human life, for the express purpose of testing that tissue.

I rise today, Mr. Speaker, to say we must prevent human life from becoming a wholesale commodity that is created and consumed. Let me say again, what I said this morning, rising in this Chamber with the colleagues that will join me, is very simple. We must prevent in this Congress, before the close of this year, this session of Congress, we must prevent, by law, human life from becoming a commodity that is created and consumed in a marketplace of science.

I say that knowing that there will be those listening in offices here on Capitol Hill, there will be those listening in offices here, who do not know what is happening, who do not know what is going on, who do not know about the strange science fiction assertion. But let me suggest to you as a family man, as the father of three small children, a
husband of 17 years, let me say that it is precisely about that that I believe this debate over human cloning ema-

tates.

I come to the floor this afternoon to speak about really the failure of the Congress to adopt a ban on human cloning. It is, Mr. Speaker, without a doubt, human cloning, perhaps the most anticipated and even feared develop-

ment in the history of science. The promise that opening up this Pandora’s box seems to hold for some pales in comparison to the backdrop of that great Biblical adage that reads in the book of Isaiah that, I am God, and there is no other. Human cloning is about the creation of human life for utillitarian ends. It is anticipated, and it is rightly feared.

For decades, truthfully, humans have been probing the darkest regions of their imagination to craft stories in science fiction where the duplication of human life is acceptable, but we always run in, it seems, to the old prophet, and he says, I am God, and there is no other.

Over the last several years, advances in the understanding of cellular biology have made it apparent that this brave new world described by science fiction writers was not actually that far off. We have since learned that cloning, if fact, a possibility could be, or may, Mr. Speaker, I say with hesitation, may already be, a real-

ity.

Somewhere in the world today, somewhere in America today, while Congress fails to act on a ban of human cloning, amoral scientists may be in the process of duplicating human life and thereby, perhaps, laying the foundation for duplicating a human being, created always, up until that point, Mr. Speaker, in the image of God, the first human being in history created in the image of another human being.

Several of my colleagues tonight and I want to examine precisely these ques-
tions, these large moral and ethical questions, that seem to get left in the dust behind the promise of somatic cell nuclear transfer and embryonic stem cell research.

We hear about the promise. We see people rising out of wheelchairs, we see quadriplegics able to walk, and we want to reach for that, Mr. Speaker, but we, to do so, must reach across a line that mankind has never and should never cross.

Cloning involves the making of an exact genetic copy of a human being through a process called somatic cell nuclear transfer. In the process, the DNA is removed from the cell of a human, and it is transferred to an egg cell. The result is the formation of a human embryo, the beginning of human life. Theoretically, if this embryo were to be implanted in a womb, it would have the ability to follow the normal stages of development until a human being is born.

I say to you today that while most of us recognize the problems of using cloning for procreation and are prepared to outlaw the practice of it, Mr. Speaker, there are some who would have us talk about somatic cell nuclear transfer as though what was created was not human life, and there is great confusion on this point.

I say, not in an effort to crowd the upcoming remarks of the gentleman from Florida (Mr. WELDON), but I say, Mr. Speaker, with deep humility, that there are people who want to refer to cavalier ways to that embryonic tissue and say it is something other than human life. Mr. Speaker, if it is not nascent human life, what is it?

I was provoked to come to the floor of this Congress by the words of some of the advocates of so-called therapeutic cloning, who are now about the business of sharing a new slogan with America, and it is a slogan that in effect says, I am not a clone, I am not, Mr. Speaker. I say to you today that this is wrong, and it is antihistorical assertion, and I call upon my colleagues as such, regardless of who may use it.

Many in the scientific community, Mr. Speaker, believe that nascent embryonic life should be used for medical research through this procedure known as therapeutic cloning. They have my sympathy, but they have not come up with this innocuous term. It is very misleading. In this procedure the cloned embryo is created solely for the use of its parts. The human is given life, only to be destroyed a few days later for specialized stem cells.

I go back to the thesis of my remarks today. We must prevent human life from becoming a wholesale commodity that is created and consumed and destroyed, which is precisely what therapeutic cloning is, Mr. Speaker. It is the creation of embryonic human life to be destroyed for its parts.

Despite the fact that research on embryonic stem cells has yet to produce any treatment for any medical condi-
tion, as I said before, researchers are calling the cloning and harvesting of embryonic stem cells “therapeutic.” Humanity is contemplating the creation of a subclass of human life that is created and killed for the benefit of other humans.

Mr. Speaker, I come from south of Highway 40 in Indiana. I am not the brightest bulb in the box. But, for crying out loud, how can we suggest that this is anything other than the creation of a form of human life that we have not recognized before, the cre-
atation of a class of human life that ex-
sts to benefit other humans who are farther along in their physiological de-
velopment?

I often say to my children, it is not suf-
ficient to think once about hard issues, you have to think twice. Mr. Speaker, this is one of those issues where you have to think twice, and the moral and ethical issues raised even by experimental and so-called therapeutic cloning become obvious.

I fear we are turning life literally into a wholesale commodity to be cre-
ated and destroyed. Make no mistake, if it proceeds down this course, mil-
ions of nascent human embryos, innocent human life, will be created and then de-
sroyed, and even then we may not at-
tain the scientific achievements that have been promised to us.

In the end, some may be willing to say that, well, there will not be that much destruction of nascent human life, but, Mr. Speaker, less than 3 percent of cloned embryos in animal studies are successfully implanted to go to term. Birth defects occur in legion numbers. Literally, Dolly the Sheep was the product of thousands of failed aberra-
tions in the attempt to clone a single mammal.

And to think of this kind of experimen-
tation, as we go not just from the therapeutic cloning level, stem cell research, but we know in our hearts there will be those media-hound scientists who will want to show up with the first cloned baby. Think of the children who will go before the first baby, think of the children who will want to show up with the first cloned baby. Think of the spontaneous abortions. If Dolly the Sheep is to be the instructor, if the experience of cloning experimentation on mammals teaches us anything, it teaches us that there will be a night-
march on destruction leading to that one fully cloned human being.

I do not know about the rest of my colleagues, but it is my firm conviction that scientific advancement is not worth the price of human embryo fac-
tories. It is also not worth the price of one innocent unborn human life that attempts to make it to term, but, because the scientific technology is not sufficiently advanced, it dies in utero or after delivery.

Cloning must be stopped in every form. Unfortunately, those who support cloning are attempting, I would argue, in some cases to twist the facts to fit their agenda. Recent state-
ments by supporters of cloning suggest that cloning actually is not cloning, that it is medical research on a cluster of cells stripped of their humanity. Mr. Speaker, I fear that this utilitarian logic has caused us to overlook deep ethical and moral implications in-
volved in cloning.

But also I would say humbly, as I prepare to recognize my colleague and friend from Florida, that not only are they wrong on the ethics and the mo-

rality, but, Mr. Speaker, I say with real humility, they are wrong on the science. They are wrong on the science. They are wrong on the medicine. They are wrong on the potential advances that this research affords.

As this Congress moves forward in this debate, it is absolutely essential that we do not let this weird science and the unsubstantiated promises dominate this debate, but that we look with the cold eye of science as we evaluate the promise here.
I would add, Mr. Speaker, it would be sufficient for this Congressman, even if the science held all the promise in the world, it would be sufficient for me to oppose human cloning, even cellular human cloning and research, on moral and ethical grounds. And yet, inasmuch as it is helpful to our argument, I have called upon my colleague and friend, the author of the House bill of banning human cloning, to join me in this Special Order today to talk about the science.

The gentleman from Florida (Mr. WELDON), before he came to this institution, was an established physician with a background in microbiology. He is a man who speaks with unique authority on these issues in this institution. It was the reason why we were able to develop legislation here and develop strong bipartisan support behind a human cloning ban. Part of the argument that the gentleman from Florida made and I trust will make again today, is that while certainly morality and medical ethics for thousands of years are on the side of banning human cloning in all its forms, for all of its purposes, happily, the science is on our side as well.

With that, I yield to the author of the ban on human cloning in the House, the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. I want to thank him for the support and assistance provided me and all of the others involved in passing the ban on human cloning out of the House of Representatives. The gentleman's involvement was extremely helpful. I also want to thank the gentleman for making arrangements for this Special Order.

We continue to await action from the other body on this issue. As we all know, the bill to ban human cloning, which I had authored along with my colleague the gentleman from Michigan (Mr. STUPAK), a Democrat, passed the House of Representatives now almost a year ago. It was July of 2001 that it passed. I just want to point out that that bill passed the House of Representatives by a 100-vote margin, I think it was 63 Democrats voting for it, and about 20 Republicans voting against it, so this is clearly not a Republican versus Democrat issue. It passed overwhelmingly, with a very, very clear bipartisan vote.

I just want to underscore that the bill that passed the House does not ban stem cell research. There are a lot of people that confuse these issues. I will admit they are complicated.

I have a background in medicine and science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science, and it is easy for me to follow the science. It specifically bans human cloning. And for the sake of discussion tonight, I do want to review exactly what that is. It is what is called asexual reproduction. I have a chart here to my left. The top row here shows the normal fertilization where the sperm unites with the ovum to create a fertilized egg, or single cell embryo; and this next picture here shows a 3-day-old embryo and then a 5-7 day-old embryo.

In animal beings, humans have 46 chromosomes, 23 are resident in the sperm, 23 are resident in the nucleus of the egg. They come together, 23 plus 23 equals 46, creating a new human being. This is how we all begin our path through eternity here on Earth and beyond, as a uniting of 23 chromosomes from the sperm and the egg.

In cloning, what is done is we take the egg and we either inactivate the nucleus with 23 chromosomes in it or, as shown in this particular diagram, we create a baby if you have a nucleus that has no nucleus in it, no genetic material, no chromosomes. Then we take a donor cell, and in this diagram it is depicted like the skin cell, and we take the nucleus out of it. We call these stem cells where the term “somatic cell nuclear transfer” comes from. The cells in our body, the skin cells, the cells in our heart, in our muscles, we call them somatic cells. Somatic means body.

The process involves taking the nucleus out of that and putting the nucleus into the egg. When that is done, that is called somatic cell nuclear transfer. If the process works, 3 days later we have an embryo that is essentially indistinguishable from this embryo here, except this embryo here is a unique individual created by the combination of the chromosomes here. This embryo is actually the identical twin of the person who donated this cell. So if this is me and somebody were to go through this procedure, this embryo developing would be my twin brother, my identical twin brother. That is why we call it cloning.

This is the exact procedure that was used to create Dolly the sheep. What they did in that particular instance is they took an egg from one sheep, they deactivated the nucleus, they took an undder cell, which is essentially a breast duct cell, and extracted the nucleus from the cells of Nature, and I think this came out of the University of Minnesota, that showed that they could get adult stem cells to become any tissue type, and they could get them to reproduce over and over and over again, essentially validating what people like myself have been predicting for quite some time. The study is entitled “Pluripotency of Mesenchymal Stem Cells Derived From Adult Marrow.”

What they did in the study is they clearly showed that adult stem cells can reproduce and reproduce and reproduce as embryonic stem cells can, and that they can become any tissue type, essentially laying the debate to rest.

I am a physician. I take care of patients with Alzheimer’s disease. I still see patients once a month. My father had diabetes, died of complications of diabetes. This is very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very, very,
that one has to have embryonic stem cells.

Mr. PENCE. Mr. Speaker, if the gentleman will yield, I wondered if it might be a good opportunity to take just 2 minutes to recognize the gentleman from Pennsylvania (Mr. PITTS), because I am very interested. Mr. Speaker, in eliciting more information about the promise of adult stem cell research from the gentleman from Florida, which seems to me is the most dehumanizing, in addition to the moral and ethical argument against something as a transfer, therapeutic cloning for research, the most dehumanizing argument beyond the morality is the promise of adult stem cell research.

So with that, with the gentleman’s permission, I will yield to the gentleman from Pennsylvania (Mr. PITTS), the leader of the Values Action Team in the United States House of Representatives for the majority. He is without a doubt the strongest pro-family voice in the United States Congress.

Mr. PITTS. Mr. Speaker, I thank the gentleman for his leadership on this issue and for setting up this Special Order on their very timely issue.

A syndicated columnist, Charles Krauthammer, that cloning is “a nightmare and an abomination.” I would concur with that. Cloning is like something from a bad science fiction movie. The only difference is that now, some scientists are actually on the verge of doing it. They have the scientific ability to deftlyフト our criticism by claiming that they have no intention of cloning a person. They say they just want to clone human embryos so that they can take their stem cells, and they promise that they will kill the embryos before they grow to adulthood. So some have characterized them as cloning to kill.

Well, no one has said it better than The Washington Post. The Post said a few years ago: “The creation of human embryos for research that will destroy them is unconscionable.” There is no difference between what they want to call “research cloning” and what they want to call “reproductive cloning.” The only difference is when they kill the human life that they have created.

Mr. Speaker, these unscrupulous scientists claim that the research they want to do could cure diseases one day. But the truth is, there is no evidence for that. Stem cells, as has been noted by the gentleman from Florida (Mr. WELDON), taken from adults have shown much more promise in research than stem cells taken from embryos. Besides, these same people insisted a few years ago that we had to let them do fetal tissue research, despite people’s moral objections to taking tissue of aborted fetuses for research, because they said they might cure diseases.

Well, Mr. Speaker, where are those cures?

These people are like the boy who cried wolf. There is no reason we should believe them. Cloning human beings is wrong, simply wrong. Even if they could cure diseases through cloning, it would still be wrong. The vast majority of the American people want it banned, the House of Representatives has voted to ban it, the President of the United States wants to ban it, and we are all just waiting for the President to do the right thing. I just hope we do not have to wait too long.

Mr. Speaker, I hope all of my colleagues will remember, if we do nothing, if the other body never acts and if this is no bill to send to the President, cloning, any kind of cloning, will be completely legal, and there be nothing we can do to stop it.

Mr. PENCE. Mr. Speaker, I thank the gentleman for his profound moral clarity and for his continued leadership on issues related to the sanctity of human life.

With that I would like to yield back to the gentleman from Florida (Mr. WELDON). Specifically, if I may ask my colleague, as I said earlier in this hour, that if we have it, it would be sufficient for me if we simply were arguing on the history and morality of Western civilization. The truth that rings out of our best traditions that he is God, and we both should be sufficient for me.

But, Mr. Speaker, as the gentleman from Florida (Mr. WELDON) began to address, and I would ask him to elaborate on, the promise of adult stem cell research in itself argues against the expansion of or extension of science into the so-called “therapeutic cloning.” I would be grateful to have the gentleman elaborate on that.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding.

Adult stem cells have been used in over 45 human clinical trials to treat human beings. Embryo stem cells have never been used successfully in any human clinical trial.

Indeed, embryo stem cells have not really been used successfully in any animal clinical trial up until recently. There was a study recently published, and I need to give the advocates for embryo stem cell research at least an honest appraisal, there was recently a research article in an animal model of Parkinson’s disease, I believe, in rats, where they showed improvement in response to embryo stem cells in that particular case.

But hold that up against the tremendous amount of research that has been done with adult stem cells, and hold that up against this recent article that was just published in Nature showing the pluripotency of mesenchymal stem cells derived from adult marrow, suggesting none of the ethical and moral issues associated with embryo stem cells. Certainly cloning needs to be brought into play.

I will just put out, the advocates for embryo stem cell research may start quoting this recent article reported in Nature, using embryo stem cells to treat a rat model of Parkinson’s disease as a reason they need to rush ahead with all of this. As I understand it, and I do not have the citation, there has been published, in abstract form at least, a case where an adult brain stem cell was used successfully to treat Parkinson’s disease in a human being.

The point I am raising here is the adult stem cell research is way ahead of the embryo stem cell research. The embryo stem cell research is quite hypothetical. It is even more hypothetical to the extent of being cloning, that cloning is somehow necessary.

What I honestly think is going on here, if the gentleman will continue to yield, is I think the research community and a lot of people in the scientific and biotechnology community know that therapeutic cloning is never likely to happen. What they really want to do, and this is speculation on my part, is they want to create cloned models of people with a disease and making a clone of them, and then allow that clone to be used and manipulated in the lab so they can do research on that clone.

Indeed, I think the reason the biotechnology industry in particular is interested in this is they see this as an opportunity to patent that, and, in effect, one would be patenting a human being, and then exploit that for monetary gain; basically be able to sell these clones as people with a specific disease so people could try to do genetic manipulations on them, or pharmacologic manipulations on them in the lab.

I just want to point out that this is the slippery slope. It is a big-time slippery slope. They talk about extracting stem cells from these things here, these embryos, and then growing them into the tissues that are needed. But there is excellent research that has been done in creating artificial wombs, that have a very, very artificial womb that you can grow an embryo in up to 30 days, if I am not mistaken. So why would we not just take the fertilized egg, it would be much cheaper and quicker, put it in the artificial womb, grow it into the fetal stage, and then extract the tissue that is needed?

We may say, well, they would never do that; that sounds so terrible. But a year ago when we were debating embryo stem cell research, many of the people advocating embryonic stem cell research were saying they would never sanction or approve the creation of embryos for scientific exploitation and then destruction. But yet that is now the very thing they are advocating for.

So I think this is a very, very serious slippery slope.

Mr. PENCE. Mr. Speaker, I do not know if the gentleman is familiar with the famous Nuremberg Code that was developed and emerged following the doctors’ trial at Nuremberg in the late 1940s.

Mr. WELDON of Florida. I am.

Mr. PENCE. Most physicians are.
One of the principal tenets of the Nuremberg Code was that human subjects must consent to experiments; death or injury must not be anticipated results of the experiment; and the researcher must obtain the information they need by any other means possible, including adequate animal experimentation.

There are other pieces of the Nuremberg Code that require that the researcher be admonished to test his disease first and foremost on animals, and no experiment should be undertaken after all of those have been followed and unless it can be foreseen to yield fruitful results for the good of society unprocurable by other methods.

Now, it seems to me that the lessons of Nuremberg, and I would ask the gentleman to speak to that, the lessons of Nuremberg encapsulated in the Nuremberg Code are violated in several significant ways from the standpoint of medical ethics with regard to human experimentation most profoundly so with regard to the fact that, as the gentleman from Florida (Mr. WELDON) has said here today, that these advances are procurable by other means than experimentation on human beings.

I wondered, I would ask the gentleman, am I right in my interpretation of the Nuremberg Code and its relevance to this?

Mr. WELDON of Florida. If the gentleman will continue to yield, yes, the gentleman brings up an extremely important point. The Nuremberg Code emerged in the aftermath of the atrocities committed by many physicians who were acting complicitly with the Nazis.

A great deal of scientific information was obtained from some of that research; for example, how long can a human survive in very, very cold water. When I was in medical school, many of us in training and, as well, many of our professors, felt so strongly what was done was evil that we should not even use the information; that we should just throw the information away, that it was so bad.

The Code, of course, emerged. The critical issue here is some people do not consider the embryo human because it does not have an organized central nervous system; it cannot respond to stimulation. But the critical issue here is where do we draw the line? It is human life; it is a developing human life. We all began that way.

Just as a year ago, they were saying we would never create an embryo to extract stem cells from, we only want to use the excess embryos from the fertility lab. Now they are saying, oh, we have to create these embryos to cure all these diseases. The next step will be, we have to do continued research and allow these embryos to grow in the lab to the point where they are developing a nervous system. So today the safest thing and the best thing to do is to make it illegal to create a clone at the very beginning.

I just want to point out, a lot of people who advocate cloning for research purposes, they all say, but I would never want to see reproductive cloning move ahead. I want to make a couple of points about that. If we have labs all over the world creating embryos, it will only be a matter of time before one of these embryos is implanted in a woman, because the implantation process occurs within the privacy of the doctor-patient relationship. It would be hideous for the unborn and as a matter of fact, I have a letter from the Justice Department saying it would be impossible for them to police that. They would have to go into all these labs and keep track of all the embryos. It would be hideous for the unborn and one agency could know if a human embryo was replaced with an animal embryo and was surreptitiously implanted in a woman. So the only way to effectively prevent this, in my opinion, is to ban it from the very beginning.

Also, we took testimony in my committee where the representative from the professional association of doctors who treat infertility kept saying in his testimony, a Doctor Cowan, how they did not support reproductive cloning at this time. He said it twice.

During the questioning period, I said to him, ‘Why are you saying ‘at this time’?’ And he made it very, very clear to me in his response to my questioning that they would like embryo cloning to proceed and research cloning to proceed so they could work through all the technical problems in cloning, such as large fetuses, threat to the health of the mother, and all those problems were worked through, they would like to be able to offer reproductive cloning to infertile couples.

I thought that was a very, very significant statement, because it made it very, very clear to me that if we do not ban cloning at its very, very beginning, eventually we will have reproductive cloning. Either it will be done surreptitiously from embryos that have been created for the purpose and implanted in women, or it will be done openly by fertility experts.

So if the American people do not want cloning, the best way to prevent cloning from occurring is to ban it in its very beginning.

I want to just add one more thing, if the gentleman will continue to yield.

Mr. WELDON. Certainly.

Mr. WELDON of Florida. Mr. Speaker, I am very much in favor of the cloning ban. I thought that was one of the unique features that emerged from the debate on human cloning here in the House of Representatives. We had people of very, very divergent opinion. We heard people from these Jewish people, Democrats, Republicans; we had liberals and conservatives.

Why is that? Why did people unite around this ban on human cloning? They came at it from different perspectives, and for many liberals it was a woman’s rights issue.

This is an incredibly important point. It is getting inadequate discussion in my opinion. If we are going to allow research cloning to proceed, these labs are going to need hundreds and possibly thousands of eggs. Where are they going to get those eggs? They are going to get them from women. How do you get eggs? You have to expose them to drugs. You have to give them drugs to cause something called superovulation. One of these drugs that they use has a 30 percent incidence of causing depression. You have to expose the woman to drugs. You have to give them drugs to cause something called superovulation. One of these drugs that they use has a 30 percent incidence of causing depression. You have to expose the woman to drugs.

Who will do that? What woman would put herself through that, or submit themselves to exposure to a drug that has potential side effects including depression, and then submit to a general anesthetic to extract these eggs? We know who will do that: women who are desperate; poor women, women who are desperately in need of money. It will ultimately end up in exploitation of women.

I just want to read this quote from Judy Norsigian. She is the author of a book, 2 million copies have been printed and sold, Our Bodies, Ourselves. She is a working nurse. But what do they say? ‘Because embryo cloning will compromise women’s health, turn their eggs and wombs into commodities, compromise their reproductive autonomy, and, with virtual certainty, lead to the production of “experimental” human beings, we are convinced that the line must be drawn here.”

She was not alone. She was not the only person on the left who rose up. Senator Newman and several others rose up and said, on this issue we agree with the conservatives, that human cloning should be banned. It is for that reason that we had such an extraordinary vote in the House of Representatives.

I feel very, very strongly that if we cannot get the other party to act on this issue, we minimally need to make it illegal to patent a human clone. I feel also very, very strongly that this is not only unethical, it is unnecessary. The research data is more and more the huge, tremendous potential of adult stem cells, and that the embryo stem cells indeed may actually prove to be less advantageous to use. I honestly think as the science progresses on this that therapeutic cloning and reproductive cloning by the scientific community will ultimately be abandoned, and that the ultimate place that many of these advocates of cloning want to go to is creating cloned models of human disease that can be manipulated in the lab for the development of genetic treatments and for the development of pharmaceutical agents, and that they ultimately want to reap things so they can make money off of them. I think that is what is ultimately going to end up driving this whole debate in the United States.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Florida for his extraordinary remarks about not only unnecessary, but unethical therapeutic cloning.
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I am very humbled, Mr. Speaker, not only to be joined by the gentleman from Florida (Mr. WELDON), the author of what we were able to do in the House in the area of banning reproductive cloning, but also to have been joined by the gentleman from New Jersey (Mr. SMITH), who was a driving force and the leader of the Pro-Family Alliance.

But perhaps more than anyone in this institution, with the possible exception of the gentleman from Illinois (Mr. HYDE), the gentleman from New Jersey (Mr. SMITH) and his leadership has been so many, many years the leading voice for the sanctity of human life in the United States Congress. He holds the powerful chairmanship of the Committee on Veterans’ Affairs, but he speaks with enormous moral authority on issues related to life.

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

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from Indiana (Mr. PENCE), for yielding me this time, for taking out this time on this very important Special Order to look at the issue of cloning.

The gentleman from Florida (Mr. WELDON) certainly has been the leader of this historic legislation. He is the prime sponsor of the bill that passed in the House, and I hope that he and his colleagues in the other body as soon as possible for the House. It ought to be acted on in the Senate, as soon as possible for the Senate.

I would just note parenthetically, I am the co-chairman of the Autism Caucus, I am co-chairman of the Alzheimer’s Caucus. As my good friend indicated earlier, I am chairman of the full Committee on Veterans’ Affairs. Half of our budget, approximately, is dedicated to health care. We have a significant research budget that we try to use as wisely as possible to help our spinal cord-injured veterans and a whole host of battling diseases, it is cruel, I would respectfully submit, it is utterly cruel to tell those who suffer from these disabling diseases, it is cruel, I would respectfully submit, it is utterly cruel to tell those who suffer from these disabling diseases that somebody will try to be cured through the making of a clone of themselves to cannibalize for parts.

It is also cruel to divert limited resources from promising, ethical adult and umbilical stem cell research to unethical, impractical human cloning research. There is only so much money available; and as the gentleman from Florida (Mr. WELDON) and so many others trying to ensure that Parkinson’s, cancer, lung disease, asthma, spina bifida, autism and a host of other debilitating diseases, it is cruel, I would respectfully submit, it is utterly cruel to tell those who suffer from these diseases that somehow someone will try to be cured through the making of a clone of themselves to cannibalize for parts.

Again, embryonic stem cell research derived from clones is unethical. On the other hand, we have the promise of real breakthroughs and then real application, as we are already doing with adult stem cells and umbilical cord stem cells. This research has no ethical baggage. These provide cures, they provide hope, and they provide rehabilitation and regenerations.

Mr. Speaker, human cloning is not just a slippery slope. It is indeed stepping off a moral cliff. If our government approved human cloning for research, it would be the first time we would sanction the special creation of human life for the sole purpose of destroying it. Not only would we be sanctioning human cloning, we would also have a law that would require the death of those human clones, whether it be at 5 days or 14 days or whatever new arbitrary line would be drawn.

Human cloning represents the commodification and eventual commercialization of human life, and it would create a class of humans who exist not as ends in themselves, like all of us, but as a means to achieve the ends of others. A law that promotes human cloning for research is worse, far worse than no bill at all.

Human embryos created for research cloning claim happens, they will someday be able to cure human beings, which we do not think will happen, but say it does happen, we will see more drugs being used, super-ovulating drugs, to promote this egg harvesting.

I want to reiterate what the gentleman from Florida (Mr. WELDON) has on his plaque up there which was from, “Our Bodies, Ourselves for the New Century,” and it was written by a number of women who does not think that many of us on the pro-life issue of the right to life of the unborn, but she points out, Judy Norsigian, “Because embryo cleaning will compromise women’s health, turn their eggs and wombs into commodities, compromise their reproductive autonomy and with virtual certainty, lead to the production of ‘experimental’ human beings, we are convinced that the line must be drawn here. This is us joined as, the gentleman from Florida (Mr. WELDON) pointed out, a number of other people who have never supported a pro-life piece of legislation to cross the line and say, wait a minute, time out, we are not going to go across that Orwellian line and mandate human cloning for research cloning, for cloning claim happens, they will someday be able to cure human beings, which we do not think will happen, but say it does happen, we will see more drugs being used, super-ovulating drugs, to promote this egg harvesting.
MINORITY HOMEOWNERSHIP

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota), Under the Speaker’s announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 60 minutes as the designee of the minority. Mrs. CLAYTON. Mr. Speaker, this month was declared homeownership month, and there will be several Members who probably will be joining me. I know that the gentlewoman from Florida (Mrs. MEEK) has already submitted her remarks to the Record.

Mr. Speaker, over the last few days, the President has been promoting an initiative to increase homeownership opportunities for minorities and reduce barriers. The President’s interest and participation is welcome.

Mr. Speaker, those of us in the Congressional Black Caucus Foundation have been working hard for years to correct the inequities and eliminate the disparities in housing opportunities for people of color and are pleased that the President has recognized the need for such an effort.

All we can say is WOW. More than a year ago, the Congressional Black Caucus Foundation launched an ambitious initiative called With Ownership Wealth, or WOW for short. The President’s new plan echoes and amplifies many of our initial goals but may not have the resources we have come to know and love. To the extent the President is joining the lead of the Congressional Black Caucus Foundation and comprehensive group of sponsors which include the housing financing industry, the insurance industry, Realtors and nonprofit organizations, including faith-based organizations, as well as community development organizations, it is indeed a step in the right direction.

Mr. Speaker, the Congressional Black Caucus and its foundation took the initiative on housing and homeownership opportunities because for too long the dream of homeownership for minorities has been a bit of wishful thinking. We have been working towards making those wishes a reality. More detailed information about the foundation’s With Ownership Wealth, or WOW, as we call it, can be found on the Internet, which is www.wowcbcf.org.

Mr. Speaker: The Democratic House Majority Leader has a District in North Carolina that is not only predominantly rural but also is heavily populated by Afro-Americans and other minorities. I welcome the President’s stated intention to step up to help create greater wealth in communities where housing needs are so critical. At a minimum the administration announcement should increase interest of our industry players and minority homeownership acquisition.

That said, I must point out that just as there is a gap between majority and minority homeownership, so too there is a gap between the President’s words or his promise or his intentions and his administrative work. The President’s announcement this week does not mention that his budget has slashed rural housing programs essentially from the 2002 level, including a 12.4 percent reduction in funds for guaranteeing homes for single-family housing and 13.4 percent for Department of Agriculture direct loan for single family housing and a whopping 47.4 percent for direct loan for rental housing.

There is a significant gap between the promise and the reality. Mr. Speaker, African Americans nationwide have a home ownership rate of 48 percent compared with the majority rate of 73 percent. Politicians of both parties, Democrat and Republican, wax rhapsodically, eloquently. They say great words, great phrases about the American dream. They talk endlessly about the American dream and the right to own a home, and they also talk about the United States being the land of opportunity. For many, yes, but not for all.

It is time that the reality mirrors the rhetoric and the deeds match the words with action. It is time now that we indeed make it a reality that the American dream to own a home is made available not only to those with a lot of money, but also those who have moderate resources should not be denied, or those of African American or other minorities. It should be the right for all Americans to have that.

So I look forward to reviewing the administration’s new housing and home ownership proposal and look forward to working with the administration to pass a program to help people really realize the dream. The land of opportunity should mean something more than words, and I hope that the President’s promise to reduce the barriers and to make homeownership available for minorities is indeed a reality, and that resources would indeed follow the commitment.

I am pleased to be joined in this special order, home ownership, by the gentleman from Illinois (Mr. DAVIS), and I yield to the gentleman.

Mr. DAVIS of Illinois. Mr. Speaker, I want to, first of all, thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her leadership on many issues. I mean, she has provided outstanding leadership in the area of agriculture and in the area of making sure that there is food for people who are hungry not only here in the United States, but worldwide. And she has certainly been the Congressional Black Caucus’s leader when it comes to home ownership. She has provided leadership as we have tried to get our WOW initiative under way, and as a matter of fact, she is pretty difficult to keep up with her tempo of getting things in which she has worked, and it is certainly a pleasure to join with her this evening.
I rise today in recognition, first of all, of Home Ownership Month and appreciate the opportunity to talk about an issue that is important to me and all of my constituents and to all Americans, especially those who share the dream of owning their own home. I am fortunate to represent one of the most diverse districts in the country. I represent many people who are rich, many people who are near rich, some people who are economically well off, the middle class. I represent people who live both the Cubs and the Sox. But I also represent an awful lot of people who are at the bottom of the socioeconomic ladder. I represent 60 percent of public housing in the city of Chicago. I represent people who own their own homes and a lot of people who do not. It is this segment of the American population, those people that rent their living space, that have difficulty in making the decision to buy a home, but either feel that they cannot afford to, or do not know how to purchase a house and then turn it into a home.

Home ownership is important for individuals, families, and communities alike. It is a way of creating inheritable wealth. And that is why the children. It is a way of creating inheritance for the owner and the children of the owner. It is the best investment for the owner and the best investment for the individual. It is also important for the community. It provides you with not only a stake, but something to pass on.

I am so pleased that this WOW initiative has been generated by the Caucus. In communities all over America that are represented by African American Members of Congress, this initiative is going. In my own district we had two extremely successful housing fairs where we have had 700, 800 people come to each one. We have banks and mortgage companies here. People are using it, and that is why I am pleased for the gentleman to tell us about the bill that he had something to leave. He has a little piece of land. I have been trying to get him to sell it, to use it. It is down in a place that I am sure nobody in my family wants to go. He refuses to do anything other than leave it, so that when he goes, he can say that he left some inheritance to his children. And, of course, I am pleased to be one of them, which means that I will get a little piece of the rock.

But I just want to commend the gentlewoman again.

Mrs. CLAYTON. Well, I thank the gentleman for his leadership, too, and I am glad to know that he has had successful housing fairs and buying fairs and have had more than one. We continue to want to keep pushing, so I know the gentlewoman will continue to do that, so I thank him very much.

Mr. DAVIS of Illinois. Well, I thank the gentlewoman from North Carolina for this Special Order and I will yield to her.

Mrs. CLAYTON. Well, I thank the gentleman for his leadership, too, and I am glad to know that he has had successful housing fairs and buying fairs and have had more than one. We continue to want to keep pushing, so I know the gentlewoman will continue to do that, so I thank him very much.

Mr. DAVIS of Illinois. Well, I thank the gentlewoman for her assistance in working with my community, which is one of the least affordable communities, least affordable regions in the country to live, to help us bring affordable housing strategies to Alameda County, Oakland, Berkeley, the East Bay. I thank her for coming to our district to look at what challenges we are faced with.

The unprecedented economic growth in the United States has done very little to relieve the problems of low-income households. While the nationwide home ownership rate is approaching 70 percent, the African American and Latino home ownership rates pale in comparison at a close to probably 46 percent.
working with my colleagues consistently on meaningful housing legislation and on a meaningful housing agenda. Of the 3.9 million low-income households to be considered working poor, over two-thirds pay 30 percent or more of their incomes to housing costs, with over a quarter paying over half of their incomes.

In 39 States, 40 percent or more of renters cannot afford fair market rate rent for a 2-bedroom unit, and that is why creating more affordable housing and home ownership should really be our focus.

As we heard earlier, the Congressional Black Caucus continues to support programs that are improving access to affordable housing and homeownership because sound fiscal policy really must leave no one behind. Everyone has a right to decent, affordable housing. That should really be a basic human right.

Recently, President Bush announced a new goal to help increase the number of minority homeowners by at least 5.5 million before the end of the decade. Although this is a great idea and I applaud the President for bringing this to the forefront of our national agenda, the reality is that members of the Congressional Black Caucus continue to support programs that are improving access to affordable housing and homeownership because sound fiscal policy really must leave no one behind. Everyone has a right to decent, affordable housing. That should really be a basic human right.

Recently, President Bush announced a new goal to help increase the number of minority homeowners by at least 5.5 million before the end of the decade. Although this is a great idea and I applaud the President for bringing this to the forefront of our national agenda, the reality is that members of the Congressional Black Caucus have been setting goals for minority homeownership for many years. As a matter of fact, our Congressional Black Caucus Foundation initiated the WOW Initiative in 2000. WOW’s goal is 1 million African American and minority homeowners by the year 2005.

Many of my colleagues reiterate the importance of not recreating the wheel. I agree. That is why it is hard to understand why the President would recreate an existing program and not fund it. When I say not fund it, creating new funds that we need to establish a down payment assistance program, increasing funding for current home buyer programs, and supporting a national housing trust fund which would use surplus FHA dollars for homeownership and a housing production program in our country.

Consistently, since the Bush administration has drafted budgets, they seem to really negate the promise of homeownership and fair and quality housing. President Bush has cut the HUD budget 10 percent and fights the creation of a national housing production program. Very recently, I believe last year, he cut the drug elimination program which our public housing authorities and tenants need so desperately to live in safe and secure homes.

Today we began the markup of a major housing bill, and the debate was very spirited and very interesting; but in some ways very appalling. Those who really do not believe that the Federal Government should ensure decent and affordable housing for everyone really spoke their minds today. It was very clear that the trillions of dollars in tax cuts that the Republicans on our committee believe need to be the priority for our country, really do not see that basic housing, affordable housing through a production program makes sense. It makes sense in the sense that it is a job-creation effort. It creates an economic environment with the creation of thousands, maybe millions, of jobs in home building. It provides for additional units. Everywhere that I go and every witness who has come to our committee, which we heard about earlier, has said that a housing production program is badly needed. The builders, banks, Realtors, faith-based organizations, bar none, Republicans, Democrats, the business community, we all know that a housing production program is sorely needed.

We also tried today to put an amendment in, the gentleman from New York (Mr. LaFalce) and myself, to say basically a new down payment assistance program for low-income buyers, if the illegally foreclosed homes believe this is useful, provide foreclosure assistance and counseling to ensure that those homes that first-time home buyers purchase are secure from foreclosure and basic literacy education with regard to what it means to buy a house is really needed. On a bipartisan vote, we could not get the votes to put that modest amendment into the bill.

I say this tonight because it is so important that we understand and recognize that a decent, affordable home is basic to survival and basic to a family’s ability to live the American dream. For many of us, especially for minority communities, homeownership is the only way to acquire any wealth, any equity, in looking at the American dream as a way to finance our children’s college education, start a small business, or whatever. It is not the stock market, it is not mutual funds, it is not the financial instruments that those who have money utilize to make more money it is a home ownership that we use to really become part of this great society.

I want to thank the Congressional Black Caucus and my colleague from North Carolina for this Special Order tonight. I hope that sooner or later affordable housing becomes a national priority. Education, health care, the environment, our national priorities should be about putting people first. In putting people first, affordable housing, the right to own a home, should be basic to our list of priorities.

Mr. Speaker, the gentleman from Maryland who has been a leader on so many issues is going to discuss how he views housing and priorities in this Congress.

Mr. Cummings, Mr. Speaker, I thank the gentlewoman for yielding and thank the gentlewoman for her leadership. I also thank the gentlewoman from North Carolina (Mrs. Clark) for her leadership.

Every time I think about housing, coming from the inner city of Baltimore, I think about the various new housing projects that we have been able to come up with and get built in our Seventh Congressional District with Hope VI dollars. Of course Hope VI has had its problems here.

But one of the things that we have not said in the chamber, but change of environment does much for children. So often we look at children and we say, how can we nurture their nature to make them the very best that they can be? I believe if a child can come home and have a safe place to do their homework and safe place to sleep, a safe neighborhood, a place to play, that lends itself to productivity. It lends itself to them feeling good about themselves.

I think when we look at what is happening, the gentlewoman talked about various things that she was trying to do with various amendments. All of these things show a tremendous amount of sensitivity in an effort to help get people to go to work, what to go do. What happens when a person buys a house, their whole attitude changes. They realize that they can do it. I am always amazed when I talk to people, when I was practicing law and would go to a settlement, put the key to the new home buyers, at the end of the whole process when you give them the keys, they would look at me and say, This is mine?

The sense of empowerment of what they are doing, and the mere fact that they can come home and say, look, we have a house. I think we have to continue the kind of efforts that we are doing. I know so many of us have worked hard to try to lift up people with regard to housing. We are going to continue to do that. I thank the gentlewoman for her leadership. So often when people get to the point where they buy a house, as the gentlewoman said, it is like that initial step to allow them to go and do many, many other things.

Ms. Lee, Mr. Speaker, I thank the gentleman from Maryland (Mr. Cummings) for raising this discussion to another level in terms of the importance of self-esteem and one’s dignity with regard to access to decent and affordable housing.

Let me share something very personal. When I was a child, my grandfather in Texas urged us never, ever, ever to rent. If we had to, okay; but he said always try to buy a house. So I grew up in a household with a grandfather who spoke of homeownership as a vehicle to living the American dream.

When I was 19 years old, I was able to buy my first house, and that house cost me $19,475. Because of that through many, many challenges and difficulties through life, I was able to send my two children through college and start a small business; but it was all because that one purchase of a young woman, single, on public assistance. I was able to buy a house and move forward from there. I think so many
young people deserve that access so they can do some of the things that they may want to do in life.

Mr. CUMMINGS. Mr. Speaker, one interesting story, when I think about my mother and father, neither one of them had much money. My father sold shoes that my father was a laborer and my mother was a domestic. My father had the dream of becoming a homeowner. He found a beautiful house. He is a very prayerful man, and so he took all seven of his kids that we have and we literally knelted in front of the house and prayed. I kid my father sometimes, I think the police thought we were protesting or something, but he had a dream. He said we would get that house. About a year later, we got the house.

The interesting thing about it, though, is that I was only about 10 years old. But to this day, some 40 years later, I still remember the name of the person who sold us the house. And I also remember the previous owner and the broker. That says a lot. As a little kid, I remember that. And I will never forget going from a 2-bedroom house to a 4-bedroom house that had a bedroom where there were only two of us sleeping instead of four of us sleeping.

When we talk about children, it is not the deed, it is the memory that is empowering; and those are powerful memories, just the gentlewoman said. It is interesting, housing lifts not only you, but generations of you yet unborn. That is very, very special.

While we do things here in the Congress, whether it be whether or not they are having a tremendous amount of impact, the fact is they do have impact and they do affect a lot of people, and they affect people that we will never even possibly see.

Ms. LEE. Mr. Speaker, I thank the gentleman for participating and also for his forward-thinking and visionary work on housing, drugs, AIDS, and criminal justice reform, and on each and every issue the gentleman tackles in the Congress. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for this Special Order, and to urge the American people to really wake up in terms of this housing agenda, to know that there are some in Congress who are desperately trying to ensure that we have a national housing trust fund and a national housing production effort so that those who want to purchase a home or rent a home and who need shelter will be able to afford that. Once again, that is basic to a person and a family’s human dignity; and they deserve to live the American dream. And for many, it is, quite frankly, a nightmare.

Mrs. MEEK of Florida. Mr. Speaker, I thank and commend the gentlelady, my good friend from North Carolina, Rep. EVA CLAYTON, for scheduling this important Special Order to highlight the issue of disparities in housing and homeownership between whites and people of color.

The Congressional Black Caucus and the Congressional Black Caucus Foundation have championed the cause of increased opportunities for home ownership for minorities. I am pleased that President Bush is now proposing some steps that will move this cause forward. However, he needs to be doing a great deal more.

None of us can overstate the personal and significant privilege of private citizens owning their own homes. For generations of Americans, home ownership has been a key element of the American Dream.

Homeownership is more than just the acquisition of property. It is a source of pride and personal achievement.

Homeownership also provides a strong foundation for American families. It promotes good, stable environments where they can thrive.

A home does much more than provide shelter. It’s the cornerstone of wealth creation. For most families, buying a home is the biggest investment they will ever make. Building equity in a home allows the owner to pass wealth from generation to generation or use it for other important purposes such as paying for a child’s education.

Home ownership is a cornerstone of our economy. According to the Federal Reserve Board, owner-occupied property made up 21 percent of all household wealth in 2000 and more than 71 percent of all tangible wealth.

Housing generates 22 percent of our Nation’s Gross Domestic Product.

The strength and stability created through individual homeownership radiates throughout our neighborhoods, towns and cities as well.

Homeownership unites us in a shared commitment to safer streets, to improved schools, to prosperous local economies, and to community involvement.

The recent economic boom of the 1990’s has had a profound effect on homeownership. Today, an estimated 72 million American families—an all-time record—now own their own homes. These Americans have staked their claim to the American Dream.

For far too many minorities, home ownership remains an elusive dream.

While the homeownership rate for white non-Hispanics reached a record 73.8 percent in the year 2000, the rates for African Americans and Hispanics were significantly lower—47.6 percent and 46.3 percent, respectively.

Wide disparities in homeownership also exist between central city and suburban areas. For example, the rate of homeownership in central cities was about 51 percent in 2000, compared to 74 percent in the suburbs.

Metropolitan areas also have homeownership rates far below the national average. For example, the homeownership rate in New York City was only 34 percent, while it was 49 percent in Los Angeles, nearly 59 percent in Boston, and 56 percent here in Miami.

One reason why minorities and those in the central cities have lower homeownership rates is the fact that they generally have lower incomes than the rest of the population.

For most people, being a homeowner is a simple matter of math. Households with family income greater than or equal to the median family income had a homeownership rate of nearly 82 percent in the last quarter of 2000. In sharp contrast, the rate for households with family income less than the median family income was only 51.8 percent.

In addition to the disparities in the rates of homeownership according to race and income, we also must address acute shortage of affordable housing.

The National Low Income Housing Coalition’s analysis of the 1999 American Housing Survey data shows that there are approximately 15 million households in the United States who pay more than half of their income for their housing, live in severely substandard housing, or both. The majority of these households—11 million—have extremely low incomes, that is, incomes at or below 30% of the area median.

There are also 14 million very poor households with serious living problems. These include both renters and homeowners, and comprise over 13 percent of all households in the country.

Especially troubling is the fact that there are now 600,000 more households with worst case housing needs than 10 years ago. [Households with worst case needs are defined as unassisted households with incomes below 50 percent of the local median, and who pay more than half their incomes for rent or live in severely substandard housing.]

It seems to me that the promise of America—that you will be able to afford housing and take care of your family if you work hard and play by the rules—is under a quiet but crippling assault today, an assault that fails disproportionately on the poor and people of color.

The current Administration has a history of paying excellent lip service to this important issue, but failing to address it in a real and effective way. While I welcome President Bush’s initiative to increase opportunities for home ownership for minorities, he also needs to propose a much stronger HUD budget and increased funding for programs that would substantially increase the supply of affordable housing in this country.

For example, the President’s budget calls for a significant cut in the Public Housing Capital Fund. The Public Housing Capital Fund would be cut by a $441 million when increased set-asides are factored into the equation.

The President’s budget freezes funding for HOPE VI grants to local authorities. This program is revolutionizing public housing by replacing high rises or barracks-style projects with new, mixed income, mixed-used communities.

Finally, the Public Housing Operating Fund would receive an increase of $35 million over FY02, though still short of the combined total that operating fund and the Public Housing Drug Elimination Program received for last year. The Drug Elimination Program remains zeroed out.

Mr. Speaker, this is hardly the housing budget of an Administration that understands the housing needs and housing disparities in this country. Let’s be clear, these shortsighted cuts—and others—are necessary to pay for last year’s Republican tax cut, which provides most of its benefits to those who needs them least.

There is much more than the Administration can and should do to address the crisis in affordable housing.
I have introduced a bill, H.R. 4205, also known as the Affordable Housing Improvements Act, that will enable communities with serious affordable housing shortages to transfer their unused Section 8 funds to the HOME Program—a program to build new housing for rent or homeownership or to the Public Housing Program in order to preserve and maintain existing public housing, depending on local housing needs.

As many of you know, every year communities around the country lose Section 8 dollars because federally subscribed voucher payments were kept pace with rapidly rising rents making it impossible for individuals to use these subsidies. In 2001, HUD recaptured $1.8 billion dollars in unused Section 8 funds from Public Housing Agencies throughout the nation, including more than $23 million from the Miami-Dade Housing Authority. This is a scandal and it must be stopped.

My bill would allow local communities to attack their affordable housing problem by allowing them to use these scarce federal resources to improve and construct new affordable housing. I call upon the Administration to continue efforts to dramatically improve the nation’s affordable housing problems.

Congress also should pass the National Affordable Housing Trust Fund Act. This legislation would create an affordable housing trust fund to be administered by the Federal Housing Administration. Over the next seven years, these FHA profits are expected to exceed $25 billion. If a portion of the FHA surplus is used to build affordable housing, experts predict that we could triple affordable housing construction next year and provide shelter for more than 200,000 families.

Mr. Speaker, finally, our housing strategy must include measures that will improve the economic well-being of low-income families. This includes raising the minimum wage, expanding the earned income tax credit, improving job opportunities through education and training, and fostering economic development that will create better paying jobs.

Ms. KILPATRICK. Mr. Speaker, I rise today to commend President Bush for finally deciding to follow the lead of the Congressional Black Caucus and the CBC Foundation in championing the cause of increased opportunities for home ownership for minorities. While I am pleased that the White House has finally recognized the importance of this issue to the economic welfare of minorities, it is important to recognize the leadership of the CBC in advancing this issue.

Owning a home is one of the very important markers of success in a person’s life. From our childhood days, homeownership has been the foundation of the American dream. Yet, for too long, the American dream has been unattainable for many low-income, minority families. In many distressed neighborhoods, particularly in this country’s urban communities, there is a lack of affordable housing units available to residents. And the crisis is involved in new construction of residential property in these areas far outweigh the revenue. Thus, homebuilders refrain from building new, affordable homes in low and moderate-income neighborhoods.

A Delta Capital Broder article in the Detroit Free Press stated that “the shortage of affordable housing is close to the top of people’s concerns. And it’s mainly in the Federal Government that housing is a chronically neglected subject.”

Time and again CBC Members have pointed out that Congress is not addressing the affordable housing needs of America’s low to moderate-income families. We are pleased that the President is heeding our collective voice. Mr. President, we say, “thank you” for bringing about greater public awareness to this problem. To the American people, we say, the CBC will be here, as we always have, to ensure that the initiatives the President proposed this past weekend are implemented and that he work to ease for all Americans, especially those who so desperately need them.

Through the work of the President, this Congress, and the private sector, we look forward to lowering down payments, better education on the purchasing process, and overall affordable housing for all Americans, regardless of race, creed, or socio-economic status.

GOVERNMENT UNABLE TO ACCOUNT FOR $17.3 BILLION

The SPEAKER pro tempore (Mr. GUiCCi). Under the Speaker’s announced policy of March 3, 2001, Mr. JONES of North Carolina (Mr. JONES) is recognized for 60 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I will not take the full hour that has been allotted to me. I will only take 5 or 6 minutes. I came to the floor of the House because 2 weeks ago I had been listening to a radio talk show host in North Carolina. It was actually Jerry Agar at WPPT in Raleigh. He was talking about the fact that he just could not believe a New York Post article that said that the Federal Government had lost $17.3 billion.

I was just really outraged at the time. I took my car phone and called my office and I said, “Please check this New York Post article out and see what Mr. Agar was saying.” Sure enough, what we found out, the New York Post, and not only the Post but also the London Times had both written articles to the fact that based on the Department of Treasury released report, the 2001 financial report of the United States Government, the report, on page 110, revealed that the Federal Government has unaccounted transactions totaling $17.3 billion for fiscal year 2001.

Mr. Speaker, I am one of many on both sides of the political aisle that just really thinks this is unacceptable and outrageous that the hard-working American people who pay their taxes and think that we are the public guardians of American people’s taxes, yet the government cannot account for $17.3 billion.

On June 6, I wrote a letter to Secretary Paul O’Neill. The last paragraph says, “Mr. Secretary, I believe someone must account to the American people for this loss of tax dollars, and I look forward to your answer regarding these unaccounted transactions.” I, quite frankly, hope that by the time we re-turn after the July 4 break, which will be in about 1 week, or 8 days, and we are out for about 6 days, that when we come back, that I will have an answer from Secretary O’Neill as to where the taxpayers’ money totaling $17.3 billion has gone. If not, then I intend to write the leadership of the Caucus and the Oversight chairmen of the Government Operations and ask them to please make an inquiry in behalf of the taxpayers of America.

There are a multitude of reasons why I am alarmed by the fact that this has been lost, again primarily because it is the taxpayers’ money. We all know that this is a tight budget year. We have a war on terrorism that is costing about $1.8 billion a month. We must fight that war and win that war for the American people, and certainly we must be very frugal and wise with the taxpayers’ money, and certainly must account to the taxpayer every dollar and every dime that we spend. That is one reason that I am working hard for the Secretary of Treasury to give me an answer to where this $17.3 billion has gone, because, quite frankly, we have an obligation to the taxpayer, and we have an obligation as Members of the House Committee to make sure that we can answer the questions of our constituents about a multitude of issues, and certainly as to where $17.3 billion has gone.

I use for an example that I have put in a bill, H.R. 3073, that many of my colleagues, both Democrat and Republican, have signed this bill that would help ensure that when a military person is killed, whether it be accidental or it should be in wartime, that the Congress years ago decided that the family should get what is called a death gratuity. Initially it started off at about $3,000. In 1986, the Congress decided to add $3- to the $3-, which would make it $6-. But on the second $3,000, the bill was not sent to Ways and Means, so, therefore, the tax on the second 3- of the $6,000 death gratuity that is given to the family of a man or woman in the military.

I am just incensed that there would be any tax on this death gratuity, so I have put a bill in, and again I have got very strong bipartisan support, to eliminate this tax so that when the family receives the death gratuity from the United States Government, there would be no tax to the family.

I use that for another reason, because, Mr. Speaker, to eliminate this tax over a 10-year period would only cost $8 million, that is over 10 years, to make sure that the family of the military person that has been killed would not pay a tax on this money.

Then I come back to the fact that we have lost $17.3 billion. My point is to say that I intend to come to this floor at least once a week, and maybe more often than that, to Secretary O’Neill, we need as a Congress, not just Congressman Walter Jones, but we as a Congress, we need an answer so that we can say to our constituents who are...
paying these taxes that we want to know where $17.3 billion has gone.
I have just a couple of more points, and then I will yield back my time. I am one of many, both Republican and Democrats, who work here very hard. We have before my time in talking about housing. There are just a lot of responsibilities that we do have to the taxpayers of this country to make sure that the government does operate in a very efficient manner, and where we can be of assistance to the people throughout this country, we certainly need to meet that obligation.

Again, the May 2002 report from the Department of Treasury, 2001 financial report of the United States Government, anybody that might be listening tonight or anybody that would like to check can go on the Internet and look it up that document, 2001 financial report of the United States Government, look on page 110. And I am going to repeat it again, the Federal Government has, and I quote, unrecorded transactions totaling $17.3 billion.

Just a quick example. According to the London Times, $17.3 billion is enough to buy a fleet of B-2 bombers with spare change for fuel. $17.3 billion is the equivalent of two aircraft carriers and two air wings. We all know that if this money, if it had just been with spare change for fuel. $17.3 billion

INTRODUCTION OF RESOLUTION PRAISING CUBA’S PROJECT VARELA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to draw attention to a troubling development in the democratic reform effort in Cuba. Last week Fidel Castro staged mass demonstrations to protest the enlargement of the Cuban National Assembly to hold a nationwide referendum vote on guarantees of human rights and civil liberties. Named for the 19th century priest and Cuban independence hero, Padre Felix Varela, the Varela Project received no funding or support from foreign organizations or foreign governments. Project Varela is a grassroots effort by the Cuban people to call on their government to join with them in the international community and to meet the guarantees of human rights and civil liberties.

Beyond the obvious threat that a grassroots political effort poses, Project Varela represents an even greater challenge to Castro’s control of the island. With its 11,000 plus signatures, the project qualifies under article 88 of the Cuban Constitution, which states that if the Cuban National Assembly receives the verified signatures of 10,000 legal voters, a referendum on the issue should be scheduled. However, Mr. Speaker, today, following his Parliament to consider Project Varela, and allowing his Parliament to consider Project Varela, today Castro introduced his own referendum that would stop future consideration of Project Varela and any other democratic reform efforts.

My question to Castro is that if he is so sure that he has the support of the Cuban people, why will he not schedule a referendum? If Castro is unfazed by the Varela Project, then why propose reforms to the Cuban Constitution 1 month to the day that the petition was delivered?

Mr. Speaker, the ultimate goal of U.S. policy towards Cuba has always been to promote the island’s peaceful transition to democracy. Many of my colleagues have varying views on the best approach to achieve a democracy. However, we can all agree on the importance of a grassroots democratic effort like Project Varela. That is why today I have introduced a resolution commending the citizens of Cuba for actively exercising their constitutional rights and taking a stand for the rights of all Cubans. The resolution praises Oswaldo Paya and the other organizers of Project Varela for their courage and bravery, for their willingness to stand up to a dictator.

Mr. Speaker, I urge my colleagues to join with me and cosponsor this important resolution. It is time Castro realize that his orchestrated demonstrations and forced petitions are fooling no one.

SPECIAL ORDERS GRANTED

By unanimous consent, leave of absence was granted to:

Mr. CHAMBLISS (at the request of Mr. ARMEY) for today until 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. LAHood (at the request of Mr. ARMEY) for today until 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. KINGSTON (at the request of Mr. ARMEY) for today at 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. PAYNE, for 5 minutes, today.

Ms. JACKSON-Lee of Texas, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.
Mr. LANGEVIN, for 5 minutes, today.
Mr. TOWNS, for 5 minutes, today.
Ms. MILLER-McDONALD, for 5 minutes, today.

The following Member (at the request of Mr. FOSSELLA) to revise and extend his remarks and include extraneous material:

Mr. GUTKNECHT, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. KINGSTON, for 5 minutes, today.

SENATE BILLS REFERRED

A concurrent resolution of the Senate of the following title were taken from the Speaker’s table and, under the rule, referred as follows:

S. Con. Res. 110. Concurrent resolution honoring the heroine and courage displayed by airline flight attendants on a daily basis; to the Committee on Transportation and Infrastructure.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3772. June 20, 2002

Under clause 8 of rule XII, executive communications, etc.

EXECUTIVE COMMUNICATIONS.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 18, 2002 he presented to the President of the United States, for his approval, the following bills:

H.R. 327. Suppression of Terrorist Bombings.

H.R. 4560. To eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o’clock and 42 minutes p.m.), the House adjourned until to-morrow, Friday, June 21, 2002, at 9 a.m.
(Nonforeign Areas); Methodology Changes (RIN: 3206-AJ40 and 3206-AJ41) received 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7531. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department’s final rule — Airworthiness Directives: Boeing Model 737-300 Airplanes [Docket No. 2002-NE-06-AD; Amendment 39-12775; AD 2002-10-10] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7532. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: General Electric Company CF6-80C1A2 Turbofan Engines [Docket No. 2002-NE-06-AD; Amendment 39-12775; AD 2002-10-10] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7533. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Raytheon Aircraft Company Model S2S Airplanes [Docket No. 2001-CE-32-AD; Amendment 39-12759; AD 2002-10-13] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7534. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: General Electric Company CF6-80C1A2 Turbofan Engines [Docket No. 2002-NE-06-AD; Amendment 39-12775; AD 2002-10-10] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7535. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: General Electric Company CF6-80C1A2 Turbofan Engines [Docket No. 2002-NE-06-AD; Amendment 39-12775; AD 2002-10-10] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1606. A bill to amend section 507 of the Omnibus Public Land Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement for such appropriations, and for other purposes; with an amendment (Rept. 107–519). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 4854. A bill to reauthorize and reform the national service laws; with an amendment (Rept. 107–521). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCHUGH (for himself and Mr. BURTON of Indiana): H.R. 4970. A bill to reform the postal laws of the United States; to the Committee on Government Reform.

By Mr. OTTER (for himself, Mr. GIBBON, and Mr. SIMPSON): H.R. 4971. A bill to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. BARONE, Mr. BROWN of Florida, Mr. BROWN of Ohio, Mr. CARSON of Oklahoma, Ms. DELAUGO, Mr. DINGELL, Mr. EVANS, Mr. FILNER, Mr. FUKUN, Mr. FROST, Mr. HEFLEY, Mr. KILDEE, Mr. KIND, Mr. LANDREVIN, Mrs. MALONEY of New York, Mr. McGovern, Ms. MCKINNEY, Mr. MILLER of Michigan, Mr. MILLER-McDONALD, Mrs. NAPOLITANO, Mr. OWENS, Mr. PASCARELL, Mr. PAYNE, Ms. RIVERS, Mr. ROHRABACHER, Mr. SANDERS, Mr. SENSIBLE, Mr. TERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado, and Ms. WATSON): H.R. 4972. A bill to clarify the effective date of the 451 Education of Treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans’ Affairs.

By Mr. CROWLEY (for himself, Mr. LANTOS, Mr. GILMAN, Mr. WELDON of Florida, Mr. LEACH, Mr. PALOMAYOKA, Mr. HOVER, Ms. KAPUR, Mr. CLYBURN, Mr. WINKER, Ms. WOOLSEY, Mr. HOEFFFL, Ms. LEE, Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. DAVID of Florida, Mr. LEVIN, Mr. MEZES of New York, Mr. SCHIFF, Mrs. NAUGLE of Florida, Mr. ABERCHOMIE, Mr. WYNN, Mr. BOWSWELL, Mr. JEFFERSON, and Ms. CARSON of Indiana): H.R. 4973. A bill to strengthen democratic institutions and promote good governance overseas by contributing to the development of professional legislative staff; to the Committee on International Relations.

By Mr. CULBerson: H.R. 4974. A bill to amend the Internal Revenue Code of 1986 to exclude from income tax all compensation received for active service as a member of the Armed Forces of the United States; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. FROST, Mr. STENHOLM, Mr. TURNER, Mr. HALL of Texas, Mr. Gonzalez, Mr. Rodriguez, Mr. HINOMURA, Mr. REYES, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, and Mr. ORTZ): H.R. 4975. A bill to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the “Francisco ‘Pancho’ Medrano Post Office Building”; to the Committee on Government Reform.

By Mrs. LOWEY: H.R. 4976. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mr. JEFF MILLER of Florida: H.R. 4977. A bill to authorize the Secretary of Agriculture to exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture.

By Mr. PAUL: H.R. 4978. A bill to amend the Internal Revenue Code of 1986 to increase the age at which distributions must commence from retirement plans; to the Committee on the Aging.

By Mr. FARR of California (for himself, Mr. UDALL of Colorado, Mr. HONDA, Mr. HALL of Ohio, and Mr. PETRI): H.R. 4979. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and non-violent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on International Relations.

By Mr. PETRI (for himself and Mr. KANJORSKI): H.R. 4980. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. STEARNS (for himself and Mr. TOWNS): H.R. 4981. A bill to amend the Consumer Product Safety Act to provide for fire safety standards for cigarettes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington: H.J. Res. 100. A joint resolution authorizing special awards to World War I and World War II veterans of the United States Navy Armed Guard; to the Committee on Armed Services.

By Ms. KILPATRICK (for herself, Mr. CONRAN, Mr. LUTHER, Mr. BARCIA, Mr. CAMP, Mr. DINGELL, Mr. EHLERS, Mr. HOKSTRA, Mr. KILDEE, Mr. KNOLLERBERG, Mr. LEVIN, Ms. RIVERS, Mr. ROGERS of Michigan, Mr. SMITH of Michigan, Mr. STUPAK, and Mr. UPTON): H. Res. 452. A resolution congratulating the Detroit Red Wings for winning the 2002 Stanley Cup Championship; to the Committee on Government Reform.

By Mr. PAUL (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. DAVID of Florida, Mr. DEUTSCH, Mr. FLAKE, Mr. LYNCH, Mr. SCHIFF, and Mr. SMYTH): H. Res. 453. A resolution expressing the sense of the House of Representatives regarding the success of the Varela 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; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, 297. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to House Resolution No. 13–221 memorializing the United States Congress to support the passage of H.R. 3128, to authorize the establishment of a National Guard of the Northern Mariana Islands; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, 298. Mrs. ROUKEMA introduced a bill (H.R. 4982) to waive the time limitation specified by law for the award of certain military decorations in order to allow the award of the Congressional Medal of Honor to Steve Piniha of Sparta, New Jersey, for acts of valor while a member of the Army during World War II; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Ms. Gekas
H.R. 159: Mr. Gekas
H.R. 175: Mr. Rogers of Michigan
H.R. 179: Mr. Gekas
H.R. 303: Mr. Ehrlers
H.R. 325: Mr. Gordon
H.R. 356: Mr. Gekas
H.R. 360: Mr. Frost, Mr. Owens, and Mrs. Jones of Ohio
H.R. 462: Mr. Gekas
H.R. 488: Mr. Ackerman, Mr. Baldacci, Mr. Udall of Colorado, and Mr. Costello
H.R. 534: Mrs. Biggert and Mr. Graham
H.R. 635: Ms. Brown of Florida, Mr. Serrano, Mr. Quinn, Mr. Oliver, Ms. Millender-McDonald, and Mr. Birman
H.R. 781: Mr. Mollohan
H.R. 822: Mr. Carson of Indiana
H.R. 1030: Mr. Peterson of Pennsylvania
H.R. 1090: Ms. McCarthy of Missouri, Mr. Bilirakis, Mr. Boyd, Mr. Thompson of Mississippi, Mr. Luetgert, Mr. Clay, Mr. Simmons, and Mr. Whitfield
H.R. 1134: Mr. Kind
H.R. 1155: Mrs. Jo Ann Davis of Virginia
H.R. 1272: Mr. Weldon of Pennsylvania and Mr. Bishop
H.R. 1290: Mr. Gekas.
CONGRESSIONAL RECORD—HOUSE

H. R. 1305: Mr. FORBES.
H. R. 1331: Mr. GUTENRECHT.
H. R. 1452: Mr. GONZALEZ.
H. R. 1599: Mr. KILDER.
H. R. 1515: Mr. KELLER.
H. R. 1541: Mr. UNDERWOOD.
H. R. 1581: Mr. MCGUIGH.
H. R. 1896: Mr. FATTANIA.
H. R. 1862: Mr. BREESE, Mr. KIND, and Mr. WOOLSEY.
H. R. 1990: Mr. MCSNULTY and Mr. FARR of California.
H. R. 2332: Mr. GEGAS.
H. R. 2350: Ms. RIVERS, Mr. KILDER, Mr. BISHOP, Mr. CARSON of Oklahoma, Mr. HOLTGEN, Mr. PETTIERSON OF MINNESOTA, Mr. BONIOR, Mr. ROSS, Mr. HOSTETTER, Mr. MERHAN, Mr. FLETCHER, Mr. ABERCROMBIE, Mr. KOLBE, Mr. STUPEK, and Mr. COSTELLO.
H. R. 2373: Mr. CALVERT and Mr. HOFFEL.
H. R. 2527: Mr. RUSH, Mr. GUTIERREZ, Mr. SOUDER, Mr. TOOMER, Mr. TURNER, Mr. BONIOR, Ms. JACSON-LEE of Texas, Mr. HINCHER, Mr. THOMPSON OF MISSISSIPPI, Ms. LOFGREN, and Mr. CONYERS.
H. R. 4454: Mr. BALDACCIO, Mr. CRAMER, Mr. CAPUANO, Ms. JACKSON-LEE OF TEXAS, and Mr. TURNER.
H. R. 4465: Mr. McKIM, Mr. GONZALEZ, and Ms. EDDIE BRINNICH JOHNSON OF TEXAS.
H. R. 4466: Mrs. JONES OF OHIO and Mr. LAMPSON.
H. R. 4479: Mr. DUNCAN.
H. R. 4477: Mrs. MANNING.
H. R. 4479: Mr. SOUDER.
H. R. 4479: Mr. SOUDER.
H. R. 4493: Mr. FOLK, Mr. CROWLEY, and Mr. SMITH OF NEW JERSEY.
H. R. 4496: Mr. HOSTETTER and Mr. FOLEY.
H. R. 4498: Mr. GIBBONS.
H. R. 4525: Ms. BALDWIN, Ms. BERKLEY, and Ms. McCOLLUM.
H. R. 4532: Mr. BONIOR, Ms. NORTON, and Mrs. THURMAN.
H. R. 4533: Mr. BONIOR, Ms. NORTON, and Mrs. THURMAN.
H. R. 4539: Mr. SWENKIN, Mr. CARSON OF OKLAHOMA, and Mr. SOUDER.
H. R. 4540: Mr. BERGER.
H. R. 4549: Ms. KEMS.
H. R. 4572: Mr. LAMPSON.
H. R. 4580: Mr. DOGGETT.
H. R. 4584: Mr. SCHAFFER.
H. R. 4594: Mr. MCGOVERN, Mr. LAFALCE, Ms. CARSON OF INDIANA, Mr. LAMPSON, and Mr. BALDACCIO.
H. R. 4598: Mrs. PELOSI and Mrs. LOFGREN.
H. R. 4599: Mr. GREEN OF TEXAS and Mrs. TAUSCHEK.
H. R. 4604: Ms. JACKSON-LEE OF TEXAS.
H. R. 4695: Mr. PENCE, Mr. KEMS, Mr. BRYANT, Mr. BACHUS, Mr. PITTS, Mr. PICKERING, Mr. THIEGII, Mr. SHOWS, Mr. WICKER, Mr. KELLER, Mr. CANTOR, Mr. CAMP, Mr. FERGUSON, Mr. HAYES, Mr. EVERETT, Mr. HALL OF OHIO, Mr. MCKEFLY, Mr. JEFF MILLER OF FLORIDA, Mr. KENNY OF MINNESOTA, Mr. GRAVES, Mr. GRUCCI, Mr. SHIMKUS, Mr. RYUN OF KANSAS, Mr. HOWARD, Mr. GRAHAM OF CUNNINGHAM, Mr. SULLIVAN, Mr. BARR OF GEORGIA, Mr. NEY, Mr. AIN, Mr. BURTON OF INDIANA, Mr. GARY G MILLER OF CALIFORNIA, Mr. LINDER, Mr. COSTELO, Mr. ENGLISH, Mr. SHUSTER, Mr. GREEN OF WISCONSIN, Mr. WELDON OF PENNSYLVANIA, Mr. HAFSTON OF TEXAS, Mr. WELLER, Mr. WHITFIELD, Mr. DELAY, Mr. GOODE, Mr. MANZULLO, Mr. BUYER, Mr. ABERHOLT, Mr. FLAKE, Mr. ROGERS OF MICHIGAN, Mrs. JO ANN DAVIS OF VIRGINIA, Mr. GOODLATTIE, Mr. JOHN, Mr. BLUNT, Mr. TAYLOR OF MISSISSIPPI, Mr. SOUDER, Mr. DOLLITTLE, Mr. PHILLIPS, Mr. ARMRY, Mr. PETRI, Mr. HANSEN, Mr. HILLARY, Mr. SAM JOHNSON OF TEXAS, Mr. ROEMER, Mr. LEWIS OF KENTUCKY, Mr. STUMP, and Mr. WAMP.
H. J. RES. 12: Mr. GEKAS.
H. CON. RES. 164: Mr. SCHROCK.
H. CON. RES. 220: Mr. SULLIVAN.
H. CON. RES. 287: Ms. SLAUGHTER.
H. CON. RES. 367: Mr. HILLIARD, Mr. FLYNER, Mr. FOST, Mr. LANGREIN, and Mr. PITTS.
H. CON. RES. 368: Mr. FORD.
H. CON. RES. 404: Ms. WOOLSEY, Mr. OWENS, Mrs. MALONEY OF NEW YORK, Mr. DICKS, Mrs. CAPPS, Mr. FARR OF CALIFORNIA, and Ms. CARSON OF INDIANA.
H. CON. RES. 65: Mr. GEKAS.
H. CON. RES. 412: Mr. HEPFLY, MR. SCHAFFER, AND MR. GILCHREST.
H. CON. RES. 413: Ms. CARSON OF TEXAS AND Ms. MALONE.
H. CON. RES. 416: Mr. UNDERWOOD.
H. CON. RES. 417: Mr. SCHRUTZ, Mrs. LOWERY, Mr. ENGLISH, Mr. KINGSTON, Mr. OTTER, and Mr. SHERRY.
H. RES. 348: Mr. SOUDER.
H. RES. 410: Ms. LOFGREN AND MR. WAXMAN.
H. RES. 437: Mrs. THURMAN, Mr. SCHIFF, Mr. SCHIFF, Mr. HOLT, Mr. BERKLEY, Mr. VISCLOSKY, MR. BOSCHER, MR. KENNEDY OF RHODE ISLAND, MR. MARKET, MR. LARSON OF CONNECTICUT, AND MR. DEUTCH.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

61. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 197 petitioning the United States Congress that the Legislature of Rockland County hereby supports the Resource Conservation and Development Council's application for the establishment of a Resource Conservation and Development area that would encompass Rockland County and several surrounding counties and the accompanying funding administered by the Natural Resource Service; to the Committee on Agriculture.

62. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 506 petitioning the United States Congress to permanently station military forces in and around the Indian Point Nuclear Power plants in Buchanan, New York; jointly to the Committees on Armed Services and Transportation and Infrastructure.
PRAYER

The guest Chaplain offered the following prayer:

Father, You are the God who sees everything. You know the number of hairs on our head, our needs before we ask, and even the thoughts of our hearts. Would You meet the individual needs of the Members of this body so they can give focus and attention to the important matters of this day without distraction.

Some have physical pain. Would You ease their discomfort and bring healing. Some have tension in their homes because of wayward children or troubled mates. Would You bring peace to those homes.

Some have financial worries. Would You remind them that You care for the birds of the air and the lilies of the field and You will care for us, too. Some are under severe stress because of so much to do and so little time to do it. Ease their tension, Lord. Wipe the furrows from their brow and remind them that Your grace is sufficient for this day.

Some harbor animosity toward people who have offended them. They know that Your word says to forgive quickly. It is just so hard to do it. Help them to have the grace to release that irritation and experience the freedom of forgiveness. We all have the need for forgiveness of our own sin and hope for life beyond. So Lord, grant us the humility to trust You completely for those things that we can’t control, and grant the confidence to us that we can do all things through Christ, who strengthens us. It is in His strong name that we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Jack Reed led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Jack Reed, a Senator from the State of Rhode Island, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore. The ACTING PRESIDENT pro tempore, The Senator from Kentucky.

WELCOMING GUEST CHAPLAIN

Bob Russell

Mr. MCCONNELL. Mr. President, today the Senate has had an opportunity this morning to hear from one of the most distinguished spiritual leaders in America. He happens to be an individual who lives in my hometown of Louisville, KY, the senior minister at Southeast Christian Church, Bob Russell, who ministers to literally thousands of individuals in Louisville, southern Indiana, and surrounding areas. He built his church over a number of decades from a small group of individuals who gathered in a basement-like structure to a mighty building, but the program there is much more than a building. The magic of his ministry and those who are associated with him has attracted an enormous number of people and has changed the lives, literally, of tens of thousands of people in that area of our country.

What a privilege it has been to have him with us this morning. The Senate has had a rare opportunity to hear from really one of the great ministers of America.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore, The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until 10:30. The first half is under the control of the majority leader; the second half is under the control of the Republican leader. The Chair will announce that shortly. At 10:30 the Senate will resume consideration of the Department of Defense authorization bill. Pending is the Feingold-Conrad amendment. It is an extremely important amendment dealing with budgeting. There should be some important discussion on that that should go for a significant amount of time. It is up to the parties as to how long we will be on that, but it is an important amendment. The two managers are working their way through amendments that they believe can be accepted. We would like to make a big chunk in this bill today. There is a lot more to do. The majority leader has indicated that if we finish this bill, it will give us the opportunity to go to some of the other issues that are so pressing. The leader has indicated there will be votes tomorrow.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time shall be under the control of the majority leader or his designee. Under the previous order, the time until 10:30 a.m. shall be under the control of the Republican leader or his designee, with the first 15 minutes of this time to be under the control of the Senator from Pennsylvania, Mr. SPECTER.

The Senator from Florida.

PRESCRIPTION DRUGS
Mr. GRAHAM. Mr. President, since its creation in 1965, the Medicare Program has been a lifeline of millions of the Nation’s elderly and disabled when they were in desperate need, after they had become sick enough to require a physician’s assistance or hospitalization. Thirty-seven years after its creation, it is time for change.

A prescription drug benefit is the most fundamental reform we can make to the Medicare Program. Why? If we want to truly reform Medicare, we must change its basic approach from one that is oriented toward intervention after sickness to one that focuses on maintaining wellness and the highest quality of life. This prevention approach will require in almost every instance a significant use of prescription drugs.

An example of how the use of prescription drugs has changed medicine was made by Dr. Howard Forman, a congressional fellow in my office, who is a doctor and professor at the Yale Medical School. Dr. Forman remarked to me that none of his students had ever seen ulcer surgery. Why? Because we now give patients prescription drugs to care for this ailment which previously was dealt with through surgery. This is just one of many examples of how medicine has fundamentally been altered by prescription drugs; notably, by improving the quality of people’s lives, ending the need for many surgeries and long recovery periods.

A side benefit of this change would be that the cost to the Medicare Program could be lowered by utilizing these expensive but less expensive prescription procedures as opposed to traditional surgery.

The prescription drug legislation I am sponsoring, with my friends, Senator ZELL MILLER of Georgia and Senator TED KENNEDY of Massachusetts, would improve the Medicare Program and give seniors a real, a meaningful, a sustainable drug benefit. With a $25 monthly premium, no deductible, and a simple copayment of $10 for generic drugs, $40 for medically necessary, standard brand name drugs, and $60 for other brand name drugs, and a maximum of $1,000 in out-of-pocket expenses, our plan would give seniors the universal, affordable, accessible, and comprehensive drug coverage which they want and need.

Our debate about how to help 80-year-old Freda Moss of Tampa, FL. She has no prescription drug coverage. Today, she pays nearly $8,000 a year for the drugs she needs to keep her healthy. This does not include a new prescription for Actos, an oral diabetes drug that costs $143.68 every month. Freda has not had this prescription filled because it is so expensive.

Under the Graham-Miller-Kennedy plan, she would pay just over $2,900—saving $5,100. Under the House Republican plan, Freda’s drug costs would be at least $4,220 a year. Why would the House plan cost Freda $1,320 more per year?

There are two reasons, including a higher monthly premium and a $250 deductible. But the single biggest reason is the “donut.”

What is the donut, Mr. President? We are all familiar with donuts. They are round; they taste good; often, they have powdered sugar on them; they are tasty at the edges. But when you get into the middle, there is nothing there. That describes the benefit structure of the House Republican plan.

Let’s look at how this plan would have affected Freda and her husband, Coleman. After having paid a $250 annual deductible, Freda and her husband would pay 20 percent of the cost of each specific prescription up to $1,000. From $1,001 to $3,400 they would pay 50 percent of each prescription. And then she hits the hole in the donut. Freda is on her own until she reaches the catastrophic limit of $4,900 in total drug costs.

While she is struggling through this hole in the middle of the donut, she would be responsible for continuing to pay her monthly premiums of about $34, for which she would receive nothing, no benefit.

Mr. President, there is no comparable donut in private health care plans. The kind of plan which probably covered Freda and Coleman before she came on to Medicare is the following approach: it has, as we do, continuous protection. One of the things our older citizens want is certainty and security. Our plan gives them that.

The House Republican plan converts them into pigs, experimenting with untested health care policies and a “gotcha” of an unexpected hole in the middle of their benefit—a hole which runs from $2,001 all the way to $1,900 of expenditures. We are not going to make 39 million senior Americans into laboratory experiments.

Under our plan, Freda would pay no deductible, receiving coverage from her first prescription. She would pay a simple copay for each prescription. There are no donut holes. Instead of gaps, we give American seniors a plan that mirrors the copay system that they had in their working lives.

Mr. President, as my colleague, Senator MILLER, says with such conviction and passion: This is the year for action, not just talk, on prescription drugs.

I don’t want to go back to Tampa, FL, and tell Freda we had a very strong debate about this issue. I want to tell Freda she can start going to the drugstore and from her first prescription begin to get real assistance. We all will come to the floor this week, and in the following weeks, to remind our colleagues about the importance of passing a prescription drug benefit before the August recess, and to have that benefit in law before the end of this session of Congress.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. MILLER. Mr. President, I, too, rise to talk about prescription drugs and the struggle our seniors face every day.

Since April, I have been coming down to this Chamber on a regular basis to speak about the urgency of passing a prescription drug benefit before the August recess. I have spoken about how we have kept our seniors waiting in line for years and how we have bumped through one and two and three other issues. I want to let you know the one I am a cosponsor of with the Senator from Florida, Senator KENNEDY, Senator DASCHLE, and about 28 other Senators.

This issue is now where it should be: it is front and center. It has more momentum today than it has had in all the years we have been talking about it. Our seniors have finally reached the front of the line. Now it is time to get down to business and have a real debate on the details of these proposals.

Let’s talk about it, there are real differences among them. Let’s debate those differences. If we can, if we want to go back to Tampa, FL, and tell Freda we had a very strong debate about this issue. I want to tell Freda she can start going to the drugstore and from her first prescription begin to get real assistance. We all will come to the floor this week, and in the following weeks, to remind our colleagues about the importance of passing a prescription drug benefit before the August recess, and to have that benefit in law before the end of this session of Congress.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.
another election cycle or who knows how many more years. I urge my colleagues to let us have a healthy debate on these bills. Let us point out the strengths and weaknesses of each proposal, but never lose sight of the big picture, as Senator GRAHAM just did in his remarks.

This should not be viewed as just an issue for the next election campaign. I urge my colleagues not to look at it in that way. Our goal should be to pass a prescription drug benefit. I will work hard at seeing that the bill we pass in the Senate offers real help for our seniors, especially for our neediest seniors.

As Senator KENNEDY said so eloquently last week: The state of a family’s health should not be determined by the size of a family’s wealth.

One way to help our seniors, including the neediest, with prescription drugs is to pass a bill that has no gap in coverage and that places a reasonable cap on out-of-pocket expenses. The Graham-Miller-Kennedy bill offers just that. There is no gap in coverage, and the out-of-pocket maximum is set at $4,000 a year. After $4,000, Medicare would pick up 100 percent of the cost of prescriptions under our bill. But the House Republican bill provides no coverage from the time a senior’s total drug costs reach $2,000 to the time they reach $4,900. That is a “hole in the donut” Senator GRAHAM was talking about that is so obvious.

Who will it hurt the most? The ones who can afford it the least—who can afford it the least— the low-income seniors. To add insult to injury, the House bill requires seniors to continue paying monthly premiums during this gap, even though they are not receiving a single penny of benefit. Even the neediest seniors would have to pay these premiums during this gap. That is not right; that is just plain unacceptable.

I look forward to debating this provision. And if, like many others, we take up prescription drugs in the next few weeks, I urge my colleagues in both Houses and in both parties to keep the big picture in mind. Our duty to seniors is not just to debate a bill, it is to pass a bill. The final product won’t be perfect. It won’t include everything that I want, and it won’t include everything that some of my colleagues may want. But it will be better than what our seniors have now. And what our seniors have now is nothing.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I want to commend our colleagues, Senator MILLER and Senator GRAHAM, for their leadership in this area, which is of such enormous importance and consequence to people in my State of Massachusetts and across the country.

I hope the American people are going to pay close attention to these presentations that are made today by both of these leaders, as well as my friend from Michigan, DEBBIE STABENOW, as they continue to help the American people understand what is really at stake.

Medicare is a solemn promise between the government and the American people and between the generations. It says: Play by the rules, contribute to the system during your working years, and you will be guaranteed health security in your retirement years.” Because of Medicare, the elderly have long had insurance for their hospital bills and doctor bills. But the promise of health security that the cornerstone of Medicare is broken every day because Medicare does not cover the soaring price of prescription drugs.

Too many elderly citizens must choose between food on the table and the medicine their doctors prescribe. Too many elderly are taking half the drugs their doctors prescribe—or none at all—because they can’t afford them. The average senior citizen has an income of $15,000 and prescription drug costs of $2,100. Some may pay much more.

I want to pick up on the issue of comparing the different bills. Hopefully, as we come to debate these issues and questions, we will begin to understand the differences between the costs in the Democratic and Republican bills. They are enormously different.

The administration’s first bill did not even pass the laugh test, and the bill that is being considered now by the Republican majority in the Senate is not, in any way, fair. The Senate bill does not pass a test. The administration allocated $190 billion. Senior citizens are going to spend $1.8 trillion for prescription drugs. So they get about 10 cents on the dollar to assist them, and there are still a lot of gimmicks they have to go through to get even that.

Listen to the Republican proposal. The House Republicans have a proposal that says: If you have an income below 150 percent of poverty, you are not going to have to worry about your premiums, copayments, or deductibles. Doesn’t that sound reasonable for low-income people? Except there is an asset test which the Miller-Graham proposal does not have.

This is basically a hoax on the low-income people. To qualify for low-income subsidies under the Republican plan a senior cannot have $2,000 in savings. They cannot have $2,000 in furniture or property, they cannot have a car that is worth $500 or a burial plot that is worth $1,500. Any one of these assets disqualifies one from the Republican plan. Do they mention that? No. Do you read about it? No. Is it there? Yes. Effectively this writes off, writes out millions of low-income seniors.

This group of seniors is seeing a hole in the donut, as Senator GRAHAM has pointed out. They will get no assistance with their drug costs once they reach $2,000.

It is important to understand, as we begin this debate, who is going to be helped and who is not going to be helped. The Republican program fails to explain that either to their membership or to the American public.

In each of these areas, the Miller-Graham bill rejects those artificial barriers and assists each and every citizen all the way through. That is a fundamental difference. This is one of the important differences we ought to recognize.

Here’s another important difference. Rather than the safe, dependable Medicare system that senior citizens understand, the Republican plan is run through private insurance companies—pharmaceutical HMOs. They are allowed to set premiums at whatever the traffic will bear. And there is no guarantee that benefits will actually be paid. If private insurance companies decide they don’t want to participate, senior citizens have seen what has happened to HMOs in the regular Medicare program—cutbacks in benefits, withdrawal of services. They don’t need that for lifesaving prescription drug coverage.

And to complete this dishonor roll of the Republican plan, it does not even start until 2005. The Republican prescription for senior citizens: take two aspirin and call the pharmacy in two and a half years.

Senior citizens and their children and their grandchildren understand that affordable, comprehensive prescription drug coverage under Medicare should be a priority. Let’s listen to their voices instead of those of the powerful special interests. Let’s pass a Medicare prescription drug benefit worthy of the name.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to join my colleagues in supporting the Graham-Miller-Kennedy bill of which I am very pleased to be a
cosponsor, which will provide a voluntary comprehensive Medicare prescription drug benefit. This is long overdue.

I also rise today to express great concern about what is being done in the House of Representatives. We know that in the end we need to come together with a bipartisan bill. We welcome that and want to work with our colleagues, but it has to be something real, it has to be something that provides—-—80 percent of the cost of prescription drugs—only 20 percent help—leaving our seniors to pay 80 percent and, in some cases more, for their prescriptions. It is just not good enough. I wish to share some portions of a letter I received yesterday from the Kroger Company of Michigan that was written to me concerning the legislation that is being drafted and passed by our Republican colleagues in the House. It says:

Dear Senator Stabenow: As president of the Michigan Kroger stores, I am writing to advise you that our stores oppose the Thomas-Taузin medicare bill.

The Republican bill in the House. Passage of this bill will hurt Michigan seniors and their access to necessary prescription drugs. The viability of community pharmacies is of significant concern, especially in rural areas where inadequate reimbursement rates could force many community pharmacies out of business, further restricting seniors' choices.

There is great concern not only from the senior groups, those that represent consumers in our country. I appreciate the president of Kroger expressing great concern about this as well. We can do better. The question is, To whom are we going to listen?

I am asking, as are my colleagues, that we listen to not only seniors but business owners and others who are experiencing an explosion in the prices of prescription drugs. And that we act and do so now. It is long overdue.

A few weeks ago, I invited people to come to my Web site. We have set up the prescription drug people’s lobby in Michigan. We are trying to get a Web site that has been set up nationally, fairdrugprices.org, and I have been asking people to share their concerns, their experiences with the high prescription drug prices we are seeing across the country.

Ms. STABENOW. Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. President, a number of us have done this to demonstrate the differences in prices.

These ladies were all widows, retirees on fixed incomes that were having trouble paying for their medications, so I joined them to buy our prescription drugs. We purchased 3 months of medications. I am able to get a 3-month supply of medication for what it costs me for a 1-month supply in Canada.

A 3-month supply in Canada for a 1-month supply in the United States.

I find that shameful.

While I believe that everyone has a right to a profitable living, the gouging of the pharmacists is sickening. Additionally, the loopholes that these companies use to keep drugs from generic manufacturers are also criminal. Please help make this stop.

I thank Molly Moons for sharing her story as a small business owner and sharing her concern about the senior citizens who were on that bus going to Canada. Shame on us. She is right, ‘I find it shameful, and it is shameful. We are doing something about it. We can do something about it by passing the Graham-Miller-Kennedy bill that will provide a comprehensive Medicare prescription drug benefit, and we can further do it by passing other legislation. We have expanded use of generics, opening the border to Canada and other policies that will lower prices. We can do that, and we need to do that.

Why has this not been done? Why has this not been done? Why has this not been done? Have we been talking about it. I talked about it as a Member of the House of Representatives. We tried to pass something then. Colleagues of mine have talked about it. Presidential candidates have talked about it. As the Senator from Georgia said earlier, it is time to stop talking about it and get something done.

Why has that not happened? Unfortunately, we have seen too much influence and too many voices trying to stop this, and not enough of the people’s voices in this process, which is what we are trying to do right now.

We have a Web site that I have invited people to go to that is called fairdrugprices.org. We are inviting people to sign a petition to urge Congress to act right now, to urge Congress to pass a comprehensive Medicare prescription drug benefit, and to pass other efforts to lower prices. We urge people to go to this Web site and share their story. We will share those stories on the floor of the Senate.

Why is that important? It is important because, according to our numbers, there are about six drug company lobbyists for every Member of the Senate. Their voice is being heard. This is about making the people’s voice heard through their Representatives and their Senators.

Unfortunately, there are other ways in which voices are heard, I found it unfortunate that yesterday, while in the midst of debating a Medicare bill, which has been viewed by colleagues and quoted in the paper from House Republican staff as being a bill they are very concerned about having reflect the needs of the drug companies, but at the same time we do not have the concerns of our seniors and our families being voiced as a part of that process, that last evening there was a major fundraiser. Our colleagues on the other side of the aisle and the House of Representatives had a major Republican fundraiser and we saw a number of pharmaceutical companies playing a major role.

We saw Glaxo Smith Klein, according to the newspaper, contributing about $250,000 to that fundraising effort. PHRMA, which is the trade organization for the companies, contributing about $250,000 to that fundraiser; Pfizer, about $100,000, and other companies as well. So there are those that are not only here as lobbyists but contributing dollars to fundraisers, certainly wanting to make their voice heard.

The PRESIDING OFFICER. The Senator’s time has expired. Ms. STABENOW. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. MURKOWSKI. May I rise for a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. SPECTER. Is it correct that there is now 30 minutes for the Republicans, with an allocation of 15 minutes to my control?

The PRESIDING OFFICER. There are 27 minutes, of which the Senator has 15.

Mr. MURKOWSKI. May I rise for a question relative to the allocation?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. What is the allocation of time following the Senator from Pennsylvania? Does the Senator from Alaska have morning business reserved for 15 minutes?
The PRESIDING OFFICER. The Senator does not have time reserved but there will be 12 minutes remaining.

Mr. MURKOWSKI. I ask to be recognized after Senator SPECTER. I ask unanimous consent for the remaining time. I do not intend to take all the 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PIECES TO THE PUZZLE

Mr. SPECTER. Mr. President, I thank the Chair for that clarification. I have sought recognition this morning to express my concern that the legislation submitted by the President for homeland security submitted two days ago to the Congress does not meet the critical need for collection and analysis of intelligence information in one place.

Each day there are new disclosures of key information, information which was known prior to September 11, 2001. If it had been activated and put together with other information, this might well have prevented the September 11 attack.

This story, as the Washington Post has as its major story, in the upper right-hand corner, “NSA Intercepts On Eve of 9/11 Sent a Warning.” The first sentence reads:

The National Security Agency intercepted two messages on the eve of the September 11 attacks on the World Trade Center and the Pentagon warning that something was going to happen the next day.

If that information had been put together with other information which was in the files of Federal intelligence agencies but not focused on, there would have been, I think, an emerging picture providing a warning, not just connecting dots, but a picture which was pretty obvious when all of the pieces were put together.

The FBI had the now-famous Phoenix report, which had been submitted in July 2001 by the Phoenix office, telling about aeronautical training to people with backgrounds which indicated potential terrorist leanings, aeronautical students with a large picture of Osama bin Laden in their room and a background which would have supported the inference that those students in training might well have been put up to something. It had been put together with the confession that was obtained by a Pakistani terrorist known as Abdul Hakim Murad in 1996, who had connections with al-Qaeda, when he told of plans to attack the CIA headquarters in Washington by plane and to fly into the White House, there might have been a pretty sharp focus, especially if linked to the information which had been developed by the FBI field office in Minneapolis, that there was a man named Zacarias Moussaoui, who had terrorist connections to al-Qaeda, and that plans were being developed and that he was actually to be the twentieth hijacker.

That information never came to full fruition because of a failure of the Federal Bureau of Investigation to move the matter forward for a warrant under the Foreign Intelligence Surveillance Act.

The Judiciary Committee heard testimony from special agent Coleen Rowley about the difficulties of dealing with the FBI, which requires a standard not in accordance with the law, 51 percent, more probable than not where the standard of warrant which has no requirement. Had Moussaoui’s computer been examined, it would have provided a virtual blueprint for what was about to happen.

These are very glaring and fundamental defects in our intelligence system. They have existed for a very long time. We have had a situation where the Director of Central Intelligence, who is supposed to be in charge of all intelligence, does not have key components of the intelligence apparatus on the ground which has been developed by the FBI does not have access to the National Reconnaissance Office. He does not have unfettered access to the National Security Agency, the National Imagery and Mapping Agency, and certain special Navy of security intelligence which has gone on for a long time.

When I chaired the Senate Intelligence Committee during the 104th Congress, I introduced Senate bill 1718. That bill was designed to correct the deficiency that the Director of Central Intelligence Agency, who nominally and in the public view had access to all of the intelligence information, but, in fact, did not have it. My bill, S. 1718, is only one of many efforts which are currently underway, efforts which are currently under consideration by the White House. However, there is strong opposition by the Department of Defense and opposition by others. I am not characterizing it necessarily as a turf battle. It is a battle which has its origin in the concerns of some in the Department of Defense that the Department of Defense has the responsibility to fight a war and needs access to all of these intelligence matters; that is unique control.

The reality is that a structure can be worked out so the Department of Defense is not deprived of access to any of this information in time of war or at any time. However, the Director of Central Intelligence ought to have it in one coordinated place.

Now, when you create a Department of Homeland Security, it is obviously very difficult to touch upon matters on the broader picture. That is something that must be done and which must be addressed. When this matter was considered, I raised some of these issues in a hearing which Senators had with the White House Chief of Staff Andrew Card and Homeland Security Advisor, Governor Ridge. Recently, there have been some discussions at the staff level, working together with the White House staff extensively, one of which was last Friday afternoon. During that meeting, my staff made a specific proposal that on the Department of Homeland Security, there should be a repository in one place to gather all of this information. The suggestion which we submitted was that there should be a national terrorism assessment center, a concept developed by someone who is very experienced in intelligence affairs, Charles Battaglia, who spent years in the CIA, as well as the Navy, and who served as majority staff director for the Intelligence Committee during my tenure as chairman during the 104th Congress.

The Battaglia proposal to establish a national terrorism assessment center, in my opinion, goes right to the mark. It would be staffed by analysts who would come from the FBI, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and a listing of other Federal agencies and the State Department’s Bureau of Intelligence and Research, which would have access to all of this information.

The bill, which was submitted by the President two days ago to establish the Department of Homeland Security, I say respectfully, does not meet this core critical ingredient. For example, referring to intelligence staff, the President’s proposal provides at section 201: The Secretary may obtain such material by request.

Mr. President, that is hardly the authority that the Secretary of Homeland Defense needs to do his job. If he has to ask somebody in Washington, DC, for something, it is an enormous uncertainty as to whether he will get it. In fact, it is more probable than not that he will not get it. There is a long trail around here to get information from anyone. I have seen that in detail in my time trying to conduct oversight of the FBI or in connection when I chaired the Intelligence Committee. That information just is not forthcoming.

The President’s bill further provides that the Secretary may enter into “co-operative arrangements with other executive agencies to share such material.” Whether or not there will be such arrangements entered into, and whether the other executive agencies will be agreeable to that, is highly uncertain. The Department has long been forced to leave it to the discretion of a large variety of the Federal bureaucrats as to what they will do on intelligence. The time has come for the Congress of the United States in legislation signed by the President to establish central authority in one place, under one roof, to collect all the information which is available. To do any less is dereliction of our duty. That has not been done. The intelligence community has been stumbling along. America stumbled into September 11 because this Congress had not undertaken the approach with the strength to resolve all of these jurisdictional disputes and see to
it that this information was under one roof.

The Congress of the United States has a fundamental responsibility to provide for the security of the United States. When the Judiciary Committee conducted oversight and finds out that the FBI does not have the procedures in place to know what is in the Phoenix report on a potential terrorist with Osama bin Laden’s picture on his wall, when the Judiciary Committee finds out that the FBI Minneapolis office cannot get headquarters to request a warrant under the Foreign Intelligence Surveillance Act because they are applying the wrong standard, when the Intelligence Committee contacts oversight on the Director of Central Intelligence and finds his authority lacking because he does not know what many other intelligence agencies are collecting, and when the National Security Agency has almost reached September 11 specific warnings and these pieces are not put together, the time has come to act.

On this legislation, we ought to move ahead with a national terrorism assessment center. This information, as I noted earlier, was communicated by my staff to the White House staff. We did not have it prepared in time, but we had it this week in draft form. However, the matter is now before the Congress.

For the information of my colleagues, I ask unanimous consent that this draft proposal be printed in the CONGRESSIONAL RECORD. It is by no means a finished product, however it might be on time help as we might ahead with hearings on this very important subject in the Congress.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.5796
CONGRESSIONAL RECORD—SENATE

June 20, 2002

The amendment shall be in accordance with such personnel security standards for (1) the Department of Homeland Security, to the appropriate law enforcement or intelligence agency, intelligence and analysis requiring further investigation or access.

(5) perform other related and appropriate duties, as assigned by the Secretary.

(c) MANAGEMENT OF THE NTAC.—

(1) IN GENERAL.—The NTAC shall be under the operational control of the Secretary of the Department of Homeland Security, who shall evaluate the performance of personnel assigned to the NTAC.

(2) DIRECTOR.—

(A) APPOINTMENT.—The NTAC Director shall be a senior officer of the Federal Bureau of Investigation, and appointed by the Secretary of the Department of Homeland Security from candidates recommended by the Director of the Federal Bureau of Investigation.

(B) DUTIES.—The Director of the NTAC shall:

(i) ensure that the law enforcement, immigration, and intelligence databases information systems containing information relevant to homeland security are compatible; and

(ii) with respect to the functions under this subparagraph, ensure compliance with Federal laws relating to privacy and intelligence information.

(3) DEPUTY DIRECTOR.—The NTAC Deputy Director shall be a senior officer of the Central Intelligence Agency and appointed by the Secretary of the Department of Homeland Security from candidates recommended by the Director of Central Intelligence.

(d) STAFFING OF THE NTAC.—

(1) IN GENERAL.—The NTAC shall be staffed by analysts assigned by—

(A) the Federal Bureau of Investigation;

(B) the Central Intelligence Agency;

(C) the National Intelligence; 

(D) the Defense Intelligence Agency; 

(E) the National Imagery and Mapping Agency; 

(F) the National Reconnaissance Office; 

(G) the Department of Energy; 

(H) the Department of Homeland Security; 

(I) the Department of the Treasury; 

(J) the Department of Justice; 

(K) the Department of State; and 

(L) any other Federal agency, as determined by or designated under section 3(4) of the National Security Act of 1947.

(e) ELECTRONIC NETWORKING OF INTELLIGENCE DATA.—

(1) IN GENERAL.—The Secretary of the Department of Homeland Security may, without regard to the civil service laws, regulations, and the classification of personnel under Federal law, fix the compensation of such personnel and consultants, including representatives from academia, as the Secretary considers appropriate in order to provide for the performance of the responsibilities of the Director of the Department of Homeland Security.

(2) PERSONNEL SECURITY STANDARDS.—The employment of personnel and consultants under paragraph (1) shall be in accordance with such personnel security standards for (1) the Department of Homeland Security, to the Department of Energy; (2) the Department of State; and (3) the Department of Justice.

(3) AUTHORITY TO EMPLOY PERSONNEL AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary of the Department of Homeland Security shall employ personnel and consultants under paragraph (1) to—

(a) access to classified information and intelligence essential to carry out the Secretary's responsibilities of the Director under section 103.

(2) AUTHORITY.—The Secretary of the Department of Homeland Security shall have and exercise in the performance of the duties, as assigned by the Secretary.

(1) (A) The Secretary shall provide an annual report to the Congress on the activities of the NTAC, including the following:

(b) The Department of State; and 

(c) The Department of Justice.

(2) The head of each element of the intelligence community that the Director requires in order to discharge the responsibilities of the Director under section 103.

(3) The head of each element of the intelligence community shall take appropriate actions to ensure that each element complies fully with the requirement in paragraph (1).

(f) TOUR OF DUTY REQUIREMENT.—

(1) SENIOR INTELLIGENCE SERVICE.—Title III of the National Security Act of 1947 (50 U.S.C. 403a) is amended by inserting after section 303 the following:

"SEC. 304. An employee of an element of the intelligence community may not be promoted to a position in the Senior Intelligence Service unless the employee has served 1 or more tours of duty, aggregating not less than 24 months, in a nonacademic position in 1 or 1 more other elements of the intelligence community.

(2) SENIOR EXECUTIVE SERVICE FOR EMPLOYEES OF FBI.—Chapter 33 of title 28, United States Code, is amended by inserting after section 536 the following:

"§ 536A. Promotion to Senior Executive Service.

"(a) An employee of the Federal Bureau of Investigation may not be promoted to a position in the Senior Executive Service until the employee has served 1 or more tours of duty, aggregating not less than 24 months, in a nonacademic position in 1 or more other elements of the intelligence community.

(2) In this section, the term 'element of the intelligence community' means an element of the intelligence community specified by or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))."

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) SENIOR INTELLIGENCE SERVICE.—The table of sections for the National Security Act of 1947 is amended by inserting after the item relating to section 303 the following:

"304. Promotion to Senior Intelligence Service.

(B) SENIOR EXECUTIVE SERVICE FOR EMPLOYEES OF FBI.—The table of sections at the beginning of chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 536 the following:

"536A. Promotion to Senior Executive Service.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act, and shall apply with respect to promotions that occur on or after that date.

(g) ACCESS OF DIRECTOR OF CENTRAL INTELLIGENCE TO INTELLIGENCE COLLECTED BY INTELLIGENCE COMMUNITY.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403–4) is amended by adding at the end the following:

"(b) ACCESS TO INTELLIGENCE.—(1) The Director shall have full and complete access to any intelligence collected by an element of the intelligence community in order to discharge the responsibilities of the Director under section 103.

(2) The head of each element of the intelligence community shall take appropriate actions to ensure that each element complies fully with the requirement in paragraph (1).

(S) ELECTRONIC NETWORKING OF INTELLIGENCE DATA.—As soon as practicable after the date of enactment of this Act, the Director of Central Intelligence shall implement a —
order to ensure the ready accessibility by all elements of the intelligence community of intelligence and other information stored in such databases.

Mr. SPECTER. I yield the floor.

YUCCA MOUNTAIN

Mr. MURKOWSKI. Mr. President, I stand to try to enlighten Members about the Yucca Mountain resolution which is going to be before this body. Yesterday, I took to the floor to speak on the current status of the Yucca Mountain debate in the Senate. I bring it to my colleagues’ attention this measure was reported by the Energy and Natural Resources Committee and is now ready for consideration by the full Senate.

There is a process here. I think it is somewhat confusing to Members, and hopefully we will get a better understanding when I share my analysis.

I want to make sure everyone understands that I certainly support the majority leader’s ability to control the floor of the Senate and hence the schedule. I hope the majority leader will bring this issue to the floor shortly. I and others are looking forward to working with him, Senator LOTT and others, to try to come to an agreement to move the Yucca Mountain issue. However, should the majority leader choose not to bring this up and ask the Republicans to do it, we are prepared to oblige.

The process said out is unique in the Nuclear Waste Policy Act. It was intended to eliminate any opportunity to delay, impede, frustrate, or obstruct the Senate and House votes on this siting resolution. That is the reason this expedited procedure was put into the act.

As Senator CRATO pointed out last week, this was very specific language. It provides that any Senator on either side may move to proceed to consideration of the resolution.

There is a historical association with these procedures. Back when the Nuclear Waste Policy Act was debated in 1982, a central question was how to treat an objection made by a State before the Senate selected a repository for the repository if, in fact, the State objected—hence the situation with regard to Nevada. Nevada was selected. Nevada has rejected the site.

Back then there was a Congressman by the name of Moakley, the chairman of the Committee. He was concerned over what he perceived as a constitutional issue—single House action—and sought an approach that would allow a State to raise an objection but also guarantee that a decision would be made without raising constitutional questions. The solution that was proposed, and which is included in the legislation, was passage of a joint resolution coupled with expedited procedures that would eliminate any opportunity for obstruction or delay. In other words, trying to make it fair to the State that was affected.

Moakley’s State veto provision was added to the House-Senate compromise bill after Senator Proxmire threatened to filibuster the bill unless it was included. Senator Proxmire described the provisions as making it “in order for any Member of the Senate to move to proceed to consideration of the resolution” to override the State’s veto. That is where we are today on this matter.

Further, as a little history, Senator George Mitchell, who was the majority leader at that time, insisted that the language “should not burden the process with dilatory or obstructionist provisions” and was only accepted in the Senate because we were all assured that there were no procedural or other avenues that would prevent the Senate from working its will within the statutory framework.

Again, I want to quote Congressman Moakley on that provision when the House approved the final measure:

The Rules Committee compromise resolved the issue in a fair manner. We proposed a two-House veto with respect to but required that both the House and Senate must vote within a short timeframe. So long as the vote is guaranteed, the procedures are identical as a political and parliamentary matter.

The process, which includes the right of any Senator to make the motion to proceed, is that guarantee.

All of this brings me to the point of the majority leader’s ability to control the flow of legislation in this body. The majority leader has been very forthcoming in his position on the resolution, and I understand and appreciate that. While I disagree with his position, I do not question his honesty or his integrity. Nor do I wish to hinder his ability to control the floor in normal circumstances.

This situation, however, is not one in which we often find ourselves. In this rather extraordinary case, we find ourselves governed by unusual rules and traditions of the Senate but, rather, by a very specific and limited expedited procedure—a process set out in law, a law that was passed by this body.

Senator DASCHLE chooses to call this fast-track procedure—he mentioned “a violation of the Senate rules.” I choose to call it an “exception.” But whatever it is, whatever you want to call it, it is the same thing. It is a statutory fast track to consider a type of measure that is not ordinarily before the Senate, nor ordinarily treated in this manner. Extraordinary circumstances often call for an extraordinary procedure, and I think that is what we have before us.

Despite what Senator DASCHLE has indicated in a press conference earlier this week:

This whole procedure, as you know—we locked in a procedure many, many years ago—I believe it was in 1982—

And he continued later in the statement:

But this is what we are faced with. And so given the fact that we’re faced with a very un-Senate-like procedure, I have no objection to that concept. (Here he is referring to a Republican making the motion to proceed) in terms of who would raise the issue on the floor.

Certainly I appreciate the leader’s recognition that this measure must come up, and should the majority leader not make the motion, obviously some other Member will. If that is what will happen, it does not in any manner undercut the authority of our leader. No, Senator, however, has come running to interrupt the present schedule of proceedings by bringing up this resolution.

We have, in fact, had discussions between the majority and minority leaders. We would like to enter into a unanimous consent agreement to minimize any potential disruption to the Senate, but that may not be possible, given the objection of the Senators from Nevada.

I quote from an article that appeared in one of the publications that I was given, in the “Hill Briefs,” a reference by Emily Pierce, Congressional Quarterly staff writer, on 6-19 of this year, third paragraph:

And Senator BINGAMAN and Senator RUND said they aimed to persuade enough Members of both parties to reject the procedural motion, contending it would set a bad precedent. They contend the majority leader should control the agenda rather than leave that task to another Senator.

That is really incidental, but I think it points out that we have two Senators from Nevada who rightfully are objecting to moving this matter before the Senate.

Barring what would be any further delays, we can find an appropriate time that is convenient to the schedule of our two leaders to resolve this matter. As to who makes the motion to proceed, I do not know that it really matters very much.

When I was chairman of the Energy Committee, I occasionally came to the floor to move to proceed to some measure reported from the committee. I certainly think it would be equally appropriate for our present chairman to make the motion to proceed to the consideration of this resolution. However, he may not want to do so.

I commend Senator BINGAMAN for an excellent committee report and the deliberate approach that he took to the consideration of the resolution. I commend him. But the bottom line is that, if the majority leader does not want to make the motion, for substantive or other reason, the statute explicitly deals with the situation to ensure that the Senate can take action.

As I have said before, the State veto and the congressional joint resolution are extraordinary provisions. A vote on the resolution is essential to the compromise in the agreement of 1982 to go to a two-House resolution.

It offers no precedent for any other situation and by its terms is limited to this specific situation. There are enough substantive issues that we can discuss. We do not need to suggest that somehow an explicit provision in a
statute should be ignored and does not mean precisely what it says.

It is time we focus on substance and I sincerely hope that the two leaders can find a time before the July recess for us to take up this important Yucca Mountain resolution.

I would note that all debate is limited to 10 hours, so it would be possible to take up the resolution one afternoon or evening and have a vote the next morning. That would create very little inconvenience to the leaders’ schedule, but I look forward to whatever they can work out.

It is time for either the majority leader or his designee—perhaps the chairman of the Energy Committee who introduced the resolution and so ably guided it through committee—to make the motion to proceed and establish, under the rules of the Senate and the procedures laid out in the act, a time and date certain when the Senate can debate and vote on this resolution—absolutely.

This matter is long overdue. It is the obligation of this body. The House of Representatives has done its job, and the Senate should do its job.

I thank the Chair. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to speak as if in morning business and to extend morning business time for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUCCA MOUNTAIN

Mr. REID. Mr. President, I have heard my friend, the distinguished junior Senator from Alaska, speak, as I have heard the Senator from Idaho speak on several occasions during the last few days. I have chosen not to respond because what my friends have spoken about we have heard many times.

We have a situation on which the American people are now focusing. The focus for many years has been whether Yucca Mountain is a suitable site for a nuclear waste depository. Scientifically, that has fallen apart for many reasons. One is that under the statute, Yucca Mountain and/or any other site was to be a facility that would geologically protect the American people from nuclear waste. Yucca Mountain didn’t work. They have learned that geologically it can’t do that because of the fault lines, because of the water tables, and because of many other facts. They decided to use Yucca Mountain anyway. But they would build an encasement and put it down in the hole. They would have the waste in containers in Yucca Mountain.

The point is that now people are no longer focusing on Yucca Mountain. They are not focusing on Yucca Mountain because they have come to the realization they have to get it there some way. You are not going to wake up one morning and suddenly find thousands of tons of nuclear waste from around the country from different reactors there. No. You will have to have them there. They are going to haul it by water, by train, and by truck. They can haul all they want. But the waste is always going to be at these reactor sites. You can’t get rid of it. You are producing it all of the time.

When they take a spent fuel rod out, it has been down in the hole. They would build an encasement and put it down in the hole. They would have the waste in containers in Yucca Mountain.

There is a Web site—www.mapscience.org. It has been up since last Tuesday. You can punch in your address and see where the nuclear waste will go. You can see how far away or near you they can touch it. Then they have to determine how to move it.

We have known since September 11 that we have a lot of difficulty moving anything dangerous on the highways of this country. The most poisonous substances known to man are in these spent fuel rods.

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We have known since September 11 that we have a lot of difficulty moving anything dangerous on the highways of this country. The most poisonous substances known to man are in these spent fuel rods.

The Chairman of the Nuclear Regulatory Commission said last week if this bill does not go forward and the veto of the Governor of Nevada is upheld, that it is no big deal. We can and will leave the nuclear waste where it is. That is what the Chairman of the Nuclear Regulatory Mission said last week.

The former member of the NRC, Dr. Victor Gilinsky, said at an Energy Committee hearing: I don’t understand what the rush is. They can’t transport the staff in Europe. They have tried. This week they had a big demonstration where people chained themselves to the railroad tracks. Basically, they stopped the trains from hauling it. Germany has given up on it.

The mad rush is because the nuclear power lobby is extremely powerful. But for the good of the people of this country, whether they have a nuclear reactor in their State or not, you can’t haul it safely. It is better left where it is until we find the right technological solution.

I guess the reason I came down is that I have just kind of had it up to here on all of these speeches about what a righteous thing they are doing by bringing this forward. It is the wrong thing to do. It is not a Nevada issue. It is an issue that affects everybody in this country.

For anyone to even suggest or intimate that this matter should now be this battle has been going on for a while. President Clinton vetoed a proposal to change environmental standards at Yucca Mountain. That veto was upheld by a vote of the Senate—33 Democrats and 2 Republicans.

They also tried to push Yucca Mountain as a temporary place—an interim storage site. President Clinton interceded. That was soundly defeated.

My job is easier than my friend from Nevada. I am working with people who have not voted against the past. I am not with people who have voted for my position in the past. We had a President who, even though he had a nuclear plant in Arkansas, understood.

But my friends on this side of the aisle must do the right thing. I don’t say this negatively. I get campaign contributions also. Even though I get campaign contributions, that isn’t how I have to vote. They give me that money because they think I am an honorable person trying to do the right thing.

The fact that for 20-odd years millions of dollars have been given to campaigns around this country, people have to set that aside and do the right thing. It is not easy to do. But they have to do the right thing. I am not in any way trying to demagog the issue other than to say there are occasions when people have to do the right thing.

For my friend, JOHN ENSIGN, and for the people of this country, my friends on the other side of the aisle must do what is fair and understand that the transportation of nuclear waste is not safe.

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 and for military construction and defense activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for each fiscal year for the Armed Forces, and for other purposes.

Pending:

Feingold Amendment No. 3915, to extend for 2 years procedures to maintain fiscal accountability and responsibility.

Reid—Feingold Amendment No. 3916 (to Amendment No. 3915), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to express my support for the fiscal year 2003 Defense authorization bill. I believe this bill provides the needed resources to compensate and to reward the men and women in uniform who are doing an extraordinary job protecting this country across the globe and here at home. I also think the bill will provide the funding and the direction to continue the transformation of our military forces so that we are able to meet the new emerging threats of this new century.

This year, I again served as chairman of the Strategic Subcommittee. This subcommittee focuses on strategic systems, space systems, missile defense, intelligence, surveillance, and reconnaissance programs, and the national security functions of the Department of Energy. The subcommittee and the full committee held seven hearings dealing with matters in the subcommittee’s jurisdiction.

The issues addressed by the subcommittee cover a wide range of subjects. These issues include the Nuclear Posture Review, which the Defense Department issued in December, which covers our strategic nuclear plan; the creation of a new Missile Defense Agency, which replaced the Ballistic Missile Defense Organization; increased concerns about the security of nuclear weapons and materials; the need to substantially restructure several space programs; and proposed reductions to the number of deployed nuclear weapons in the context of the new and very commendable agreement with Russia.

Let me turn, first, to the issues of strategic systems.

The strategic systems that fall within the jurisdiction of the Strategic Subcommittee include long-range bombers, the land-based and sea-based ballistic missile forces, and the broad range of matters pertaining to nuclear weapons in the Department of Defense.

In the area of strategic systems, the bill, as reported, adds $23 million to keep the Minuteman III ICBM upgrade programs and the effort to retire the Peacekeeper on track, as has been requested by the Air Force in their list of unfunded requirements.

The Peacekeeper and the Minuteman III missiles are both land-based missile systems. When the Peacekeeper is retired, Minuteman III will be the only land-based system, so it is very important to ensure, for our nuclear deterrence, that the process of retirement of Peacekeeper and modernization of Minuteman III continues at the appropriate pace.

Under terms of the Nuclear Posture Review, the Department of Defense plans to eliminate all 50 of the Peacekeeper missiles and download the 500 Minuteman III missiles from their current multi-warhead configuration to a single warhead. This is a significant step in reducing the threat posed by nuclear weapons and one of the major reasons that the United States and Russia were able to come to an agreement.

Reducing the number of warheads on the Minuteman III to one warhead per missile, and removing all of the warheads from retiring Peacekeeper missiles, is a key to achieving the goals of a reduced number of deployed missiles that are at the heart of the agreement with the United States and Russia.

The commitment is to reduce the number of deployed nuclear warheads to the range of 1,700 to 2,200 from the present approximately 6,000 deployed warheads.

Also, this will provide more stability, as missiles with single warheads, in the context of deterrence policy, are a more stable element than multi-warhead missiles.

These are all encouraging developments, but it is necessary to keep this process on track by the additional funds which we have added to this legislation.

The subcommittee is also concerned about ensuring that the long-range bomber fleet is modernized and maintained. These bombers, particularly the B-2 and the B-52, have repeatedly showed their usefulness in conflicts from Desert Storm to present operations. There are no plans to replace these bombers in the near future. In fact, just a few months ago, the Defense Department asked for a 50 percent increase in the B-52 program and reviewed the projected lifetime of these bombers, they determined they could rely on these bombers for an additional 30 years. The reality is, the pilots who will retire the B-52 and B-2 bombers have not yet been born.

We have to maintain these systems, upgrade their electronics and avionics, to make sure they are still a valuable and decisive part of our forces.

This bill would include an additional $28 million to address shortfalls in the B-2 and B-52 bomber programs, and also approves the request by the Department of Defense to reduce and consolidate the B-1 fleet.

Adding these additional funds is absolutely necessary if the Air Force projections are correct, and we will have these systems—the B-2 and the B-52—in our inventory for an additional 30 years.

Turning to the area of space, another jurisdiction of the Strategic Subcommittee, we considered a variety of very important Defense Department space programs. These programs include satellite programs that provide communications, weather, global positioning systems, early warning, and other satellites for defense and national security purposes.

Space programs are critical to the effective use of our Nation’s military forces, and each day they grow in importance. This is a very important aspect of our deliberations.

We also included in our consideration the ability of the United States to continue to effectively launch space vehicles by looking at the east coast ranges in Florida and the west coast ranges in California.

The bill includes funding at the requested levels for most of the Department of Defense space programs. There are some exceptions, however. The committee has added $29 million to continue to improve the readiness and operations safety at the east coast and west coast space launch and range facilities. If we cannot launch vehicles into space, we cannot ensure that we have the appropriate constellation of satellites to provide intelligence resources, to provide global positioning signals—all the things that are critical to the success of our military forces in the field. These ranges are important, and these additional funds will upgrade their ability to continue to play a vital role in our national security.

The bill also includes reductions in certain space programs. One of these programs is the Space-Based Infrared Recon High or SBIRS-High satellite program. This is a satellite program which is critical to replacing an older and aging system of satellites that provide early warning of missile launches and other activities of concern to the United States.

The worldwide reach of this satellite system is key to its ability to warn of any launches and to provide other critical intelligence. But this program has been plagued with serious problems. It is, in fact, late in our budget and surgery schedule. It is in the process of being restructured by the Department of Defense.
Reflecting this restructuring, the bill reduces the over $800 million budget request for SBIRS-High by $100 million so that this restructuring can literally catch up with the funding stream. I think this is an appropriate way to continue the defense of the United States while recognizing a program that is in the midst of serious restructuring by the Department of Defense.

The bill also reduces the requested funding for satellite communications which had a troubled history; and that is the Advanced Extremely High Frequency, or Advanced EHF satellite. This satellite program is designed to ensure that the Department of Defense and the military services will retain the ability to have a reliable and survivable communication. Advanced EHF, like SBIRS-High, is a replacement for a current system. But, here again, the program is in serious trouble, over-budget and behind schedule. It, too, is being structured. This restructuring made $95 million available that the Air Force requested be shifted to other high-priority programs. And we have followed their advice and their suggestion.

Space programs are critical to the operations of the U.S. military. As I indicated, with each day, they become more and more critical. But several of these programs, not only the SBIRS-High program and the Advanced EHF communications satellite programs, are experiencing significant problems with cost growth and schedule slippage.

Some of the problems with the space programs appear to be connected with the oversight and management of the programs. To address this, the bill includes a legislative provision to ensure the adequate oversight of space programs. This provision would direct the Office of the Secretary of Defense to maintain oversight of space programs and submit to Congress a plan on how oversight by OSD and the joint staff will be accomplished. This provision is included largely as a result of testimony before the Strategic Subcommittee in March of 2002 and will ensure that OSD remains and retains an oversight role for space programs.

Under Secretary of the Air Force Peter Teets, when testifying before the subcommittee, stated that the Air Force had significant challenges in several of our most important space programs. This bill attempts to address these concerns by ensuring that adequate oversight by the Department of Defense is maintained.

Let me again stress the importance of these programs. We have all been amazed by the extraordinary success of our military forces in Afghanistan. If you listened to the reports of the special forces troops conducting these operations on the ground, one of the key weapons they had was not a cannon or an M-16, it was a global-positioning, range-finding, targeting device which will operate magnificently as long as we have GPS satellites and comparable satellites in the air. So communications and satellites are critical to the special forces soldier on the ground, the aviator in the air, every member of our military forces. We are endeavoring to ensure that we secure the future of our space operations within this legislation.

Let me turn now to another aspect of our responsibilities. That is the intelligence, surveillance and reconnaissance functions. This area includes programs such as the Global Hawk and the Predator unmanned aerial vehicles, or UAVs. We have long supported these very innovative and sophisticated weapons. They have shown their worth, especially Predator in Afghanistan, and therefore the committee recommends fully funding the administration’s request to accelerate the development and procurement of UAVs.

Another area we have supported—and in fact we provide additional support in the legislation—is the acquisition of commercial satellite imagery by the Department of Defense. The bill includes an additional $30 million to authorize the use of commercially available imagery to supplement and complement the imagery which we collect through our own assets. This will enhance our ability to conduct operations. This is an initiative strongly supported by Senator ALAN SIMPSON and Ranking Member of the committee, Senator ALAN INOUYE. We join in his support of this very worthy enterprise and endeavor.

Let me turn to some of the aspects in the subcommittee that touch upon the oversight and management of Energy when it comes to nuclear weapons. We include several provisions addressing DOE programs. The first would ensure that Congress continues to exercise its oversight responsibility with respect to future nuclear weapons activities.

This is absolutely important. In December the administration released a Nuclear Posture Review. This Nuclear Posture Review was characterized, identified as perhaps blurring the line between nuclear and conventional responses. This is an area where there is much concern. Again, it reinforces the need for Congress to be informed and responsive to evolving policy with respect to development and deployment and use, potentially—we hope never—of nuclear weapons.

If you look at the Nuclear Posture Review, you will see throughout a nuclear triad which includes an offensive strike system which are described as including both nuclear and nonnuclear.

You will see that in the context and literal words of the Nuclear Posture Review, to put “in setting requirements for nuclear strike capabilities, distinctions can be made among the contingencies for which the United States must be prepared. Contingencies can generally be categorized as immediate, potential, or unexpected.”

In the realm of immediate, potential, or unexpected contingencies, they list countries such as North Korea, Iraq, Iran, Syria, and Libya. These are countries which may be endeavoring to develop nuclear weapons but at this time are not declared nuclear powers, raising the issue of whether we would abandon a long-term policy that we were not to use strategic nuclear forces as a first strike on a nonnuclear power unless they attack us in conjunction with a nuclear power. This uncertainty, ambiguity, exists. Perhaps it has always existed but it underscores the need for Congress to be involved in this area of this evolving discussion and debate about nuclear policy.

Therefore, we would ask that the Department of Energy specifically request funds for any new or modified nuclear weapons. There is no money in this budget for such weapons, but I think at this juncture we have to go on record to ask for that type of specific information and not rely upon finding it buried in some larger account. It is an important and critical issue. After the tensions between Pakistan and India, that have not yet subsided totally, no one needs to be reminded about the horrendous impact of the potential use of a nuclear weapon. Therefore, it is vitally important that this Congress be informed of any potential developments of new weapons by the United States.

The budget request did include $15.5 million for a feasibility study of a robust nuclear earth penetrator weapon. The bill denies funding for this purpose and directs the Secretaries of Energy and Defense to submit a report to Congress setting forth the military requirements, the characteristics and types of targets the nuclear earth penetrator would hold at risk, the employment policies of such a nuclear earth penetrator, and an assessment of the capabilities of conventional weapons against these potential targets.

Sen. Jay Rockefeller in a statement by administration officials about the, perhaps, rejection of long-term policy, the nonfirst use against nonnuclear powers, and the ambiguity that has been created, it is essential to stop and look at justification for creating this weapon system.

We already have a nuclear earth penetrator. It is the B61-11; it has been publicly reported. We have the system in place. It is incumbent upon the Departments of Energy and Defense to say why we need to modify another system to do a similar job.

I will also point out there has been some suggestion that what the Department of Energy might be working on is a small mini-nuke that would be less troublesome in terms of radiation, in terms of the impact. Quite seriously, once we cross the nuclear threshold, the size of the weapon may be less important than the fact that we have crossed the threshold.
least six or seven times the destructive force that was used upon Hiroshima. We have to be very careful. The bill goes ahead and denies the funds and asks the Department of Energy to justify with the report several parameters which are necessary before they go forward, if they do go forward.

The last DOE provision I would like to speak about is a provision that would focus additional resources, $100 million, in cleanup efforts to clean up DOE facilities. Again, it is very important.

Let me turn to one of the most contentious and challenging issues before the subcommittee. That is the issue of military activities going back more than 50 years. This is very important.

Let me start with the very broad picture. The administration requested $7.6 billion for missile defense. The committee recommends $6.8 billion, a reduction of $812 million for missile defense. The committee recommends $6.8 billion. The $812 million reduction in missile defense reflects the committee's view of the committee's priorities as they become available.

The administration has come in and, in some cases, has blurred the lines between these two distinctions. Rather than the traditional distinction between theater missile and national missile defense, between the short- and medium-range missiles and the longer range intercontinental ballistic missiles, the administration is creating a missile defense consisting of the boost phase defense systems—those systems designed to strike a missile when it leaves the launch pad, in the 2 or 3 minutes before it gets into the upper atmosphere; in fact, outside of the atmosphere in some cases—a midcourse phase, as the term indicates, which would destroy the missile in the middle of its flight; and the terminal phase, which is the final point where the missile is heading toward its target, coming down rapidly towards its target. Now, there is a certain logic to this. I have to be fair about that. If one looks at defense in other contexts, such as the more terrestrial contexts of a battlefield, there is a watchword—long-range fires, intermediate fires, and close fires. So there is a logic to this, and it might be unwitting, but there is a blurring and distortion that I think can be misunderstood—and I think it has been misunderstood in many cases—with respect to the actual programs we are trying to develop and the progress on those programs.

One case in point is a recent article in the Wall Street Journal, on June 18, where it talks about discussions by General Kadish, about the Navy theater-wide missile system, on which the Journal opined in this article: "The move would represent the first deployment of a defensive missile shield since a system was first proposed by President Reagan in the 1980s. What General Kadish was talking about was a theater missile, not a national missile system. In point of fact, the PAC-3 system, a land based theater system, is being operationally tested now and likely will be deployed. Certainly it is further along in development than this proposed sea based system.

This type of blurring of the lines in recalibration and renaming of systems I think has created a lot of misunderstanding. Hopefully, we can add some clarity today.

As I mentioned before, theater ballistic missiles have long threatened forward deployed U.S. forces. For years we have confronted the potential of a real-time missile attack in North Korea and in other places. Long-range missiles were the source of our long range and, unfortunately, stalemate cold war with the Soviet Union. They had the single shot ability to strike intercontinentally. We were able to wait them out or, through deterrence, through our strategic policy, we were able to bring the cold war to a conclusion, and also to have a situation in which now we are making real progress with Russia in terms of strategic arms control. So this distinction between theater missiles and ICBMs is significant.

I ask unanimous consent that I have printed an article by Philip Coyle, former director of operational test and evaluation in the Department of Defense, in the Arms Control Today of May 2002. It summarizes in excellent detail the systems we are talking about today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Arms Control Today, May 2002]

RHETORIC OR REALITY? MISSILE DEFENSE UNDER BUSH

(By Philip Coyle)

Since it assumed office, the administration of President George W. Bush has made missile defense one of its top priorities, giving it prominence in policy, funding, and organization.

First, the administration outlined an ambitious set of goals that extend well beyond the Clinton administration’s missile defense aims. In early January 2002, Secretary of Defense Donald Rumsfeld described the administration’s top missile defense objectives in his own words. First, to defend deployed forces, allies, and friends. Second, to employ a Ballistic Missile Defense System (BMDS) that layers defenses to intercept missiles in all phases of their flight (i.e., boost, midcourse, and terminal) against all ranges of threats. Third, to enable the Services to field elements of the overall BMDS as soon as practical.

Then, in its nuclear posture review, the administration outlined the specific elements of national missile defense. The report states that the United States would withdraw from the 1972 Anti-Ballistic Missile (ABM) Treaty, ostensibly because the treaty was restricting the development of mobile missile defense. Meanwhile, Rumsfeld used mobile radar and land-based system with rudimentary midcourse capability against short- and medium-range threats; terminal defenses against long-range ICBMs capable of reaching the United States; and a system of satellites to track enemy missiles and distinguish re-entry vehicles from decoys.

Finally, to speed implementation, the administration has taken a number of tangible steps. It announced on December 13, 2001, that the United States would withdraw from the 1972 Anti-Ballistic Missile (ABM) Treaty, ostensibly because the treaty was restricting the development of mobile missile defense. Additionally, the U.S. plans to have ready between 2003 and 2008: an air-based laser to shoot down missiles of all ranges during boost phase; a rudimentary ground-based midcourse land-based system with rudimentary midcourse capability against short- and medium-range threats; terminal defenses against long-range ICBMs capable of reaching the United States; and a system of satellites to track enemy missiles and distinguish re-entry vehicles from decoys.
the United States any closer to realizing its missile defense goals, especially deployment of a national missile defense? And what elements, if any, of a national missile defense capability exist—what is, in effect, a national missile defense—so that it is possible for the United States to deploy by 2008, as called for in the nuclear posture review?

Despite the Bush administration’s push for missile defense, the system likely will be ready by 2008 is a ground-based theater missile defense intended to counter short-range targets—i.e., a system to defend troops in the field. Before Bush leaves office, the only system that could conceivably be ready to defend the United States itself is the ground-based midcourse system pursued by the Clinton administration. However, the system that was intended to be deployed by 2008 was canceled because its cost and schedule overruns were so great that its performance would be unacceptable.

The Patriot Advanced Capability–3 (PAC–3) flight testing began in 1997. From 1997 to 2002, 11 developmental flight tests were performed, including eight in which an intercept was attempted. After the first six flight tests, no intercepts were achieved, the program was threatened with cancellation. Finally, in 1999, THAAD had two successful flight intercept tests. The THAAD program has had no intercept test since then, instead focusing on the difficult task of developing a new, more reliable, higher-performance missile than the one used in early flight tests.

A year ago, full-rate production was scheduled to begin in 2007 or 2008, but because there were no intercept tests in 2000 or 2001, that schedule was pushed twice or more. In fact, no flight intercept test is scheduled until 2004, and it is therefore unlikely that the first THAAD system will be deployed before 2010.

The Bush administration is considering THAAD for use in a layered national missile defense. This year, THAAD missile was to be deployed in conjunction with PAC–3 as part of a terminal defense, or it could be deployed overseas to intercept enemy missiles in the boost phase. However, in its current configuration, THAAD is incapable of performing these missions—even once it has met its Army requirements for theater missile defense—so that a role for THAAD in a national missile defense is probably more than a decade away.

The Patriot Advanced Capability–3 (PAC–3) is a tactical system designed to defend overseas U.S. and allied troops in a relatively small area against short-range missile threats (such as Scuds), enemy aircraft, and cruise missiles. PAC–3 is the most advanced U.S. missile defense system, and a small number have been made available for deployment although testing has not yet been completed.

The Navy Theater Wide program was originally intended to defend an area larger than that to be covered by the Navy Area system, which is designed to counter long-range threats, and no flight intercept tests have been conducted to demonstrate how it might be incorporated in a layered system. The ground area that can be defended by PAC–3 is so small that it would take scores of systems to defend just the major U.S. cities. A version of the Navy Area system is being considered as an option to accommodate the new, larger mission.

The Navy Theater Wide program is being pursued as a follow-on to the Standard Missile system now uses; a new, more powerful Aegis radar system to track targets; a new launch structure to accommodate the new, larger missiles; a new priority to a sea-based role in defending the U.S. homeland; and nearby territory and civilian populations targeted by medium range missiles. The system would be used to protect forward-deployed troops overseas as well as nearby civilian populations and infrastructure. THAAD is being advanced to a version that is ready for realistic operational testing. The Navy Theater Wide program is being pursued as a follow-on to the Patriot system now uses; a new, more powerful Aegis radar system to track targets; a new launch structure to accommodate the new, larger missiles; and probably new ships. As a result, the Navy Theater Wide program requires a great deal of new development. It is unlikely that Navy Theater Wide will be ready for realistic operational testing until late in this decade, and it will not be ready for realistic demonstration in a layered national missile defense for several years after that.

Airborne Laser

The Airborne Laser (ABL) is a program to develop a high-power chemical laser that will fit inside a Boeing 747 aircraft. It is the most technically challenging of any of the theater missile defense programs, involving toxic materials, advanced optics, and the coordination of three additional lasers on board for tracking, targeting, and beam correction. The first objective of the program is to be able to shoot down short-range enemy missiles. For this purpose, the ABL program will play a role in national missile defense by destroying strategic missiles in their boost phase.

The ABL has yet to be flight-tested. About a year ago, full-rate production of the ABL was scheduled for 2008. The plan was to build one aircraft, each estimated to cost roughly $500 million. At that time, the first shoot-down of a tactical missile was scheduled for 2003. Recently, the ABL program office announced that the first shoot-down of a tactical missile had been delayed to later 2004 because of many problems with the basic technology of high-power chemical lasers—about a three-year slip since 1998. According to the Air Force, full-rate production probably cannot be started before 2010, and the cost will likely exceed $7 billion. Assuming all this can be done, it is important to note that the ABL presents significant operational challenges. The ABL will need to fly relatively close to enemy territory in order to have enough power to shoot down enemy missiles, and during a time of crisis it will need to be near the target area without detection. A 747 aircraft is large, and the power laser equipment will make a large and inviting target to the enemy and will require protection in the air and on the ground. Finally, the ABL will rely on simple reflective surfaces such as non-reflective surfaces on enemy missiles could negate the ABL’s capabilities.
Deployment of an ABL that can shoot down short- and medium-range tactical targets is not likely before the end of the decade, and the Airborne Laser will not be able to play a significant role in national missile defense for many years after that.

**NATIONAL MISSILE DEFENSE**

The Bush administration hopes to build a layered national missile defense that consists of a ground-based midcourse defense, expanded versions of the theater systems discussed above, and, potentially, space-based systems. The Bush administration does not use the term "missile defense" because it was the name of the ground-based midcourse system pursued by the Clinton administration and because the Pentagon’s plans to deploy a space-based system are nowлотрибут. But national missile defense is a useful shorthand for any system that is intended to defend the continental United States, Alaska, and Hawaii against strategic ballistic missiles, and it is in that sense that it is used here.

For all practical purposes, the only part of the Bush national missile defense that is "real" is the ground-based midcourse system. It is real in the sense that six flight intercept tests have been conducted so far, whereas the MDAC or theater Wide systems that might be used to defend the United States have not been tested at all. Space-based systems are an even more distant prospect, for example, the Space-Based Laser, which would use a laser on a satellite to destroy missiles in their boost phase, was to be tested in 2012, but funding cuts have pushed the testing date back indefinitely. Deployment is so far in the future that it is beyond the horizon of the Pent-agon’s long-range planning document, Joint Vision 2020.

As a result, despite the Bush administration’s attempts to distinguish its plans from its predecessor’s, Bush’s layered national missile defense is, in effect, nothing more than the Clinton system.

Since 1997, the ground-based midcourse program has conducted eight major flight tests, known as IFTs. The first two, named IFT-1A and IFT-2, were fly-by tests designed simply to collect target information. The next two, through IFT-4, were dedicated to flight intercept tests. IFT-4 and IFT-5, con-ducted in January 2000 and July 2000 respec-tively, both failed to achieve an intercept, which was attributed to technical reasons. On September 1, 2000, President Bill Clinton de-cided not to begin deployment of ground-based midcourse components, such as a new X-band site on Alaska’s Adak Island in the Aleutians.

Another year passed before the next flight intercept test, IFT-6, was conducted. The intercept was successful except that the real-time hit assessment performed by the ground-based X-band prototype radar on the Kwajalein Atoll in the Marshall Islands incorrectly reported the hit as a miss. IFT-7, conducted in December 2001 was the first flight intercept test to be successful. Until then, all of the flight intercept tests had had essentially the same target cluster: a re-entry vehicle, a single large balloon, and two small balloons. The development of a successful and marked an important milestone for the ground-based midcourse program.

However, despite these recent successes, there are significant delays in the testing program. Several of the flight tests were simply repeats of earlier tests, and as a result IFT-8 did not accomplish the tasks set for it. In March, 2002, the Missile Defense Agency announced that the Space-based Infrared Satellite (SBIRS) program could be used in place of the X-band radar to assist a national missile defense. SBIRS—which would consist of two sets of orbiting sensor satellites, SBIRS-high and SBIRS-low—was designed to detect the launch of any intercontinental ballistic missile, track and discriminate among them in flight. However, the program has significant technical problems.

SBIRS-high, which will consist of four sat-ellites in geosynchronous orbit and two sat-ellites in highly elliptical orbits, is to re-place the existing Defense Support Program satellites, which provide early warning of missile launches. A year ago, the SBIRS-high satellites were scheduled for launch in 2004 and 2006, but recently those dates have slipped towards the end of 2005. The Space-based Infrared System, which would probably not include the capability to distinguish among targets, is scheduled for flight testing in 2008. The continuing series of flight intercept tests will probably not begin this decade. This could delay deployment of the full con-stellation of SBIRS-low satellites until the middle of the next decade. SBIRS-low is also dramatically over budget and was threatened with cancellation in the latest round of congressional appropriations.

For now, the administration has been say-ing that it will upgrade an existing radar on Shemya called Cobra Dane. Under this plan, the Cobra Dane radar operates in the L-band with about eight-times-poorer resolution than a new X-band radar would have, raising questions about the effectiveness of any national missile defense using it.

In sum, the only element of a "layered" national missile defense that exists on any-thing but paper is the ground-based midcourse system pursued by the Clinton administra-tion. According to the Clinton administration, it was the name of the ground-based midcourse system, to be deployed in 2012, but funding cuts have pushed the testing date back indefinitely. Deployment is so far in the future that it is beyond the horizon of the Pent-agon’s long-range planning document, Joint Vision 2020.

**SBIRS-low is to consist of approximately 30 cross-linked satellites in low-Earth orbit. A year ago, the launch of the first of those satellites was scheduled for 2004, but SBIRS-low has slipped two years because of a var-iety of difficult technical problems. The de-signing and testing program for SBIRS-low is very challenging, and realistic operational testing will probably not begin this decade. This could delay deployment of the full constellation of SBIRS-low satellites until the middle of the next decade.**

The pace of successful testing will be one of the primary determinants of how quickly the United States can field a national missile defense. The ground-based midcourse system has three scheduled flight intercept tests per year, as it has during the past year, it could be ready for operational testing in four or five years. If those operational tests are successful, what-ever capability had been demonstrated in all those tests—which would probably not include the capability to distinguish among decoys and countermeasures or the capability to cover much of the space through which an enemy missile could travel—could be deployed by the end of the decade or even by 2008.

**However, the ground-based midcourse sys-tem has difficulties beyond the testing pace of its interceptor. The system requires a new, more powerful booster rocket than the surrogate currently being used in tests—a task that was thought to be relatively easy. But new boosters have not yet been incor-porated into the continuing series of flight intercept tests to make those tests more realistic and to be sure that the new booster’s higher accel-eration did not adversely affect other components or systems on board.**

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**However, the capability such a system would have would be marginal and probably would not be able to deal with many types of decoys and countermeasures. It also would not be effective against unauthorized or accidental launches from Russia or China, which might include missiles with counter-measures. It also would not be effective against launches from Libya since those countries are to the east, out of view of a radar on Shemya.**

**CONCLUSION**

During the first year of the Bush administra-tion, all U.S. national missile defenses—both theater and national—have slipped. In general, the shorter-range tactical missile
defense systems are further along than the medium-range systems, and those medium-range systems are further along than the longer-range systems intended to defend the United States against ICBMs.

PAC-3 is the most developmentally advanced of any U.S. missile defense system, but it will not likely be ready for deployment before 2005, and realistic operational testing will continue for many years after the first Army units are equipped in the field. The system has already taken two years or more and will not be deployable until 2010. The Navy Area Wide program has been canceled, and the Navy Theater Wide program, which was to be deployed by 2008, but elements fielded before 2008. For all practical purposes, deployment before the end of the decade will probably not be deployed as a theater missile defense before the end of the decade. The Airborne Laser has slipped one year and will probably not be deployed as a theater missile defense before the end of the decade. SBIRS-low has slipped two years and doubled in cost and probably will not be deployed before 2008. For all practical purposes, national missile defense is technically not possible for the next 10 to 15 years and will not be deployable until 2010. The Navy Area Wide program has been canceled, and the Navy Theater Wide program, which was to be deployed by 2008, but elements fielded before 2008 will not be deployable in a tactical role until the end of the decade. If the Pentagon restructures the program so that its priority is boosting the nation's defense against strategic missiles, it will likely take longer. The Airborne Laser has slipped one year and will probably not be deployed as a theater missile defense before the end of the decade.

Many decision-makers in Washington—and, from what one reads, the president himself—seem to be misinformed about the prospects for near-term success with national missile defense. Such decision-making is being requested for it. It takes 20 years to develop a modern, high performance jet fighter, and it will probably take even longer to develop an effective theater missile defense. Taking into account the challenges of asymmetric warfare, the time it will take to develop modern military equipment, the reliability of communications, and the interoperability required for hundreds of systems and subsystems to work together, it would be highly unrealistic to think that the United States could develop, launch, and test a national missile defense by 2004 or even by 2008.

In the meantime, policymakers should be careful that U.S. foreign and security goals and policies are not dependent on something that cannot work now and probably will not work effectively for the foreseeable future. A case in point is President Bush’s decision to abandon the ABM Treaty with Russia. That decision was certainly premature given the state of missile defense technology and likely could have been postponed for many years if not indefinitely.

This is not to say that missile defense technology ought not to be pursued—only that it should be pursued with realistic expectations. Policymakers must be able to weigh the potential merits and costs of missile defense against a sound understanding of both the technology and the possible alternatives. No one weapon system can substitute for the sound conduct of foreign policy; none can be effective on a time scale that is short when compared with the time that will be required to develop the technology for national missile defense.

**STAGES OF DEVELOPMENT**

Missile defense, especially national missile defense, is the most difficult program ever attempted by the Department of Defense—much more difficult than the development of a modern jet fighter like the F–22 Raptor. The Navy’s Land Attack Destroyer (DD–21), or the Army’s Abrams M1A2 tank complete with battlefield digitization, endeavors that took more than two decades. At least two new major weapons systems must proceed through several stages of development, which are identified by the term EMD—Engineering and Manufacturing Development. EMD covers the better part of a year and is usually broken into several periods of a month or two to accommodate different environments or scenarios. If substantial difficulties are encountered, several years of operational testing may be required.

**Production:** The phase of acquisition when a military system is manufactured and produced. Early on, during “low-rate production,” the quantities produced are typically small. Later, after successfully completing operational testing, a system may go into “full-rate production,” where the rate of production is designed to complete the government’s planned purchase of the system in a relatively short period of time, about five years.

**Deployment:** The phase when a military system is in either limited or large quantities in military units. The first military unit equipped may help identify new techniques, and procedures for use of the new system if that has not already been done adequately in development.

All ballistic missiles have three stages of flight.

The boost phase begins at launch and lasts until the rocket engines stop firing and the missile is near or at its maximum range. At this point, the missile has traveled relatively slowly and is traveling horizontally. The missile could be detected and destroyed relatively easily although the period of flight is very short. The midcourse phase begins after the propulsion system finishes firing and the missile is beginning to travel vertically, spiraling toward Earth. The terminal phase begins when the missile’s warhead re-enters the Earth’s atmosphere and continues until impact or detonation. This stage takes 10 to 15 minutes for a strategic warhead, being able to travel at speeds greater than 2,300 kilometers per hour.

The midcourse phase begins after the propulsion system finishes firing and the missile is on a ballistic course toward its target. This is the longest phase of flight, lasting up to 20 minutes for ICBMs. During the early part of the midcourse stage, the missile is still ascending toward its apogee, which can last a few minutes. The missile is traveling relatively slowly although the period of flight is very short. The terminal phase begins when the missile’s warhead re-enters the Earth’s atmosphere and continues until impact or detonation. This stage takes 10 to 15 minutes for a strategic warhead, being able to travel at speeds greater than 2,300 kilometers per hour.

Mr. RIEDEL. The system that is most developed is one I mentioned previously, the PAC-3 system. It is a theater missile system. It is not designed to counter long-range threats. It has been tested rigorously. It is in operational testing now. Phil Coyle states that the administration is considering an upgrade version that is part of an extended national missile defense. But if you were trying to use it in a terminal phase it would take many systems to defend a rather small area of the United States. We probably would never have the number of systems to adequately defend the United States.

Another system we have been developing for years is the THAAD system.
Phil Coyle states that the Administration is also considering use of THAAD along with PAC-3 for national missile defense. But in its current configuration, THAAD is not ready for this role. In fact, it is far away from it—perhaps a decade away. THAAD could be reasonably used in that way.

The other system being developed as we speak is a Navy theater-wide system. It is a midcourse system as it is currently designed. They are now talking about a theater construct as a potential element of their midcourse national missile defense. Again, there are still significant issues with respect to the use of this system for national missile defense.

As Mr. Coyle points out, if the system were to be used for a midcourse mission, or a boost phase mission, for national missile defense, it would require a new missile that is twice as fast as any existing version of the standard missile which the system now uses. He writes it would require:

A new, more powerful Aegis radar system to track targets; a new launch structure to accommodate the new, larger missile and probably new ships. As a result, the Navy theater-wide program requires a great deal of new development. It is unlikely that Navy theater-wide is ready for realistic operational testing until late in this decade, and it will not be ready for realistic operational demonstration in a layered national missile defense until several years after that.

It is interesting to note that this system is being considered today by the Missile Defense Agency for possible deployment in 2004. It is also interesting, and a bit surprising, because in last year’s authorization bill we asked the Missile Defense Agency to tell us what they propose to do with the Navy theater-wide system. We asked for a report on April 30. The response to our request was actually a letter that came to us on June 3. It repeated the questions we asked. It responded to some of the questions in a very cursory way. It didn’t give any life cycle cost for us, so it is hard for us to estimate how much this new evolving system will cost. It simply said they redefined the system. That was May 30.

Yet, about 2½ weeks later, they were telling the press that we are deploying this system in 2004. In fact, one of the points they made in the letter is:

The details of the sea-based program block 2006 and out capability are being developed through work that is scheduled to be completed by December 2003. We will be able to provide some of our system defense early, along with a preliminary assessment of force structure and life cycle cost at that time.

So this work is going to be completed in planning by 2003. Yet this system is being talked about for deployment in 2004.

It just does not seem to make much sense, and it illustrates, I think, the problem we have had in the subcommittee, first of getting reliable information, and second of getting a sense of the direction of all these programs.

We are not trying to micromanage the Missile Defense Agency, but when we asked a year ago in our report for information specifically about a type of missile system, when we get a cursory response saying, we have renamed it and we will not be able to tell you anything until we conclude in December of 2003 our deliberations, and then last week we were talking about the system being deployed in a theater role in 2004, it illustrates, I think, the problems and the issues we have confronted with simply getting the information we need to do our job, to inform our colleagues like decisions that are not only important to our national security, but extremely expensive decisions so that we can perform our mission, our role in the Senate.

That is the Navy theater wide system. There are other systems we have developed, and I think it is appropriate to note that the next system is the airborne laser system. This is a program to develop a high-power chemical laser that will fit inside a Boeing 747 aircraft. This that would be designed to shoot down short-range enemy missiles in the boost phase. It has some potential, but it is a major technological effort which is going forward, but not going forward with great speed and at great cost.

The final major component is the national missile defense midcourse, or the land-based system, in Alaska, and that system we have supported. We have supported it, but having supported it, we have serious questions with it. The system was inaugurated, if you will; at least ground was broken last week for a test bed for missiles. There are concerns that the missiles cannot be effectively used in a flight test capability because of safety concerns and other factors with respect to the local area in Alaska. That is one issue.

The other issue, though, is for several years now in the development of this national missile defense midcourse, land-based system in Alaska, the administration and the Missile Defense Agency have talked about using an x-band radar, claiming it as absolutely necessary because of its ability to discriminate the warhead. This is important because the major issue that faces the midcourse intercept is the possibility of countermeasures and decoys. So we need a very fine discriminating radar to determine what is the warhead and what are the decoys. However, that x-band radar has not been funded and that has been redone and revamped. The administration has declared instead they will use an existing radar, COBRA DANE.

One of the problems with COBRA DANE is it faces the wrong way to provide any coverage of Iran or Iraq and provides only limited coverage of North Korea, if you are concerned with the "evil empire." Despite that, and in an effort to support sincerely and consistently the mission of adequate national missile defense, we have provided robust funding for the Alaska test bed, and that is included in this bill. However, I do think it is important and appropriate to state our reservations now because they are points we should consider as we go forward.

Let me continue to discuss some of the important issues, particularly those that the committee has specifically taken.

One thing we should point out is we have looked at the theater missile systems. We have particularly found that the new Missile Defense Agency is making great progress. We have increased funding for the Arrow missile system. That is a joint United States-Israeli effort for a theater missile system.

We have also fully funded the PAC-3 system, which is the one closest to deployment. It is one that is, again, a theater missile system.

In all of our deliberations, we have striven to ensure deployment of these systems in a timely way, but also ensure these systems are operationally tested and rigorously tested before they are put in the field. That is incumbent upon us. We tried to ensure the independent oversight of the Defense Department’s Director of Operational Tests and Evaluation is part of the process. One of the concerns I have, frankly, is that in an attempt by the administration for secrecy and flexibility, we will find a situation in which there is no outside objective voice within the Department of Defense. One that is looking at these programs, advising these programs, and making some judgments that are not influenced by the need for a successful program at any cost, or even a program—forget successful—at any cost, but are motivated by the need to deploy effective systems that will defend this country.

The other factor we considered, and consider constantly, is the discussion of contingency deployments, contingency capabilities. One of the reasons we pause slightly is these contingency capabilities and deployments can result in a rush to failure, often result in a situation where the system is pushed beyond its absolute capabilities. A few years ago, that is exactly what happened with the THAAD Program. It failed its first six intercept tests in a rush to deploy the system before it was ready.

The THAAD Program was subsequently totally redesigned and revamped. Hundreds of millions of dollars that were unnecessary expenditures. It is on track now but, frankly, the situation is such that we do not want to repeat that experience in other missile defense programs. We do not want a rush to go where the pressure of contingency deployments undercuts the need for thorough, deliberate consideration of the operational characters of these systems and the ability of these systems to do the job they are designed to do.

We have looked very closely at what we think are attempts to rush the systems. In one area, we have reduced
funding of THAAD because they have requested what we consider a premature acquisition of missiles before they have actually had missile’s first flight test. We have made that judgment.

Let me turn to another aspect of missile defense, and that is the ICBM threat to the United States. It is not as immediate today as the theater missile threat, but it is still a threat.

Fortunately, with our new relationship with China, the ICBM threat has decreased significantly. China has a small arsenal of ICBMs, but they typically do not have their missiles on ready status, fueled, and with a warhead on the missile. North Korea seems to be developing an ICBM capability of reaching the United States, although it has voluntarily suspended its long-range missile flight test program. There are other potential adversaries.

This is an issue about which we are concerned, but one of the things that we have to recognize with an ICBM is that its launch leaves an indelible signal of the point of departure and our deterrence doctrine is very clear. We have the capacity to strike back, and strike back with overwhelming force. That has been the hinge, really, of our deterrence policy for 50 or more years, and it remains an important part of our policy.

As I have mentioned, the issue of intercontinental ballistic missiles has been with us for many years. We have relied upon deterrence as a mainstay of our defense posture. Today we are developing one system in Alaska that is clearly designed to be a national missile defense system, and this authorization bill supports that effort in Alaska.

As I mentioned, we have taken away resources from some programs that are unjustified or duplicative and simply not advancing what we believe is the common concern of developing adequate systems to defend our nation and our allies.

One of the things I found startling in press reports was the fact that the Department of Energy asked for considerably more money to protect nuclear facilities, and they were turned down by OMB.

This is a letter to Bruce M. Carnes, who is the Director of the Office of Management Budget and Evaluation, from the chief financial office of the Department of Energy:

We are disconcerted that OMB refused our security supplemental request. We have much preferred to have heard this from you personally, and been given an opportunity to discuss, not to mention, appeal your decision. If you believe by Energy Branch staff that the Department’s security supplemental proposals were not supported because the revised Design Basis Threat, the document that sets a threat standard for our physical security measures, has not been completed. This isn’t a tenable position for you to take, in my view. We are not operating, and cannot operate, under the pre-September 11 Design Basis Threat. Until that is revised, we must operate under Interim Implementing Guidance, and you have not provided resources to enable us to do so.

That is from the Department of Energy to the OMB. We would move resources into the Department of Energy to provide for security of DOE facilities.

But I think this underscores something else, too. It illustrates what I would say are the misaligned priorities between missile defense and other pressing national security interests. Yes, missile defense is important. Yes, we should develop it quickly, thoroughly, and deliberately, but certainly defending and protecting our facilities that have nuclear radiological material is of an equal order of importance.

Last week, we were not threatened by an intercontinental missile. We were threatened by a terrorist, an American who became infatuated with the al-Qaida and their rhetoric and came here. The press reports, to obtain nuclear materials to construct a “dirty” bomb. That is the immediate real threat today.

Yet when the question before the administration was do we fund security at DOE facilities or do we continue to put resources into missile defense, they made their choice to put resources in missile defense, way above, I believe, the appropriate amount. As a result, we have made adjustments, and I think those adjustments are entirely appropriate.

The other aspect of this, too, when it comes to the issue of resources, is, first, a point that all of these deliberations on the missile defense budget seems to be outside the purview of the Joint Chiefs of Staff. I thought it was shocking when the Chiefs came up and testified that they were not consulted during the preparation of the ballistic missile defense budget. Our senior military leaders are the uniformed leaders of our military forces. These individuals are charged with and have taken an oath to the Constitution to protect the country, and yet they were not consulted at all about this budget.

Another point that is critical, and let me quote from Secretary Rumsfeld’s testimony before the Appropriations Committee on May 21. He said:

In February of this year, we began developing the Defense Planning Guidance for fiscal year 2004. In the fiscal years 2004 to 2009 program, the senior civilian and military leadership had to focus on the looming problem of a sizeable procurement bow wave beyond fiscal year 2007.

This is shorthand for describing the course of procurement of systems that will be ready for fielding later in this decade.

If all were funded, they would crowd out many other areas of investment and thereby cause a repetition of the same heartaches and headaches that we still suffer from today as a result of the private sector buyout of the 1990s.

This is the context of his plea to cut the Crusader system.

But what is most alarming about this quote is that this bow wave does not include any deployment costs of missile defense at a time when the administration is developing multiple systems which they proposed to deploy at the end of this decade at hundreds of billions of dollars perhaps.

As a result, we cannot simply ignore the cost implications of these systems. As I mentioned before, simply to obtain the life cycle cost of any of these systems has proven to be virtually impossible. We asked for that with respect to Navy theater wide and we got a letter back saying, we will not know until December of 2003 and then we will tell you.

We cannot operate without an idea, understanding that it will be amended many times before the end of this decade, but an idea about the cost of all of these systems over several years, procurement, and operational deployment. If this bow wave is a crisis today, it becomes a tidal wave when you include missile defense costs. As a result, we have asked again for more specific information about the projected costs associated with the missile defense program.

One of the areas, and an area on which we have focused our reductions, has been systems engineering funding. The Department of Defense Missile Defense Agency has asked for significant amounts of money for systems engineering, BMD systems engineering, in addition to specific moneys they are asking in every one of these component boost phase, midcourse, and terminal, where there is sufficient systems engineering money. So we have directed reductions in this BMD systems engineering.

It seems to us, again, to be an ill-defined area. We have asked for what products they are buying. Mostly, I suspect it is engineering services, or consulting services. It is not hardware. We have asked for this and we have gotten very little in terms of a response. As a result, we have funded these funds significantly into the aforementioned shipbuilding programs and further security for our Department of Energy laboratories.

These efforts represent an attempt to provide good government, good management to a program. We hope it will accelerate the deployment of an effective missile system that has been operationally tested.

I hasten to add that this does not represent a revisitation of the ABM Treaty debate. The President used his prerogative as President to withdraw. This is not about arms control as much as it is about maintaining good management of informed decisions, so we can make difficult decisions, so that 5 years from now we are not surprised when that bow wave hits us and suddenly the bow wave becomes a tidal wave because of the inclusion of significant costs of missile defense and for theater missile defense.

There is a consensus to support missile defense, clearly theater and, in
fact, I think also at this juncture clearly national missile defense. I do not think we support that without asking tough questions and making tough choices about how we spend our money, particularly when it comes to the other uses that we need today. We need the immediate protection of our homeland, the immediate protection of forces around the globe that are confronting our enemies today. So we have to make these judgments and we made these judgments.

In addition to that, we have asked that a whole system of, we think, very sensible reports and information be given to us. I have a disconcerting feeling that there is a deliberate attempt to limit information that we get and it is justified under the guise that we need flexibility, that we have not thought through the problem yet. There may be something to that, but it is particularly distressing when the Director of Test and Evaluation does not have full access to the program. It is particularly distressing when the Joint Requirements Oversight Council, the JROC, chaired by the Vice Chairman of the Joint Chiefs of Staff, does not have a role in these deliberations. It is distressing when the Joint Chiefs of Staff are not consulted in the preparation of this significant budget. The American people, I think, assume that these officials of the Department of Defense are intimately involved in all of these details and have a seat at the table to make judgments and to give advice. Our legislation would do that.

As we go forward, we will continue to ask the tough questions. The specifics of our requests with respect to these issues of oversight include a reiteration of some of the things that we incorporated in last year's request.

Last year, the National Defense Authorization Act required the Agency to submit a cost estimate for each missile defense programs that it entered into the engineering and manufacturing, and EMD, phase. These are the same types of reports that every major weapons system provides to the Congress.

The THAAD missile defense program. I have mentioned before, entered EMD phase 2 years ago. We fully expected those lifecycle costs would be reported to us in a routine way. However, instead of providing the required information for THAAD, the Department chose to reclassify THAAD as no longer being in EMD thereby avoiding, in their view, the congressional requirement to submit the cost estimate.

It seems to be gamesmanship, to avoid responding to an obvious question, an obvious concern: Tell us how much this system will cost over its lifetime. That, again, is the type of nonresponsiveness, either inadvertent or deliberate that we have encountered. Therefore, it reinforces the need for additional language in this legislation to require appropriate reports, the same types of reports that you get from mature systems in other areas of defense procurement.

We are not asking for the speculative. We are looking at systems that have had many years of development, which are entering the phases of engineering and manufacturing. So the issue is defined. We can't do that because it is not defined—sometimes we hear that—that is not at the heart of our request. We have applied the request to major missile defense systems such as the ground and sea-based midcourse program, Airborne Laser program.

It is particularly important to get information because, on the one hand, the administration says these are all speculative, ill-defined, and they are thinking about it. And then they say: We will deploy the system in a very short time, in 2004, for example. You cannot have it both ways. If we are ready for contingency deployment, certainly the information should be available to the Congress. And this legislation would ask for that information.

We also recommend a provision that requires the Pentagon's director of testing and evaluation to assess the potential operational effectiveness of the major missile defense systems on an annual basis. This would help the administration and Congress determine whether a contingency deployment of a missile defense system is appropriate. There has to be a certain operational threshold before deploying the system. Who better than the director of testing and evaluation to make that assessment.

It also requires the Joint Requirements Oversight Council to annually assess the costs and performance in relation to military requirements. This is the statutory role of the JROC for all military programs. Missile defense is too important to bypass such a review.

As I mentioned earlier, the Chiefs were today asked to provide their views with respect to these missile defense priorities. That should be corrected also. That should be something the Secretary of Defense would want to have and would insist be included.

Now, we are endeavoring to bring this legislation to the floor representing a commitment to missile defense but also a commitment to the overall defense and security of the United States, to be able to assure our constituents that we are careful and deliberately at all these programs and are aware of these programs, that we support these programs, but we don't do it blindly. We do it on an informed basis and are able to tell them. We are doing what we can, indeed, all we can, in a thoughtful, deliberate, careful, professional way, to enhance the security of the United States in terms of missile defense and in terms of overall defense. We are, in fact, doing our job. I believed that legislation we have brought from the subcommittee to the committee and to the floor does this. It is a product of careful deliberation. It is a product of many hours of work by staff and Members. It is a product that is designed to enhance the security of the United States. I believe it does. I hope my colleagues agree and concur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope all Members listened closely to the Senator from Rhode Island. He certainly is qualified to speak on this subject. The Congress, but mostly by virtue of his service in the United States, to be able to assure our enemies today. So we have to make tough decisions about how we spend our money, certainly the information should be available to the Congress. And this legislation would ask for that information.

We also recommend a provision that requires the Pentagon's director of testing and evaluation to assess the potential operational effectiveness of the major missile defense systems on an annual basis. This would help the administration and Congress determine whether a contingency deployment of a missile defense system is appropriate. There has to be a certain operational threshold before deploying the system. Who better than the director of testing and evaluation to make that assessment.

It also requires the Joint Requirements Oversight Council to annually assess the costs and performance in relation to military requirements. This is the statutory role of the JROC for all military programs. Missile defense is too important to bypass such a review.

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I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope all Members listened closely to the Senator from Rhode Island. He certainly is qualified to speak on this subject. The Congress, but mostly by virtue of his service in the United States. The Senator from Rhode Island is the only Senator to graduate from the U.S. Military Academy at West Point, to my knowledge. I always listen closely to what he says. The country is very fortunate to have his expertise.

Mr. WARNER. Would the Senator allow me to associate myself as an extension about observations regarding my colleague. We have some philosophical differences, but I bring to our committee the wealth of experience he gained in the U.S. military. That is so important.

I also want to discuss scheduling on the floor.

Mr. REID. I am happy to yield without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I say to our leader, subject to the pending amendment, we are hopeful to move on to other amendments in due course.

Mr. REID. I respond to my friend from Virginia, the comanager of this bill, Majority Leader DASCHLE announced in his dugout this morning that he wanted Members to offer amendments and that he was going to look very closely early next week, if things are not moving well, at filing cloture on this bill. We cannot have this bill not completed by the time we leave for the July recess. The committee has worked too hard. The President needs this legislation. The United States military needs it. We have to pass it.

I agree with the Senator from Virginia. We have a very important amendment now pending, and we have to figure out some way to get this off the floor. There are many people working on that as we speak.

The Senator from Virginia is absolutely right. Members need to offer amendments. The majority leader spoke earlier today; he very much desires to move this legislation along quickly. If it does not move quickly after a week or so of debate, he will try to invoke cloture.

Mr. WARNER. I thank our distinguished assistant majority leader.

Mr. REID. The majority leader worked hand-in-glove with the majority to bring up this bill, providing our committee with this very important period of time prior to the Fourth of July, but we must finish it. Mr. REID. 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. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with for purposes of an introductory statement of approximately 5 minutes. At the conclusion, it is my intention to place the Senate back into quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

The remarks of Mr. GRAHAM pertaining to the introduction of S. 2652 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Madam President, for the information of Members, we have had a message from the House. We are going to try to move on that as quickly as possible. As I mentioned to the distinguished Senator from Texas, we are going to modify the second-degree amendment. Then Senator GRAMM has some things he wants to say and a motion he wants to make, of which we are aware. But this should not take long. In a few minutes we should be able to get to the legislation. 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 356, AS MODIFIED

Mr. REID. Madam President, I send a modification to the desk to the Reid-Connad amendment. This is on behalf of Senator CONRAD.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified. The amendment, as modified, is as follows:

Strike all after the first word in the amendment, and insert the following:

BUDGET ENFORCEMENT

(a) Extension of Budget Enforcement Points of Order.—Section 304 of the Congressional Budget Act of 1974 (2 U.S.C. 626 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting “and” before “312(b)” and by striking “312(c)”; and

(B) by striking “258C(a)(5)”; and

(2) in subsection (d)(3)—

(A) by inserting “and” before “312(b)” and by striking “312(c)”; and

(B) by striking “258C(a)(5)”; and

(3) in subsection (e), by striking “2002” and inserting “2006”.

(b) Extension of Budget Enforcement Act Provisions.—

(1) In General.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

“(b) Expiration.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.”

(2) Striking Expiring Provisions.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(i) in section 314—

(A) by striking section (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(B) by striking subsection (e);

(c) Extension of Congressional Caps.—

(1) In General.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking “2002” and inserting “2007”;

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C);

(2) Caps.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraph (7) and (8) and inserting the following:

“(7) with respect to fiscal year 2003—

“(A) for the discretionary category: $766,167,000,000 in new budget authority and $756,259,000,000 in outlays; and

“(B) for the highway category: $23,931,000,000 in outlays; and

“(C) for the mass transit category: $6,090,000,000 in outlays; and

“(D) for the conservation spending category: $1,922,000,000 in new budget authority and $1,872,000,000 in outlays; and

“(B) with respect to fiscal year 2004 for the discretionary category: $784,425,000,000 in new budget authority and $774,534,000,000 in outlays; and

“(B) with respect to fiscal year 2004 for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 in outlays;

(3) Reports.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking “2002” and inserting “2007”.

(d) Extension of Pay-As-You-Go.—

(1) Enforcement.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking “2002” and inserting “2007”;

(B) in subsection (b), by striking “2002” and inserting “2007”.

(2) Pay-As-You-Go Rule in the Senate.—

(A) In General.—Section 307 of H. Con. Res. 290 (106th Congress, 1st Session) is amended—

(i) in subsection (b), by striking “2002” and inserting “2007”; and

(j) Senate Firewall for Defense and Nondefense Spending.—
(1) In general.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds $392,737,000,000 in new budget authority or $373,410,000,000 in new budget authority or $376,031,000,000 in outlays for the nondefense discretionary category or $734,410,000,000 in new budget authority or $776,031,000,000 in outlays for the nondefense discretionary category for fiscal year 2003, as adjusted pursuant to section 314 of the Congressional Budget Act of 1974.

(2) Exceptions.—This subsection shall not apply if the President has proposed switching mandatory spending to discretionary spending.

Obvious that would make discretionary spending more by $9 billion. That is included in the President’s proposal. We have not adopted that part of his proposal. Their argument is that there would be a cut or the mandatory side of the equation and reduce the $768 billion by $9 billion. That is true. They are correct about that.

It is also true that their budget needs to be adjusted in a number of ways. I believe, in order to secure passage in the Congress. The President has cut transportation funding, highway construction, and bridge construction by 27 percent, by $9 billion. We proposed advance appropriations, so we included that number, even though that is the number that is covered by this amendment. For the nondefense discretionary category for fiscal year 2003, is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

Mr. REID. Madam President, Senator CONRAD, chairman of the Budget Committee, wants to speak about this modification. The chairman of the Judiciary Committee, Senator Leahy, has been here for a while. Senator CONRAD has graciously allowed him to speak first. Senator LEAHY needs up to 15 minutes as in morning business. Following that, the Senator from North Dakota would be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

The remarks of Mr. LEAHY are located today’s Record under “Morning Business.”

Mr. CONRAD. Madam President, this is perhaps one of the most challenging years we have faced dealing with the budget of the United States. It is why, Senator LEAHY needs up to 15 minutes as in morning business. Following that, the Senator from North Dakota would be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

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the tax cuts, being taken to pay for other items.

In fact, we now estimate some $2 trillion will be taken from Social Security over the next decade to pay for the President’s tax cuts and other spending initiatives. All of that matters, and it matters a lot because of where we are headed.

The leading edge of the baby boom generation starts to retire in 6 years. It is hard to believe, but that is the reality. What this is is the consequences in the trust funds that have helped us offset these deep deficits are going to evaporate; in 2016 the Medicare trust fund is going to turn cash negative; and in 2017 the Social Security trust fund is going to turn cash negative. Then it is going to be like falling off a cliff.

This is a demographic time bomb that we are facing as a society. It is unlike anything we have ever faced before because always in our history the succeeding generation has been much larger than the generation retiring.

In very rapid fire order, the number of people who are eligible for Social Security and Medicare are going to double. Not for a circumstance in which there will only be two people working for every retiree. If that does not sober us, if that does not inform our actions, I do not know what it will take.

The first thing we need to do is get these budget spending caps in place for next year and the year thereafter, and couple that with the budget disciplines that give us the chance to fend off ideas for greater spending and for more tax cuts that are not paid for. Yes, we can have spending initiatives. They have to be paid for. We can have additional tax cuts, but they have to be paid for; otherwise, we are going to dig this hole deeper and deeper.

The real consequences to digging that hole deeper. Mr. Crippen, the head of the Congressional Budget Office, told us that when he appeared before the Senate Budget Committee. He said, in response to a question from me:

Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We’ll have to increase borrowing by very large, likely unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; or eliminate most of the rest of the Government as we know it. That is the dilemma that faces us in the long run, Mr. Chairman, and these next 10 years will only be the beginning.

I do not know how to say this with more force or more persuasiveness, but we are at the end of a very long march of truth on this journey in our economic future. Some will rise and say this spending amount is too much; that $768 billion is $9 billion more than the President proposed, even though the $768 billion number is precisely the number that the President sent us. Some will say we ought to wait. Some will say there is some other reason to be opposed.

Another moment of truth is coming very soon, and the question is, Are we going to have the budget disciplines that otherwise are phased out at the end of September? Are we going to have those to discipline the process as we proceed forward? And are we going to have a budget number that can inform the appropriations process as we proceed, a budget number, I again say, that is identical to the budget number the President sent us?

I am swift to acknowledge we have adopted his number as part of not his policy. It is absolutely correct he wanted to switch $9 billion from mandatory spending to discretionary spending, and when we do not do that, it allows us to use that $9 billion in a way different from the way he proposed.

I say to my colleagues, do they really want to adopt a 27-percent cut in highway and bridge construction that puts 350,000 people out of work in this country? I do not think that is the will of the Congress or the American people. We have proposed a reduction from what was spent last year but not as big a reduction as the President has proposed.

Are we really going to cut the COPS Program a billion dollars when we have a terrorist threat to this country?

Are we really going to take police off the street? I do not think so. Are we really going to cut the President’s signature education program, No Child Left Behind? I do not think so. Those are the fundamental issues that are before us now.

I emphasize to my colleagues that not only is this a spending cap for this year at the level the President proposed in his budget, but in addition to that, it is a spending cap for next year of $786 billion. That is an increase of over 2 percent. That is very tight fiscal constraint. I am ready to take the medicine to get back on course for fiscal responsibility, and I believe most of my colleagues are as well.

This amendment is the product of weeks of negotiation between Republicans and Democrats and is a good-faith effort to capture in an amendment the positions of Democrats and Republicans on what should be contained in the budget for this year and next; what the limits should be on spending for this year and next; what should be the budget disciplines that are contained so we have a way of enforcing fiscal restraint, and it contains a 1-year defense firewall in the Senate, something requested by Members on the other side.

For those of us who believe it is critically important to have a budget process in the Senate, for those of us who believe it is critically important to have budget disciplines in place, this is our opportunity. This is our chance. It may not come again.

I urge my colleagues to very carefully consider their votes on this measure. This should not be a Republican vote or a Democratic vote. This should be a vote for the country. This should be a vote for the Senate. This should be a vote that sends a signal we are serious about reestablishing fiscal discipline. This is a vote that should send a signal that fiscal discipline matters to the economy of this country. This should be the signal that this Congress is serious about fiscal responsibility, and this should be a signal that while the President has asked for the second biggest increase in our debt in our Nation’s history, all of us are committed to getting back on track toward a course of reducing the debt of the United States, especially in light of the coming retirement of the baby boom generation.

I yield the floor.

Mr. FEINGOLD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Madam President, the pending amendable and the second degree to it, as modified, are an effort to control spending and protect the Social Security trust fund. That is what it is—pure and simple—to control spending and, by doing so, also protect the Social Security trust fund. That is obviously not a new idea.

What we are doing here is trying to extend a process that has worked, and worked pretty well, for most of the years since 1990. We are trying to give 2 more years of life to the process that helped us do something that a lot of people didn’t think could happen—balance the budget without using Social Security in both 1999 and 2000.

What are we trying to do is make sure there is some constraint on the size of the Government.

I remind my colleagues, if we do not pass this amendment, if we do not extend the budget process, then the vast majority of budget process constraints will simply expire on September 30. Our failure to act will mean an almost complete absence of responsible budget limitations.

Again, what our amendment does is not something new. It just tries to keep in place the limitations that made the good fiscal management of this Government possible during the 1990s.

As we saw this deadline coming, this problem that will occur on September 30 with the loss of the rules and constraints, what I have tried to do, with others, is work very hard to come to where we are today. Our amendment is not my idea alone, by any means. It is the result of a collaborative effort extending over several months. Starting today, my colleagues and I have been working with the staff of Senators from about a dozen Senate offices, half Republican and half Democratic. I followed up in a
number of meetings with Senators from other sides of the aisle, trying to build consensus. What we tried to do is get the strongest budget process we could.

My colleagues will recall that we tried to extend Social Security for 5 years in an amendment to the supplemental appropriations bill that Senator Gregg and I offered on behalf of Senators Chafee, Kerry, Voinovich, McCain, and Cantwell. Half the Senate, a bipartisan group of Senators with whom I worked to draft this amendment, that this is as strong a budget process that was possible because we were not able to generate the support necessary to get the 60 votes and have the amendment actually adopted.

The amendment before us today is an effort to get the most done that we can. For the first 2 years, it provides almost exactly the same cap levels that were in the amendment of myself and Senator Gregg to the supplemental appropriations bill. It is my judgment, and the judgment of the bipartisan Senators with whom I worked, that this bill will actually be able to pass this year. So that is what I am asking of my colleagues—to do at least this much—let’s get this done. Let’s at least preserve this much constraint and this kind of responsibility, even though many of us would prefer more.

One of the reasons is because in the next decade the baby boom generation will begin to retire in large numbers. Starting in 2016, Social Security will start redeeming the bonds it holds and the non-Social Security Government will have to start paying for those bonds from non-Social Security surpluses. Starting in 2016, the Government will have to show restraint in the non-Social Security budget so we can pay the Social Security benefits that Americans have already earned or will have already earned by that time. If we keep adding to the Federal debt, we will simply add to the burden to be borne by the taxpayers of the coming decade and decades thereafter. That is all we are really doing. It has been said in many political speeches, but it is true—we are just leaving them the bill. We are not doing our job. We are not showing responsibility, if that is how we leave things.

Of course, September 11 changed our priorities in many ways, including how our budget is conducted. But September 11 does not change the coming requirements of Social Security. As an economist has said: “Demographics is destiny.” We can either prepare for that destiny or we can fail to prepare for it.

To get the Government out of the business of using Social Security surpluses to fund other Government spending, we have to strengthen our budget process. That is what this amendment does. That is why we urge our colleagues to support it.

We have sought to advance a goal that has a long and bipartisan history, and I would like to just recite a little of that history. In his January 1998 State of the Union Address, President Clinton called on the Government to “save Social Security first.” That is also what President George W. Bush said in a March 2001 radio address. In his words, we need to “keep the promise of Social Security and keep the Government from raiding the Social Security surplus.” That is what President Bush said. It is what the Republican Congress can and should do. It was stated on the Senate floor in June 1999 when he said: Social Security taxes should be used for Social Security and only for Social Security—not for any other brilliant idea we may have.

It is what Senator Domenici said in April of 2000 when he said:

I suggest that the most significant fiscal policy change made to this point—to the benefit of Americans of the future—is that all of the Social Security surplus stays in the Social Security fund...

Yes, we should stop using Social Security surpluses to fund the rest of Government because it is the moral thing to do, it will not add to the Federal debt another dollar our children must pay back in higher taxes or fewer Government benefits.

I do not think our children’s generation will forgive us if we fail in our fiscal responsibility today. History will not forgive us if we fail to act. We must balance the budget, we must stop accumulating debts for future generations to pay, and we have to stop robbing our children of their own choices.

We have to make our own choices. We are doing that today. Let’s not take away from these kids their right to make their own choices in their time because we have locked up all the money and we cannot pay the Social Security benefits.

The amendment before us today, I am pretty sure, is the best, last hope to do this. I urge my colleagues to support it.

Madam President, the Center on Budget and Policy Priorities has issued a paper that concludes as follows:

These proposals, No. 1, are likely to be workable because they extend enforcement tools that have worked in the past; No. 2, are evenhanded because they treat spending increases and tax cuts in the same fashion, without favoring one or the other; and, No. 3, set targets that appear realistic and thus are more likely to be achieved by subsequent congressional action.

This analysis by the Center on Budget and Policy is their view of this amendment. It is a positive analysis.

I ask unanimously today the full text of this analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center on Budget and Policy Priorities, June 20, 2002]

The Feingold Amendment to the Defense Authorization Bill: A Workable and Responsible Strengthening of Fiscal Discipline

Senator Feingold’s amendment to the Defense authorization bill would establish tight but realistic caps on appropriations for 2003 and 2004. Extend for five years the requirement that tax and entitlement legislation be paid for, and extend supermajority enforcement of congressional budget for five years. These proposals: (1) are likely to be workable because they extend enforcement tools that have worked in the past; (2) are evenhanded because they include spending and tax cuts in the same fashion, without favoring one or the other; and (3) set targets that appear realistic and are thus more likely to be achieved by subsequent congressional action.

Key Budget Enforcement Tools are Due to Expire This September
They will allow Government to enforce budget discipline are scheduled to expire September 30, 2002. If these provisions expire, Congress will find it much easier to juggle the large entitlement deficits by cutting entitlements by unlimited amounts and cut taxes by unlimited amounts. The clear risk is that the large deficits we are currently experiencing would grow even larger rather than decline, leaving the budget in a weak position at just the wrong time—the baby boom generation retires and places still greater pressure on the budget. All of these budget enforcement tools to expire could set the stage for severely disciplined budgeting in the coming months and years to reduce and stabilize the Federal budget deficit.

The budget targets in Congressional budget plans are currently enforced by points of order that can be waived by a unanimous vote. It means that appropriations and entitlement bills cannot spend more than is provided for in the Congressional budget resolution and tax cuts cannot exceed the level of tax cuts specified in the Congressional budget resolution allows, unless 60 Senators agree. Starting October 1, however, excess appropriation bills, excess entitlement increases and tax cuts can all be agreed to by simple majority vote. The Feingold Amendment keeps these vital 60-vote enforcement mechanisms in place for another five years.

Discretionary Caps. Currently, a statute requires the President to cut appropriations bills across-the-board if, at the end of a session, those bills have breached dollar “caps,” or upper limits, set in statute. This law worked well for eight years—from 1991 through 1998—but then was evaded through gimmicks or set aside. The last four years because the caps established in 1997 proved unrealistically tight. The entire mechanism of caps and across-the-board cuts (certainly time restraints) expires September 30 and so does not apply to FY 2003 appropriations bills. The Feingold amendment renews the mechanism for another five years and sets caps for 2003 and 2004 (no such caps currently exist). The 2003-2004 caps in this amendment are at the levels in the recent Gregg-Feingold amendment and are tight but probably real caps.

The Senate Pay-As-You-Go Rule. Currently, a point of order waivable by 60 votes limits increases in costs of legislation to the extent that they will increase the cost of entitlements or reduce revenues unless these costs are offset over 5, 10, and 15 years, except to the extent that a budget surplus is projected outside Social Security. This rule expires September 30; the Feingold Amendment would renew it for another five years.

The Statutory Pay-As-You-Go Rule. Under current law, a statute requires the President to cut a selected list of entitlement programs across the board if, at the end of a session, the cost of legislation is not paid for. OMB determines if entitlement legislation has not been fully offset for the coming fiscal year, i.e., if entitlement increases and tax cuts have not been “paid for.” OMB first determined in 1991 that the FY 1992 legislation through 1998 but broke down when surpluses appeared; Congress wrote ad hoc provisions for a
setting it aside. Starting October 1, the mechanism effectively expires even though deficits have returned—new entitlement increases and tax cuts will not have to be paid for. The President renewed the law for three years the requirement that such legislation be paid for, while turning off this requirement if the Treasury reports that a year has ended in which the budget outside Social Security was in surplus.

The Feingold Amendment Sets Appropriations Targets For This Year—That Can Be Enforced. In addition to the extension of the four enforcement mechanisms discussed above, the Feingold Amendment responds to the particular situation faced by the Senate because a new congressional budget plan has not been agreed to. While last year’s congressional budget plan continues to govern entitlement and tax legislation, inappropriations bills combined must not exceed the statutory cap the Feingold Amendment sets.

AMENDMENT NO. 3915

Mr. GRAMM. Madam President, I wish to explain why I am opposed to this amendment, why I intend to raise a point of order against it, and why I believe that point of order should be sustained.

Let me begin by saying we have not adopted a budget this year. A budget has never been brought to the floor of the Senate during this session of Congress. We have not been in a similar position since 1974. We are now being asked on a Defense authorization bill to have the Senate commit to a budget figure outside the budget process. In fact, the purpose is precisely because we are basically going outside the budget process and dealing with an amendment that was not reported by the Budget Committee.

In doing so, we would be committing the Senate to a level of spending that next year is $9 billion more than the President requested and $52 billion more than we spent last year. We would be committing to a level of spending that would set a new global record. And I do not believe the Senate would lock itself into a budget that was brought up on another bill. Nobody voted for it—not one Democrat or one Republican. We are now being asked to commit to a figure of $9 billion above the President’s, $52 million above the last year, with the ability to get around that constraint by spending $25 billion in advanced appropriations. Last year was the largest level of advanced appropriations in American history, and that was $23 billion. This is a far bigger number than we could spend and I do not believe this represents good policy.

This is adamantly opposed by the President. OMB has notified Members today that they are opposed to it. There is no possibility the House will agree to this. I say to any of my colleagues who are tempted by this and by the thought that any kind of budget numbering process is better than none, the bottom line is the House will never adopt it. What they would be doing in the process would be committing to a level of spending $9 billion above the level the President requested, with a $25 billion advanced appropriation escape hatch.

I do not believe this is a good deal. I wish we had more than an opportunity to offer an amendment, but a consensus among Members that when we didn’t adopt a budget, we needed a permanent budget enforcement process. This would give us the process but at numbers that are grossly beyond the level the President requested and far beyond the numbers I could ever support.

So I hope my colleagues will sustain this budget point of order. I don’t think it is good for the Senate to be trying to write a partial budget on a Defense authorization bill instead of bringing a budget up and debating it and amending it. The amendment will begin to amend the Senate to not sustain the point of order. There will be amendments offered. I will offer amendments if we do not sustain the budget point of order.

Let me reiterate briefly that this is $9 billion more than the President requested, $52 million more than we spent last year. This would have advanced appropriations of $25 billion, which would be the largest in American history, that would be sanctioned under this agreement. The White House is adamantly opposed to this amendment. The House will never accept this amendment. Therefore, it cannot and will not become binding.

I urge colleagues to sustain the budget point of order. The point of order is important. Sometimes these budget points of order represent a “gotcha” kind of circumstance, where they apply, but the logic of them is kind of convoluted. They are almost accidental. The budget point of order I raise is not accidental. It says that an amendment that alters the budget process has to come through the orderly process of being reported by the Budget Committee or else it is subject to a point of order. I therefore maintain my colleagues that we are under a unanimous consent request. So by making the point of order now, I am not cutting off anybody’s debate. That will continue until 3 o’clock. I say that so everybody understands exactly what we are.

The pending amendment contains matter within the jurisdiction of the Committee on the Budget, and it has been offered to a measure that was not reported from the Budget Committee. I therefore raise a point of order against amendment No. 3915 pursuant to section 306 of the Congressional Budget Act.
Let me ask the Parliamentarian a question. Is 3915 the right number, given they have merged the amendments?

The PRESIDING OFFICER. It is 3915, as amended.

Mr. GRAMM. Madam President, I make that point of order against the pending amendment under section 306.

Mr. FEINGOLD. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

The PRESIDING OFFICER. The motion is pending. Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is there a time limit on the situation with which we are confronting?

The PRESIDING OFFICER. Yes. The time is evenly divided up until 3 o'clock.

Mr. DOMENICI. Then we must proceed to a vote?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair. Who is in charge of the time in favor of the amendment?

Mr. FEINGOLD. Madam President, how much time do we have on our side?

The PRESIDING OFFICER. Forty-one minutes remain for the sponsors.

Mr. FEINGOLD. How much time does the Senator want?

Mr. DOMENICI. May I have 20?

Mr. FEINGOLD. I yield to the Senator from New Mexico 20 minutes.

Mr. DOMENICI. Madam President, it is not often I would come to the floor on a Thursday afternoon when a Defense authorization bill is before us and join in an amendment offered by the chairman of the Budget Committee on the other side, who has failed to produce a budget resolution heretofore. I believe his side of the aisle had a responsibility to do that. They did not do it. That is not the end of the world.

We are today confronted with that situation. The truth of the matter is that there will be an awful lot of Senators pondering the appropriations process and wondering whether Senator Phil Gramm from Texas, who knows an awful lot about this, is right when he speaks of the dangers to America of authorizing a budget produced by the Congress, not the President, which would exceed the President's annual appropriation by $9 billion.

My friend from Texas makes that appear to be a very big issue. Let me suggest that I would not join in producing an alternative to a congressional budget that would permit us to spend between $9 billion and $10 billion more than the President in appropriations if I did not see down the road something a lot more onerous than a congressional budget. That is not the end of the world. That is not my fault. That is your fault. But it isn't America that ought to suffer from it, nor should Congress be put in a position where they cannot do any work.

I have come to the conclusion it is a lot better to get caps, and they are at pretty meaningful levels. Next year's are pretty low. The one for the budget we are writing today is $9 billion to $10 billion over the President's submittal when all this day is gone and the rhetoric has simmered down, it is going to be very difficult, even with our President with his pen in hand waiting to veto, it is going to be very difficult to come out of this spending less than the amount that we put in these caps. I hope we can. I will be there attempting to enforce them, for what it is worth. The truth is, those caps are better than none, and the President retains his veto authority.

For the defense of America, for which you asked us for so much money, Mr. President, we put all that money in and we got a firewall, meaning you cannot spend defense money for anything else. That is very important budget consideration.

We set limits on advance appropriations consistent with what we wanted on this side when we met. We extend the 60-day budget points of order, including the pay-as-you-go.

We eliminated a gimmick regarding the crime victims fund, and I think you all have seen that and concurred with it. We showed it to you 10 days ago.

I do not know if 3 o'clock is enough time, or quarter of 3, but I think it is. If somebody wants more time and we need to explain it better, or I need to explain it to my side better, just come down and ask for some time. I think we will get it.

I repeat, I want to talk to two situations for the next 2 minutes. I say to my fellow Senators, through no fault of this side of the aisle, we are in a real predicament today. If we let a whole batch of bills get through and do not put some points of order and some budget-like points of order and some caps on how much you can spend after which the expenditure bills get hit on which we cannot sit here and watch this all go down the river, with the economy already in sputtering shape.
Second, the President of the United States does not lose anything in terms of his power, his strength. If anything, he gains a potential for orderliness in the Senate and House as we finish our business that we might not have but for the adoption of this amendment.

My colleagues, it is not my intention to say that we do not have to be more frugal or to do better. I do not know that this is the best bill on which to put this, but I do not know which bill is next. It is sort of the chicken and egg. The appropriators are waiting for the number. We are saying: You know the numbers. Let’s bring an appropriations bill up and we will put this on it.

Others are saying that is too late if you do that. So here is a big authorizing bill. If we approve this—and I urge that we do; Senator STEVENS, if he had time, would be here concurring in this, pledging to stick to the numbers—if we approve this, we can put it on another bill later if, as a matter of fact, this defense bill does not pass or gets tied up in a conference that takes too long.

If anybody wants any further explanation, I will do it here on the floor and seek time, or I will meet them wherever they like and show them what we have done. I believe we might turn to Senator FEINGOLD for his courage, and Senator GREGG who is with the Senator on this amendment. If he is not, we must ask him to be a cosponsor because he had a lot to do with it. It would be helpful.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senator from New Mexico, Mr. DOMENICI, ask unanimous consent that the Senator from Wisconsin.

Mr. CONRAD. Madam President, I thank my colleague. We have heard some arguments advanced by the Senator from Texas as to why Members should not vote for this amendment. The Senator has said this has not gone through committee process. I reject that argument by the Senator from Texas. The fact is the numbers that are before us are exactly the numbers that passed the Senate Budget Committee on the budget resolution that I took through the committee. That is a fact.

The fact is, I reported out of the Budget Committee, pursuant to the budget I proposed, $768.1 billion in discretionary spending for this year. That is precisely the same as what was in the President’s budget. It is true we did not adopt his policy. We did adopt his number.

The Senator says this is outside what the Budget Committee has recommended. It is not outside what the Budget Committee has recommended. It is precisely what the Budget Committee recommended in the resolution I offered—$768 billion this year, $786 billion next year. Where is the money going? I say to my colleagues who have argued for the last hour there is no place where the money is going: Last year we spent $710 billion. The President has asked for, and we have agreed to, a $45 billion increase for national defense, every penny of it requested by the President of the United States.

The President asked for an additional $5.4 billion for homeland security. We have endorsed that, every penny of it requested by the President of the United States. Now there is another $7 billion, $7 billion on a base last year of $710 billion. That is a 1-percent increase available for all the other functions of Government, after the increase asked for by the President for defense, after the increase asked for by the President for homeland security.

If we look at the amount of money that is in this budget for this year, the $768 billion, we have provided for the year thereafter an increase of $18.4 billion. That is an increase of 2 percent, current dollars. And this is in the budget resolution that passed the committee. It is true, we have not yet considered a budget resolution on the floor of the Senate. That is not unprecedented for June. There have been many of them included in the budget. In fact, 4 years ago, we never did complete work on a budget. Therefore, the members of the committee.

When the Senator from Texas says there is a $50 billion increase over last year, it is actually a $58 billion increase. But where is it? Again, I remind my colleagues, it is in defense; $45 billion of the increase is in national defense, every penny of it requested by the President of the United States.

Is the Senator from Texas saying he is against that increase in defense? And $5.4 billion is an increase in homeland security as requested by the President of the United States. Is the Senator from Texas against that increase in homeland security requested by the President of the United States? The only other money is $7 billion for everything else, a 1-percent increase.

Let’s get serious about budgets and let’s get serious about what is being discussed. The Senator from Texas raises advanced appropriations. Advanced appropriations have been done for many years. Because the federal fiscal year does not fit the fiscal year of the Federal Government. The Federal fiscal year ends at the end of September. Everybody knows the school year does not end until May or June. So advanced appropriations were adopted to fit the reality of the school year in America. There is nothing wrong about that. There is nothing wrong with that at all.

The Senator from Texas says the House will never agree. That is not our job, to write a budget that agrees with the House. Our responsibility is to write a budget for this Chamber. We will then negotiate with the House on an overall agreement. The first thing we did is to reach a conclusion in this Chamber.

What we are proposing, once again, for discretionary spending for fiscal year 2003, is exactly the same number the President sent up in his budget, $768 billion. That is what was in my mark that passed through the Budget Committee and that is what we are proposing. It is true it is not the same policy as the President proposed. He proposed a different way of spending the money, but he proposed exactly that same number.

I am proud of the way the Budget Committee has performed. The Budget Committee had dozens of hearings and produced a responsible document, one that does restrain spending, one that did not contain a tax increase or any delay in the scheduled tax cuts, but one that also called on the Congress to put in place a circuitbreaker mechanism so that next year it will be a responsi- ble budget. The Budget Committee to come before our colleagues with a plan to stop the raid on Social Security.

The Budget Committee had more debt reduction than the President proposed, less deficits than the President proposed and said that additional tax cuts can be had, but they ought to be paid for, and to put in place serious restraint on spending, not only for this year but in the years following.

I am proud of that budget resolution. I am proud of the way the Budget Committee is before us now, that give our colleagues a real opportunity to choose. Are we going to have a budget for this coming year and budget caps for the next year? Are we going to have a continuation of the budget disciplines that are critically important to keep this process from spinning out of control or are we not? That is the choice that is before the body.

I want to again thank my colleague from Wisconsin who has been a valued member of the Budget Committee and who came to the floor with something he negotiated on both sides of the aisle. I then became involved with him in an effort and we have negotiated with many more Members on both sides of the aisle, I think we have a responsible package, and our colleagues are going to have a chance to vote in a few moments. I hope they will carefully consider the implications of a failure to pass this amendment. I yield the floor, and I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Texas.
Mr. GRAMM. Mr. President, in this modern age, we are used to revisionist history, but I have to say the debate we just heard is one of the most extraordinary examples of revisionist history I have ever heard. I am tempted to get into the debate about this wonderful budget that was voted on last night. But one Democrat voted for it and not one Republican voted for it. That is a vote of confidence, or lack thereof, which I have never witnessed before.

That was rejected without a single vote in favor was a budget that set taxes above the level requested by the President the first year, the first 5 years, the first 10 years, and consistently spent more money. In fact, it raised Social Security in the first year more than the President’s budget, even though it had taxes higher than the level requested by the President because it increased spending by over $13 billion. But that is an old debate. Why debate a budget that was rejected unanimously?

Now we are on another debate, and it is a wonderful debate because we have our colleagues who are saying we want to control spending, we are worried about spending, and we need this budget to control spending. They are right about one problem. The budget increases spending. The budget proposes spending $9 billion above what the President requested.

This amendment before us proposes spending $52 billion above last year, and it does not stop with spending $9 billion more than the President wants. That kind of budget constraint we have had a lot of. It not only spends $9 billion more than the President wants, but it allows $25.4 billion to be appropriated this year that won’t count until next year, which is called advanced appropriations. Last year, we set a record in American history with advanced appropriations. Last year, we set a record in American history with advanced appropriations.

If we adopt this amendment, we will be saying the President wants $9 billion less, but we are going to go on record saying we are going to spend $9 billion more. I will be with the President on this issue. Other Members will have to declare where they stand.

We have a letter dated today from the OMB Director, and I will read part of it:

It is my understanding that the Senate will continue consideration today of two pending amendments to the budget enforcement—a Feingold amendment and a Reid/Conrad amendment. I ask that you strongly oppose these amendments and encourage your colleagues to oppose them as well.

Both amendments would lock in a spending cap that is much too high—over $9 billion more than the President’s budget request. Budget enforcement in Congress is vital and necessary but enforcement at the wrong number could be even more detrimental to our budget outlook.

Now, if we had not waived the budget last week, maybe I would take this seriously. If 60 Members of this body had not last week voted to waive the Budget Act to spend more money, maybe I would take this thing seriously. But I don’t take the votes we took last week as evidence that we would come back next year and making the death tax permanent. This amendment would spend nine times as much money next year as making the death tax penalty permanent would have cost.

Our colleagues do not have a nickel, they do not have a penny, to let working people keep more of what they earn, but they have billions to spend. They never, ever, have enough to let working people keep more of what they do not have a penny, to let working people keep more of what they earn.

This is about spending. This is about spending. This amendment is not about budget control. This amendment is about spending, pure and simple. If you want to spend more, you want this amendment.

Now, I am not saying it is going to be easy in the budget process not having a budget. But spend it, and vote on it. We passed a budget for next year, and I don’t believe we are going to see one brought to the floor. People are proud of the budget resolution considered in the Budget Committee, but not proud enough to bring it to the floor to debate, amend it, and vote on it.

The President has said he will veto appropriations that violate his budget and the budget adopted by the House. What this amendment would do would be to legitimize $9 billion in additional spending. That is what it does.

Last week, we voted to waive the same points of order to spend money. We have done it over and over again. What we are doing here is legitimizing more spending. If you don’t want to do it, don’t want to vote on it. This point of order. Those who want to waive the point of order will have to have 60 votes. Maybe they have it. I pointed out earlier, this is not going to become law. I don’t think it ought to be passed by the Senate. I think we ought to be slapping the President of the United States in the face today. When the President last night said he was going to hold the line on his budget, then turn around and do this is a slap in the face. This is a gimmick. I don’t understand why people who support the budget process, after all our effort to get rid of these delayed obligations, can support this amendment. I am sure our colleagues remember the games that were played where we started a program on September 30 of a year so that it becomes law on the last day of the fiscal year and claiming in the budget that it costs one-three hundred and sixty-fifth of a cent.

Integrity, not only does this amendment spend $9 billion more than the President requested, not only does it say you can spend $25 billion more than that, it gets us back in the game of deferred obligations by striking subsections (a) through (f), (h), and (i) of House Concurrent Resolution 290. That is the section that deals with deferred obligations.

This doesn’t have to be belabored. This is not about controlling spending. This is about spending. This is about force-feeding the President and making the President take $9 billion more than he requested, setting up a procedure where we will spend $25 billion more than that, which will not count because it will be spent next year, and then allowing us to get into the game of spending it, but deferring the spending until a point where it doesn’t count. This is an issue about spending, and this amendment is about controlling spending.

The President has not been silent on this. Last night he spoke. I will read what he said:

I know there’s going to be some tough choices in these bills, but I want to make sure that everybody understands with clarity that the budget the House passed is the limit of spending for the United States Congress.

If we adopt this amendment, we will be saying the President wants $9 billion less, but we are going to go on record saying we are going to spend $9 billion more. I will be with the President on this issue. Other Members will have to declare where they stand.

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Both amendments would lock in a spending cap that is much too high—over $9 billion more than the President’s budget request. Budget enforcement in Congress is vital and necessary but enforcement at the wrong number could be even more detrimental to our budget outlook.

Now, if we had not waived the budget last week, maybe I would take this seriously. If 60 Members of this body had not last week voted to waive the Budget Act to spend more money, maybe I would take this thing seriously. But I don’t take the votes we took last week as evidence that we would come back next year and making the death tax permanent. This amendment would spend nine times as much money next year as making the death tax penalty permanent would have cost.

Our colleagues do not have a nickel, they do not have a penny, to let working people keep more of what they earn, but they have billions to spend. They never, ever, have enough to let working people keep more of what they earn.

This is an effort to bust the President’s budget. This is an effort to mandate that we set a budget $9 billion above the President’s level. This is a proposal that would let us back into the gimmick business on deferred obligations. This is a budget that would let us advance appropriate—which is spending money but not counting it until another year—at a level unprecedented in American history. The President does not want this. OMB has asked us to oppose. Many colleagues will oppose it. But I hope they will understand, whether they oppose it or whether they support it, that this amendment is not about budget control. This amendment is about spending, pure and simple. If you want to spend more, you want this amendment.

Now, I am not saying it is going to be easy in the budget process not having a budget. But spend it, and vote on it. We passed a budget for next year, and I don’t believe we are going to see one brought to the floor. People are proud of the budget resolution considered in the Budget Committee, but not proud enough to bring it to the floor to debate, amend it, and vote on it.

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beyond that in advanced appropriations today. And do not let Congress back in the gimmick business today. Vote to sustain the point of order.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER). With the unanimous consent of Mr. FEINGOLD, Mr. President, I yield myself such time as required.

The Senator from Texas knows very well that my goal in working on this amendment has nothing to do with trying to upset the President's budget. We have talked together, worked together on the Budget Committee, and he knows exactly what I and other Members are trying to do. We think there ought to be some rules, there ought to be some caps, there ought to be some budget discipline. I don't think he could point to one shred of information or comment I have made throughout the months to suggest it has anything to do at all with trying to disrupt the President.

I remember welcoming the comments of the OMB Director when he suggested some aspects of what we were trying to do made sense. I will work with anybody on this in order to get it done, because in the 30 years I have been in the Senate, we have had budgets disciplines, and they have had good results. Sometimes when the Democrats were in the majority, and sometimes when the Republicans were in the majority, at least on this issue, I have seen the body function, and function well, but only because there were caps, only because there were rules and because there were enforcement mechanisms.

The Senator from Texas complains we are doing this outside of the budget process. I agree with him. This is not the ideal way to do this. But he knows why. He saw the efforts we made in the Budget Committee and the difficulties we had. We could not get it done there. It is not an idea to have to do it on the Defense bill.

The Senator says, even if the Senate were considering the budget resolution, that the resolution could not have accomplished the extension of the budget process that our amendment would do. But the Senator from Texas knows that a budget resolution, unlike this one, cannot constitutionally bind the President or his OMB. We have to pass a law, not just a resolution to extend the Bush-Gingrich process.

I would say nobody in the history of the Senate knows this better than the Senator from Texas, who is very familiar across this country for passing statutes to control Government spending. A statute has much more enforcement power than simply doing it on a budget resolution.

The Senator also suggests this is not going to go anywhere because the House will not accept it. I certainly agree with my chairman, Senator CONRAD. The one thing that makes sure nothing happens is if we do not do anything at all in the Senate. If we send a message to the House that we do not need rules and disciplines, that is an invitation to them to do nothing. On the other hand, if we do something here, and even though the Senator from Texas knows it is much less than I wanted to do at the beginning, it may be of long legs, he wanted to do, maybe it will put a little pressure on the other body. Maybe they will hear from their constituents, who will say: At least in the Senate they still believe there ought to be some limits and some caps and some rules. Why don't you folks in the House do it? If we do nothing, there is no pressure on them. As the chairman indicated, if we at least put a marker down here, put something in this bill that suggests some limits and some rules, we have a chance that something will come through in a conference report that will achieve bipartisan limitation on this.

We have now heard arguments about the leverage in our amendment being too high. We have arguments that they are too low. In this respect the debate is taking on sort of the hallmarks of any debate to set a level. There is always going to be disagreement about the amount. But let's be clear about where we are going. The chairman of the committee has indicated we have sought to use what I believe to be the most neutral starting point. The number for 2003 is what the Budget Committee reported. It is what we agreed to in the 2-year extension of the existing process that I and Chairman CONRAD and Senator CANTWELL and now Senator DOMENICI offer today? Obviously, it most assuredly is not. Even though there are imperfections in the current budget process, it does provide some budget discipline. It creates 60-vote hurdles for spending measures that exceed the caps. It requires 60 votes to expand entitlements or cut taxes without paying for the cuts.

These constraints have been a valuable force for consensus. They have helped ensure the work we do in the Senate can garner the support of three-fifths of the Senate, not just a bare majority. I think these are useful bulwarks in the defense of the taxpayers' dollars.

Again, there could be better budget processes. After the adoption of this amendment, if it is adopted, I will still join with others who seek to advance further budget improvements. Even if this amendment is adopted, nothing will stop the Senator from Texas from offering the budget process on which he and I were working.

But at least let's draw the line. Let's adopt this amendment to prevent any of these further budget discipline. Let's seek further improvement where we can, but let's at least ensure that things do not get worse.

The Senator from Texas may consider the amendment to be the Senate today to be half loaf or maybe even less. I admit the amendment before the Senate today is not perfect, but it is far better result than doing absolutely nothing, and that is where we are headed.

Nothing is what we will get if the Senate votes down this very modest attempt at fiscal discipline.

I urge my colleagues to join at this barricade, if you will, this last stand
Mr. GRAMM. Mr. President, let me make clear I feel strongly about this amendment, but I have profound respect for my colleague. I am a long-time believer in the Jeffersonian thesis that good men, with the same facts, are prone to disagree.

I point out the Gramm amendment that I voted for had 5 years of budget numbers; not just the 2 years where the budget went up, but 3 years where it went down. So I thought, in terms of the words, it was an improvement over nothing. But I do not think it is an accident that this amendment has only the 2 years where spending goes up.

Maybe I was not tending my business. I think that the Gramm amendment struck the provision on delayed obligations. If it did, I was not aware of it, and I would stand to be corrected if anybody corrected me.

I think the Gramm amendment left advanced appropriations untouched, whereas this amendment increases them by $2.4 billion.

But ultimately, if we are talking about this being a consensus product, there is one person who is not part of this consensus and that is the President.

The President is taking a hard position, and, quite frankly, it is about time. I love our President. I have known him for a long time. I respect him. Last year, in trying to work with both parties and trying to bring a new environment of bipartisanship to Washington, that he let Congress spend too much money. But it was a price he was willing to pay to try to work with everybody and try to be bipartisan. But our President is a Texan. And once you have slapped him once or twice, then he begins to think maybe you mean to fight. The bottom line is the President has said, I am going to limit spending to the budget that was agreed to the agreement number adopted in the House. The amendment before us would add billions of dollars to that. It would not only condone but basically justify $25.4 billion of spending—in addition to the $9 billion I spoke of earlier—counted a year later through a process called advanced appropriations. This would be the highest level in American history.

Finally, to add insult to injury—and I asked somebody to explain to me why it is in here—this amendment strikes the language on delayed obligations. If people weren’t meaning to cheat, why do they make it legal? If people didn’t expect to be in jail, why are they pulling the bars out of the windows? If people aren’t expecting to take advantage of something we had stopped in the past, why are they taking the prohibition against it out?

I do not know if my colleague from Oklahoma is aware of it, but the amendment before us in part strikes our old language preventing delayed obligation.

Our colleague will remember the bad old days when you wanted to fund a great big old costly program but you didn’t have the money in the budget, so you started it on September 30—the last day of the fiscal year. Then it cost only 1 day. It was just magic. You could spend as much money by just starting the program on the last day. We finally wised up to that. We stopped it.

Now we have an amendment where our colleagues say they are trying to stop spending. They are not for spending. They want to stop spending. But yet they strike the language on delayed obligations, which is a gimmick that has been used to spend billions of dollars.

I do not know how you could say they don’t intend to do it when they are legalizing it.

To sum up—because I know we have others who want to speak, including my colleague from Oklahoma—this comes down to whether you are with the President or you are with the spenders.

With all good intentions—I don’t doubt good intentions on the other side—the bottom line is that this amendment, if adopted, gives credence to and gives cover to people who mean to bust the President’s budget in three ways: $9 billion on its face, $25.4 billion in advanced appropriations, and then cheating with delayed obligation.

If you are with the President, if you are for fiscal restraint, you want to stop the spenders, stop the bars going through the roof in hundreds of millions of dollars, you can have it both ways. I don’t think you can have it both ways. I don’t think you can say this is about fiscal restraint and then say: Oh by the way, we want to bust the President’s budget by adopting this.

I mean you have to be fish or fowl. You are either with the man or you are against the man. I am with the man.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, first of all, my good friend, Senator GRAMM, is doing exactly what good debaters do, except that I caught him, so it won’t work.

First of all, it is obvious on the point of the President’s budget and this budget that this isn’t the President’s budget, it is Congress’s budget. The President’s budget is alive. The President’s veto powers are alive.

What we are trying to do is pass some constraints that Congress will impose on itself in terms of entitlements, which have the opportunity of going through the roof in hundreds of billions of dollars from October 1 and thereafter with no 60-vote point of order.

Down at the end of Pennsylvania Avenue, Mr. OMB Director, just get the President ready when this Congress sends entitlement programs that are going through the roof, because the 60 votes won’t be available here, and they will end up on your desk.

The Senator from Texas said it 10 times, but I will only say it once in agreement with the President. He is the best President we will have in this century. When his first term is finished, that is what we will begin saying about
him. But, Mr. President, do not be fooled by people who want you to get involved in something in which you do not have to get involved. And you lose no prerogatives; you keep all of them.

The second point is, when Senator Gramm loses his major argument, he turns to another one. So he is up here about as loud as I speak talking about this delayed obligation.

Let me tell Senator Gramm, just take another look at the late obligations. First of all, it subverts at the end of this year. So it isn’t around. It is literally not around.

Mr. GRAMM. Why didn’t you extend it?

Mr. DOMENICI. I don’t speak when you are speaking, Senator. Would you mind?

Mr. GRAMM. All right.

Mr. DOMENICI. Would you mind acknowledging that you shouldn’t be speaking when I am speaking? I would appreciate it very much.

Mr. GRAMM. All right.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, the second provision, as long as we have had this provision that he is now telling the President he is going to lose, which provision I invented, we have never used it because it can’t be interpreted. We have never been able to interpret what these words mean, which is not the real reason the President should come down on us because we are getting rid of it. It never was used. It will never be used. It is not interpretable. I knew that one year after it was passed, and I considered getting rid of it because it isn’t necessary. It wouldn’t be used.

My last point is a very simple one.

Fellow Senators, writing a budget resolution is essentially the work of the Congress. The President is not bound by it. He loses no authority. He can veto every bill that comes through here if it doesn’t meet what he wants. But I will tell you, fellow Senators, if you think you can live within the President’s budget with no problems, then I suggest to you that you had better look at what is eliminated from the budget: $1.2 billion for veterans’ medical care, $1.2 billion for the violent crime trust fund, and $1.7 billion for State and local enforcement. They are not in this bill.

We will have to decide whether we are going to put them in and cut something else. Nonetheless, this will not change the President’s prerogative to veto every single bill.

But, Mr. President—I am not speaking to you, Mr. President, but I am speaking to the President down the street on Pennsylvania Avenue—if something like this is not adopted, then remember this afternoon when Senator Phil Gramm said there was an invasion of the President, and see what you have when entitlement programs come down to your desk because they passed up here 51 to 48, or 51 to 49 because there was no 60-vote point of order to keep them from breaking the budget because we will not have that protection unless this amendment is adopted. I would say for an afternoon that it is a pretty good piece of change for the American people and a pretty good way for me to spend the afternoon. I will veto it, but I would rather not have all the entitlements coming up here. Which entitlements? You know what they are. They have to do with the various medical programs. They have to do with every program, not just the one at for Medicaid reforms and Medicare reforms. Sixty votes is not going to be applicable.

It seems to this Senator, Mr. President, that you ought to stick to your work and to your veto authority, and you ought to let us do our budget because we can help you a lot when we don’t send you all the entitlement bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, I am not telling the President anything. The President was telling me. I read what the President said last night. I am joining my voice with the President’s, but I am not speaking for the President.

Second, our problem is that the whole budget enforcement expired—not just this one provision. We are extending the rest of it. We are not extending this provision.

The bottom line is this: It is about $9 billion. Senator Domenici says we can’t live within the President’s budget. I believe we can live within the President’s budget. And the President has asked us to try.

Now, granted, the President can do whatever he wants to do. The question is, Do Republican Senators want to vote to go on record for a budget number that is $9 billion more than the one that the President says he is going to stand behind? I think that is why it comes down to the question of whether you are with him or whether you are against him. I am with him.

Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Texas controls 14½ minutes.

Mr. GRAMM. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague from Texas for his remarks. I will just make a comment. I see the chairman of the Budget Committee is in the Chamber. Bring the budget to the floor. I can tell you, my colleagues—who might have listened to my very good friend, Senator Domenici, who says, let’s vote for this amendment—this amendment is going to be defeated, even if it is adopted—and it is not going to be adopted—because it is on the Department of Defense bill, I tell my colleague.

It does not belong on the Department of Defense bill. I have urged Senator Warner and Senator Levin that they should table this amendment. It does not belong on this bill. Maybe we will make a budget point of order it is a little higher—it does not belong on this bill.

I am on the Budget Committee. Let’s bring the budget before the Senate. Then we can have a good debate. Are we going to change points of order? Are we going to change on whether or not we can have end-of-year gimmicks that we have banned in the past, which evidently this one-day budget is going to do? Are we going to reverse that? I would like to know. I am on the Budget Committee.

I tell my good friend from Nevada, I believe the Senate procedures should work. Now, for whatever reason, the majority has not decided to call up the budget. So this is the second time that various Senators have said: Well, let’s do the budget or the Authorization bill is going through the Senate. That is not the way it should work. It is not the way it has worked. I have been in the Senate for 22 years, and it has never worked this way.

Let’s just assume that it passed. I hope and I believe it will not, but let’s just assume that it passes. OK. So the Senate passes the Senate budget—or part of the Senate budget, because I do not believe this is the entire Senate budget. I do not think this is what you would call a Senate Budget Committee, which I serve on, and we spent a couple days in markup. But we had lots and lots of hearings. It was a lot more extensive.

I don’t know the difference between this and what passed out of the Senate Budget Committee, but I did not vote for it when it came out of the Senate Budget Committee. But I know one thing: It doesn’t belong on the DOD authorization bill. I know my friends and colleagues from the House, and they would say: Thank you very much. That is not going to be accepted in conference. You have wasted your time—totally, completely.

Budgets have to pass both the House and the Senate if you want to have a binding budget. It does not do any good just to pass it in the Senate by one amendment on one day. That has no impact whatsoever. So we are absolutely wasting our time.

I urge my colleagues—I urge the majority because it is not in the minority’s capability. The majority should bring this budget as passed out of the Budget Committee and try to pass it
on the floor. That is what we should do. Instead, we have this game, and it just happens to be the Democrats’ budget. Obviously, the President does not want it.

My Budget Committee staff tells me it is not going to happen, other than the Senate Finance Committee. It is not a 1-year budget; it is a 2-year budget. Wow. OK, it is $21 billion. We increased the amount you can have on advanced appropriations, something that probably not three people in this Senate really understand. We are going to increase that figure from $23 billion to $25 billion. Oh, we are going to do that. Oh, now we are going to be changing the rules of the Senate dealing with end of the year, beginning new programs, delayed obligations. Oh, we are changing that.

Wait a minute. I say, if we are going to do all these things, let’s do it on a budget. Then, when we eventually pass it—it may not have my vote—but when we eventually pass it, it goes to the conference with the House, with budget conferees, not with DOD conferees. DOD conferees in the House would laugh this off: We don’t agree with that. It is dropped.

The President says against it. He would say he would veto it if it is in the DOT authorization bill. It has no business in DOD authorization. We have to learn in the Senate at some point to have a little discipline and say when we are going to bring up the DOT authorization bill, we are going to stay on DOD. That means the managers of the bill have to table non-germane amendments. That means the majority has to bring up a budget in a timely manner, which the law says we are supposed to bring up and pass by April 15. And now we are past June 15, and we have not had the budget brought up on the floor.

The majority needs to bring it up. It does not belong on this bill. It is not going to be included in this bill, I hope. I believe a budget point of order will be sustained. It takes 60 votes to pass it, as it should be, because the budget statute says it has to come out of the Budget Committee, not to be done on DOD authorization. Oh, we are going to have Senator WARNER and Senator LEVIN be the conferees on the budget? It is not going to happen. We are wasting our time.

I am embarrassed for the Senate and the way this Senate is being run, the fact that we did not bring up a budget. And then some people say: Well, we will take pieces of it and put it on DOD authorization. That is absurd. And it just happens to be a couple of pieces that say: Oh, we are going to spend billions of dollars more than the President anticipated.

I will be happy to consider pay-go. I will be happy to consider a lot of different things that are in the germane jurisdiction of the Budget Committee on a budget resolution. But to do it on DOD authorization, I think, is just a total, complete waste of time.

The point of order that it does not belong on this bill is exactly right. I am sure—and I hope—that our colleagues will sustain that point of order.

The PRESIDING OFFICER. The Senator from Wisconsin?

Mr. NICKLES. Mr. President, the Senator from Oklahoma argues that we should not have brought up this amendment on this bill.

This bill authorizes appropriations for the majority of appropriated spending. It may very well be the largest spending bill we consider this year. So I think it is absolutely appropriate to consider the total amount of appropriate spending on this bill.

Mr. NICKLES. Will my colleague yield for a question?

Mr. FEINGOLD. For a question.

The PRESIDING OFFICER. The Senator from Oklahoma?

Mr. NICKLES. I respect my colleague from Wisconsin. I have agreed with him on many issues dealing with fiscal matters.

Wouldn’t you agree we should have a budget resolution that passed the Senate Budget Committee for transmittal by both Democrats and Republicans so we would go through the budget procedure as we have always done for the last 20-some years?

Mr. FEINGOLD. It would be great to have a budget resolution, but far more important, far more useful is a statute to guarantee that these caps and enforcement mechanisms exist to bind both Houses, a mechanism that is actually the law of the land.

So this is more important. This is an appropriate vehicle to do it. Mr. President, I yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes remains for the Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague, the Senator from Oklahoma, that the Senator from Oklahoma argues against himself. He gives advances as a reason to oppose putting it on this measure, that it will never pass both Houses, and that a budget has to pass both Houses.

I say to my colleague, one of the key reasons we have not brought the budget resolution to the floor is because the House passed a 5-year budget when the requirement of the law is a 10-year budget. The President submitted a 10-year budget. We passed a 10-year budget through the Senate Budget Committee. The House passed a 5-year budget, even though they cut taxes and committed to spending money outside the 5-year window.

In addition to that, they used rosy scenario forecasts.

Mr. NICKLES. Will the Senator yield?

Mr. CONRAD. I will not yield.

They used an estimate of Medicare expenses in the House that says Medicare care is going to rise at the lowest percentage in the history of the program.

Now, how are we ever going to reconcile a 10-year budget in the Senate, which is what the law requires, with a 5-year budget in the House, when we used Congressional Budget Office estimates, which were requested to do, and they used Office of Management Budget estimates because it made it easier for them to cover up the risk on Social Security in which they were engaged?

That is a fundamental reason that we have not passed a budget resolution through the committee and not brought it to the floor because we know we would spend a week of the Senate’s time and never be able to reconcile with the House because they have adopted rosy scenario forecasts, and they have adopted a 5-year budget when a 10-year budget is required.

Mr. NICKLES. Will the Senator yield for a quick question?

Mr. CONRAD. Mr. President, I say to my colleague, one of the key reasons we have not brought up a budget in a timely manner, which the law says we are supposed to bring up and pass by April 15, and we are past June 15, and we have not had the budget brought up on the floor. The majority needs to bring it up. It does not belong on this bill. It is not going to be included in this bill, I hope. I believe a budget point of order will be sustained. It takes 60 votes to pass it, as it should be, because the budget statute says it has to come out of the Budget Committee, not to be done on DOD authorization. Oh, we are going to have Senator WARNER and Senator LEVIN be the conferees on the budget? It is not going to happen. We are wasting our time.

I am embarrassed for the Senate and the way this Senate is being run, the fact that we did not bring up a budget. And then some people say: Well, we will take pieces of it and put it on DOD authorization. That is absurd. And it just happens to be a couple of pieces that say: Oh, we are going to spend billions of dollars more than the President anticipated.

I will be happy to consider pay-go. I will be happy to consider a lot of different things that are in the germane jurisdiction of the Budget Committee on a budget resolution. But to do it on DOD authorization, I think, is just a total, complete waste of time.
June 20, 2002

Mr. GRAMM. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 8 minutes 25 seconds.

Mr. GRAMM. Mr. President, first, I want to respond. Our dear colleague from North Dakota said that the President submitted a budget that actually cut some programs. Can you imagine it? Can you imagine it? In $2 trillion of revenues the Bush Administration was able to find some low priority items so that when a vicious set of terrorists attacked and killed thousands of our people we could redirect some of that money.

Our colleagues are shocked. In fact, our colleagues can give you 100 taxes that they are willing to raise. They can give you dozens of tax cuts they are willing to take back. But they can't give you one Government program that they are willing to cut. And they are stunned that the Administration, the President, is able to come up with about $10 billion of things that we might defer or do without so we could instead grab a few terrorists by the throat and break their necks.

I am not stunned. I am proud. We are the only people in the world who never set a priority, who never had to make a hard choice. The President is willing to make choices. That is one of the reasons I am supporting the President.

It is true that this amendment before us does have some things from the budget resolution considered in committee. But basically three of the things are things that spend more money. The President said last night and the OMB Director wrote us this morning, asking us to oppose this amendment to help the President hold the line on spending. That is what this issue is about.

It is not just about $9 billion that our colleagues want to spend and the President doesn't want to spend. It is also about $25 billion more spending now that won't count until next year. And then there is the whole issue about this delayed obligation where you can play these games when you start a program.

It is true that the amendment before us has some support, but when I look at the President's position and when I look at the position before us, if our colleagues had offered the President's number without this delayed obligation and without the $25 billion of spending that doesn't count until next year, I would have voted for it. I would have been a cosponsor of it. But it spends $9 billion more than the President wants. He is pretty adamant about it. It opens up a floodgate for advanced appropriations where we spend it now so that when next year comes we say, we can't possibly hold the line on spending because we have already committed to spend it. Only the Government could get away with that. No person in the real world could possibly get away with that.

The issue before us is, Are you with the man, or are you against the man? The line is not about spending. The line is about holding the line on spending. He asked us to enforce his budget. Now are we going to go on record and say: Thank you, Mr. President, we appreciate your letting us know what you think, but we are going to raise spending $9 billion above what you want whether you like it or not? That is not part of any budget. It is part of a 2-year deal where we increase spending, but it really boils down to that.

I raised a point of order. So the question is, Are there 60 Members of the Senate willing to say to the President: We are going to basically commit ourselves and condone $9 billion of spending you didn't ask for? Or are we going to stand with the President? I urge my colleagues, this is a good day to start fiscal responsibility. This is a good day to start saying no to business as usual in Washington, DC.

I reserve the remainder of my time.

Mr. LOTT. Parliamentary inquiry: Do we have an agreement to get the vote at 3 on this issue?

The PRESIDING OFFICER. The time for the PRESIDING OFFICER. Who yields time?

The Republican leader.

Mr. LOTT. Parliamentary inquiry: Do we have an agreement to get the vote at 3 on this issue?

The PRESIDING OFFICER. Three is correct.

Mr. LOTT. How much time remains on each side?

The PRESIDING OFFICER. Three and a half minutes controlled by the Senator from Florida and this control is controlled by the Senator from Wisconsin.

Mr. LOTT. Mr. President, I yield myself some time out of my leader time to comment on this issue.

First, this situation has been caused by the fact that we don't have a budget resolution. I think that is very unfortunate. Ordinarily, we try to get a budget resolution by April 15 or as soon thereafter as possible. Usually we get done by May. Here we are in June. We are talking about anything about when it might come up. Apparently it never will. That presents us problems in terms of what is the aggregate cap, what are the enforcement mechanisms that we are going to use to try to control spending, keep it within some reasonable amount.

I also recognize without these caps, some orderly disposition to the subcommittees, it is going to be very difficult to hold the line when these various appropriations bills come to the floor.

I don't know when that might be. We need to get going on the appropriations bills. Usually in June we do anywhere between two and five appropriations bills. Then in July we usually do anywhere between, I guess, five and as many as nine. Right now I see none anywhere in sight. We have done a supplemental after a very difficult time. It is not clear when we will get going on another.

I believe the House is going to pass the Defense appropriations bill and then the military construction appropriations bill before the Fourth of July recess. So that will begin the process. That is good.

I think to do this number and this procedure on this bill at this time is a mistake. First, this is the Defense authorization bill. You need some vehicle on which to put this. If not here, then where, somebody might ask. But now that this door is open, we are being advised that we are going to have all kinds of nongermane amendments on the Defense authorization bill. I had been pleading with Senator Daschle to call this issue up. And to his credit, he did. He could have gone to other issues, but he did the right thing and moved to Defense authorization.

Now we will be off on a discussion of taxes and Mexican trucks and perhaps an immigration amendment adding all kinds of things. At some point we will have to get back to Defense authorization itself. That is point No. 1. I believe this is the wrong place to do it.

Secondly, while the mechanisms have improved—there is a firewall in here now, and also some clarification with regard to advanced appropriations—the number, 768, is still a problem. That is about $9 billion above the President's request. Some people maintain—and I am sure it has been maintained—we are going to have to have more than what was asked for in the original budget as we try to move to a conclusion this year. Somebody even said: You are fighting over everything. I think this is $2 billion here, or $3 billion for the supplemental, and $9 billion there. Pretty soon, all those billions add up to real money.

So while I understand what we are trying to accomplish, I am concerned about how we go forward from here. I think the number is still too high. I think this is the wrong bill on which to be putting this. It is similar to the debt ceiling. If we are going to do this, probably we should do it clean. That won't be easy. But a lot of people were shocked that we were able to move the debt ceiling the way we did in a bipartisan vote; 15 or so Democrats voted with most of the Republicans. We didn't do a budget resolution, and I think that is a travesty, and therefore we are going to have to come to some agreement on how we proceed and how we get to a conclusion at the end of this fiscal year.

My urgent plea is that we look for a number that is closer to what the President and his advisers have indicated they could accept.

With that, I yield the floor.
The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin controls 21 seconds.

Mr. FEINGOLD. I yield that remaining time to the Senator from North Dakota.

Mr. CONRAD. Mr. President, we cannot very well have it both ways. You can’t, on the one hand, decry not having budget discipline and a budget, and, on the other hand, oppose those very provisions. That is what this vote is about. It is a budget and it is budget discipline provisions. They are critically needed. I hope colleagues will support it.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I believe my colleague is right on one point. You can’t say I am for fiscal restraint and then say we are going to make the President take $9 billion he doesn’t want.

I think this boils down to a question. Are you with the President or are you against him? The President asked us to hold the line on spending. I am with the President, and therefore I am going to vote against waiving the budget point of order. I urge my colleagues to do the same.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 40, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—59

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Chiles
Clinton
Collins
Conrad
Corryn
Daschle
Dayton
Dodd
Allard
Allen
Bennett

Crapo
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Hatch
Hutto
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Levin
Lieberman

Sessions
Smith (N.C.)
Smith (OK)
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Helms

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 40. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment fails.

Mr. GRAMM. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I worked very hard this afternoon and today for what I thought was the right approach. I am back on board, and I will do everything I can to see that we keep some process and there is some order for the remainder of the year in getting our work done.

I thank you very much.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I ask unanimous consent to modify my request, and that I be recognized following the 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

AMTRAK

Mr. DURBIN. Mr. President, I take the floor to alert my colleagues in the Senate and those who are following this debate at a hearing this afternoon before the Transportation Subcommittee—

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I am glad my colleague, the Senator from West Virginia, is in the Chamber because he attended this hearing. He may not have been present when the questions came. We asked the administrator of Amtrak what was ahead in the days to follow. At this moment in time, Amtrak needs $200 million interim financing to continue operations across America. Mr. Gunn, who testified before Chairman Patty Murray’s Transportation Subcommittee, alerted us this afternoon that unless the interim financing of $200 million is secured by Wednesday of next week, Amtrak will cease all operations—all operations—not scaled back but cease all operations.

Mr. Gunn explained it was necessary in order for them to park the trains, take the precautions necessary to guard them, and to prepare for the ultimate shutdown, which could begin as early as the middle of next week.
We then asked Mr. Rutter, who is the head of the Federal Railroad Administration, what was the status of the Amtrak request for $200 million. He alerted us that they were in the process of evaluating it, and he believed they would be able to get back to Amtrak with the answer by next week.

If you will do the math, you will understand we are talking about 24 to 48 hours separating the decision by the Bush administration on interim financing for Amtrak and the suspension of all Amtrak service across the United States.

I said to Mr. Gunn that I believed we had a moral obligation to notify Governors across the United States with Amtrak service of this looming transportation disaster. Let me say for many of us who believe in Amtrak and national passenger rail service that it is absolutely disgraceful that we have reached this point.

At some point, this administration should have stepped forward to work with Congress to make certain that Amtrak service was not in jeopardy. Now we face the very real possibility of a disastrous transportation situation as early as next week.

We heard this morning from Secretary of Transportation Norm Mineta, a speech he gave to the Chamber of Commerce about his vision of the future of Amtrak. It is a vision which is not new. It is the same vision that Margaret Thatcher had in England when she took a look at British rail service and decided to privatize it, to separate it, and to try to take a different route. It turned out to be a complete failure—not only a failure in the terms of the reliability of service but a failure in terms of safety.

The administration’s proposal on Amtrak is a disaster waiting to happen. It is literally a train wreck when it comes to the future of national passenger rail service.

If you believe, as I do, that our Nation should seek energy security, that we should try to find modes of transportation to reduce pollution and traffic congestion, which is getting progressively worse and we can’t ignore it, then we cannot and should not walk away from Amtrak.

This administration’s position at this point is going to create a crisis in transportation. We need to maintain not only the best highways but also the safest airports in America, but we need national passenger rail service. We need leadership in the White House and at Amtrak with a vision of how to turn that rail service in the 21st century into something that we can point to with pride and effectiveness.

We don’t have that today. Mr. Gunn has been drawn out of retirement and has been heading Amtrak for just a few weeks. This didn’t occur on his watch. He is a competent administrator who wants to make Amtrak work. Instead, what this administration has given him is a doomsday scenario where literally Amtrak service could be terminated across America next week. What it means for the Northeast corridor is probably a dramatic change in terms of the way the families and businesses would have to operate. What it means in my home State of Illinois is that thousands of passengers and thousands of employees will have their future and their transportation in jeopardy. It didn’t have to reach this point, but it has.

I sincerely hope my colleagues will join me in urging the Bush White House not next week but tomorrow—favorably for financing of Amtrak so we can tell the Governors across America that this emergency is not going to happen. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. Collins pertaining to the introduction of S. 2662 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. (Mr. JOHNSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I may proceed as in morning business for not to exceed 6 minutes.

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not, of course, but I think there was a unanimous consent agreement previously that had me following the Senator from Maine with 10 minutes. If I might inquire about the timing here.

Is the Senator from Michigan going to speak after the Senator from Virginia?

Mr. WARNER. Mr. President, I am a cosponsor with the Senator from Maine on this legislation. I can reduce my time to 3 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Virginia be given 6 minutes, if the Senator wishes to speak after the Senator Dorgan, and then Senator Dorgan be recognized to proceed as in morning business.

Mr. DORGAN. Yes, I think by previous unanimous consent.

Mr. LEVIN. For 10 minutes, as in morning business.

Mr. DORGAN. I certainly would not object to the Senator from Virginia being recognized if I am recognized as previously agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank my good friend for his usual and customary senatorial courtesy.

The PRESIDING OFFICER. (Mr. WARNER pertaining to the introduction of S. 2662 are printed in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the two leaders are going to confer in a few minutes. How much longer is the order in effect to have morning business?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. REID. From this point?

The PRESIDING OFFICER. Yes.

Mr. REID. That should be ample time. The two leaders should be back by then. The two leaders should be back by then. The two leaders should be back by then. The two leaders should be back by then.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I announce my colleagues and I will have a unanimous consent that I follow the Senator from North Dakota in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOGRAN. Mr. President, my colleague from Illinois, Senator DURBIN, a moment ago spoke of the dilemma now faced by Amtrak, the company that provides rail passenger service.

The Secretary of Transportation earlier today provided a glimpse into his and the administration’s view of what to do about Amtrak. It is clearly devastating, if you believe that we ought to have rail passenger service.

I confess, I like trains. I grew up in a small town where a train called the Galloping Goose used to come through. We gathered to watch the train come through our little town of trains. This isn’t about being nostalgic or liking trains. It is about whether you think our country should have rail passenger service. The testimony this morning by Mr. Gunn was that by mid next week, unless the financing is made available, Amtrak will shut down. By mid next week, we will have no rail passenger service because it will shut down, unless the Department of Transportation and the other relevant agencies get together on the financing package needed to keep the system working.

It is important that we have rail passenger service. Aside from the urgent circumstances that face us next week, the other question is this: What will the long-term plan be for an Amtrak rail passenger system that works?

The Secretary of Transportation said today that this is his plan: Let’s take the Northeast corridor and cut it off and sort of semiprivatize it and sell it—I am not quite sure to whom—and then let the private sector operate it. This isn’t about being nostalgic or liking trains. It is about whether you think our country should have rail passenger service. The testimony this morning by Mr. Gunn was that by mid next week, unless the financing is made available, Amtrak will shut down. By mid next week, we will have no rail passenger service because it will shut down, unless the Department of Transportation and the other relevant agencies get together on the financing package needed to keep the system working.

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The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I announce my colleagues and I will have a unanimous consent that I follow the Senator from North Dakota in morning business.
forced to land. They had to find an airport and land and stop that airplane. But Amtrak kept moving across the country, hauling people back and forth across the country. Rail service is an important part of this country’s transportation system, and that simply cannot be forgotten.

To come up with a plan that says, by the way, what we will do is cut off the Northeast corridor, which is the most lucrative part of the system, and separate it from the rest of the country, is a way of saying, let’s kill Amtrak in most of America.

Talk about a thoughtless public policy proposal. This is it.

This Congress has some work to do. This administration needs to address next week. Mr. Gunn says that Amtrak is going to shut down. The President of Amtrak says he is going to shut down midweek unless the Department of Transportation and others get their act together and provide the interim financing necessary. They have an application dubiously.

One of my colleagues asked the people when they will act on that application. Answer: Maybe next week.

It ought to be now. This is not exactly a surprise. This problem with Amtrak has been lingering for a long time, and this Congress seems incapable, unwilling, or unable to make decisions that will put this rail passenger system on a sound financial footing. Some of my colleagues believe we should kill Amtrak; let it die. What they forget is that we subsidize every other form of transportation. You name it, we subsidize it.

They say: But we don’t want to have a rail passenger service that is subsidized. Everyone has the right to their opinion. But I think this country is well served, strengthened, and we are improved by having a national system of rail passenger service. No, it does not go everywhere. It does not connect every city to every other city. But it is a national system that connects the Northeast corridor to routes throughout our country in a way that is advantageous to millions of Americans.

This Congress and this administration have to wake up, and they have to wake up now. If we don’t, and if they don’t, we could find mid next week a country in which all rail passenger service is gone. If we don’t, and if they don’t, we could find mid next week in which rail passenger service is gone. If we don’t, and if they don’t, we cannot afford it. Then we should set a 20 percent beneficiary copay. I would rather see us do that. Then we should set a catastrophic cap at $2,000 a year; and that is not the case. Those numbers are mere-ly suggestions. It could be that the deductible in one part of my state is $250, and $750 in some other.

I want to say on the floor of the Senate that you have these pharmaceutical companies pouring in all this money at the $30 million fundraising extravaganza last night—$250,000 a crack, or whatever, that I am reading about. Then you have some of the people saying we are going to basically write something that suits their interest. This is what we are dealing with.

I will keep pushing hard. I know you have to get 60 votes, and I know some people are going to be reluctant about this because we are going to have to take on the prerogatives of drug companies. But I think we ought to do the following: First of all, for low-income people, we ought to say, you are not going to pay anything, because they cannot afford it. Then we should set a 20 percent beneficiary copay. I would rather see us do that. Then we should set a catastrophic cap at $2,000 a year; and that is not the case. Those numbers are mere-ly suggestions. It could be that the deductible in one part of my state is $250, and $750 in some other.

How is it affordable? In two ways. First: Prescription drug reimportation from Canada, with strict FDA safety guidelines. There is no reason that Minnesotans, and people all over the United States, should not be able to re-import prescription drugs that were made in the U.S. back to the U.S. Pharmacists could do it, and families could do it. It is not complicated. We deal with a lot of complicated issues. This is not one of them. It is very simply a question to this administration that has been sitting on its hands for a long time on this issue. It ought to stop. It ought to take action. And this Congress ought to take action for the long term. The question is this: Do you believe in rail passenger service or not? Do you believe this country is strengthened by having a national system of rail passenger service? If you believe it is not and you don’t like rail passenger service and you want to kill Amtrak, just go ahead and do it, if you have the votes.

But what is happening is inaction, by both the administration and inaction by Congress, which is slowly but surely strangling the life out of this system called Amtrak. It makes no sense to me. Let’s make a decision.

I count myself on the “aye” side. I say aye when you call the roll to ask do we want to support Amtrak; do we want to have a national rail passenger system in our country? The answer is clearly yes. I hope my colleagues will agree. I hope we can all agree to stop all of the foot dragging going on on this important question.

I yield the floor.

Mr. WELLSTONE. Mr. President, there was an interesting piece in the Washington Post this morning, a senior aide to Republicans on the House side saying we want to—something to the effect of—write a prescription drug plan that basically is what the pharmaceutical industry wants. I look at the House bill, and I report to the Senate that is exactly what we have: A bill that is made for the industry, by the industry. They are talking about a discount comparable to going to the movie and you get a dollar or two off the ticket, but it has nothing to do with whether or not we will have prescription drugs that will be affordable.

The House Republicans have said low-income people earning roughly under $11,000 are not going to have to pay anything. But when you look at the fine print, that’s not true. If you have burial expenses worth $1,500 or more, if you have a car that is worth more than $4,500, then all of a sudden you might not be eligible for the protections for the low-income. That is stingy.

Then the thing that people are worried about is the catastrophic expenses. We must have a prescription drug plan that really responds to what we are hearing from all of our constituents: “Senator you must keep the premiums low; you have to keep the deductibles and the copays affordable, and you have to cover catastrophic expenses”—that is what people are terrified of, big expenses they can’t afford.

What this Republican plan says is: We will provide a little coverage, up to $2,000. But between $2,000 and $3,800 we won’t cover anything. That is nonsensical. It certainly is not a step forward for Minnesotans; it is not here yet.

I also want to mention to colleagues that the Republicans basically don’t want to have a plan built into Medicare. Now, I say to the Presiding Officer, this Senator from South Dakota, you can appreciate this with a smile. The Republicans don’t want to have anything built into Medicare because they are scared that it might put restrictions on drug companies’ price gouging. That is what Republicans are scared of. As a result, they say: We are going to farm it out to Medicare HMOs and to private insurance plans. But the private insurance plans are saying: We are not going to do this because the only people who will buy the prescription drug only plans are the ones who need it, and we need some people in the plan who don’t need it; otherwise, we cannot make any money on it; it won’t work.

This is what they say the monthly premiums will be $35 and the deductibles will be $250. It turns out that this is not the case. Those numbers are merely suggestions. It could be that the deductible in one part of my state is $250, and $750 in another part of Minnesota, and $750 in some other.

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Second: and the Chair is interested in this as well—there is no reason the Federal Government’s Department of Health and Human Services cannot represent senior citizens to become a bargaining agent and say: We represent 40 million Americans, and we want the best bargain and the commitment from the industry to reduce the prices. Give us the best buy. Charge us what you charge other countries, charge us what you charge veterans, charge us what you charge Medicaid. We can get huge reductions in costs and huge savings.

Mr. President, I have been talking about a book and Tom Wicker wrote it—it is fictional, but based on the life of Senator Estes Kefauver and the way the pharmaceutical industry did him in. The companies have become too greedy, arrogant, and people in this country have had it, and it is time for us to make it crystal clear that this Capitol and this political process belongs to the people of South Dakota and Minnesota—not these pharmaceutical companies.

The House plan is not a great step forward. It is a great leap backward. We are going to have a big debate on the floor in July. I cannot wait for it. I think a lot of these positions we take are going to be real clear in terms of whom exactly do we represent, the pharmaceutical industry or the people in our States.

I thank the Chair. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARRIAGE TAX PENALTY

Mrs. HUTCHISON. Mr. President, I want to talk about an amendment I am intending to propose to the armed services bill, although I understand there may be an agreement that everyone will oppose amendments that are not considered germane.

I want to talk about the amendment because I think it is very important. We now have the House making permanent the marriage tax penalty relief. We passed a marriage tax penalty relief last year in our Tax Relief Act, and it was signed by the President. It would begin the process of giving marriage tax penalty relief to the 40 million couples in our country who now suffer from a marriage penalty. In fact, it is 21 million couples across the country—over 40 million people—who are taxed simply because they are married.

The Treasury Department estimates that 48 percent of married couples pay this additional tax. According to a study by the National Bureau of Economic Research, the average penalty paid is $1,400. Fortunately, last year we took a step in the right direction. We are in the process of a repeal of the marriage tax penalty, with a full repeal to occur in 2009. It does this by equalizing the size of the standard deduction. So if you are single and you have the standard deduction and you get married, that will just be double rather than about two-thirds of the single.

We also increase the width of the 15-percent bracket, so that if two people in the 15-percent bracket get married or if two people in the 28-percent bracket get married, the 15-percent bracket will be doubled, so that you will at least have an equalization in the first tax bracket. Unfortunately, that will sunset in 2011.

Last week, the House passed a permanent repeal of the marriage tax penalty. Now it is the Senate’s turn. Senator BROWNBACK, Senator GRAMM, and I would like to make the marriage tax penalty relief permanent, just so that married couples will know what to expect not only from now until 2009 or 2011 but forever to tell them this is kind of penalty, with the standard deduction—at least in the 15-percent bracket.

Now I want to talk about how this affects military families. There are more military families than military personnel who are married. That represents more than half of the Armed Forces. Of these 79,000 are married to another member of the military. So these 40,000 “military couples” represent almost 6 percent of our military.

Consider the effect of the marriage tax penalty on two people who risk their lives every day to protect us. I will show this chart because I think it is very important. A lance corporal and a private first class in the Marine Corps will pay $218 more in taxes if they marry today. An important provision of the authorization bill we are debating is military pay raises. The same lance corporal and private first class received a 4-percent pay raise, according to the authorization bill we are debating today. But the marriage penalty would take back 16 percent of that increase. So of the $218, 16 percent is going to go in marriage penalty taxes.

If a technical sergeant and a master sergeant in the Air Force get married, they will pay a penalty of $604. That eats up 17 percent of the pay raise we are debating today. Two Army warrant officers would pay $852 more to Uncle Sam, or 18 percent of their pay raise. Two Navy line officers who marry would pay more than $1,500 in additional taxes annually, giving up 34 percent of their pay raise.

We are trying to make life better for those in our military. To give them a pay raise with this hand and on the other hand penalize 79,000 of the people who are already sacrificing to be married to someone else in the military, possibly having to be in a separate part of the world from that spouse, to ask them additional penalty that would take away as much as 34 percent of the pay raise we are giving them to make their lives better because they are out there in the field protecting our freedom, which does not make sense to me.

That is why I had hoped I would be able to offer this amendment. However, it is my understanding there are now talk about taking away this nonpermanent amendment in this bill. I do not disagree that we want to pass the armed services bill, that we want to make sure the bill goes through. I certainly applaud that. I do, however, think that eliminating the marriage tax penalty would be a huge step for our military, particularly since we are giving them the pay raises with this bill that we hope will make life better for them.

I know there are a lot of negotiations ongoing. I hope at some point we will be able to eliminate the marriage tax penalty not only for the 40 million people who are now paying, but for our military personnel especially. We are trying to give them this better quality of life. To give them a pay raise with this hand and on the other hand penalize them to support and appreciate the job they are doing for our country.

I would like to offer this amendment. I think I am going to be kept from doing that, but I want an up-or-down vote on making the marriage tax penalty permanent so that people will not have to wonder if the year 2011 is going to give them another big marriage tax penalty.

We have spoken in Congress; the President has signed the tax relief bill. It is essential we go forward and make these tax cuts permanent so people can make plans. Whether it is the death tax, whether it is the bracket tax cuts, whether it is the adoption tax credit, whether it is marriage tax penalty relief—we had a balanced package of tax relief for all the people who pay taxes in our country.

At a time such as this, with our economy teetering—and certainly if anyone is watching the stock market and corporations and the whole skittishness of our economy, they should see that we need some stability—we need the ability to free up consumer spending by taking the money out of the Government coffers, where hard-working people are putting it, and let them keep more of the money they earn in their pocketbooks.

I hope very much I can offer this amendment—if not on this bill, certainly on a bill we will be able to pass this year. There is no reason not to make the tax cuts we have already made permanent so people know how much they are going to have to pay the Government from their hard-earned dollars. So many people are losing their jobs; so many people are having a hard time making ends meet today. I certainly want to make sure our armed services bill passes. I do not want to load it with extraneous amendments. I do not think this is extraneous. I think it is essential that we give them what they can keep is certainly something we should do for our military, but to take away 34 percent of the pay raise we are
giving them in a marriage tax penalty does not make sense to me.

I certainly hope I will be able to offer this at the appropriate time. I want to make sure we are doing everything we can for the Armed Forces of our country. I hope the distinguished majority leader will allow making the marriage tax penalty bill a priority for this session of Congress.

I thank the Chair. I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

Mr. DASCHLE. Mr. President, over the course of the last hour or so, I have had a number of conversations with the distinguished majority leader and the chairman and ranking member of the Armed Services Committee. We have been discussing how we might proceed on the Defense authorization bill.

I know there are Senators on both sides of the aisle who have amendments they would like to have considered, and they are certainly within their rights to offer these amendments.

My concern is that if we find ourselves in debates on unrelated issues for an extended period of time, there is the real danger that we will not finish our work prior to the time we leave next week. I have already indicated publicly and privately to anyone who is interested in the schedule that we must finish this bill before we leave. That is an absolute necessity. So I do not want any Senator to complain about any misunderstanding they may have, I want to be as clear and unequivocal about that as I can; we will finish this bill before we leave.

As we have discussed how we might ensure that happens, of course one option would be to file cloture. Unfortunately, there are defense-related amendments that may be relevant and may be related to the Defense bill but not technically germane.

I have consulted with the Republican leader, and we have concluded, with the support of the chairman and ranking member—and I thank both of them for their willingness to support this effort—we have concluded that we will move to table or make a point of order against any amendment which is not defense related from here on out in this debate. We do it regretfully because we oftentimes are supportive of some of these amendments on both sides.

I know an amendment was going to be offered on marriage tax penalty, and I know some of my Republican colleagues and perhaps Democratic colleagues would be interested in the amendment. There are amendments on this side that I will move to table that I would otherwise support.

We have come to the conclusion that the only way our work is by taking this action. So I am announcing at this point that from here on out, all amendments that are not related to the Defense bill are amendments that either Senator LOTT or I or our colleagues on the Armed Services Committee, Senators LEVIN and WARNER, will move to table or will file a point of order against.

I want to notify all of our Senators that will restrict significantly the opportunities they have to offer additional amendments, but we intend to follow through, and we hope that sends a clear message. We want to complete our work. While we respect Senators' rights to offer amendments, we need to get this legislation done.

I yield the floor.

The PRESIDING OFFICER. The Republican leader, Mr. LOTT. Mr. President, I concur with this agreement, and I will support it. The leadership on both sides of the aisle and the managers of the legislation on both sides of the aisle will support this effort.

There is no more important issue for us to deal with right now than to pass the Defense authorization legislation that is necessary for our military men and women to do their job, including the equipment they need, the pay they need, and the quality of life they need, both here and when they are abroad. So we need this Defense authorization bill.

We have already passed the supplemental appropriations to pay for some of the costs of the war against terror, particularly with regard to our efforts in Afghanistan but other places also. Now this will do the Defense authorization for this fiscal year.

These bills are never easy. In fact, they are always hard. Year after year, we need to consider among the managers of the legislation a lot quicker. There are culprits among them, but in this case it is the right thing to do and I certainly encourage and recommend them for being willing to take that stand.

By the way, this is good precedent. We might want to consider managers doing this on other bills when they are appropriate. We might want to consider non-germane amendments to the underlying bills. If the manager will stand up on both sides of the aisle and say we are going to table this or we are going to make a point of order because it does not relate to this very important issue we are considering, we can move our legislation a lot quicker. There are culprits on both sides, and sometimes I am one of them, but in this case it is the right thing to do and maybe it will set a pattern for us for the rest of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I do not wish to precede my chairman, but I want to make sure I say this while both leaders are on the floor. The distinguished majority leader talked in terms of relevancy; the minority leader talked about this and then came to us and suggested this was the right thing to do and I certainly encourage and recommend them for being willing to take that stand.

I support this effort. I think it is the right thing. I thank Senator WARNER for going to Senator LEVIN. They talked about this and then came to us and suggested this was the right thing to do and I certainly encourage and recommend them for being willing to take that stand.

By the way, this is good precedent. We might want to consider managers doing this on other bills when they are appropriate. We might want to consider non-germane amendments to the underlying bills. If the manager will stand up on both sides of the aisle and say we are going to table this or we are going to make a point of order because it does not relate to this very important issue we are considering, we can move our legislation a lot quicker. There are culprits on both sides, and sometimes I am one of them, but in this case it is the right thing to do and maybe it will set a pattern for us for the rest of the year.

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The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I do not wish to precede my chairman, but I want to make sure I say this while both leaders are on the floor. The distinguished majority leader talked in terms of relevancy; the minority leader spoke in terms of germaneness. My understanding is that the standard is relevancy to be decided by the chairman and the ranking minority leader, and we will exercise that fairly but very firmly. We are committed. When I approached the chairman with this proposition, I said I will move to table on our side, he will move to table on his side or attack points of order, as the case may be.

The distinguished Republican whip participated in the conversations, and I judge that what I am saying is consistent with all who are listening at this time.

Mr. NICKLES. Absolutely.

Mr. WARNER. I thank the leadership. This goes back to the days when
I was privileged to be in the Senate with Senator Stennis, who will always be the person who started me on this course of action: that is the way he worked. That is the way John Tower, Barry Goldwater, Scoop Jackson, and those who preceded us worked when it came to the issues of national defense. They managed those bills with great skill, and less dependence, of course, on cloture. I hope this will be the direction in which we will move.

Mr. LOTT. Will the Senator yield for two points?

Mr. WARNER. Yes.

Mr. LOTT. I think Senator DASCHLE was very careful to say this would not apply to the Defense authorization relevant amendments. There are some that could be offered that they might prefer not to be offered, but they would relate to military hospitals, for instance, as opposed to germane ones, which would clearly be eliminated by a cloture vote. Several of the amendments that have been pending or are being considered, or suggested would be offered, clearly were not relevant or germane.

The other thing is, I really was impressed when the Senator referred to a fellow Mississippian, John Stennis, whom I had the honor of succeeding.

The PRESIDING OFFICER. The Senator from Virginia made his remarks. The Senator from Virginia made his remarks.

Mr. LEVIN. Mr. President, first, I thank our leaders. It is a very difficult step, but it is one that requires no agreement between us. The other thing is, I really was impressed when the Senator referred to a fellow Mississippian, John Stennis, whom I had the honor of succeeding.

Mr. DASCHLE. Mr. President, I thank my colleagues for their comments and their support for this agreement. The Senator from Virginia made a constructive suggestion that the two of them be the determinants of relevance, and I think that is a very appropriate way to proceed. We will have our managers make that decision, and I will stand behind the decision our managers make on these amendments. They managed those bills with great skill, and less dependence, of course, on cloture. I hope this will be the direction in which we will move.

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women have little or no understanding of the laws or restrictions in the host country and may have significant language and cultural barriers as well.

In this country, we take for granted the safety of our health care services. When we visit a doctor or a clinic, we assume that all safety and health standards are adhered to. Unfortunately, this is not the case in many countries.

From 1995 until 2000, the previous administration and former Secretary of Defense Cohen supported this amendment. They argued it was an important protection for military personnel and dependents. They did not assume there would be any difficulty carrying out this requirement. They were confident that the Defense Department would be able to determine the cost of these services as well as ensure the availability of providers.

The Department of Defense has been on record in the past in support of this amendment by stating that it was unfair for female service members serving in overseas location to be denied their constitutional right to the full range of reproductive health care. Despite the support of the previous administration, opponents argued that it was allowing women to get privately funded abortions in overseas military facilities was somehow beyond the abilities of the Department.

Opponents have argued that there is no way to determine the costs of these services. The fact that private hospitals must determine per-unit costs of per-procedure costs, every single day. Opponents also argued that the military might have to contract for these services and assume liability for these contractors. This is no different from what the Department does for all military personnel. If a neurosurgeon or highly trained specialist is required to meet the needs of our military personnel, the Department can and does contract for services, of course insures the quality of these services by assuming the liability.

I remind my colleagues that prior to 1988, the Department of Defense did not allow privately funded abortions at overseas military facilities. Clearly, it can be done. I should also point out that it must be done today in certain circumstances.

Under current law, the Department allows for privately funded abortions in the case of rape or incest. However, I also may pay for abortions in case of life endangerment.

For our opponents to argue that the Department cannot handle or does not want to be responsible for providing privately funded abortions at overseas military facilities is to argue that the Department cannot protect military personnel and dependents who have been raped, who are a victim of incest, or whose life is endangered.

If this is what we are saying to the estimated 100,000 women who live on military bases overseas?

Regardless of one’s view on abortion, it is simply wrong to place women at risk. Ensuring that women have access to safe, legal, and timely abortion related services is an important health guarantee. It is not a political statement. It is essential that women have access to a full range of reproductive health services.

This amendment has been supported by: the American College of Obstetricians and Gynecologists, the American Medical Women’s Association, Physicians for Reproductive Choice and Reproductive Rights, Planned Parenthood Federation of America, National Family Planning and Reproductive Health Association, and the National Partnership for Women and Families. These organizations support this amendment because of its importance to women.

I would also like to read a letter I recently received from retired General Claudia Kennedy, the Army’s first woman three-star general. Before she retired in June 2000, she was the highest ranking female officer of her time. She writes:

Dear Senators Snowe and Murray: I am writing to express my support of your efforts to amend the National Defense Authorization Act for Fiscal Year 2003 to ensure that servicewomen and military dependents stationed overseas have the ability to obtain abortion services at military or other health care facilities using their own, private funds.

The importance of access to abortions for military women has not been discussed in public media very often, since many of the issues that related to non-military women also are a part of the social and medical environment of military women. However, in one particular instance, it becomes imperative that our soldiers have access to safe, confidential abortion services at U.S. military hospitals overseas. Let me just relate an experience of one of my soldiers about 15 years ago.

I was a battalion commander of an intelligence battalion in Augsburg, Germany from 1986 until 1988. One day a non commissioned officer (NCO), who was one of the battalion’s senior women, came into my office and asked for a day off later in the week and to have the same day off for a young soldier in the battalion. She said the soldier was pregnant and wanted an abortion but would not have an abortion at the U.S. Army medical facility in Augsburg. She had gotten information about a German clinic in another city, and they were going there for the procedure. The soldier did not have enough money to return to the USA for the abortion. Further, she did not want to have to tell her predication to her chain of command in order to get the time and other assistance to go to the States. I told the NCO to go with her and to let me know when they had returned.

Later they told me the experience had been both mortifying and painful... no pain killer of any sort was administered for the procedure; the modesty of this soldier and the other women at the clinic had been violated (due to different cultural expectations about nudity); and neither she nor the soldier understood German, and the instructions were given in almost unintelligible English. I believe that they were able to get some follow up care for the soldier at the U.S. Army medical facility. But it was a searing experience for all of us—that in a very vulnerable time, this American who was serving her country overseas could not count on the support she thought she had when she needed it.

During that same time frame, and in the early 1990’s when I was a brigade commander of an intelligence brigade in Hawaii, I noticed that there were Army doctors who displayed posters which were extremely disapproving of abortion... creating a climate of opposition for anyone who might want to discuss what is a legal option. Since the doctors are officers and far out-rank enlisted soldiers, and since the soldiers have no way to question this which doesn’t come to call, it was only with good luck that a young soldier might be seen by someone who would treat her decision with the respect she deserved.

What makes the situation of a soldier different from that of a civilian woman? She is subject to the orders of the officers appointed over her. Every soldier belongs to the U.S. Army, and she must have her seniors’ permission to leave her place of duty. She makes very low pay and so relies on the help of friends and family to pay for her travel for medical care which is not given by the Army.

Of all the reasons we lose soldiers we lose soldiers from their place of duty (for training, injuries, temporary duty elsewhere, and other reasons), pregnancy accounts for only 0.6% of all reasons. Yet, this feature of women (that they sometimes become pregnant) is offered cited as an attribute that makes them less desirable as soldiers. While I believe the difficult decision to end a pregnancy should be completely individual, the institution cannot have it both ways: to deny women safe and confidential access to abortion worldwide, in countries which there is no 100% effective birth control, and at the same time to complain that women are pregnant.

I urge you to support the efforts to remove this irrational and harmful barrier to the health and well-being of our soldiers serving America.

Madam President, I could not have said it better myself. Our female military personnel deserve better than what they are getting. As we send out troops into the war on terrorism to protect our freedoms, we should ensure that female military personnel are not asked to sacrifice their rights and protections as well.

I recognize the urgency in passing the fiscal year 2003 Defense authorization bill. It provides important support for our military personnel and infrastructure.

I thank the chairman and ranking member of the Senate Armed Services Committee for their efforts to move this legislation.

I stand ready to support whatever measures we need to consider to ensure that our military is ready to respond to this new world threat.

I only ask that female military personnel and their dependents be given the support they deserve when serving in overseas military locations.

I yield the floor at this time.
or against it, come over and tell us how you feel. The majority leader has indicated we will schedule a vote in the morning. We are trying to work that out now with him, but probably around 9:45 in the morning.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. 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. REID. Madam President, I ask unanimous consent that there be 60 minutes for debate tonight with respect to the Murray amendment No. 3927, with the time equally divided and controlled in the usual form; that no amendment be in order to the amendment, prior to a vote in relation to the amendment, that when the Senate resumes consideration of the bill on Friday, June 21, following the opening ceremony, the time until 9:45 be equally divided and controlled in the usual form; that at 9:45 a.m., without further intervening action or debate, the Senate vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Madam President, I reserve the right to object. I just got a call in of somebody who may want to speak. If we can hold this for a minute, I think we can check it out.

Mr. REID. Why don’t we just increase the time to 90 minutes?

Mr. BROWNBACK. I need to check this out, if I can. I will object at this point, but I hope we can get it done quickly.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Madam President, we require an awful lot from our service men and women. All of us urge them to volunteer to serve in the military. Then, we send them all over the world to serve our Nation’s interests. When we ask them to serve in foreign countries, the least we can do is ensure that they receive medical care equal to what they would receive in the United States.

Servicewomen and dependents who are fortunate enough to be stationed in the United States and who make the difficult decision to have an abortion can, at their own expense, get a legal abortion performed by an English speaking doctor in a modern, safe American medical facility.

Military women stationed overseas do not have the same opportunity. They can seek the permission of their commanders to return to the United States to obtain an abortion, or they can seek an abortion in foreign hospitals by foreign doctors, many of whom do not speak English, and who may have different medical standards. These choices are not acceptable.

I can only imagine how difficult it would be for a female officer or enlisted person to have to go to her commander and ask for time off to travel to the United States to get an abortion. This is a very personal and difficult decision even under normal circumstances.

The alternative of seeking an abortion from a host nation doctor, who may or may not be trained to U.S. standards, in a foreign facility, where the staff may not even speak English, is an equally unacceptable alternative. Our servicewomen deserve better.

Out of women to choose. This amendment would restore the ability of our female service members stationed overseas to exercise their constitutional right to choose safe abortion services at no cost to DOD.

The amendment to be offered does not require the Department of Defense to pay for abortions. All expenses would be paid by those who seek the abortion. The abortions would be performed by American military doctors who volunteer to perform abortions.

Military women should be able to depend on the military for quality health care, no matter where we may ask them to serve their country. This amendment gives service women stationed overseas the same range and quality of medical care available in the United States. We owe them at least that much.

I hope soon there will be an unanimous consent agreement entered into that we will allow Senator Murray then to offer her amendment on this subject. I hope tomorrow morning we can expect a vote on this amendment and that the Senate will adopt the amendment.

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. REID. 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. REID. Madam President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, I thank the distinguished leader. Yes, we are having a very important hearing, but I am certainly willing to take a point during the course of that hearing and the time normally allowed for the vote for us to adjourn for, say, 10 minutes, so that all of our members could vote and return to the hearing. I am sure the chairman would agree to that.

Mr. REID. We hope everyone will get here as quickly as possible. That being the case and this having been agreed to, there will be no rollcall votes tonight. The majority leader asked me to make that announcement.

Mr. WARNER. The time under our control will be controlled by the distinguished Senator from Kansas.

Mr. REID. And the time on this side will be controlled by the sponsor of the amendment, Senator MURRAY.

AMENDMENT NO. 3927

Mrs. MURRAY. Madam President, I call up amendment No. 3927 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senate from Washington [Mrs. MURRAY], for herself and Ms. SNOWE, proposes an amendment numbered 3927.
Mrs. MURRAY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore a previous policy regarding restrictions on use of Department of Defense facilities)

On page 154, after line 20, insert the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1991 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “RESTRICTION ON USE OF FUNDS.—”

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Madam President, I ask the Senator from New Jersey how much time he wants.

Mr. CORZINE. Five minutes at the most.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from New Jersey, and then we will go to the other side.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I rise today in support of the Murray-Snowe amendment to the Department of Defense authorization bill.

As the Senate considers this authorization bill of great importance to our military, one that I support, and I think most Members will, it is critical to guarantee U.S. servicewomen and military dependents access to safe and comprehensive reproductive health care services.

Current law prevents women in the military from using their own money to access abortion services at overseas Department of Defense facilities, except in the cases of life endangerment, rape, or incest.

Franckly, I think it is an outrage that women in the military—who make the ultimate commitment to this country—are in turn denied a freedom protected by the Constitution and afforded all women in this country. It is hard for me to imagine.

This ban discriminates against women and their families by restricting their legally protected right to choose how and when they raise their children because they are stationed overseas.

Surely we do not believe that American citizens who risk their lives in service to this country deserve fewer rights than other Americans enjoy?

Because of the ban on access to abortion services at military base hospitals, women are forced to choose between often-inadequate local health care facilities or sometimes expensive and costly travel. In both cases, the current ban has the effect of severely jeopardizing women's health.

Let there be no exaggeration about the scope of the Murray-Snowe amendment. This is not about federal funding of abortion. This amendment would simply allow women to use their own private funds to do what they would have the right to do at home, to access services at overseas U.S. military hospitals.

In addition, it will not force providers, doctors or others, to perform abortion services. All three branches of the military already have conscience clauses that will remain intact.

Finally, this amendment respects the laws of host countries.

I urge my colleagues to support our women in the military by supporting this amendment. Surely, women who serve our country have the same rights as those who are here at home in private life. I thank Senators Murray and Snowe for their leadership on the issue. I think it is extremely important that we respect the right of choice.

The PRESIDING OFFICER (Mr. DAYTON). Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. Mr. President, I rise in opposition to the Murray amendment. I think it is regrettable that we would tie up the DOD authorization bill with the most contentious issues of our day. Yet that is what is regrettably taking place in this legislation.

On February 10, 1996, the National Defense Authorization Act for Fiscal Year 1996 was signed into law by then-President Clinton with a provision to prevent the Department of Defense medical treatment facilities from being used to perform abortions, except where the life of the mother is endangered or in cases of rape or incest. This provision refers to the Clinton administration policy instituted in January 1993 permitting abortions to be performed at military facilities. From 1988 to 1993, the performance of abortions was not permitted at military hospitals except when the life of the mother was in danger. That had been the longstanding policy.

The Murray amendment, regrettably, which would repeal this culture of life provision, attempts to turn taxpayer-funded Department of Defense medical treatment facilities into, unfortunately, abortion clinics. Fortunately, the Senate has refused to let this issue go. In the 1993 Centers for Disease Control study, the Armed Forces Institute of Pathology studied 70 Department of Defense medical facilities. It found that among personnel at 29 of these facilities, doctors and nurses have performed abortions. Indeed, there is a 1993 study which said that in the 6 years preceding the 1993 ban—I am reading directly from a CRS report dated June 5, 2000—military hospitals overseas have performed an average of 30 abortions annually. Last spring, though, when the military medical officials surveyed 44 Army, Navy, and Air Force obstetricians and gynecologists stationed in Europe, they found that all but one doctor adamantly refused to perform the procedure. That one holdout, too, quickly switched positions. No military medical personnel willing to perform abortions has stepped forward in the sprawling Pacific theater either.

We can look at that and say there is no access to the service or we can say that the military personnel are just very uncomfortable and they do not want to do this in the medical facilities that are paid for by taxpayer dollars.

Military facilities around the world operate as outposts of the U.S. Government. These are our facilities. They are the same as military personnel around the world, stationed in many countries with differing ideas, with differing faiths, and with differing views on abortion. They do not want to be, as military personnel, having those abortions performed in these facilities operated and controlled by the U.S. Government. They do not want to perform the abortions themselves either.

This amendment would allow doctors to use U.S. Government military personnel to perform a procedure that many countries and many cultures view very negatively and as wrong. I think we should listen to what some of our doctors are saying and, in the military, what some of them are saying by
their actions. Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources would be used to search for, hire, and transport new personnel simply so abortions could be performed, and this is abortion on demand.

I want to make that clear as well because the current law provides for the use of these facilities for abortions when the life of the mother is endangered, or in cases of rape or incest. That is what we are talking about the issue of abortion on demand.

One argument used by supporters of abortions in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still cannot perform abortions in those countries if they are in a country that has those laws.

Military treatment centers, which are dedicated to healing and nurturing life, dedicated to a culture of life, should not be forced to facilitate the destruction of innocent life when many are deeply affected and believe this is not the sort of thing for which their taxpayer dollars should be used. Enough people are disappointed on some things we spend taxpayer dollars on without going into such a divisive area in our country.

If passed, this amendment will have a tremendously detrimental impact on this DOD authorization bill, probably effectively killing it if this amendment is included. I therefore urge my colleagues to reject this amendment, for the benefit of the DOD authorization bill and the benefit of the taxpayers who do not view this as the right way to use their facilities, paid for at taxpayer expense, turned over as abortion clinics.

It is a very divisive issue and an issue that is difficult for most Members to discuss. It is an issue on which we all have taken a position. All positions are clear on this topic. I hope we do not hold hostage this very important bill that is needed for this country in the time of this war on terrorism. Do not hold it hostage to such a difficult, divisive issue.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I see my colleague from Maine, Senator Snowe, a cosponsor of this amendment, who has worked diligently with me. I ask how much time she needs.

Ms. SNOWE. As much time as I may consume.

Mrs. MURRAY. I yield to the Senator from Maine as much time as she may consume.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I commend Senator Murray for her leadership, once again, on this most important amendment to the Department of Defense authorization. I commend her for her commitment and perseverance on this issue. Ultimately, we will prevail. I hope that will occur on this reauthorization. I am pleased to join my colleague in support of this amendment to repeal the ban on abortions at overseas military hospitals, an amendment whose time has long since come.

Year after year, time after time, debate after debate, we revisit the issue of women’s freedoms by seeking to restrict, limit, and eliminate a woman’s right to choose. Think of Yogi Berra: I have the feeling of déjà vu all over again. To that, I add: The more things change, the more they stay the same. Here we are debating the issue of whether American taxpayers should be forced to facilitate the destruction of innocent life when many are deeply affected and believe this is not the sort of thing for which their taxpayer dollars should be used. Enough people are disappointed on some things we spend taxpayer dollars on without going into such a divisive area in our country. Using taxpayer-funded facilities to allow abortion to take place.

If passed, this amendment will have a tremendously detrimental impact on this DOD authorization bill, probably effectively killing it if this amendment is included. I therefore urge my colleagues to reject this amendment, for the benefit of the DOD authorization bill and the benefit of the taxpayers who do not view this as the right way to use their facilities, paid for at taxpayer expense, turned over as abortion clinics.

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I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I see my colleague from Maine, Senator Snowe, a cosponsor of this amendment, who has worked...
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any patient must determine the cost of that procedure. That includes the time, the supplies, the materials, the overhead, the insurance, anything that is included in the expense of performing that procedure is included in the cost that is paid by private funds. Public funds are not used to finance the performance of abortions in this instance. That is an important distinction to reinforce today. I know it is easy to confuse the debate, to obfuscate the issues when, in fact, what we are talking about is a woman's own private insurance or money in support of that procedure. We are not talking about using Federal funds.

This amendment we are fighting for is to lift the ban on privately funded abortions paid for with a woman's private funds. That is what we need to understand today. That is what this issue is all about. A woman would have the ability to have access to a constitutional right when it comes to her reproductive decisions. She could choose to use her own private funds, her own health insurance, for access to this procedure.

I think when it comes to health care and safety of an American soldier, sailor, airman, marine, or their dependents, whose services should no better friend and ally than the Congress. I would argue that is the case in most situations, but obviously there is a different standard when it comes to the health of a woman and her reproduction.

Timing is everything because for those women who are in the military or were military dependents overseas between 1993 and 1996, they were able to have access to abortion services using their own private funds at a military hospital.

If it is true that timing is everything, all those women who served overseas since 1996 have lost everything when it comes to making that most personal, personal, difficult decision. I repeat that—it is a very difficult decision. It is a very personal decision. It is a decision that should be made between a woman, her doctor, her family. It is a constitutional right. It is a constitutional right that should extend to women in the military overseas, not just within the boundaries of the United States.

I cannot understand how anyone could rationalize that we could somehow discriminate against our women who are serving in the military because they happen to be abroad. I think it is regrettable because it is shortchanging women in the military and the military depends on women serving. We could not have an all-volunteer force without women serving in the military. I think it is regrettable that somehow we have demeaned women, in terms of this very difficult decision that they have to make. There has been example upon example giving to us, by my colleague Senator MURRAY, about the trying circumstances that this prohibition has placed on women who serve in the military abroad. I do not think for one moment anybody should minimize or underestimate the emotional, physical hardship that this ban has imposed, a ban that prohibits a woman from using her own private health insurance, her own private funds to make her own constitutional decisions about her rights to be in the military serving abroad.

The ban on abortions in military hospitals coerce the women who serve our country into making decisions and choices they would not otherwise make. Senator Levin, from Oregon, recalls his days as a Navy doctor stationed in the Philippines, he describes the experiences and hardships that result from this policy. Women have to travel long distances in order to obtain a legal abortion. Travel arrangements were difficult and expensive. In order to take leave, they had to justify taking emergency leave to their commanding officer. Imagine that circumstance. So that everybody knows.

Senators Levin and WARNER have turned to local illegal abortions. In other circumstances, their dignity was offended and often their health was placed at risk, which was certainly reinforced by the letter that was sent to both Senator Levin and me from Lieutenant General Kennedy, who is now retired. She was the highest ranking woman in the military. She talked about the humiliation and the demeaning circumstances in which many women were placed, not to mention putting their health at risk.

I hope we can reconcile the realities of the existing ban by overturning this prohibition in law and granting to women in the military the same constitutional right that is afforded women who live within the boundaries of the United States of America.

I never thought that women should leave their constitutional rights at the proverbial door, but that is what this ban has done. These constitutional rights are not other rights. Women who serve our country should be afforded the same rights that women here in America have.

I think this ban is not consistent with the principles which our Armed Forces are fighting to protect, and which the American people so overwhelmingly support. I hope we move forward, and I hope we would understand that women in the military and their dependents overseas deserve the same rights that women have here in this country. They have and should have the protections of the Constitution, no matter where they live.

I hope the Senate will overturn that ban and will support the amendment offered by Senator MURRAY and myself. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 12 minutes 30 seconds.

Mrs. MURRAY. I thank my colleague from Maine for her excellent statement, and I yield to my colleague from North Carolina such time as he should consume.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I thank Senators Levin and WARNER for their leadership on this important bill. It is an important bill for the country and we need to move forward on it. It is important work they have done. I also thank my colleague from Washington, Senator MURRAY, for her leadership on this amendment. Women who serve our country in the military should have a right to use their own private money to pay for safe, legal medical care that they themselves choose. I wish to express my strong support for Senator MURRAY's amendment. We appreciate very much her leadership on this issue.

I also want to take a minute to talk about the issue of homeland security. In the last couple of weeks, everybody in Washington has been talking a lot about the administration's plan to reorganize a whole range of Government bureaucracies into a new Department of Homeland Security. Now Congress is rushing to complete this massive reshuffling in just the latter of week.

I do not oppose this reorganization effort. In fact, I think it might do some real good in the long run. I applaud the very serious people on both sides of the aisle who are trying to make the plan that can possibly be. But I am troubled that Washington is becoming so caught up with reorganization that we are losing sight of our most urgent priorities. Everybody is asking who will report to whom? Who will be in what building? Who will get the corner office?

We are beginning to convince ourselves that by reshuffling the bureaucracy, we are going to solve the real problem—that Government reorganization will win the war on terrorism.

We cannot allow preoccupation with reorganization to distract us from the clear and present danger from terrorists who are in our midst as we speak. Our most urgent priority is simple: to find the terrorists, infiltrate their cells, and stop them, stop them cold. In order to do that, I think we need to address three critical questions directly related to prosecuting the war on terrorism today.

No. 1. Are we doing enough, everything in our power, to track al-Qaida, Hezbollah, Hamas, and every other terrorist organization within our own borders? To be more specific, are we doing enough to develop and deploy the human intelligence needed to infiltrate these organizations?

No. 2. Does the FBI know foreign intelligence information when they see it? And do they recognize all the uses of that information? For example, if the FBI acquires foreign intelligence information in the course of a criminal investigation, do they see the importance of that information, not just for their criminal prosecution but also in
the ongoing effort to disrupt terrorists in their activities?

No. 3, having recognized the importance of information, is the FBI effectively sharing that information, both within the FBI itself and with other elements of the intelligence community?

No. 1, are we getting the information we need about the terrorists in this country? No. 2, are we recognizing all the information we need? How do we effectively sharing that information among those who need to have it in order to react to it?

I believe the answer to all three of those questions is no. As a member of the Intelligence Committee, I believe these issues are fundamental to our ability to fight terrorism. They must be fixed now. And they do not require reorganization of existing bureaucracy.

There is no question that we should reorganize the Government to meet the challenges of the future. But there is no substitute for the urgent steps we must take now, immediately, to meet the dangers of the present.

I yield the floor. The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I yield 10 minutes to my colleague from Arkansas, Senator HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. HUTCHINSON. Thank you, Mr. President, for the distinguished Senator from Kentucky for leading the opposition to this ill conceived amendment. I thank him for his courage and conviction in this area of human life. I thank him for yielding time.

I rise today in very strong opposition to the amendment that is being put forward by the Senator from Washington. This amendment would allow abortion on demand on military facilities overseas. In fact, it would force the American people—including those millions who are strongly opposed to abortion and who are pro-life—to help pay for abortions. I know the opponents of this amendment argue otherwise. But I think a little thought shows the fallacy in that proposition and that, in fact, it would force those who have very deep conscientious convictions against abortion to help pay for abortion on our military bases.

Abortion is an issue that continues to divide our Nation. The Defense authorization bill is not the place to address that issue. This amendment is an example of what I believe is a deep concern with the use of Federal funds for performing abortions. It has been upheld by the U.S. Supreme Court as constitutional.

I share the view of millions of Americans that abortion is a destruction of human life and that it represents one of the great moral outrages of our day and one of the great moral questions of our generation.

The Hyde amendment ensures that the tax dollars of these citizens who deeply believe abortion is something that is morally objectionable—it ensures that those citizens are not forced to pay for something to which they so object. It ensures that their money is not used for what they consider to be the murder of the unborn.

This is the essence of my objection to the Murray amendment. My colleagues claim that no public funds will be used for these overseas abortions. However, military facilities overseas were built with Federal tax dollars. The medical equipment was paid for by the U.S. Government. The military personnel facilities are paid from the Federal Treasury.

Under the Murray amendment, will a portion of the cost of the construction of the military facility be charged to the woman seeking an abortion or will this funding come from the pockets of the taxpayers, millions of whom believe abortion is a reprehensible practice?

It would be impossible—technically impossible—to accurately calculate the cost of reimbursing DOD for an abortion. It is not feasible with existing information systems and support capabilities to collect billing information relevant to a single abortion within the military health care system. Military infrastructure and overhead costs cannot be allocated on a case-by-case basis. It is clear that the Murray amendment runs counter to both the letter and the spirit of the Hyde amendment.

A military health care professional cannot be forced to perform a procedure, such as abortion, that runs against their moral beliefs. That is a simple, good thing. I think we have had in the U.S. military that physicians who have moral convictions against abortion can’t be forced to do that to which they morally object. In these cases, the military will be forced under the Murray amendment to contract out to civilian physicians.

In 1993, President Clinton issued an Executive order allowing privately funded abortions at military facilities. That is what we are voting on tomorrow. Maintaining the medical professional stationed in Europe and Asia refused to perform an abortion—every single one; all of our military. I think it speaks very highly of them. Every one of these military medical professionals I think is obstructionist. But it is obstructionist to all of the continent of Asia, to a person, refused to perform abortions. Think about that.

Military funding will have to be used to pay a nonmilitary doctor to come into a military hospital to perform an abortion objectionable to most Americans, regardless of how you feel about abortion. It is unconscionable that this body is considering pushing the military into the business of performing abortions.

We are engaged in a global war unlike any in our Nation’s history. The Defense authorization bill should be a vehicle to ensure that our military has the resources it needs to protect the American people. Unfortunately, in this case it is being used to advance a pro-abortion agenda.

This amendment addresses a problem that does not exist. Members can use military air at virtually no cost to travel back to the United States for any medical procedure—any medical procedure.

As the former chair and current ranking member of the Personnel Subcommittee, I have spoken with thousands of our military personnel all over the world. They have concerns about many things—concerns about military pay, about housing, and about vaccines. The conference will weigh—but not once have I heard a complaint about not being able to get an abortion on a military base overseas.

It is the policy of the Department of Defense to follow the laws of nations in which our bases are located. Many nations ban abortion. The Murray amendment would subvert the laws of those countries that host American military personnel. South Korea bans abortions. Saudi Arabia bans abortions. Essentially, the Murray amendment would require Department of Defense personnel to perform crimes in the nations that are hosting our military.

This amendment was defeated in the House of Representatives on May 9 by a vote of 215 to 202. Should this amendment pass the Senate and be added to the Senate Defense authorization bill, it will be a heavy weight on this bill. The conference will not be sharply divided on this issue, as are the American people. This amendment will become the bone of contention in the conference committee, as it has been in previous years and as abortion issues have been in previous years. It will complicate what many of us already believe and anticipate will be a difficult conference. It will complicate this conference on the DOD authorization bill at a critical time in our Nation’s history, when we need to speak with one mind and one voice and when we need to move ahead in unity to fight this war on terrorism. To see the DOD authorization bill bogged down on an emotional and divisive issue, which should not be in this legislation, is a disservice to those men and women who are fighting this war on terrorism around the world.

The Defense authorization bill includes the funding that our military desperately needs to fight the war on terrorism. It includes the pay raise of our troops. It includes funding for important initiatives aimed at improving the quality of life for military families. This bill is not the forum for a fight on abortion.

I regret that the amendment is being offered. It will place the Senate and the
conferences in the position of having to fight this issue out in what will undoubtedly be a protracted, prolonged debate in the conference committee.

Our military medical facilities are designed to save lives, not destroy them. Our military facilities to not mean them into abortion clinics. Please do not place this very heavy burden on the men and women of our military, especially while they are risking their own lives in defense of the American people and international terrorism.

I remind my colleagues, it violates the spirit and the letter of the Hyde amendment. No matter how you simplistically present it, you cannot allocate all of the various costs involved in this procedure to military personnel, to a tax-funded facility with tax-funded personnel, and to equipment purchased by the taxpayers. You simply cannot determine what that individual would have to pay to privately pay for the abortion.

It is really not a problem. It is not something we hear a hue and cry about from men and women in the military. And it violates, in many cases, the host country laws, and we will put our military in a position of violating the current Department of Defense policy, and a right policy, that we should recognize and respect the laws of the countries in which we are being hosted.

Frankly, and finally, it creates a great practical problem in bringing this legislation to finality and getting it to the President's desk and moving on at a critical time, as our Nation continues to fight this war on terrorism.

I ask my colleagues on both sides of the aisle and on both sides of the abortion issue to think long and hard about the wisdom of attaching this amendment to the DoD authorization bill. I thank the Chair. And I thank the Senator from Kansas for yielding this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes 20 seconds remaining.

Mr. BROWNBACK. Mr. President, I will be brief and allow the Senator from Washington to speak.

Some comments have been made. I certainly appreciate the excellent comments my colleague from Arkansas made. I think he very succinctly put forward that this is not a major problem. It could create problems in host countries.

We do not need to turn our military facilities into abortion clinics and use Federal funds to pay for something a lot of taxpayers believe is deeply wrong, the killing of life.

There is one argument that has been raised and to address directly, and that is that we are denying women their constitutional right if they can't use a military facility to have abortion on demand.

Remember, currently, women are allowed to have an abortion in cases involving the life of the mother, rape, or incest. That is allowed at military facilities today. So we are strictly talking about the category of abortion on demand at military facilities.

It has been raised that we are denying women a constitutional right. That is not the case. What we are talking about here is the use of taxpayer-funded military facilities. If that is denying women their constitutional right to an abortion, that is not the case. I would presume you would have to say we are denying that here because we do not provide abortions in federally funded facilities in the United States. We do not do that. That would be contrary to the Hyde amendment.

This is not denying women a constitutional right. They can have an abortion in other places. The Senator from Arkansas was commenting about how that could occur. This is strictly about the use of Government-paid facilities which we do not allow anywhere else in the world because of the Hyde amendment.

The Hyde amendment says you cannot use federally funded facilities, Federal dollars to pay for abortions. It is well-established that we established the United States. We would now cut an exception to that if we allowed abortions in military facilities. The Clinton administration had done that for a period of time, but that has not been the law of this country since 1996.

So we are not denying women a constitutional right. This is about the use of federally funded facilities, which we do not allow anywhere, for the conducting of an abortion. I think that is a point we should make very clear in this debate.

With that, I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues who have cosponsored this amendment with me—Senator SNOWE, Senator MIKULSKI, and Senator BOXER—and remind my colleagues that what we are simply asking for is that the women who serve us in military facilities, where we have health care equipment, where we have health and their health care at risk. They have to tell their officer why they want to use this facility, and that the Senator from Arkansas cited.

Mrs. MURRAY. Mr. President, I am willing to yield back my time if he is ready to end this debate as well.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to respond to the comments of the Senator from Washington when she talks about the demeaning situation that women in our military have to go through and operationally discuss what her amendment would do.

She is saying they have to go to a superior officer, frequently a male, to ask for permission. If the Murray amendment were to pass, we currently do not have any military doctors—according to the last survey we received from CRS—who are willing to conduct abortions. If that amendment were to pass, the Senator from Arkansas cited and the Senator from Kansas cited.

The Senator from Washington is saying, OK, we are going to use U.S. military bases as an abortion clinic. The abortion is going to be performed there. Somebody is going to have to recruit a medical doctor who is not on the military base because you cannot force the military doctors to perform the abortion. Somebody is going to have to get the approval for that to take place. Somebody is going to have to secure the medical facility there at the military base for use in performing the abortion.

The notion that women have given up all their rights to privacy or their dependents have given up all their rights to privacy without having the Murray amendment—I would say that it is exactly the opposite, that it is more likely if they do have the Murray amendment. They are going to have to secure the medical facility in that host country for them to then conduct the abortion there on the base. Do you think there will not be
significant military personnel who will know all this is taking place, that there will not be more people who will know this is taking place rather than under the current situation?

Again, this is strictly the issue of abortion. It is not about the life of the mother, rape or incest.

So I would submit that the argument that a woman has given up her right to privacy by virtue of not having the Murray amendment and the use of a military facility—it is the exact opposite. If we go this way, there are going to be a lot more people who will be knowledgeable that a woman associated with the military is having an abortion. So this is not a legitimate argument on the use of a military facility.

Mr. President, I hope we do not tie the Department of Defense authorization bill up with abortion politics by inserting this language. I think if we do, it is going to ensure that there is going to be protracted negotiations with the House, which disagrees adamantly with this language. And it would ensure protracted discussions with the President, the administration, which adamantly disagrees with the provisions on military bases. And it would really, I think, upset a number of people in the military who do not agree with abortion. They are there to protect and to honor life, not to take it.

To add this language is the wrong way for us to go, the wrong way for us to direct our military personnel to proceed. And it is going to protract the negotiations, if not even kill the overall Department of Defense authorization bill.

So I urge my colleagues, wherever they are on the issue of abortion, to simply look at the issue of providing for the common defense at a time we need to be united in that, and not insert something like this that is divisive in this country. I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On behalf of Senator Murray, I yield back her time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DORGAN. Mr. President, yesterday, the Senate approved a Committee amendment that authorizes military retirees to concurrently receive both military retired pay and veterans disability compensation. I am glad it did so. This is a matter of fundamental fairness.

This is an important issue for veterans. About 530,000 military retirees either are or could eventually be impacted by this issue.

Current law requires that military retired pay be reduced dollar-for-dollar by the amount of any VA disability compensation received. There is no reasonable excuse for this offset. By faithfully fulfilling their required length of service, veterans earned their retired pay. That retired pay is for service performed in the past. It should not be reduced because a veteran is awarded disability compensation by the Department of Veterans Affairs because he or she was wounded on active duty or otherwise lost earning power due to service-connected disabilities.

It is absurd that today, in Afghanistan and elsewhere, military personnel risk losing their retirement pay if they are wounded or seriously injured. A military facility—its Essential grooming, its family separations, personal sacrifices, and all too often being placed in harm’s way. Denying a military retiree an earned benefit, his or her military retirement pay, is unconscionable.

Last year, the Senate approved legislation authorizing concurrent receipt. However, the final version of the Fiscal Year 2002 National Defense Authorization Act that came out of conference authorized concurrent receipt only if the President certifies that inflation would provide offsetting budgetary cuts. Unfortunately, the Administration opposes concurrent receipt, so this essentially doomed concurrent receipt in 2002.

This year, the Committee bill for fiscal year 2003 that we are considering phases in concurrent receipt over five years for retirees with disabilities rated at 60 percent or more. The Committee amendment that we passed extends that benefit to all disabled veterans.

The Administration has issued a statement threatening a presidential veto of the Defense Authorization Bill if it authorizes concurrent receipt of both retired pay and disability compensation. The Senate should not be swayed by that threat.

Taking care of our veterans should be considered a part of our national security. That is why I am concerned that, while the President increased military spending in fiscal year 2003 by about $48 billion, his budget increases spending on veterans health care by less than $2 billion, which is far less than needed.

This country made a promise to the men and women who risking their lives in defense of this nation. They were promised that their needs would be met by a grateful nation. Authorizing concurrent receipt will be a big step toward fulfilling that promise.

More than 100 years ago, George Washington warned that “The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of earlier wars were treated and appreciated by our nation.” He could not have been more right. That is why we need to make sure that the Fiscal Year 2003 Defense Authorization Act authorizes current receipt.

Mr. President, In 1959, the City of Mesa, AZ wrote the Navy asking for an aircraft to display at one of its parks. In 1965, the aircraft, a Navy Panther, was donated for static display to Mesa Parks and Recreation from the Naval Air Station at Litchfield Park. The aircraft was used as a centerpiece for a children’s playground.

In 1994, the City of Mesa auctioned off the relic as surplus equipment to Richard Oldham for $100. The City of Mesa sold the aircraft to Mr. Oldham in an open bidding process, and he has temporarily lodged it at the USS Hornet Museum in California. He intends to have it transferred to the Women’s Airforce Service Pilots, (W.A.S.P.), Museum in Quartzite, AZ.

According to the Naval Historical Center, it is a common for the Navy to conditionally donate aircraft, in what amounts to a long-term loan, to municipalities and museums. Donation of aircraft to city parks is conditional upon Congressional termination of title. Absent explicit authorizing language, the Governor’s intent to make the donation unconditional, (a permanent transfer), the Navy would still hold title to the aircraft. Under section 3, article 4 of the United States Constitution, only Congress can make laws pertaining to the disposal of Federal property. Since there is no evidence in the Navy’s or the City of Mesa’s files that the Navy intended to give away the aircraft permanently, the aircraft still legally belongs to the Navy. It would appear that Mesa did not have the right to sell the aircraft to Mr. Oldham.

I understand the Navy is willing to enter into a long-term loan agreement with the USS Hornet Museum and with the Women’s Airforce Service Pilots; however, it would still be in the possession of the government.

Congress has in the past approved legislation to permanently transfer ownership of Federal property. One recent example is in the FY98 National Defense Authorization Act. Section 1023 transferred two obsolete Army tugboats to the Brownsville Navigation District, Brownsville, TX. Section 1025 transfers a tugboat to the City of Brownsville. Section 1027 transfers three tugs to the University of Southern Mississippi. Section 1028 transfers two tugs to the City of Mesa.

The W.A.S.P. Museum is a non-profit museum and is eligible to receive such a relic aircraft. Aircraft 125316 will find a permanent home in the W.A.S.P. Museum. The TIAC has in the past approved legislation to permanently transfer ownership of Federal property. One recent example is in the FY98 National Defense Authorization Act. Section 1023 transferred two obsolete Army tugboats to the Brownsville Navigation District, Brownsville, TX. Section 1025 transfers a tugboat to the City of Brownsville. Section 1027 transfers three tugs to the University of Southern Mississippi. Section 1028 transfers two tugs to the City of Mesa.

Mr. LANDRIEU. Mr. President, I wish to address two amendments I will soon offer to S. 2514, the Defense Authorization bill. The first amendment relates to the training and future deployments of the Interim Brigade Combat Teams, and is, therefore, vital to both Louisiana and our national security. This amendment designates Louisiana Highway 28 between Alexandria, LA, and Leesville, LA, as the Joint Readiness Training Center at Fort Polk, as a Defense Access Road.
Fort Polk has been designated as a home for one of the new, transformational Interim Brigade Combat Teams IBCTs. Furthermore, I am proud to say that Fort Polk will serve as the training site for all IBCTs.

Louisiana Highway 28 is one of the primary access roads into and out of Fort Polk. Highway 28 is the direct primary access roads into and out of Fort Polk. It is non-wheeled or non-tracked from the former England AFB. If military vehicles are tracked or wheeled, they then trek the forty miles from England to Fort Polk along Hwy. 28. No matter how the equipment arrives at Fort Polk, the heavy trucks and military vehicles cause tremendous wear and tear to Highway 28.

With the coming of the IBCTs to Fort Polk, the stresses on Hwy. 28 will only be exacerbated. Louisiana Highway 28 is a two lane highway that currently operates over capacity, as it already has a traffic volume of 2,000 cars per day. When you add 2,000 cars a day and 10 years a year to a two lane highway, the deterioration of the road surface and the congestion of the roadway lead to numerous accidents, and possibly fatalities.

The commanding general of Fort Polk, Brig. Gen. Jason Kamiya, and the people of Louisiana want to see Hwy. 28 expanded to four lanes. A four lane highway will improve the safety conditions on the roadway, and four lanes will allow for faster deployment of units stationed and training at Fort Polk. During times of war, like we find ourselves in now, it is critical that units can deploy to the battlefield as quickly as possible. But, it is also important that our military achieve quick training because our service men and women will fight only well as they train.

The designation of Highway 28 as a Defense Access Road will allow the Department of Defense to work with the State of Louisiana to pool funds to make necessary repairs to the highway and increase the road surface to four lanes to best accommodate the IBCTs. DOD will only be required to participate in funding to the degree to which usage is out of proportion due to the military installation or military activity. It only makes sense that the Federal Government would aid State Governments to make repairs caused by federal usage or alterations to the highway requested by the Federal government. Finally, there is no cost associated with the authorization.

The second amendment pertains to the most crucial problem facing our United States Navy, both today and in future generations—the dwindling size of the Navy fleet. The 2001 Quadrennial Defense Review stated that the Navy must maintain a fleet size of at least 310 ships to achieve its mission. This amendment makes it the policy of the United States for the budget of the United States for fiscal years after FY 2003, and for the future-years defense plan, to include sufficient funding for the Navy to maintain a fleet of at least 310 ships. Additionally, the President must certify within the budget of the United States that sufficient funding has been allocated to maintain a fleet of 310 ships. If such a certification is not made, the President must explain within the budget of the United States why the certification cannot be made. Today, Navy ships sail globally to ensure a world-wide American presence and to immediately respond to threats against America’s national security. This amendment will make certain that the President funds a fleet at least capable of meeting the Navy’s current mission objectives or explains why the Navy will fall shy of a 310 ship fleet.

Without the Navy, the United States could not have prosecuted the war in Afghanistan as successfully as we have. On numerous occasions throughout the war, our armed forces have been denied access to land bases in foreign countries from which our forces could operate. Nevertheless, the Navy develops a two-phase forward deploy because there are no willing host countries, the U.S. Navy provides our military with acres of floating sovereign territory from which the U.S. military can deploy. Without the firepower, logistics, and transportation of the Navy, our ability to retaliate to the terrorist actions of September 11th would have been compromised.

However, if Congress and the President do not allocate critical resources to shipbuilding, the Navy will soon fall well below the minimum level of ships required for the Navy to properly provide for America’s defense, a job the Navy has performed so admirably. Today, the Navy has approximately 315 ships; however, we will not dwindle or the Navy’s operations will be gravely challenged. This year, the President’s budget funded only 5 ships. The Senate has taken needed action to provide an additional $900 million in advance procurement funding for 2 surface ships and a submarine. If current shipbuilding rates are sustained, the Navy will only have a fleet of 238 ships within 35 years. That is simply unacceptable. 310 ships is the lowest allowable floor, but Congress must work with the Navy to meet this number of ships. The Senate has taken needed action to provide an additional $900 million in advance procurement funding for 2 surface ships and a submarine. If current shipbuilding rates are sustained, the Navy will only have a fleet of 238 ships within 35 years. That is simply unacceptable. 310 ships is the lowest allowable floor, but Congress must work with the Navy to meet this number of ships.

Accordingly, this amendment makes it the national defense policy of the United States to uphold a Navy of at least 310 ships, as spelled out in the Quadrennial Defense Review of 2001. Moreover, shipbuilding must be a priority of the President, and the President should strive to maintain a Navy of at least 350 ships to guaranty America’s sovereign needs on the high seas.

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As a result of what has happened to our country being so heavily involved in Afghanistan in the last 15 years, 20 years, I have reflected many times, since I read that book and since we have been so heavily involved in Afghanistan, about the people of Afghanistan and what has happened to them. Of course, I have given speeches on the Senate floor about how the reign of terror of the Taliban was a reign of terror to everyone in Afghanistan, but especially women. And during that period of time, women suffered irrevocably in many instances.

The reason I mention this today is that during and since the Loya Jirga that has been held in Afghanistan, delegates who have spoken out for human rights, including the Minister of Women’s Affairs, have been threatened and in many instances intimidated.

These threats going on in Afghanistan today, along with continued reports of violence and intimidation in the provinces, point to the imperative need for U.S. support for the immediate expansion of peace troops in Afghanistan. We need peacekeepers. I am disappointed that the administration is saying: Fine, we will make sure we have a presence in Kabul, but the rest of Afghanistan can try to fend for itself.

As one who has read Afghanistan a number of years ago, I read one book that has been very famous, but this was a bestseller, and rightfully so. It was called ‘Afghanistan:’ the making of a nation. I have given speeches on the Senate floor about how the reign of terror of the Taliban was a reign of terror to everyone in Afghanistan, but especially women. And during that period of time, women suffered irrevocably in many instances.

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beyond Kabul. The restoration of democracy and of rights for women in Afghanistan depends on maintaining security, reestablishing democracy, and creating a functional central government that can provide services and oversee reconstruction to that country that needs reconstruction.

Without an expansion of the International Security Assistance Force and without adequate resources for reconstruction, Afghanistan will again descend into chaos—not "could" or "might," but "will." The United States cannot again abandon the Afghan people, especially Afghan women who have suffered so much. We cannot allow terrorism, al-Qaeda, the Taliban, and human rights violators to thrive again in Afghanistan.

As I reflect back as I stated when I started my remarks today to reading this book of these people who are so strong and had such a great tradition and see what has happened to them, it is sad.

I urge President Bush, Secretary Rumsfeld, and Secretary Powell to provide full U.S. support for the expansion of an international peace force in Afghanistan. To do less is to indicate that we do not care about Afghanistan and to underscore that we do not care what is happening to the women of Afghanistan as we speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WARNER. I propose an amendment numbered 3939.

The amendment (No. 3939) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Amendment No. 3939

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WARNER. It will establish a pilot program allowing the Secretary of Defense to authorize the Defense Logistics Agency to provide logistics support and services for weapons systems contractors when it is in the best interest of the Government. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself and Mr. WARNER, proposes an amendment numbered 3939.

The amendment is as follows:

(Purpose: To authorize the Secretary to provide logistics support and services to a contractor in support of the performance by the contractor of a contract for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense.)

SEC. 346. LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available, in accordance with this section and the regulations prescribed under subsection (e), logistics support and services to a contractor in support of the performance by the contractor of a contract for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any logistics support and services that may be provided under this section in support of the performance of a contract shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The logistics support and services that may be made available under this section in support of the performance of a contract described in subsection (a) are the distribution, disposal, and cataloging of materiel and repair parts necessary for the performance of that contract.

(d) LIMITATIONS.—(1) The number of contracts described in subsection (a) for which the Secretary makes logistics support and services available under this section may not exceed $100,000,000.

(2) No contract entered into by the Director of the Defense Logistics Agency under subsection (b) may be for a period in excess of five years, including periods for which the contract is extended under options to extend the contract.

(3) No authority may be exercised under this section after the date that is two years after the date of the enactment of this Act.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.
when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the authority under this section to be used only for providing logistics support and logistics services in support of the performance of a contract that is entered into using competitive procedures (as defined in the Office of Federal Procurement Policy Act (41 U.S.C. 633)).

(2) A requirement for the solicitation of offers from a contractor described in subsection (a), for which logistics support and logistics services are to be made available under this section, to include—

(A) a statement that the logistics support and logistics services are to be made available under the authority of this section to any contractor awarded the contract, but only if the contractor does not require acceptance of the support and services; and

(B) a description of the range of the logistics support and logistics services that are to be made available to the contractor.

(3) A requirement for the rates charged a contractor for logistics support and logistics services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(4) A requirement to credit to the General Fund of the Treasury amounts received by the Department from a contractor for the cost of logistics support and logistics services provided to the contractor by the Department of Defense under this section but not paid for out of funds available to the Department of Defense.

(5) With respect to a contract described in subsection (a) that is being performed for a department or agency for any effort of Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(6) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of logistics support and logistics services provided to the contractor under this section.

(f) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(g) TERMINATION OF AUTHORITY.—(1) The authority provided in this section shall expire on September 30, 2007, subject to paragraph (2).

(2) The expiration of the authority under this section does not terminate—

(A) any contract that was entered into by the Director of the Defense Logistics Agency under subsection (b) before the expiration of the authority or any obligation to provide logistics support and logistics services under that contract; or

(B) any authority—

(i) to enter into a contract described in subsection (a) for which a solicitation of offers was issued in accordance with the regulations prescribed pursuant to subsection (e)(2) before the date of the expiration of the authority; or

(ii) to provide logistics support and logistics services to the contractor with respect to that contract in accordance with this section.

Mr. WARNER. Mr. President, this is an administration proposal, and there is concurrence on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3939) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3940

Mr. LEVIN. Mr. President, on behalf of Senator Warner and myself, I send an amendment to the desk which will transfer funding for Compensation Call aircraft between two lines within the aircraft procurement Air Force account. This is a technical correction that the Air Force has asked we make in the budget request.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3940.

The amendment is as follows:

(Purpose: To provide for the amount for the Compass Call program of the Air Force to be available within classified projects) On page 23, between lines 12 and 13, insert the following:

SEC. 135. COMPASS CALL PROGRAM.

Of the amount authorized to be appropriated by section 103(1), $12,700,000 shall be available for the Compass Call program within classified projects and not within the Defense Airborne Reconnaissance Program.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3940) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3941

(Purpose: To reallocate $5,000,000 of the authorization of appropriations for Other Procurement, Navy, for the integrated bridge system to items less than $5,000,000 from the Aegis support equipment) On page 23, between lines 12 and 13, insert the following:

SEC. 132. INTEGRATED BRIDGE SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by section 102(a)(4), the amount available for the integrated bridge system in Aegis support equipment is hereby reduced by $5,000,000.

Mr. WARNER. Mr. President, this is a technical amendment to correct the procurement line associated with the integrated bridge system in the other procurement and Navy funding account. My understanding is it is cleared on the other side.

Mr. LEVIN. The amendment has been cleared, and we support it.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3941) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3942

Mr. LEVIN. Mr. President, I send an amendment on behalf of Senator Cleland to the desk. This amendment would strike section 344 of our bill which added logistics support functions, acquisition logistics, supply management, system engineering, maintenance, and modification management to the core functions the Secretary of Defense must consider when making determinations about what capabilities should be retained by Government workers in Government-owned, Government-operated facilities. I understand the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3942.

The amendment is as follows:

(Purpose: To strike section 344, relating to clarification of core logistics capabilities) Strike section 344.

Mr. WARNER. Mr. President, this amendment has been cleared on this side. I ask unanimous consent that a letter relevant to this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.


Hon. Saxby Chambliss,
House of Representatives,
Washington, DC.

Dear Congressman Chambliss: I am writing regarding the “clarification of required core logistics capabilities” provisions of section 344 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as passed by the House, and section 344 of the National Defense Authorization Act for Fiscal Year 2003, as reported by the Senate Armed Services Committee on May 15, 2002. These provisions would expand the definition of core logistics functions from maintenance to include acquisition, supply, systems engineering, and modification management.
The Department understands that the objective intended by these provisions is to maintain the full range of logistics capabilities necessary to support current and future essential forces, systems, and equipment over their entire life cycle. Clearly, the Department has, and plans to retain, a sufficient cadre of logistics specialties to meet this objective. Specifically, we will retain sufficient supply, maintenance and repair, and logistics program management capabilities to sustain our essential equipment over its entire life cycle with the appropriate mix of government personnel, contractor personnel, and public-private partnerships. The specific identification of these skills will be documented through the ongoing Department of Defense core competency review, through implementation of the Future Logistics Enterprise (FLE) initiative, and with supporting policies. I will report to the committee once the requirement for these skills is appropriately documented.

We also understand that there is concern that the Air Force has not yet completed a long-term depot strategy. The Air Force will submit its long-term depot strategy to the Congress in September 2002. That is the reason for our amendment.

I urge adoption of the amendment.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. The amendment (No. 3942) was agreed to.

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU. This amendment would delete a requirement in the bill that any waiver or deviation from a test and evaluation master plan be approved by the director of operational test and evaluation. I believe the amendment has been cleared on the other side.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Ms. COLLINS, proposes an amendment numbered 3942.

The amendment is as follows:

(Purpose: To make various amendments to the bill to improve the test and evaluation master plans and other testing requirements that occurred during the fiscal year, any concerns raised by the waivers or deviations, and the actions that have been taken or are planned to be taken to address the concerns.)

(1) by designating the third sentence as paragraph (4);

(b) REORGANIZATION OF PROVISION.—Subsection (g) of such section is amended—

(1) by inserting ‘‘(1) after ‘(g)’’;

(2) by designating the second sentence as paragraph (2); and

(3) by designating the third sentence as paragraph (3);

(4) by designating the matter consisting of the fourth and fifth sentences as paragraph (4);

(5) by designating the sixth sentence as paragraph (5); and

(6) by realigning paragraphs (2), (3), (4), and (5), as so designated, two ems from the left margin.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3942) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, on behalf of Senators GRASSLEY, HARKIN, and others I offer an amendment which extends the authority of the Secretary of the Army to integrate commercial activity and manufacturing arsenals until the year 2004. My understanding is that the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRASSLEY, for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN, proposes an amendment numbered 3943.

The amendment is as follows:

(Purpose: To extend the Arsenal support program initiative)

At the end of subtitle D of title III, add the following:

SEC. 336. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE. (a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 345 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-65) is amended by striking ‘‘and 2002’’ and inserting ‘‘through 2004’’.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking ‘‘2002’’ and inserting ‘‘2004’’; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: ‘‘Not later than July 1, 2003, the secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary’s views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b).’’

Mr. GRASSLEY. Mr. President, I am offering an amendment to reauthorize the Arsenal Support Program Initiative, ASPI, for 2 more years. This program has been successful but the need continues.

Both the Rock Island Arsenal and the Watervliet Arsenal are now suffering from underutilization. Both are currently at under 30 percent of their capacity. This underutilization has greatly affected overhead rates at both arsenals, making it increasingly difficult to compete with private industry. At the same time, the base of skilled arsenal workers has steadily eroded.

I strongly believe that an organic industrial base must be maintained if we are to be prepared to meet future, unanticipated national security needs. Arsenals provide a valuable rapid manufacturing capability for specialized
and unique defense manufacturing needs. The decline in skilled arsenal workers is therefore particularly troubling in light of the new threats our forces will face in the war on terrorism.

The ASPI addresses the problem of underutilization of arsenals by encouraging private industry to utilize the arsenals. This provides a way to help keep the arsenal industrial base warm, while saving to use taxpayer dollars by supplementing arsenal overhead costs. The ASPI has already helped initiate many beneficial relationships with private industry. For instance, the Rock Island Arsenal currently has a contract with the Quad City Labor Management Partnership, which provides training to Rock Island Arsenal personnel in return for the use of administrative space. Another company, TDF Corp., is currently a tenant at the Rock Island Arsenal and the amendment is in discussions with a cellular telephone company and others. The Watervliet Arsenal is currently in the process of executing contracts with three different private manufacturers and is exploring other possibilities. Pine Bluff Arsenal has also taken advantage of contracts with the private sector to provide additional revenue.

The Arsenal Support Program Initiative opens up new opportunities for savings at our arsenals as well as making them more self-sufficient. This program is a win-win situation for the Army, the arsenals and industry, and I urge my colleagues to allow this program to continue.

Mr. HARKIN. Mr. President, I am pleased to be offering with Senator GRASSLEY and with our colleagues from Illinois, New York, and Arkansas, a bipartisan amendment of importance to national security. The amendment is needed for the continuation of the Arsenal Support Program Initiative, or ASPI.

In 1992 we passed the ARMS initiative to develop initiatives plans, including the Iowa Army Ammunition Plant, bring in commercial tenants that would pay part of the cost of these large plants. The initiative has been very successful and has saved taxpayers money. ASPI brings a similar program to the Rock Island, Watervliet, and Pine Bluff arsenals. Rock Island and the other arsenals have extraordinary workforce, space, and equipment that are underutilized in peacetime but are needed for wartime surge capabilities as well as smaller critical emergencies. The costs of the underutilized space and equipment must be paid for directly by taxpayers, or charged as overhead to work at the arsenals, causing high prices to military customers and, in an unfortunate spiral, decreasing utilization of the arsenals. ASPI is intended to help bring in commercial firms to use the available workforce, buildings, and equipment and help pay for their costs.

ASPI was first passed in the fiscal year 01 Defense Authorization bill as a two-year pilot program. It was funded for the first time last year with $7.5 million in the fiscal year 02 Defense Appropriations bill. This has not given enough time to get the program fully underway. Thus this amendment would extend the program for two additional years, through 2004. It also would update reporting requirements to help Congress evaluate the program.

The arsenals have never been more important to our military capabilities and have ever more difficult times. Rock Island Arsenal has a highly skilled and dedicated workforce, impressive manufacturing capabilities, and a great history of service, but is not being used enough. I am pleased that this bill has funding for the utilized capacity, but even better, this amendment should reduce the need for such funds in the future. I have every hope that ASPI will be as successful as the ARMS initiative, and will help Rock Island Arsenal thrive in its mission to protect the national security. I am pleased that Chairman LEVIN has agreed to accept this amendment, and as it is identical to a provision in the House bill, I hope it will soon be enacted into law.

Mr. WARNER. Mr. President, I believe this has been cleared on the other side, and I urge its adoption.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3946

Mr. LEVIN. Mr. President, on behalf of Senators CLELAND and HUTCHINSON, I send an amendment to the desk which extends the term of the multiyear procurement of C-130J variants to 6 program years. I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND and Mr. HUTCHINSON, proposes an amendment numbered 3946.

The amendment is as follows:

(Purpose: To authorize a 6-year period for a multiyear contract for the procurement of C-130J aircraft and variants)

On page 17, line 23, insert before the period following the following: "and except that, notwithstanding subsection (k) of such section, such a contract may be for a period of six program years":

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3946) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3947

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, a technical amendment to clarify the rate paid to dependent transfers due to the military sponsor on active duty. I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows: The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3947.

The amendment is as follows:

(Purpose: To clarify the rate of educational assistance under the Montgomery GI Bill for dependents transferred entitlement by members of the Armed Forces with critical skills)

At the end of subtitle K of title VI, add the following:

SEC. 655. RATE OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL OF 1984 TRANSFERRED ENTITLEMENT BY MEMBERS OF THE ARMED FORCES WITH CRITICAL SKILLS.

(a) CLARIFICATION.—Section 3202(h) of title 38, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "paragraphs (4) and (5)" and inserting "paragraphs (5) and (6)"; and

(B) by striking "and at the same rate";

(2) by redesigning paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3)—

[(B) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 3015 and 3022 of title 38, United States Code,] as it is identical to a provision in the House bill, I hope it will soon be enacted into law.

"(B) The monthly rate of assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 3015 and 3022 of this title to the individual making the transfer.

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waiver of the required sequence of joint professional military education and joint duty assignment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. Levin], for Mr. Cleland, proposes an amendment numbered 3948.

The amendment is as follows:

(Purpose: To extend temporary authority for recall of retired aviators to active duty to September 30, 2008.)

On page 100, between lines 3 and 4, insert the following:

SEC. 503. REPEAL OF LIMITATION ON AUTHORITY TO GRANT CERTAIN OFFICERS A WAIVER OF REQUIRED SEQUENCE FOR JOINT PROFESSIONAL MILITARY EDUCATION AND JOINT DUTY ASSIGNMENT.

Section 661(c)(3)(D) of title 10, United States Code, is amended by striking "in the case of officers in grades below brigadier general" and all that follows through "selected for the joint specialty during that fiscal year."

Mr. Warner. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3948) was agreed to.

Mr. Levin. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3949

Mr. Levin. Mr. President, I send an amendment to the desk on behalf of Senator Cleland, which would extend for 1 year the authority of the Secretary of Defense to contract with physicians to provide new-recruit physicals at military entrance processing stations.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. Levin], for Mr. Cleland, proposes an amendment numbered 3949.

The amendment is as follows:

(Purpose: To extend temporary authority for entering into personal services contracts for the performance of health care responsibilities for the Armed Forces at locations other than military medical treatment facilities.)

On page 154, after line 20, add the following:

SEC. 505. EXTENSION OF TEMPORARY AUTHORITY FOR ENTERING INTO PERSONAL SERVICES CONTRACTS FOR THE PERFORMANCE OF HEALTH CARE RESPONSIBILITIES FOR THE ARMED FORCES AT LOCATIONS OTHER THAN MILITARY MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003."

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3949) was agreed to.

Mr. Levin. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3950

Mr. Levin. Mr. President, I send an amendment to the desk on behalf of Senator Cleland, which would extend the temporary authority for recall of retired aviators to active duty to September 30, 2008.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. Levin], for Mr. Cleland, proposes an amendment numbered 3950.

The amendment is as follows:

(Purpose: To extend the temporary authority for recall of retired aviators.)

On page 100, between lines 3 and 4, insert the following:

SEC. 503. EXTENSION OF TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.


Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3950) was agreed to.

Mr. Levin. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3951

Mr. Levin. Mr. President, on behalf of Senator Sessions and myself, I send an amendment to the desk which would authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation and would require the Secretary's annual report on the Institute to include the annual report of the board of visitors. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. Levin], for himself and Mr. Sessions, proposes an amendment numbered 3951.

The amendment is as follows:

(Purpose: To authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation, and to require the Secretary's annual report on the Institute to include the annual report of the Board of Visitor's for the Institute.)

On page 200, between lines 14 and 15, insert the following:

SEC. 905. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—Section 2166 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h), as subsections (g), (h), and (i), respectively;

(2) by inserting after subsection (e) the following new subsection (f):

(b) CONTENT OF ANNUAL REPORT TO CONGRESS.—Subsection (i) of such section, as redesignated by subsection (a)(1), is amended by inserting after the words "(f) Authority to accept foreign gifts or donations...

Additionnally, the Board of Visitors learned that its annual report to the Secretary of Defense would not necessarily be submitted to Congress. The Board considered that its annual report, which would include its views and recommendations pertaining to the Institute, including the curriculum, instruction, physical equipment, fiscal affairs, and academic matters, should be submitted to Congress by the Secretary of Defense along with the Secretary's comments.
Accordingly, the amendment we are offering would authorize the Secretary of Defense to accept foreign gifts and donations for the Institute, and would require the Secretary of Defense’s annual report to Congress on the Institute to include the annual report of the Board of Visitors. I thank the Secretary’s comments on the Board’s report. I ask my colleagues for their support for this amendment.

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3951) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST VIRGINIA DAY, 2002

Mr. BYRD. Mr. President and fellow Senators, have you noticed how everyone seems a little happier today? Their smiles are brighter, their greetings are a little more gracious and their thank yous are more sincere. Have you noticed how the sun seems to be shining brighter today and food tastes better today? The air seems sweeter today.

The Senator from Pennsylvania does not know what a great day this is.

That is, no doubt, because today is June 20, and that means it is West Virginia Day. All over the country, it is June 20th. All over the world, it is June 20th. That means all over the country, and all over the world, it is West Virginia Day.

It was 139 years ago today that West Virginia, by an act of Congress and the signature of President Abraham Lincoln, became the thirty-fifth state of our Union.

The birth of the State of West Virginia was not an easy delivery. It involved great labor pains, and blood, sweat, and tears. West Virginia was born in the middle of our country’s bitter, divisive, and bloody Civil War, and there were serious constitutional questions involved in her delivery.

But goodness and righteousness prevailed and West Virginia, predicated upon its allegiance to the Constitution and the republic, became a State, and here I am. Had that not happened, I would not have been here. This Union may not have survived.

It all began on that great and glorious day of June 20th, 1863—and what a great and glorious day it was. It was a day a local newspaper, the Wheeling Intelligencer, called a “great gala day.” The newspaper reported that “thousands of people from abroad” joined with the new state officials and the “entire population” of Wheeling, the city where the official ceremony took place, to celebrate the occasion.

Business was suspended. Workers were given the day off. Flags were everywhere—everywhere, on all the street corners, along all the streets. Flags of all sizes were flown from every house and every business in the city. It was reported that flags were as “thick as the locusts that were then occupying the suburbs and surrounding countryside.”

The ceremonies included brigade bands playing patriotic songs, and the units of the militia parading through the town. There were countless toasts and even more cheers for the United States and for its new state, the State of West Virginia.

And, of course, there were political speeches.

The man considered the “father of West Virginia,” Francis H. Pierpont, declared:

May we [meaning West Virginia] may [meaning 1863] may [meaning West Virginia Day] may [meaning after the Civil War] be the proudest state in all the glorious galaxy of States that form the Nation.

Waitman T. Willey, one of the State’s first two U.S. Senators, proclaimed:

What we have longed for and labored for and prayed for is [now] a fixed fact. West Virginia is a fixed fact. West Virginia is a fixed fact.

The first Governor of the State, Arthur Boren, said with a full-flowing black beard, promised to do everything in his power “to advance the agricultural, mining, and manufacturing, and commercial interests of the State.”

After the speeches, 35 little girls representing the 35 states of the Union sang more patriotic songs and the band played the “Star Spangled Banner.”

The day closed with a “brilliant display of fireworks” over the Ohio River.

The next day, the New York Post reported:

[By]born amid the turmoil of the Civil War and cradled by the storm . . . the 35th State is now added to the American union.

The New York Times echoed the words of Senator Willey with the headline that read “West Virginia is now a fixed fact.”

The State of West Virginia was a “fixed fact,” but its future was not. The State’s childhood and adolescence were to be as difficult and tumultuous as its birth.

The State of West Virginia soon became an economic colony of northeastern, absentee landlords, the infamous Robber Barons of the late nineteenth century, who ruthlessly exploited the State for its rich natural resources.

Other problems came piling on. From the Monongah mine disaster of 1907, when I believe 361 miners lost their lives, the worst coal-mine disaster in American history, to the Marshall University plane crash of 1970, the worst sports stadium tragedy in American history, the people of West Virginia came to know and suffer many and various forms of tragedy. Including the Silver Bridge collapse at Point Pleasant, the Buffalo Creek Slag Dam collapse in Logan County, as well as a multitude of deadly mine explosions and disastrous floods.

And for too long, the State suffered from economic backwardness.

Through it all, the courageous, patriotic, and dedicated people of West Virginia have remained loyal to their country and their government.

They have continued to supply the nation with the energy it needs to heat our homes, to light these Chambers, fuel our battleships, and power our massive industries.

And the people of West Virginia have served our country in times of war as well as peace. West Virginians have fought and died in our nation’s wars, including World War II, Korea and Vietnam, far beyond proportion to West Virginia’s population size.

Meanwhile, the people of West Virginia have struggled to overcome exploitation and oppression by joining unions and electing political leaders who would better represent them. It took decades and it took tremendous effort, but, as I have said, the spirit of West Virginia is to ‘endure and to prevail.’ The people of West Virginia endured and they have prevailed.

One of my favorite Roman philosophers, Seneca, said, “Fire is the test of gold; adversity, of strong men.”

Today, many strong men and women have brought West Virginia to the brink of vast social and economic change. The State is cultivating new economic growth and prosperity as a result of a bumper crop of better roads, new technology, and forward-looking leadership. Traditional industries are being augmented by new businesses, activity, flexible manufacturing, leading-edge and information-age high technology.

People across America are discovering West Virginia. They are coming to West Virginia to camp, hike, fish, raft our white waters, and ski our slopes.

They are discovering the natural wonders of my State—that West Virginia is truly one of the most beautiful states in the union. With its rushing, tree-lined mountain streams, its majestic rolling green hills, picturesque villages and towns, magnificent forests, scenic State parks, no wonder the
State has been depicted in song and verse as being “almost heaven.”

People are discovering what West Virginians already knew, that the State is a great place to just relax and enjoy life. In the early morning hours, you can sit back in your favorite chair looking out over the sky and enjoy the most beautiful sight in the world: the sun rising over the beautiful, rolling green hills of West Virginia. A few hours later, you can turn your chair around and look to the west, and enjoy the second most amazing sight in the world. The sun setting over those beautiful, rolling green hills of West Virginia.

Mr. President, in the inaugural ceremony on June 20, 1863, the Reverend J.T. McClure offered the inaugural prayer, in which he stated:

We pray Thee, Almighty God, that this State, born of sacrifice and blood and fire and desolation, may long be preserved and from its little beginning grow to be a mighty and a power that shall make those who come after us look upon it with joy and gladness and pride of heart.

Mr. President, this child of “tears and blood and fire and desolation” did grow.

Today, on this anniversary of the birth of West Virginia, as the Reverend Mr. McClure predicted, one may look upon my state of West Virginia “with joy and gladness and pride of heart.” I am reminded of the words of the English poet, William Blake, who wrote: “Great things are done when men and mountains meet.”

Congratulations, West Virginia! Happy birthday, West Virginia! You have not merely endured, you have prevailed!

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, 139 years ago today, on June 20, 1863, West Virginia became the 35th State admitted to the Union. The only State born out of Civil War, West Virginia was signed into existence by the hand of Abraham Lincoln.

I am both proud and grateful to be a West Virginian and to represent my State in the U.S. Senate. I am also glad to have this opportunity to reflect on some of the features that make my home State so very special. Aside from my State’s distinct heritage of industry and agriculture, one of its most defining characteristics is its extravagant natural beauty. Blessed with icy mountains, majestic hardwood stands, and lush groves of rhododendron, West Virginia is almost heaven to many people.

West Virginia is home to three of the Nation’s most famous rivers: The Shenandoah and Potomac to the east, and the Ohio River along the State’s entire western border. These and many other rivers, streams, and mountain lakes provide great places to fish or canoe on a relaxing weekend or sunny afternoon.

The New River, which is thought to be the State’s Na-tive trout stream, majestic deep-gorge natural beauty. Blessed with icy and agriculture, one of its most de-

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Mr. LEAHY. Mr. President, yesterday’s Washington Post provides yet another example of why it is so urgent that we act to pass S. 1974, the Leahy-Grassley FBI Reform Act.

This bill was unanimously reported out of the Judiciary Committee on April 25, 2 months ago. Apparently an anonymous Republican Senator has opposed to block Senate passage of this bill which, as I said, passed unanimously from the House. Normally, I would be willing to wait for the time when some of these holds finally get dropped off, but I thought it was important for my colleagues on both sides of the aisle to know about this. It is troubling to me that an anonymous Republican Senator would block passage of what is a bipartisan bill, a bipartisan bill to improve the FBI, the Nation’s leading counterterrorism agency, at the same time the President has sought bipartisan efforts to pass his proposed homeland security reorganization.

I hope the White House will ask their fellow party members why they would hold up this legislation.

Three Members or Members with the hold on this legislation to remove the hold and allow us to discuss whatever issue on the merits they may have.

The press reported yesterday that two new FBI whistleblowers have come forward with information which might be crucial to the FBI’s antiterrorism efforts. At least one of these whistleblowers has also provided information to the staff of the Judiciary Committee that suggests that, in its rush to beef up its translation capabilities after September 11, the FBI may have relaxed both quality control and its own security standards.

The Post also reports that some of the allegations made by this whistleblower have been verified, but still, we hope through verification who raised these concerns, who raised these legitimate security issues post-Sep-

The FBI Reform ACT

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The letter Senator GRASSLEY and I sent posed specific questions we hope the inspector general will answer as part of his investigation, including whether the reaction to this woman’s report is likely to chill further reporting of security breaches by FBI employees.

What we are concerned about is, if you have an FBI agent who is aware of a security breach, will they be willing to come forward and tell about that, or will they fear they may be fired? It is not a good management practice for the FBI to fire the person who reports a security breach while nothing happens to the person who allegedly committed the breach. That could mean if you commit a breach, you might get away with it, but if you report it, you are out of here. That is a concern we have. That is not the way it should be. That is precisely the kind of culture Judge Webster found helped FBI Supervisory Agent Robert Hanssen to get away with spying for the Russians. He got away with that spying for 20 years.

Since the attacks of September 11 and the anthrax attacks last fall, we believed the FBI to prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our
country. FBI reform was already im-
portant, but the terrorist attacks suf-
fered by this country last year have
imposed even greater urgency on im-
proving the FBI. The Bureau is our
front line of domestic defense against
terrorists. It needs to be as great as
possible.

Even before those attacks, the Judi-

ciary Committee’s oversight hearings
revealed some very serious problems at
the FBI that needed strong congress-
ional action to fix. We continue this
oversight of the Department of Justice
and the FBI. We heard about a double
standard in evaluations and discipline.
We heard about record and information
management problems and communica-
tions breakdowns between field of-
fices and headquarters that led to the
belated production of documents in the
Oklahoma City bombing case. Despite
the fact that we have poured money—
billions of dollars—into the FBI over
the last 5 years, we heard the FBI’s
complaints that systems were in dire need
of modernization.

In fact, most children in grade school
in my state have access, many times,
to better computer systems.

We heard about how an FBI super-
visor at the FBI headquarters was able to sell
critical secrets to the Russians, unde-
tected for years, and he never even had
a polygraph. We heard that there were
no fewer than 15 different areas of secu-
rity the Justice Department needed to
fix at a time.

The FBI Reform Act tackles these
problems with improved account-
ability, improved security both inside
and outside the FBI, and required plan-
ning to ensure that the FBI is prepared
to deal with a multitude of challenges
we are facing.

As I said, it was unanimously re-
ported by both Republicans and Demo-
crats on the Judiciary Committee. It
reflects our determination to make sure
our FBI is as modern and effective as
it can be—probably more important, as
good and as strong as America needs it
to be. That reform bill is a long stride

The case reported in yesterday’s
Washington Post and the matters
raised by Minneapolis Field Office
Agent Coleen M. Rowley in her May 21,
2002 letter and subsequent testimony
criticizing the handling of the
Moussaoui case by FBI Headquarters
personnel is a case study for many of
the precise issues that S. 1974, the FBI
Reform Act, addresses and why
its passage is so critical in the FBI’s ef-
fort to fight terrorism. The Leahy-
Grassley bill expands whistle-blower
protection to FBI employees to all these
disclosures.

The FBI Reform Act would also put
an end to statutory restrictions that
contribute to the “double standard,”
where senior management officials
are not disciplined as harshly for mis-
conduct as line agents are. Agent
Rowley complained about this double
standard, as have other FBI agents who
have helped the Judiciary Committee

These are not partisan provisions.
The FBI Reform Act is the result of bi-

partisan oversight hearings which the
Judiciary Committee has conducted
over the last year. It was reported out
of Committee unanimously. Now, when
it reaches the Senate floor, it is being
blocked anonymously. The future of
the FBI is too important for politics.
Too many Americans depend on it for
their safety.

On June 12, 2002, I delivered a state-
ment that highlighted Republican
holds on four important bipartisan
pieces of legislation, including impor-
tant anti-terrorism legislation aimed
at curbing terrorist bombings.

Less than a week later, the United
States Embassy in Karachi, Pakistan
was bombed. The next morning, the
Senate passed my bill, S. 1770, to
deal with that issue.

I now appeal to the Republican Sen-
ator or Senators blocking the FBI Re-
form Act to remove your hold so that
we may pass this bill. The American
people deserve action, not politics as
usual.

Senator Grassley and I would never
be seen as ideological soulmates, but
we are joined together in wanting to
improve this aspect of the FBI, and we
have had key Republicans and key
Democrats join us.

Let the bill go forward. The Amer-
ican people deserve this action, not
politics.

I ask unanimous consent that yester-
day’s Washington Post article and the
letter I sent with Senator Grassley to
the Justice Department inspector gen-

eral be printed in the RECORD.

There being no objection, the ma-
terial was ordered to be printed in the
RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,

Hon. Glen A. Fine,
Inspector General, Department of Justice,
Washington, DC.

Dear Mr. Fine:
The Senate Judiciary Committee has received unclassified
information from the FBI regarding allegations made by
Sibel Edmonds, a former FBI contract linguist, that your office is
currently investigating. We request that, as this investigation
progresses, you consider the following questions on this matter:

(1) Ms. Edmonds has alleged, and the FBI has
confirmed, that the FBI assigned a con-
tract language “monitor” to Guantanamo
Bay, Cuba, contrary to clear FBI policy
that only more qualified “linguists” be assigned
to Guantanamo Bay. What circumstances led
to this assignment? Did these circumstances
contradict FBI policy?

(2) Ms. Edmonds has alleged, and the FBI has
confirmed, that another contract lin-
guist in the FBI unit to which Ms. Edmonds
was assigned failed to translate two communi-
cations reflecting a foreign official’s handling
of intelligence matters. The FBI has confirmed that the contract
linguist had “unreported contracts” with that for-
egn foreign official. To what extent did that con-
tract linguist have any additional unreported
communications with that foreign official?

(3) The FBI has said that, to review the other
contract linguist’s work that Ms. Ed-
monds questioned, it used three linguists in
its language division, a supervisory special
agent, and special agents who worked on the
case that generated the communications un-
der review. What were the circumstances
of these communications? Did any of these
agents have a potential bias? Was there a
conflict of interest?

(4) The FBI has said a determination was
made by the supervisory special agent
that the contract linguist whose work was re-
viewed made a mistake and that the matter
was a training issue. Did this agent’s posi-
tion affect his ability to make an objective
judgment? What input did the other special
agents provide? Did their involvement in the
case that generated the communications af-
fected their ability to make an objective
judgment about a person with whom they had
worked on the case? Would it have been bet-
ter to refer other counterintelligence agents
to assess the importance of the unclassified
information and the reason it was not trans-
lated?

To what extent is the credibility of wit-
nesses regarding Ms. Edmonds’ allegations
affected by their continuing employment
in the same translation unit and under the
same supervisor where Ms. Edmonds,
whose allegations are under review, had a
listing that has not been explained?

(6) The FBI has said that Ms. Edmonds pre-
pared two classified documents with respect
to her allegations and that these documents
were not transmitted to anyone without authorization and that one witness
reported Ms. Edmonds discussed classified

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information regarding her allegations in the presence of three unelected members of her family without authorization. Would these actions disfranchise her from a security clearance, given the instances of her co-workers discussing a foreign attempt to penetrate or influence FBI operations at her workplace?

(7) What guidance is provided to FBI contractors on how to handle complaints that they should take if they are concerned about a possible foreign attempt to penetrate or influence FBI operations? How well is this guidance understood by contract linguists in the FBI translation centers and other FBI personnel who would handle such matters?

(8) What improvements, if any, are needed to ensure that FBI short-term contracts for translation services do not result in the same co-worker being assigned to work with other FBI personnel, especially those who translate and overlisten wiretaps in counterintelligence and security, FBI officials told Senate investigators in January that translator shortages have resulted in “the accumulation of thousands of hours of audio tapes and pages of transcripts” that have not been translated. Are you a member of a particular organization?”

Finders capable and trustworthy translators have been a special challenge in the terrorism category. FBI officials told Senate investigators in January that translator shortages have resulted in “the accumulation of thousands of hours of audio tapes and pages of transcripts” that have not been translated. Are you a member of a particular organization?” Edmonds recalled the woman’s husband saying, “(He said,) ‘It’s a very good place to be a member. There are a lot of advantages of being with this organization and doing things together’—this is our targeted organization—and one of the greatest things about it is you can have an early, an unexpected, early retirement. And you will be totally set if you go to that specific country.”

Edmonds also said the woman’s husband told her she would be admitted to the group, especially if she said she worked for the FBI. Later, Edmonds said, the woman approached her with a list of some individuals whose phone lines were being secretly tapped. Under the plan, the woman would translate conversations of her former co-worker in the target organization, and Edmonds would handle other phone calls. Edmonds said she refused and that the woman told her that her lack of cooperation could put her family in danger. Edmonds said she also brought her concerns to her supervisor and other FBI officials in the Washington field office. When no action was taken, she then raised her concerns to the FBI’s Office of Professional Responsibility, then to Justice’s inspector general.

“Investigations are being compromised,” Edmonds wrote to the inspector general’s office in March. “Incorrect or misleading translations are being sent to agents in the field. Translations are being blocked and circumvented.” Government officials familiar with the matter who asked not to be identified said that Edmonds and the translator involved were given polygraph examinations by the FBI and that both passed.

Edmonds had been found to have breached security at FBI facilities and before the inspector general. Edmonds said that two of those alleged breaches were related to specific instruction by a supervisor to prepare a report on the other translator on her home computer.

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 July 29, 2000 in Mahwah, NJ. Two gay men were beaten in an apartment complex parking lot. The assailant, William Courain, 26, was at an apartment complex party when he began making obscene remarks to several of the guests about their sexual
orientation. He left the party and confronted two men in the parking lot, making derogatory comments about their sexual orientation before attacking them. Witnesses say he began punching and kicking the two victims, one of whom suffered bleeding from the mouth and eye and was treated at a local hospital. Mr. Courain was arrested and charged with aggravated assault, bias harassment and bias assault 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 of tolerance. As a nation of immigrants, we must remember that our tolerance is about us. The theory of deterrence in capital sentencing is predicated upon the notion that the increased severity of the punishment will deter criminal activity from carrying out murderous conduct. Yet it is the same cognitive and behavioral impairments that make these defendants less morally culpable than also make it less likely that they can process the information of the possibility of execution as a penalty and, as a result, control their conduct based on that information.

Today the Supreme Court reflected the sentiments of our nation on this important issue. As the majority stated: “The practice [of executing the mentally retarded] . . . has become unacceptable, and it is faltering as a national consensus has developed against it.” The majority concluded: “Construing and applying the Eighth Amendment in the light of our ‘evolving standards of decency,’ we therefore conclude that such punishment is excessive and that the Constitution ‘places a substantive restriction on the State’s power to take the life of a mentally retarded offender.’”

The Court’s decision confirms that our Nation’s standards of decency concerning the ultimate punishment are indeed evolving and maturing. Even before today’s decision, we have known that the current death penalty system is broken and plagued by errors, including the risk of executing the innocent and racial and geographic disparities. As evidence mounts that the administration of capital punishment is plagued by inaccuracies, the American people are taking notice, and taking action. Illinois Governor George Ryan took the courageous and extraordinary step of placing a moratorium on executions two years ago. He also created an independent, blue ribbon commission to review the Illinois death penalty system. The commission released its report earlier this year and made 85 recommendations for improving the administration of the death penalty.

More and more Americans are realizing that they can no longer simply look the other way when confronted with glaring injustices. And today, a chorus of voices on our nation’s highest court have joined this growing chorus of Americans. I am proud of our Court today. I am proud of a justice system that recognizes that the execution of the mentally retarded is unconstitutional, is inhumane, and simply wrong. Today we can declare an important and historic victory for justice.
But, while the Supreme Court must continue to scrutinize the capital cases before it, Congress and the American people also have a responsibility to act. Today’s ruling presents us with further evidence of the urgent need for a moratorium on executions and a full and thorough review of the administration of the death penalty. It is time for Congress to support passage of my bill, the National Death Penalty Moratorium Act. We simply cannot continue to look the other way.

ACCESS FOR AFGHAN WOMEN ACT

Mr. DURBIN. Mr. President, I have been pleased to join with Senator OLYMPIA SNOWE in introducing the Access for Afghan Women Act, S. 2647.

After the horror that women endured under the Taliban, it is critical that U.S. assistance to that country promotes women’s participation and leadership in the political and economic life of Afghanistan, while protecting women’s rights.

In fact, throughout the world, it is clear that the role of women is key for successful economic development and a reliable indicator of whether a country develops. I am not talking about some radical agenda, rather I refer to the basic ability of women to participate in education, society, government, and the economy.

Afghanistan under the Taliban was an extreme example of the failure to include women in the economy, in fact relegating half the population to virtual house arrest. No country will succeed if it refuses to educate half its population. No economy will grow that restricts half its population from the workforce, from credit, and from private property. And the government that does such things is no government at all but a travesty.

Economic development programs benefit everyone, but certain programs have a particularly strong impact on the lives of women. Microcredit programs, for example, tend to benefit women who may need only a small loan to buy a goat to sell milk, a sewing machine to make clothes, or vegetables to sell in the village market. These tiny businesses often provide the financial independence that women need to pay school fees, take in an orphan, or simply survive.

U.S. programs are providing books to newly reopened schools in Afghanistan will have a major impact on the education of girls, who were not allowed to attend school. Other women will join the DLC in promoting the Democratic Leadership Council’s “National Service Day.” Today I join the Democratic Leadership Council, DLC, former President Clinton, DLC Chair Senator EVAN BAYH, and New Democrats across the country in calling for national service projects in New York City, and DLC Chair EVAN BAYH, Representatives HAROLD FORD, Jr., and Rep. TIM ROEMER will host a roundtable discussion with Members of Congress and AmeriCorps members from across the country. Other elected officials, including Vir- ginia Governor Mark Warner, San Jose Mayor Ron Gonzalez, and Wisconsin State Representative Antonio Riley will join the DLC in promoting the New Democrat tradition of opportunity, responsibility and community through national service.

In recognition of National Service Day, I am hosting Britt Eichner from the Bear, DE, today. A rising senior at BETHEL REGIONAL HIGH SCHOOL, she recently won the National Guard competition held in Daytona, Florida. She is only one of many young people who serve on one-on-one with more than 1,200 young people with special needs; Senior Companions, who help more than 100 other seniors live independently in their homes; and Retired and Senior Volunteer Program, RSVP, volunteers, who work with more than 330 local groups to meet a wide range of community needs.

These numbers, though inspiring as they are, represent just a small fraction of our population and are much smaller than the number of people who want to serve. If we are to make national service a culture-changing rite of passage in America, we must do more. National service should not be a special chance for a few, but a way of life for many.

At a time when Americans from all walks of life are asking what they can do to help make our Nation safer and stronger, national service offers an answer that points us towards a higher political purpose.

BETHEL REGIONAL HIGH SCHOOL DRILL TEAMS

Mr. MURKOWSKI. Mr. President, I rise today to honor a group of Alaska High School students from Bethel, Alaska who recently won the National Championship in Drill Team/Color Guard competition held in Daytona, Florida.

It is not unusual for a U.S. Senator to rise on the Senate floor and honor a national championship team from their neighborhood families in need. As proof that living with diabetes doesn’t have to slow anyone down, Britt just completed her fifth Bike-a-Thon for the American Diabetes Foundation Tour de Cure. And she recently spent a weekend in western Philadelphia revitalizing Philadelphia community cleanup. Students like Britt represent the real promise of community service.

While every American should be asked to consider setting aside time for service, be it mentoring a student or volunteering at a community center, it is also time to make sure we give those who are willing to serve, as Citizen-Soldiers in the Armed Forces or as AmeriCorps or Peace Corps volunteers, the opportunity to serve their country full-time.

I am proud to say that in Delaware, people of all ages and backgrounds are helping to solve problems and strengthen communities through 23 national service projects across the state. This year, AmeriCorps, the domestic Peace Corps, will provide more than 170 individuals the opportunity to spend a full year serving in Delaware communities. More than 230 students in Delaware colleges and universities will help pay their way through school while aiding their community through service opportunities that are part of the Federal Work Study Program. And more than 3,300 seniors in Delaware will contribute their time and talents to one of three programs that make up the Senior Corps: Foster Grandparents, who serve one-on-one with more than 1,200 young people with special needs; Senior Companions, who help more than 100 other seniors live independently in their homes; and Retired and Senior Volunteer Program, RSVP, volunteers, who work with more than 330 local groups to meet a wide range of community needs.

These numbers, though inspiring as they are, represent just a small fraction of our population and are much smaller than the number of people who want to serve. If we are to make national service a culture-changing rite of passage in America, we must do more. National service should not be a special chance for a few, but a way of life for many.

At a time when Americans from all walks of life are asking what they can do to help make our Nation safer and stronger, national service offers an answer that points us towards a higher political purpose.
home state. What is unusual in this case is that a Drill Team, Color Guard, JROTC unit from such a remote community won the national championship.

You see, Bethel is a moderate-sized town by Alaska standards, but not by anyone else’s definition. Located along the Kuskokwim River in Southwest Alaska—roughly 400 miles west of Alaska’s largest town, Anchorage—the community has a current population of 5,471. The Bethel Regional High School contains small enough student body to allow some classes in many high schools. The school draws mainly Yupik Eskimo students from dozens of smaller villages such as Aklakachak, Aklia, Tululaksak, Napakiak, Kasigluk and Tuntutulik to name just a few. The majority of the team, 11 of 13 members, are Alaska Natives.

It is truly heart warming to see students from a small Alaska town do so well in the national competition. At Daytona, the Bethel team competed against more than 70 schools from across the nation, as well as against Department of Defense schools from Japan to Puerto Rico.

Practicing drill formations in Alaska’s winter can be more difficult than in Southern California or Florida. Teams need to practice indoors, a lot, since the average January temperature is 6 degrees Fahrenheit. It also is a tad dark in winter, Bethel getting only about five and one half hours of daylight a day in winter.

But more challenging practice condition didn’t stop the students from Bethel Regional from competing and winning in the national competition. Let me mention the members of the Unarmed Regulation Inspection Drill Team that finished first in their competition: Curtis Neck, Michael Carroll, Wallen Olrun, James Miles, Christina Smith, Paul Anvil, Justin Lefner, Mark Charlies, Kimberly Cooper, Jocelyn Tikiun, Jason Noatak, Michael Glore and Lisa Typpo. The team was led by Commander Dexter Kairaiuak.

I’d like to also name the members of the Color Guard that finished in fourth place in its individual competition: Nation Colors, Commander Curtis Neck, State Colors Dexter Kairaiuak, Nation Guard Michael Carroll and State Guard Wallen Olrun.

The Unarmed Regulation Drill Team, containing the same members as the championship inspection team, also competed and took 12th place in its competition. The 10-member Unarmed Exhibition Drill Team took third place in the national competition. It included: Commander Curtis Neck, Michael Carroll, Wallen Olrun, Dexter Kairaiuak, Christina Smith, Lisa Typpo, Justin Lefner, Mark Charlies, Kimberly Cooper and Jocelyn Tikiun.

I also want to publicly thank Army Instructor MSG (Retired) Barbara W. Wright, who was the Army Instructor and Coach of the team this year. She did a wonderful job training her students and helping them to their championship and deserves the thanks not just of the students and their parents, but of all Alaskans for her dedication and commitment. I also want to thank the chaperones who accompanied the students to the competition: Major (RET) Carl D. Bailey, assistance coach; Mr. Scott Hoffman and Mrs. Donna K. Dennis.

To be national champions at any endeavor requires long hours of practice and sacrifice. It requires dedication and true commitment. I know all members of the Bethel Drill Team worked very hard. I am proud of all the students and their faculty advisors for a job very well done. All Alaskans—all Americans—honor you today for your hard work and your accomplishments.

RETIEMENT OF DR. JAMES LARE, OCCIDENTAL COLLEGE

Mrs. BOXER. Mr. President, On the occasion of his retirement, I would like to take this opportunity and applaud the outstanding accomplishments of Dr. James Lare during his tenure as a professor at Occidental College.

Dr. Lare’s commitment to Occidental College goes back more than 50 years, when he was an undergraduate student at the college. In 1962, he became a faculty member and has now served the college for 40 years. Many of Dr. Lare’s colleagues can attest to his extraordinary years of service and contributions to the college and its students.

An expert in American government, European comparative politics, public administration, urban politics and public policy, Dr. Lare has served as a mentor and inspiration to his students, many of whom have flourished on Capitol Hill and in local government. His work on many different projects and on many different committees has strengthened the school and has touched the lives of his colleagues and students.

In addition to his professional career, Dr. Lare is a model community leader. He is a member of many diverse organizations, including CORO Associates, the Public Affairs Internship Support Group; the Sierra Club; the Los Angeles World Affairs Council and he serves as Treasurer of the California Center for Education in Public Affairs, Inc.

Dr. Lare also served our Nation in the United States Army Reserve.

Mr. President, it is clear that Dr. Lare has been an outstanding teacher and is an exceptional citizen who has enhanced the lives of those privileged to cross his path. I extend my very best wishes to him as he begins his much deserved retirement.

HONORING ANNA MICHELLE MILES

Mr. BUNNING. Mr. President, I rise today to honor a truly exceptional member of the Kentucky nursing community. Mrs. Anna Michelle Miles (Missy) of Covington, Kentucky was recently nominated for the Florence Nightingale Award by two of her superiors for her selfless devotion to her coworkers, community, and patients.

The Florence Nightingale Award, presented by the University of Cincinnati Medical Center, honors excellence in the delivery of direct patient care during her lifetime, Florence Nightingale reformulated nursing by successfully creating the modern profession of nursing, establishing an educational system where women could properly learn about medicine and patient care. During the Crimean War, she bravely and selflessly volunteered amongst the sick, injured and dying. She inspired and equipped nurses who followed her. Her achievement required long hours of practice and sacrifice. It requires dedication and true commitment. I know all members of the Bethel Drill Team worked very hard. I am proud of all the students and their faculty advisors for a job very well done. All Alaskans—all Americans—honor you today for your hard work and your accomplishments.

THE DIABETES EPIDEMIC

Mrs. CLINTON. Mr. President, I want to tell you about a remarkable young man I met two years ago. His name is Cullinan Williams, he is 10 years old and he lives in the beautiful little town of Cazenovia in upstate New York.
When Cullinan was 6, he was diagnosed with diabetes. He gives himself injections of insulin and pricks his finger to test his blood glucose level several times a day. Unless we find a cure for diabetes, he will need to do this for the rest of his life. Diabetes is a very serious disease but Cullinan is not sad or defeated. Quite the opposite: Cullinan is a strong advocate for increased diabetes research funding. I first met Cullinan when he asked my husband and me to sponsor him in America’s Walk for Diabetes. This year he served as the American Diabetes Association’s National Youth Advocate. He traveled all across the country talking to patients, providers and legislators. Every year he lobbies Congress and he tells other young people that they too can have a voice on Capitol Hill and in the halls of their state legislatures.

Cullinan has important things to say. There are 17 million Americans with diabetes; 6 million don’t even know they have it. The prevalence of diabetest in the U.S. has grown by 50 percent since 1990; the Center for Disease Control has called it an epidemic. At the current rate, by the year 2010, 10 percent of all Americans will have diabetes.

Diabetes is a very serious disease. Life expectancy for people with diabetes is reduced by 15 years. People with diabetes have health problems. Many go on dialysis or need a transplant because their kidneys fail. Some lose their limbs and others lose their sight. Many have a heart attack or a stroke. More than 200,000 people die of diabetes every year. It is the fifth leading cause of death for some minority groups.

Diabetes costs a lot. In addition to human pain and early death, the financial cost exceeds $100 billion every year. Fourteen percent of all of our health care dollars go to caring for people with diabetes; 25 percent of Medicare expenditures go to diabetes care. If the epidemic of diabetes continues, the expenditures for diabetes care will become astronomical and bankrupt our healthcare system.

Diabetes can be stopped but we need research to do it. While deaths attributed to diabetes have increased by 40 percent since 1987, the proportion of the NIH budget that goes to diabetes research doubled by 200 percent.

We also have to promote a healthy lifestyle across all ages. Obesity is reaching epidemic proportions in our country and is one of the reasons why Type 2 diabetes, the most common form of diabetes, is increasing. Type 2 diabetes used to be diagnosed in older adults. Now we see it in overweight children. This form of diabetes can be prevented by eating a healthy diet, getting regular exercise, and maintaining a normal weight. As a society, we must face our sedentary lifestyle, fast food, and ‘super size’ portion sizes are killing us. Stopping Type 2 diabetes means we must make a commitment as a nation to encouraging and supporting a healthy lifestyle in our families, our communities and our work environment.

Cullinan does not have Type 2 diabetes. He has Type 1 diabetes. However, both forms of diabetes can be prevented or cured through research. Science has produced many recent breakthroughs in our understanding of this disease. We know how to identify the genes that put children like Cullinan at risk for diabetes. Scientists are not searching for the environmental triggers that cause diabetes in genetically at-risk children. Once they identify those triggers, prevention of Type 1 diabetes will be possible. Scientists also understand that Type 1 diabetes is an autoimmune disease; the body destroys its own insulin producing islet cells. Scientists are now studying ways to transplant islet cells or to regenerate islet cells. This could cure diabetes in people with the disease. We need to provide these scientists with the research funding they need to make a difference in Cullinan’s life and to stop Type 1 diabetes in future generations.

50TH ANNIVERSARY OF THE CITY OF FONTANA

• Mrs. BOXER. Mr. President, I take this opportunity to reflect on the 50-year history of the City of Fontana, which is celebrating its official 50th anniversary on Tuesday, June 25.

Incorporated in 1952, the City of Fontana has every reason to be proud of its rich history. One can just look at its intricately detailed city seal for a glimpse of Fontana’s heritage. On the right side of the seal appears a vineyard, representing the time when Fontana had one of the largest vineyards in the world. Also illustrated are chicken ranchoes and citrus groves, reminding us of the agricultural community Fontana once was.

Although land in the Fontana area was secured as early as 1813, it was not actively developed until the early 1900’s, when the Fontana Development Company acquired it and began a community called “Rosena.” The name was changed to “Fontana” in 1913.

In 1913, A.B. Miller founded the townsite of Fontana, and made it into a diversified agricultural community. Nearly 30 years later, as America geared up for World War II, Fontana was selected as the site for a West Coast steel mill and soon became Southern California’s leading producer of steel and other related products. The mill operated until 1984. Today, Fontana is a growing community and is the home of the Auto Speedway, a world-class track for auto racing.

Mr. President, it is clear that the City of Fontana has truly thrived since its early beginnings. Its population has grown from 13,695 to 139,100, and the city provides a full range of valuable services to its residents.

I am proud to serve the people of Fontana, and wish them all a wonderful anniversary celebration and many more years of prosperity.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-256. A joint resolution adopted by the Legislature of the State of Wyoming relative to wolf reintroduction in the State of Wyoming; to the Committee on Environment and Public Works.

JOINT RESOLUTION NO. 3

Whereas, the federal government is responsible for the reintroduction of wolves in the state of Wyoming;

Whereas, elk, moose and deer are important to the recreational and economic interests of the people of the state of Wyoming;

Whereas, the use of elk feed grounds provides positive benefits for the people of the state of Wyoming by maintaining elk population objectives at different locations in the state;

Whereas, the introduction of wolves creates a negative impact on habitats for moose and deer, and wolves kill and displace moose and deer, thereby posing a threat to the maintenance of moose and deer population objectives in the state;

Whereas, wolves kill and displace elk, moose and deer, thereby posing a threat to the maintenance of elk, moose and deer population objectives in the state;

Whereas, wolves kill approximately three hundred thirty (330) elk annually in Wyoming, costing the owner of those elk, the state of Wyoming, an estimated one million three hundred twenty thousand dollars ($1,320,000.00);

Whereas, the state of Wyoming does not have jurisdiction to regulate wolves while they remain on the federal list of threatened species. Now, therefore, be it

Resolved By The Members of the Legislature of the State of Wyoming:

Section 1. That the Wyoming State legislature recognizes the importance of elk, moose and deer to the people of the state and the use of elk feed grounds and the importance of habitats for moose and deer to maintain elk, moose and deer population objectives at various locations in the state of Wyoming.

Section 2. That the federal authorities responsible for the management of wolves in the state of Wyoming must manage wolves in a manner consistent with maintaining elk, moose and deer population objectives, maintaining the habitat of elk and deer and the use of elk feed grounds, as determined by state wildlife officials.
Section 3. That the federal government should annually reimburse the state of Wyoming for the loss to the state caused by the killing of elk, moose and deer by wolves.

Sec. 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate, and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Interior, and to the Wyoming Congressional Delegation.

HOUSE RESOLUTION NO. 419

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more urgent by the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, Under the provisions of the Transportation Equity Act for the 21st century, Michigan currently receives approximately 90.5 cents in return for every highway dollar of federal government.

While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, For Fiscal Year 2003, proposed federal transportation funding for Michigan is expected to be at least 10 percent below the fiscal year 2002. This shortfall will present significant problems to certain aspects of our transportation infrastructure.

As discussions take place about future funding mechanisms and the next federal transportation funding bill, it is imperative that a fair approach be developed.

Resolved, By the House of Representatives, That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Michigan congressional delegation.

POM-257. A resolution adopted by the House of the Legislature of the State of Hawaii, relating to Federal transportation funding for highway and transit programs; to the Committee on Environment and Public Works.

POM-259. A resolution adopted by the House of the Legislature of the State of Michigan relative to Federal transportation funding for highway and transit programs; to the Committee on Environment and Public Works.

Whereas, data from several studies have demonstrated that the additional earning capacity that a postsecondary education provides can make the difference between economic self-sufficiency and continued poverty for many women TANF recipients; and

Whereas, among families headed by African American, Latino, and white women, the poverty rate declines from forty-one, and twenty-two per cent to twenty-one, eighteen and-a-half, and thirteen per cent, respectively, with at least one year of post-secondary education; and

Whereas, further data have found that postsecondary education not only increases women's incomes, it also improves their self-sufficiencies through their children's educational ambitions including aspiring to enter college themselves, and has a dramatic impact on the quality of life; and

Whereas, now, more than ever, TANF recipients need postsecondary education to obtain the knowledge and skills they will require to compete for jobs and enable them to lift themselves and their children out of poverty in the long-term; and

Whereas, without some postsecondary education, most women who leave welfare will earn wages far below the federal poverty line, even after five years of working; and

Whereas, allowing TANF recipients to attend college, even for a short time, will improve their earning potential significantly, in fact, the average person who attends a typical one-year college, earns about ten per cent more than those who do not attend college at all; and

Whereas, women who receive TANF assistance clearly appreciate the importance and role of postsecondary education in moving them out of poverty to long-term economic self-sufficiency; and

Whereas, as of November 1999, at least nineteen states had considered or enacted strategies to support women's efforts to achieve long-term economic self-sufficiency through pursuit of a postsecondary education; now, therefore, be it

Resolved by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002, the Senate concurring, That the Legislature supports the TANF Reauthorization Act of 2001 (HR 3113); and be it further

Resolved, That the Legislature urges Hawaii's congressional delegation to support the passage of the TANF Reauthorization Act of 2001 (HR 3113); and be it further

Resolved, That certified copies of this concurrent resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, the Governor of Hawaii, the President of the Senate, and the Speaker of the House of Representatives.


POM-258. A resolution adopted by the House of the Legislature of the State of Wyoming, relating to Federal transportation funding for highway and transit programs; to the Committee on Environment and Public Works.

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Wyoming congressional delegation, and the Environmental Protection Agency.

Whereas, the volume of waste that comes into Michigan each year represents a significant amount of work, as much as 20 percent of all solid waste in Michigan is from out of state, and the amount has increased significantly in recent years; and

Whereas, Hazardous waste and solid waste transported between Canada and the United States are provided for in the Agreement Between the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Whereas, there is concern about waste that is brought here temporarily by businesses of this state. This challenge is made more difficult because of the fact that Michigan meets the many needs of the individuals and businesses of this state. This challenge is made more severe by the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, Under the provisions of the Transportation Equity Act for the 21st century, Michigan currently receives approximately 90.5 cents in return for every highway dollar of federal government.

While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, For Fiscal Year 2003, proposed federal transportation funding for Michigan is expected to be at least 10 percent below the fiscal year 2002. This shortfall will present significant problems to certain aspects of our transportation infrastructure.

As discussions take place about future funding mechanisms and the next federal transportation funding bill, it is imperative that a fair approach be developed.

Resolved, By the House of Representatives, That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Whereas, the notification requirements and procedures for interstate commerce clause. To protect the public health, safety, and welfare of our environment and citizens, the Congress of the United States must take action.

Whereas, Congress has authority for regulating the transportation and disposal of solid waste between states and nations by virtue of the United States Constitution's interstate commerce clause. To protect the public health, safety, and welfare of our environment and citizens, Congress must act.

Whereas, the Composting of...
Whereas, It is imperative that we continue to build upon our heritage to make Ohio a community where families are strong, homes and streets are safe, education is effective, business is productive, neighbors dem---

Whereas, the positive character qualities in every sector of society can demonstrate positive character qualities and if they make wrong moral choices, the health, safety, and welfare of the citizens of this state are endangered, resulting in a financial burden upon the taxpayers of this state for increased costs of law enforcement; and

Whereas, Many current societal problems will be solved more effectively if the citizens of this state exemplify in their lives positive character qualities that distinguish between right and wrong; and

Whereas, Teaching positive character qualities to juvenile delinquents in particular has been shown to produce a positive change in behavior and to reduce recidivism rates; and

Whereas, Schools need to be environments where positive character qualities are exemplified, taught, and strengthened and where learning character-focused behaviors is encouraged; and

Whereas, Encouraging employees to recognize positive character qualities has resulted in an increase in workplace ethics, employee safety, and organizational performance; and

Whereas, Teaching positive character qualities in every sector of society can only occur as institutions and individuals mutually commit themselves to exemplify positive character qualities in their public and personal lives and to collaborate with one another to establish character as a foundational community asset; now therefore be it

Resolved, That we, the members of the 124th General Assembly of Ohio, in adopting this Resolution, pledge our commitment to positive character qualities by recognizing Ohio to be a character-building state, by increasingly viewing our decisions in light of their character impact, by encouraging the advancement of character qualities in state government, in city, township, and county governments, in the media, and in schools, businesses, community groups, worship centers, and homes; and by urging the citizens and civic and community leaders of this state to mutually pursue character as a vital and leadership and citizenship priority; and be it further

Resolved, That the members of the 124th General Assembly of Ohio request that the Ohio Department of Education take all steps necessary to secure available funding for character education and development programs provided for by Congress in Sec. 5431 of the No Child Left Behind Act of 2001; and be it further

Resolved, That the Clerk of the House of Representatives, in authenticating copies of this Resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representa---

Whereas, the Millennium Young People’s Congress held in Hawaii in October 1999, demonstrated the value of a collective global vision by bringing children of the world and the need for a forum for international discussion of issues facing all children and youth; and

Whereas, children and youth are the key to world peace, sustainability, and productivity in the next millennium; and

Whereas, the health, welfare, and education of children and families are part of the basic foundation and values shared globally that should be provided for all children and youth; and

Whereas, the populations of countries in Asia and the Pacific Rim are the largest and fastest growing segment of the world’s population with young people representing the largest percentage of that population; and

Whereas, Hawaii’s location in the middle of the Pacific Rim and the Americas, along with a diverse culture and many shared languages, provides an excellent and strategic location for meetings and exchanges as demonstrated by the Millennium Young People’s Congress, to discuss the health, welfare, and rights of children as a basic foundation for all children and youth, and to research pertinent issues and alternatives concerning children and youth, and to propose viable models for societal application; now, therefore, be it

Resolved by the Senate of the Twenty-first Legislature of the State of Hawaii, Regular Ses- sion of 2002, That the United Nations is re- spectfully requested to consider the establish- ment in Hawaii of a Center for the Health, Welfare, and Education of Children, Youth and Families for Asia and the Pacific; and be it further

Resolved, That the President of the United States and the United States Congress are urged to support the establishment of the Center; and be it further

Resolved, That the Senate and House Com- mittees on Health convene an exploratory task force to develop such a proposal for con- sideration by the United Nations; and be it further

Resolved, That certified copies of this Reso- lution be transmitted to the Secretary Gen- eral of the United Nations, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representa- tives, the President of the University of Hawaii, the President of the East West Center, the Presi- dent of the Association in Hawaii, and members of Hawaii’s congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2621: A bill to provide a definition of vehicle for purposes of criminal penalties relating to terror- ism; and other acts of vio- lence against mass transportation systems. (Rept. No. 107-166). By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 754: A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and the Federal Trade Commission to enforce existing anti- trust laws regarding brand name drugs and generic drugs. (Rept. No. 107-167). By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 1886: A bill to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents. (Rept. No. 107-166). By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1291: A bill to amend the Illegal Immi- grant Reform and Immigrant Responsi- bility Act of 1996 to permit States to deter- mine the residency and immigration purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long- term United States residents. By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitu---

S. 1335: A bill to support business incuba- tion in academic settings. By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1754: A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary, David S. Ceroni, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Morrison C. England, Jr., of California, to be United States District Judge for the Eastern District of California.

Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida.

Lawrence A. Greenfeld, of Maryland, to be Director of the Bureau of Justice Statistics.

Anthony Dichio, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of four years.

Michael Lee Kline, of Washington, to be United States Marshal for the Southern District of Florida.

James Thomas Roberts, Jr., of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

By Mr. LEAHY, from the Committee on Energy and Natural Resources, to the President Pro Tempore and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representa- tives, to the President of the United States, the President of the Senate, and members of the Ohio Congressional delega- tion, and the news media of Ohio.

Resolved, That the Clerk of the House of Representatives, in authenticating copies of this Resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representa- tives, to the President of the United States Senate, to the members of the Ohio Congressional dele- gation, and the news media of Ohio.

POM-361. A resolution adopted by the Sen- ate of the Legislature of the State of Hawaii relative to the establishment of a center for health, welfare and education of children, youth and families for Asia and the Pacific; to the Committee on Foreign Relations.

Resolved, That the General Assembly of Ohio request that the
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:
S. 2654. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation; to the Committee on Health, Education, Labor, and Pensions.

By Ms. VOINOVICH (for himself, Mr. THOMPSON, and Mr. COCHRAN):
S. 2651. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRAHAM:
S. 2652. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. MILLER):
S. 2653. A bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. ROCKEFELLER, Ms. SNOWE, Mr. JOHNSTON, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. HAGEL, Mr. CONRAD, Mr. ROBERTS, Mr. DURBIN, Mr. TOBERK, Mr. ROCKETT, and Mr. WYDEN):
S. 2654. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Finance.

By Mr. ROCKEFELLER:
S. 2655. A bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

By Ms. SNOWE:
S. 2656. A bill to require the Secretary of Transportation to develop and implement a plan to provide security for cargo entering the United States or being transported in intrastate or interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. EDWARDS, Ms. LANDRIEU, and Mr. DODD):
S. 2657. A bill to amend the Child Abuse Prevention and Treatment Act to provide for opportunity passports and other assistance for youth in foster care and youth aging out of foster care; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. EDWARDS, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. DODD):
S. 2658. A bill to amend subtitle C of title I of the National and Community Service Act of 1990 to give more youth aging out of foster care the opportunity to participate in national service programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:
S. 2659. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion; to the Select Committee on Intelligence.

By Mr. LUHAR (for himself and Mr. HARKIN):
S. 2660. A bill to amend the Richard B. Russell National School Lunch Act to increase the number of children participating in the summer food service program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEWINE:
S. 2661. A bill to amend title 18, United States Code, to provide for video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Judiciary.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. AKIN):
S. 2662. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, and Mr. MCCAIN):
S. 2663. A bill to permit the designation of Israeli-Turkish qualifying industrial zones; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):
S. 2664. A bill to amend Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HUTCHINSON (for himself, Mr. HARKIN, and Mr. GREGG):
S. 2665. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 267
At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. COHENEZ) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 839
At the request of Mrs. HUTCHINSON, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for services, will be no less than the basic payment amount for such individual would then be receiving if no interruption in employment had occurred.

S. 3027
At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 3027, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 2861
At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2861, a bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies.

S. 2215
At the request of Mr. SANTORUM, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Colorado (Mr. ALLAN) were added as cosponsors of S. 2215, a bill to limit 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.

§ 2221

At the request of Mr. Rockefeller, the name of the Senator from Maryland (Ms. Mikulski) and the Senator from Washington (Mrs. Murray) were added as cosponsors of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the Medicaid program.

§ 2394

At the request of Mrs. Clinton, the names of the Senator from New Mexico (Mr. Bingaman) and the Senator from Wisconsin (Mr. Kohl) were added as cosponsors of S. 2394, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients.

§ 2490

At the request of Mr. Leahy, the name of the Senator from Georgia (Mr. Nunn) was added as a cosponsor of S. 2490, 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.

§ 2509

At the request of Mrs. Hutchison, the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. 2509, a bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes.

§ 2521

At the request of Mr. Kerry, the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. 2521, a bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount.

§ 2560

At the request of Mr. Bingaman, his name was added as a cosponsor of S. 2560, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

§ 2597

At the request of Ms. Collins, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 2597, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

§ 2572

At the request of Mr. Kerry, the name of the Senator from North Carolina (Mr. Edwards) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

AMENDMENT NO. 3912

At the request of Mr. Reid, the names of the Senator from New Mexico (Mr. Bingaman) and the Senator from Maine (Ms. S. Snowe) were added as cosponsors of amendment No. 3912 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3914

At the request of Mr. Feinstein, the names of the Senator from New Mexico (Mr. Domenici) and the Senator from Rhode Island (Mr. Chafee) were added as cosponsors of amendment No. 3914 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3915

At the request of Mr. Bayh, his name was added as a cosponsor of amendment No. 3915 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Ms. Landrieu:

S. 2560. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I rise today to introduce to my colleagues, the Consolidation Student Loan Flexibility Act of 2002, a bill of great importance to the hundreds and thousands of students working to make the dream of a college education a reality. According to a recent report published by the National Center for Higher Education, the cost of attending two- and four-year public and private colleges has grown more rapidly than inflation, and faster than family income. Poor families spent as much as 25 percent of their annual income to send their children to a public, four-year colleges in 2000, compared with 13 percent in 1980. What’s worse, the Federal Pell Grant program, designed to help alleviate the financial burden on low income families, covered only 57 percent of the cost of tuition at public four-year colleges in 1999, compared with 98 percent in 1980.

The most widespread response to the increasing costs, according to the report, involves debt, more students are borrowing more money than ever before. Since 1980, Federal financial assistance has been transformed from a system characterized mainly by need based grants to one dominated by loans. In 2000, loans represented 58 percent of Federal student financial aid, and grants represented 41 percent. Studies show that a major factor influencing a student’s choice of college and degree program is the amount of debt connected with the type of institution or profession. Make no mistake, these choices not only affect the lives of the students themselves but also impact society as a whole. Efforts to attract and retain qualified but not necessarily high paying careers, such as teaching, may be undermined by substantial debt burdens.

School loans are an important and legitimate aspect of attending college for most students, but raise several policy concerns. One area of growing concern surrounds what is called the single lender rule. The single lender rule is a provision in the Higher Education Act that affects the ability of college graduates to consolidate multiple student loans into a single new loan for the purpose of getting a lower rate. Specifically, it provides that borrowers having all of their loans held by a single lender have to consolidate with that lender, so long as it offers consolidation loans. Therefore those borrowers with all of their loans in one place can’t go to other lenders offering better rates or benefits, they have to stay where they are.

I would like to submit for the record some numbers which demonstrate how damaging the single lender rule is for students. Last year, 143,504 students were denied the benefits of loan consolidation because of the single lender rule. In my home State of Louisiana, 3,329 students were prevented from obtaining a lower-rate or more generous benefits because of this rule. Many of these students are studying to be doctors, nurses, teachers, lawyers and other professionals. It is imperative that we pass legislation that will provide students with the power that choice and competition can bring.

This restriction makes no sense and while it may benefit those offering student loans, it sure isn’t designed to provide students with the power that choice and competition can bring. A few months ago we acted to pass a package designed to stimulate the economy and secure long term economic stability in America. I would be hard pressed to think of a better way to ease the burden on our States and to secure a brighter future for the U.S. economy than to make a college degree
an affordable option for all who seek to obtain one.

The Census Bureau has released new figures on the earnings gap between people with a high school education and those with bachelor's degrees. It's wide and growing. The bureau said that college graduates made an average of $40,500 last year, while the average high school graduate earned $22,900.

People with bachelor's degrees now earn an average of 76 percent more than high school graduates. In 1975, the gap was 57 percent. One does not have to have a Ph.D. in math to understand the impact that closing this gap would mean for the economy, more people with college degrees means higher consumer spending and lower unemployment.

Some of my colleagues may be asking, why now? Why not wait until next year when we will be re-addressing the Higher Education Act? Here are some of the reasons why I believe this is not a good idea for us to wait until next year or the year after. To delay repealing the rule until the H.E.A. Reauthorization would unnecessarily victimize hundreds of thousands of students loan borrowers depriving them of the ability to manage their debt in an optimal way. Today's graduates are entering a workplace where jobs are hard to get and salaries for starting positions are lower than they have ever been before. In that environment, we need to be building up opportunities for them to reduce their debt not increase it.

This bill is an important first step to making college more affordable for all American families. I hope my colleagues will join me in making the dream of a college education a reality for all.

By Mr. GRAHAM:

S. 2652. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, when the Spanish explorers surveyed Florida in the early 16th century, this is what they saw: Massive pines, measuring two to three feet in diameter that climbed into the skies over 100 feet.

This was the landscape of the Apalachicola National Forest. You could walk through the forest, especially early in the day as the morning fog was rising, look up and see these silent giants create a dense canopy overhead.

Some likened the forest's natural beauty to a cathedral of trees. The sheer enormity of these tall stately trees was magnified by the close cut landscape of wiregrass on the forest floor.

This pattern of tall stately trees and lawn like underbrush, as the first Spanish explorers described it, impressed them as common throughout the southeast of North America—over 90 million acres of pines and wiregrass.

Today, all but a fraction of these acres of the longleaf pine ecosystem have been destroyed or altered.

The forest character has been transformed by thick palmetto and other growth from that which was encountered by the earliest settlers. Why? Because of fires, or more precisely—the absence or containment of fires to protect businesses and their property.

Natural fires created by thunderstorms are part of nature's cycle. Many of the longleaf pines and wiregrass have natural qualities which allowed them to survive the fires while other plant life perished.

The result is dramatically depicted in this painting by Jacksonville, FL artist Jim Draper who captures the beauty to a cathedral of trees.

The Florida National Forest Lands Management Act of 2002 is a sensible and logical approach to allowing the United States Forest Service to acquire these vast and important inholdings and preserve a natural treasure.

It will aid in expanding the 3 million acres of longleaf pine that now cover the southeastern United States.

Like its predecessors, this special part of the Apalachicola is preserved due to fires, now both natural and prescribed.

But those fires are now threatened by man. Private inholdings adjacent to Post Office Bay are being considered for sale as small acreage second homes and vacation sites. Should this occur, managed fires would likely encounter serious resistance from the new owners and the fires required to sustain this vestige of America's natural history would be ended.

The 564,000 acre Apalachicola National Forest has a unique opportunity to acquire the remainder of a 2,560 acre inholding within the forest.

As of last month, 1,180 acres of this property have been acquired through a land swap.

Now we need to finish the job, to permanently protect Post Office Bay.

The Florida National Forest Lands Management Act of 2002 will do just that.

The United States Forest Service has been left without several noncontiguous parcels of land in Okaloosa County, further west in Florida's Panhandle—that it must manage because former portions of the Choctowahatchee National Forest were returned to the Forest Service by the Department of Defense.

These parcels are high in value, some have potential buyers, and several are encumbered with urban structures, such as baseball fields and the county fairgrounds.

Our legislation will allow the Forest Service to sell these parcels and purchase the remainder of the Apalachicola inholdings and other sensitive lands with the proceeds.

The land sale would have several benefits.

This legislation will make it easier for nature and man to continue its cleansing process by fire without endangering private land or its occupants.

By connecting the lands of the longleaf pine ecosystem, the regular course of natural fires can resume safely, optimizing Mother Nature's method of keeping this area beautiful.

Also, by allowing the regular cycle of fire to resume freely, the regeneration process will continue.

Ultimately, the forest would be more easily and effectively managed.

The Florida National Forest Lands Management Act of 2002 is a sensible approach for the Apalachicola National Forest to acquire these vast and important inholdings and preserve a natural treasure.

It will aid in expanding the 3 million acres of longleaf pine that now cover the Southeastern United States.

This measure has the support of the Forest Service, and I urge my colleagues to support it was well.

By Mr. SANTORUM (for himself and Mr. MILLER):

S. 2653. A bill to reduce the amount of paperwork for special education teachers, to make mediacion mandatory for all legal disputes related to individualized education programs, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. SANTORUM. Mr. President, today, I am pleased to announce the introduction, along with my colleague Senator MILLER, of the bipartisan Teacher Paperwork Reduction Act of 2002. During the 107th Congress, we have been successful in legislating sweeping reforms in education with the passage last year of the No Child Left Behind Act. We also hope to complete reauthorization of another important Federal education initiative, the reauthorization of the Individuals with Disabilities Education Act, IDEA, this year. As we consider this legislation, our greatest responsibility is to improve the quality of the education that students receive from their education professionals.

One of the problems fostered by the current system, which stands in direct contrast to our purpose, is the excessive paperwork burden imposed on our special education teachers. This burden takes valuable time away from classroom instruction and is a source of ongoing frustration for the special education teachers working on the
spend a half to one and a half days each week in IEP-related meetings.

There are three primary factors associated with burdensome paperwork. The first factor is federal regulations. The 1997 IDEA amendments set forth the necessary components of the IEP and require teachers to complete an array of paperwork in addition to the IEP. According to the National School Boards Association, NSBA, these requirements result in consuming substantial hours per child and cumulatively are having a negative impact on special educators and their function.

Second, there are misconceptions at the state and local levels regarding federal regulations. The U.S. Department of Education compiled a sample IEP with all the necessary components, and it is five pages long. However, most IEPs are much longer, making mediation a viable way to reduce the amount of paperwork. In order to be prepared for due process hearings and court proceedings, school district officials often require extensive documentation so that they are able to show that the student is entitled to a free appropriate public education (FAPE) and that the process was appropriate.

A key provision of the bill makes mediation mandatory for all legal disputes related to IEPs. There are several benefits to using mediation as an alternative to due process hearings and court proceedings. According to the Consortium for Appropriate Dispute Resolution in Special Education, CADRE, mediation is a constructive alternative in cases where the parents and teachers and allows families to maintain a positive relationship with teachers and service providers. Parents have the benefit of working together with educators and service providers as partners instead of as adversaries. If an agreement cannot be reached as a result of mediation, parties to the dispute would retain existing due process and legal options.

Mediation is also a much less costly, less time-consuming alternative for all parties concerned. Parents do not have to pay for mediation sessions, because under the 1997 IDEA amendments, states are required to bear the cost for mediation. States and local districts save a lot of money as well. According to the Michigan Special Education Mediation Program, MSEMP, the average hearing cost to the state is $40,000; it saves a lot of money as well. In Pennsylvania, 85 percent of voluntary mediation ses-
strides in the quality of health care, we are losing ground on the access to health care for so many.

The sad truth is that there are currently 38.7 million Americans without health insurance coverage, 9.2 million of whom are children. In Washington, District of Columbia, 13.3 percent of the population, and 155,000 children, lacks health insurance. Many of the 42.6 million uninsured Americans are lower-income workers who do not have employer-sponsored coverage for themselves, but earn too much to be eligible for public programs like Medicaid and the State Children’s Health Insurance Program.

Access to health insurance for the uninsured is of the utmost importance, we know that at the very least, health insurance means the difference between timely and delayed treatment and at worst between life and death. In fact, the uninsured are four times as likely as the insured to delay or forego needed care, and uninsured children are six times as likely as insured children to go without needed medical care.

But even insurance isn’t enough if there are no available providers. Hospitals and other health care providers across the country are facing an increasingly uncertain future. The sad truth is that it is increasingly more difficult to recruit health care providers to work with underserved communities, especially in rural areas. In addition to economic pressures, rural areas must overcome the environmental issues involved with recruiting a doctor who may have been raised, educated, and trained in an urban setting.

The National Health Service Corps was created in 1970 by Senator Warren Magnuson, one of the most distinguished Senators to come from Washington State. He saw the need to put primary care clinicians in rural communities and inner-city neighborhoods, and developed this program to fill that need.

Since then, the Corps has placed over 22,000 health professionals in rural or urban health professions shortage areas. There is no doubt that National Health Service Corps (NHSC) has been an extremely successful. In fact, the most recent available data show that more than 70 percent of providers continued to provide services to underserved communities after their Corps obligation was fulfilled, 80 percent of these health care providers stayed in the community in which they had originally been placed.

Under current law, the National Health Service Corps provides scholarships, loan-repayments, and stipends for clinicians who agree to serve in urban and rural communities with severe shortages of health care providers. In 1986 the IRS ruled that all payments made under the program are considered taxable income. Understanding the immediate financial impact to scholars—recipients, who were forced to pay the tax out of their own pockets, Congress eliminated the scholarship tax in 2001.

And while the scholarship program is now not considered taxable income to the IRS, the loan-repayments and stipends are.

By statute, the current loan program awards also include a tax assistance payment equal to 39 percent of the loan repayment amount, which is to be used by the recipient offset his or her tax liability resulting from the loan repayment “income.” This means that nearly 40 percent of the federal loan repayment payments are tax-free. Under current law, these payments are called loan repayment “income” alone. If these federal payments were not taxed, and the funding was freed up, more health professions students could take advantage of the loan repayment program, and thus placed, the National Health Service Corps provides scholarships help finance education for future providers, and thereby bringing more providers into underserved areas.

This is not a new problem. The tax burden that accompanies the National Health Service Corps loan payments is a significant deterrent to increasing the number of clinicians enrolling in the Corps. I do not want to see a situation where, as happened several years ago, over 300 applicants actually left this underserved areas because the Corps could not fully fund the loan repayment program.

The legislation we are introducing today, the National Health Service Corps Loan Repayment Act, would address this disincentive, making the Corps available to more medical and health professionals, and thereby bringing more providers into underserved areas. If loan repayments are not considered taxable income, the National Health Service Corps will have the resources to provide aid to health professionals seeking loan repayment, and will be able to increase the number of providers in underserved areas.

There is no question that strengthening the National Health Service Corps is a “win-win” situation. Corps scholarships help finance education for future primary care providers interested in serving the underserved. In return, graduates serve those communities where the need for primary health care is greatest.

This bill is supported by over 20 national organizations including the National Rural Health Association, the National Association of Community Health Centers, the Association of American Medical Colleges, and the American Medical Student Association. I am especially pleased that the Washington State Medical Association is supporting this bill. I ask unanimous consent that the complete list be included in the RECORD after my statement.

I urge my colleagues to look at this bill and to join me in expanding this vitally important and imminently successful program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT ACT ENSORMENTS

American Academy of Dental Practitioners.
American Academy of Pediatric Dentistry.
American Academy of Physician Assistants.
American Association of Colleges of Osteopathic Medicine.
American Association of Colleges of Pharmacy.
American Association for Dental Research.
American College of Nurse-Midwives.
American College of Osteopathic Family Physicians.
American Counseling Association.
American Dental Association.
American Dental Education Association.
American Medical Student Association.
American Optometric Association.
American Organization of Nurse Executives.
American Osteopathic Association.
American Psychological Association.
American Student Dental Association.
Association of Academic Health Centers.
Association of American Medical Colleges.
Association of Clinicians for the Underserved.
Association of Schools and Colleges of Optometry.
National Association of Community Health Centers.
National Association of Graduate-Professional Students.
National Rural Health Association.
Washington State Medical Association.

Mr. THOMAS. I am pleased to rise today to introduce the National Health Service Corps Loan Repayment Act of 2002 with my colleague from Washington, Ms. CANTWELL. Specifically, this legislation will exclude loan repayments made through the National Health Service Corps (NHSC) program from taxable income. Enactment of the National Health Service Corps Loan Repayment Act of 2002 would increase the amount of federal dollars available so more students could participate in the NHSC program.

Under current law, the NHSC provides scholarships, loan-repayments, and stipends for clinicians who agree to serve in national designated underserved urban and rural communities. The tax changes in 1986 resulted in the IRS ruling that loan repayments were taxable. Congress eliminated the tax on the scholarship in 2001, but the loan-repayments and stipends continue to be taxed.

To assist loan repayment recipients with their tax burden, the NHSC loan program includes an additional payment equal to 39 percent of the loan repayment amount so the loan repayment recipient can pay his or her taxes. Close to 40 percent of the NHSC recipients’ loan repayment budget goes to pay taxes on the loan repayment “income.” The current situation should not be allowed to continue. Given the fiscal restraints we are facing, we must ensure that federal dollars are spent efficiently and effectively. It is obvious that today’s NHSC loan repayment structure does not meet that goal. Our legislation resolves this issue.

For over 30 years, the National Health Service Corps (NHSC) program has literally been a lifeline for many underserved communities across the country that otherwise would not have a health care provider. I know this program is critically important to my
state of Wyoming and to many other rural states that has difficulties recruiting and retaining primary health care clinicians.

There are 2,800 Health Professional Shortage Areas, 740 Mental Health Shortage Areas, and 1,200 Dental Health Shortage Areas across the country. However, the NHSC program is meeting less than 13 percent of the current need for primary care providers and less than six percent of need for mental health and dental services. The National Health Service Corps Loan Repayment Act of 2002 would increase the number of students in the program and allow more providers to be placed in these shortage areas.

The National Health Service Corps Loan Repayment Act of 2002 is crucial to the future well being of many of our rural communities. I strongly urge all my colleagues to support this important legislation.

By Mr. ROCKEFELLER:

S. 2655. A bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the Medicare and Medicaid Programs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce "A First Step to Long-Term Care Act of 2002." This is a targeted long-term care package—a first step in the direction of long-term care reform. This legislation is about protecting existing, expanding home care, and modestly expanding Medicare to address the need for adult day health care.

Government coverage for nursing home care operates primarily, and most substantially, through the Medicare program the safety net for the poor. Despite what many Americans believe or hope, Medicare is not designed or financed to cover long-term care. While Medicare is, in fact, the universal health care program for the elderly, which covers all health care needs, save prescription drugs and long-term care.

Just this morning, I testified before the Senate Special Committee on Aging about the need to find real solutions to attack the issue of long-term care coverage. This legislation is a step in that direction.

Today, the home care benefit under Medicare offers skilled care and possibly home health aids on a part-time or intermittent basis. Beneficiaries also must be confined to the home, despite the fact that many could leave the home with assistance. "A First Step to Long-Term Care Reform" retains the requirement that leaving the home requires a considerable and taxing effort, but it obviates the difficult choice that patients face: either be imprisoned in their home or risk losing Medicaid coverage.

We also need to begin to provide options to nursing home care under the Medicare benefit, such as the payment for adult day health care. This is something Senator SANTORUM has been working on as well. Doing so would provide a measure of respite and will reduce the bias towards institutionalizing those who can, with the right circumstances—stay at home.

Giving states the mandate that they must pursue and sell-off the estates of Medicaid beneficiaries is another first step. In the short-term, we can provide states with the option of whether or not to do so. West Virginia is one State, in particular, which is seeking relief from this harsh and unnecessary mandate. I recognize Congressman NICK RAHALL, my good friend and colleague from West Virginia, for his leadership on this issue.

Mr. President, there are few issues that are as challenging as providing a solution for the long-term care problem, but we simply must have the courage to take the course at this time in the长期抚养老人。在短期，我们可以为各州提供选择权，即是否卖掉他们的财产。西维吉尼亚州是一个特别的例子，它正在寻求从这种残酷和不必要的惩罚中解脱。我认识西维吉尼亚州的议员NICK RAHALL，我的好朋友和同事，他在这个问题上发挥了领导作用。

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Mr. President, there are few issues that are as challenging as providing a solution for the long-term care problem, but we simply must have the courage to take the course at this time in the
Last year, with the passage of the Aviation and Security Act of 2001, we reinvented aviation security. We overcame the status quo, and I am proud of the work we did. We put the Federal Government in charge of security and we have made significant strides toward ensuring the safety of the American people that it is safe to fly.

We no longer have a system in which the financial “bottom line” interferes with protecting the flying public. We also addressed the gamut of critical issues including screening, additional air marshals, cockpit security, and numerous other issues.

But there is more work to be done. We must not lose focus. If we are to fully confront the aviation security challenges we face in the aftermath of September 11, we must remain aggressive. We need a “must-do” attitude, not excuses about what “can’t be done”, because we are only as safe as the weakest link in our aviation security system.

I believe one of the most troubling shortcomings, which persists to this day, is the lax cargo security infrastructure. The Department of Transportation Inspector General will warn in a soon-to-be-released report that the existing system is “easily circumvented.” This must not be allowed to stand.

Moreover, according to a June 10 Washington Post report, internal Transportation Security Administration documents warn of an increased risk of an attack designed to exploit this vulnerability because TSA has been focused primarily on meeting its new mandates to screen passengers and luggage.

This is clear evidence that cargo security needs to be bolstered. And time is not on our side. We must act now.

The legislation I am introducing today is designed to tackle this issue by directing the Transportation Security Administration to submit a detailed cargo security plan to Congress that will address the shortcomings in the current system.

And while the TSA is designing and implementing this plan, my bill would require interim security measures to be put in place immediately. The interim security plan would include random screening of at least 5 percent of all cargo, an authentication policy designed to signpost the system, not able to impersonate legitimate shippers, audits of each phase of the shipping process in order to police compliance, training and background checks for cargo handlers, and funding for screening and detection equipment.

On September 11, terrorists exposed the vulnerability of our commercial aviation network in the most horrific fashion. The Aviation and Transportation Security Act of 2001 was a major step in the right direction, but we must always stay one step ahead of those who would commit vicious acts of violence on our soil aimed at innocent men, women, and children.

This bill is designed to build on the foundation we set last year. I urge my colleagues to join me in addressing this critical matter.

By Mr. DeWINE.

S. 2659. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion; to the Select Committee on Intelligence.

Mr. DEWINE. 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. 2659
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF BURDEN OF PROOF FOR ISSUANCE OF ORDERS ON NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ORDERS OF ELECTION SURVEILLANCE.—

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following new paragraph (3):

“(3) on the basis of facts submitted by the applicant—

“(A) in the case of a target of an electronic surveillance that is a United States person, there is probable cause to believe that—

(i) the target is a foreign power or an agent of a foreign power; or

(ii) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power; or

“(B) in the case of a target of electronic surveillance that is a non-United States person, there is reasonable suspicion to believe that—

(i) the target is a foreign power or an agent of a foreign power; and

(ii) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power;”;

(2) in subsection (b), by inserting “or reasonable suspicion” after “probable cause”; and

(3) in subsection (e)(2), by inserting “, or reasonable suspicion in the case of a non-United States person,” after “probable cause”;

(b) PHYSICAL SEARCHES.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) on the basis of facts submitted by the applicant—

“(A) in the case of a target of a physical search that is a United States person, there is probable cause to believe that—

“(i) the target is a foreign power or an agent of a foreign power, except that no United States person may be considered a foreign power or an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States; and

“(ii) each of the premises or property to be searched is owned, used, possessed by, or is
in transit to or from an agent of a foreign power or foreign power; or

"(B) in the case of a target of a physical search that is a non-United States person, there is reasonable suspicion to believe that—

"(i) the target is a foreign power or an agent of a foreign power; and

"(ii) the property to be searched is owned, used, possessed by, or is in transit to or from an agent of a foreign power or foreign power;"

(2) in subsection (b), by inserting "or reasonable suspicion" after "probable cause"; and

(3) in subsection (d)(2), by inserting "or reasonable suspicion" after "probable cause".

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2660. A bill to amend the Richard B. Russell National School Lunch Act to increase the number of children participating in the summer food service program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LUGAR. Mr. President, I rise today to introduce legislation to amend the Richard B. Russell National School Lunch Act that will streamline, nationalize, and update the requirements of the Summer Food Service Program. The proposed administrative changes are expected to increase the number of local organizations stepping forward to sponsor a summer feeding program in their communities and, thus, serve many more children in poor neighborhoods.

Children in low-income communities are eligible to receive free or reduced price meals during the school year through the National School Lunch and Breakfast Programs. During the 2000-2001 school year, 13.5 million children received such assistance. But, unless children attend school during the summer, access to meals through these programs ends.

The Summer Food Service Program, which is administered at the federal level by USDA, helps to fill the resulting hunger gap and helps children get the nutrition they need to learn, play and grow throughout the summer months. This is an entitlement program which funds the meal and snack service provided by the sponsors of diverse, summer activity programs.

Although the Summer Food Service Program is the largest Federal resource used to feed children during the summer months, we know that there is substantial unmet need. Among the more than 15 million children getting free and reduced-price meals during the school year, only about 20 percent of these three million children received free meals during the summer months.

State administering agencies report that a major obstacle to serving more low-income children is the relatively small and static number of local organizations serving as program sponsors or meal providers. During the last several years, both the number of Summer Food Service Program sponsors across the country ranged between 28,000 and a little over 31,000.

Two important factors contribute to this situation. Many schools and summer recreation programs remain unaware that federal funding is available to provide free meals and snacks to needy children. Others find the requirements for budget and cost reporting, which differ from those used in the School Lunch and Breakfast Programs, to be unusually complex and burdensome.

The administrative obstacles are both familiar to the Congress and one we have taken an initial step to address. In May 2001, I authored a provision of the Consolidated Appropriations Act that authorizes a pilot to try out simpler accounting and reimbursement procedures. The pilot replaces a sponsor’s usual obligation to provide detailed and separate documentation of actual administrative and operating costs up to specified limits. In practice, this documentation has little effect, since a large majority of sponsors qualify for the maximum reimbursement. In the pilot states, sponsors report the number of meals and are reimbursed at a rate of $2.50 per meal. This allows sponsors in the 13 pilot States to combine both cost categories and follow procedure used in the school meals programs for reimbursement.

Although the pilot test is not over, the initial results are positive. The Food Research Action Center released findings today in their annual summer nutrition status report, Hunger Does Not Take a Vacation. The number of sponsors increased by eight percent in the pilot areas compared to one percent across all other states. Most important, children’s participation in the Summer Food Service Program increased by 8.1 percent across the pilot States. This represents a 3.3 percent decline for the rest of the nation.

USDA’s Secretary Veneman and Under Secretary Bost used their authority to facilitate sponsorship and announced, last March, that all states may seek a waiver to adopt more streamlined administrative procedures.

I think it is now time for Congress to step up and take action to further improve the capacity of the Summer Food Service Program. I am introducing a new bill, along with Senator Harkin, the Chairman of the Senate Committee. Our proposed legislation makes the procedural simplifications in the pilot a part of the Program’s regular operating rules. This eliminates the need for waiver requests and waiver approval.

If we are truly committed to the principle that no child will be left behind, this is a small step that can make a large difference in encouraging local organizations to sponsor a summer feeding program and in meeting the nutrition needs of low-income children.

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. 2660

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

SECTION 1. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) Food Service. —Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) PRIVATE NONPROFIT ORGANIZATIONS.—

"(I) Subject to subparagraphs (B) and (C), payments to a private nonprofit organization described in subsection (a)(7) shall be equal to the full cost of food service operations (which cost shall include the costs of obtaining, preparing, and serving food, but shall not include administrative costs).

"(ii) Service Institutions.—Payments to a service institution shall be equal to the maximum amounts for food service under subparagraphs (B) and (C).

(b) ADMINISTRATIVE COSTS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

"(3) ADMINISTRATIVE COSTS.—

"(A) PRIVATE NONPROFIT INSTITUTIONS.—

"(i) BUDGET.—A private nonprofit organization described in subsection (a)(7), when applying for participation in the program, shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State.

"(ii) AMOUNT.—Payment to a private nonprofit organization described in subsection (a)(7) for administrative costs shall be equal to the full amount of administrative costs incurred, except that the payment to the service institution may not exceed the maximum allowable levels determined by the Secretary under the study required under paragraph (4).

"(B) SERVICE INSTITUTIONS.—Payment to a service institution for administrative costs shall be equal to the maximum allowable levels determined by the Secretary under the study required under paragraph (4).

"(c) CONFORMING AMENDMENTS. —

"(1) Section 13(a)(7)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)(7)(A)) is amended by striking "Private" and inserting "Subject to paragraphs (1) and (3) of subsection (b), private"; and


"(d) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2003.

"(2) SUMMER FOOD PILOT PROGRAMS.—The amendment made by subsection (c)(2) takes effect on May 1, 2004.

By Mr. DeWINE:

S. 2661. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Committee on the Judiciary.

Mr. DeWINE. 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:
This tax relief is significant in that it recognizes for the first time the extra mile that our dedicated teachers go in order to improve the classroom experience for their students.

Today, we introduce legislation that builds on the bill that Senator ALLEN submitted earlier this year. Our bill would double the amount that a teacher can deduct—from $250 to $500—and includes professional development expenses in the deduction. Our bill would also make this modest tax relief permanent whereas the provision in the economic stimulus package is scheduled to sunset in 2 years.

While our bill provides financial assistance to educators, its ultimate beneficiaries will be our students. Other than involved parents, a well-qualified teacher is the single most important prerequisite for student success. Educational researchers have demonstrated, time and again, the strong correlation between qualified teachers and student outcomes. Moreover, educators themselves understand just how important professional development is to maintaining and expanding their level of confidence.

When I meet with teachers from Maine, they tell me of their desire and need for more professional development. But they also tell me that, unfortunately, school budgets are so tight that frequently the school districts cannot provide that assistance that a teacher needs in order to take that additional course or pursue that advanced degree. As President Bush aptly put it: “Teachers sometimes lead with their hearts and pay with their wallets.”

A recent survey by the National Center for Education Statistics highlights the benefits of professional development. The survey found that most teachers who had participated in more than 8 hours of professional development during the previous year felt “very well prepared” in the area in which the instruction occurred. Obviously, teachers who are taking additional course work, and pursuing advanced degrees, become even more valuable in the classroom.

Increasing the deduction for teachers who buy classroom supplies is also a critical component of my legislation. So often teachers in Maine, and throughout the country, spend their own money to improve the learning environment. Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick. He is a new teacher. After teaching for just 2 years, Tyler has incurred substantial “startup” fees as he builds his own collection of needed teaching supplies. In his first years on the job, he has spent well over $500 out of pocket each year, purchasing books and other materials that are essential to his teaching program.

Tyler tells me that he is still paying off the loans that he incurred at the University of Maine-Farmington. He has low starting salaries to pay for. He is saving for a house. And he someday hopes to get an advanced degree. Nevertheless, despite the relatively low pay he is receiving as a new teacher, he says: “You feel committed to giving your students what they need, even if it is coming out of your own pocket.”

That is the kind of dedication that I see time and again in the teachers in Maine. I have visited over 100 schools in Maine, and everywhere I go, I find teachers who are spending their own money to improve their professional qualifications and to improve the educational experiences of their students by supplementing classroom supplies.

The relief we passed overwhelmingly earlier this year was a step in the right direction. As Tyler told me, “It’s a nice recognition of the contributions that many teachers have made.” We are committed to building on this good work.

Again, I thank the senior Senator from Virginia, Mr. WARNER, for being a leader with me on this bill. We invite all of our colleagues to join us in recognizing our teachers for a job well done. Mr. WARNER. Mr. President, I join my distinguished colleague from Virginia. We have fought together for this measure for several years now. One of the great rewards has been an inducement for this Senator. The Senator just spoke of visiting 100 schools.
I cannot claim 100%, but it is growing in number. And what a joy it is.

For those of us who are privileged to serve in the Senate, and are successful in a piece of legislation, what a pleasure it is to go back and tell others, and thank them for their support which has enabled us to be successful.

The teachers associations have been instrumental in backing this. They even ran a little advertisement in the papers of Virginia thanking me, for which I really humbly am very deeply touched and grateful.

But Senators Collins, Landrieu, Allen, and I have worked closely for sometime now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as a part of their duties.

It is not required by law. It is not required by regulation. It is not required by the principals or the school districts. They just do it out of the generosity of their hearts and the love and affection they have for their students. What a lesson this has been to this Senator.

Earlier this year we were successful in providing much needed tax relief for our teachers with the passage of H.R. 3090, the Job Creation and Worker Assistance Act of 2002.

This legislation, which was signed into law by President Bush early this year, included the Collins-Warners Teacher Tax Relief Act of 2001 providing a $250—which the Senator mentioned—above-the-line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students.

These important provisions will provide almost half a billion dollars' worth of tax relief to teachers all across America over the next 2 years.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends $521 out of their own pocket each year on classroom materials—materials such as pens, pencils, and books. First year teachers spend even more, averaging $701 a year on classroom expenses.

Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include: tuition fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Without a doubt the Teacher Tax Relief Act of 2001 took a step forward in helping to alleviate the nation's teacher shortage by providing a $250 above the line deduction for classroom expenses.

However, it is clear that our teachers are spending much more than $250 a year out of their own pocket to better the education of our children.

Accordingly, Senator Collins, Senator Landrieu, Senator Allen, and I have joined together to take another step forward by introducing the Teacher Tax Relief Act of 2002.

This legislation will build upon current law in three ways. The legislation will: increase the above-the-line deduction for educators from $250 allowed under current law to $500; allow educators to include professional development costs within that $500 deduction. Under current law, up to $250 is deductible but only for classroom expenses; and make the Teacher Tax relief provision permanent in the law permanent. Current law sunsets the Collins-Warner provisions after 2 years.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. The Federal Government should recognize the many sacrifices our teachers make in their career.

The Teacher Tax Relief Act of 2002 is another step forward in providing our educators with the recognition they deserve.

I thank my colleague from Maine for her work on this issue.

By Mr. Breaux (for himself, Mr. Grassley, and Mr. McCain):
S. 2663. A bill to permit the designation of Israeli-Turkish qualifying industrial zones; to the Committee on Finance.

Mr. Grassley. Mr. President, today, Senators Breaux, McCain, and I introduce the Turkish-Israel Economic Enhancement Act of 2002.

This legislation will allow qualified products from Turkey to be eligible for duty-free entry into the United States under the Qualified Industrial Zone program. Congress first established the Qualified Industrial Zone program in 1996 to facilitate economic cooperation between Israel, Egypt, Jordan and Jordan. The impetus behind this program was to help create the economic basis for sustained peace in the region. While peace still eludes us today, there is little doubt that the program has helped to foster greater economic cooperation in the region. Allowing Turkey to participate in the program will foster even greater economic growth and stability in the region.

The Israeli-Turkish Economic Enhancement Act would amend Section 9(e)(1) of the United States-Israel Free Trade Area Implementation Act of 1985, as amended, the FTA Act, by expanding the definition of “qualifying industrial zones” to include portions of the territory of Israel and Turkey.

Under the FTA Act, the President may proclaim duty-free benefits for certain products produced within the qualifying industrial zones. The bill would allow the President to proclaim duty-free benefits for certain products, excluding certain import sensitive products, if such a zone is designated by a resolution of Congress. The President would be required to identify such zones and establish criteria for their designation.

I understand that there is strong interest in supporting high-technology development in Turkey and the potential for high technology products and services in Turkey has not gone unnoticed by major U.S. investors. Microsoft has installed a subsidiary in Istanbul responsible for sales and support for Microsoft products in the Middle East, Central Asia and Northern Africa. By creating a qualified industrial zone, Turkey may be able to attract even more foreign investment in this important sector.

Turkey has been a staunch, longtime ally of the United States. American and Turkish troops fought together in Korea. Today we are fighting a different war on a different front in Afghanistan. But our friendship and joint commitment to freedom and democracy remains the same.

By enacting this legislation, the United States Congress can send a strong message to the people of Turkey that we appreciate and value their friendship and cooperation, and that we will work with them to promote freedom and prosperity for all of our people.

Mr. McCain. Mr. President, I am pleased to introduce legislation with Senators Breaux and Grassley that would expand the U.S.-Israel Free Trade Agreement to recognize Turkey's critical role as a key American partner in the Middle East conflict, the war on terrorism, and the NATO alliance.

Turkey has a deepening strategic relationship with Israel, with which it has enjoyed military cooperation since 1994. It is a force for stability in the Eastern Mediterranean region. Today, it assumed command of the International Security Assistance Force, ISAF, in Afghanistan. It is one of our best NATO allies. Turkish troops have fought alongside American soldiers in the war against terrorism.

Under the FTA Act, the President may proclaim duty-free benefits for certain products produced within the qualifying industrial zones. The bill would allow the President to proclaim duty-free benefits for certain products, excluding certain import sensitive products, if such a zone is designated by a resolution of Congress. The President would be required to identify such zones and establish criteria for their designation.

I am committed to working with my colleagues and the President to enact the legislation as soon as practicable. Enabling Turkey to participate in the Qualified Industrial Zone program can help attract foreign investment to Turkey and build greater regional stability.

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Iraq. As a Muslim nation and a secular democracy that has embraced modernity, Turkey puts to rest the myth that America’s war on terror is a war on Islam.

Turkey’s economy shrank by over 8 percent. Its ability to contribute to the war effort in Afghanistan and elsewhere faces serious economic constraints. Turkey has shown a strong commitment to economic reform and to working with the International Monetary Fund. A Qualified Industrial Zone (QIZ) for Turkey, under the U.S.-Israel Free Trade Agreement, would help Turkey attract foreign investment, diversify its exports, and boost trade. It would also help Israel and Turkey develop the economic dimension of their strong security relationship, which is unique in the region.

I know this issue is important to the administration and to the Governments of Turkey and Israel. I am sorry we were unable to pass legislation authorizing a QIZ for Turkey as part of the TPA package last month. I am confident that the measure we have introduced today will enjoy wide bipartisan support and will make a tangible, substantive contribution to Israeli-Turkish cooperation and to American interests in the region.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. 2664. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Environmental and Public Works.

Mr. JEFFORDS. 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. 2664

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 “First Responder Terrorism Preparedness Act of 2002”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Government must enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(2) the result of the events of September 11, 2001, it is necessary to clarify and consolidate the authority of the Federal Emergency Management Agency to support first responders;

(b) PURPOSES.—The purposes of this Act are—

(1) to establish within the Federal Emergency Management Agency the Office of National Preparedness;

(2) to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(3) to address issues relating to urban search and rescue task forces.

SEC. 3. DEFINITIONS.

(a) MAJOR DISASTER.—Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended by inserting “incident of terrorism,” after “drought”),”.

(b) WEAPON OF MASS DESTRUCTION.—Section 205 of the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(a)) is amended by adding at the end the following:

(1) WEAPON OF MASS DESTRUCTION.—The term ‘weapon of mass destruction’ has the meaning given the term in section 2322 of title 50, United States Code.”

SEC. 4. ESTABLISHMENT OF OFFICE OF NA- TIONAL PREPAREDNESS.

Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended by adding at the end the following:

SEC. 616. OFFICE OF NATIONAL PREPAREDNESS.

(a) IN GENERAL.—There is established in the Federal Emergency Management Agency an office to be known as the ‘Office of National Preparedness’ referred to in this section as the ‘Office’.

(b) APPOINTMENT OF ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by an Associate Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) COMPENSATION.—The Associate Director shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) DUTIES.—The Office shall—

(1) lead a coordinated and integrated overall effort to build viable terrorism preparedness and response capability at all levels of government;

(2) establish clearly defined standards and guidelines for Federal, State, tribal, and local government terrorism preparedness and response;

(3) establish and coordinate an integrated capability for Federal, State, tribal, and local governments to plan for and address potential consequences of terrorism;

(4) coordinate provision of Federal terrorism preparedness assistance to State, tribal, and local governments;

(5) establish standards for a national, interoperable emergency communications and warning system;

(6) establish standards for training of first responders (as defined in section 630(a)) and emergency responders, to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(7) carry out such other related activities as are approved by the Director.

(d) DESIGNATION OF REGIONAL CONTACTS.—

The Director of the Federal Emergency Management Agency shall designate an office or employee of the Federal Emergency Management Agency in each of the 10 regions of the Agency to serve as the Office contact for the States in that region.

(e) USE OF EXISTING RESOURCES.—In carrying out this section, the Associate Director shall—

(1) to the maximum extent practicable, use existing resources, including planning documents, equipment lists, and program inventories; and

(2) consult with and use—

(A) existing Federal interagency boards and committees;

(B) existing government agencies; and

(C) nongovernmental organizations.”.

SEC. 5. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

(a) IN GENERAL.—Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended by adding at the end the following:

SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

(1) FINDINGS.—In this section:

(A) DIRECTOR.—The term ‘Director’ means the Director of the Federal Emergency Management Agency, acting through the Office of National Preparedness established by section 616.

(B) FIRST RESPONDER.—The term ‘first responder’ means—

(A) fire, emergency medical service, and law enforcement personnel; and

(B) such other personnel as are identified by the Director.

(C) LOCAL ENTITY.—The term ‘local entity’ has the meaning given the term by regulation promulgated by the Director.

(2) PROGRAM TO PROVIDE ASSISTANCE.—

(a) IN GENERAL.—The Director shall establish a program to provide assistance to States to enable the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction.

(b) FEDERAL SHARE.—The Federal share of the costs eligible to be paid under this program shall not be less than 75 percent, as determined by the Director.

(3) FORMS OF ASSISTANCE.—Assistance provided under paragraph (1) may consist of—

(A) grants; and

(B) such other forms of assistance as the Director determines to be appropriate.

(c) USES OF ASSISTANCE.—Assistance provided under subsection (b)—

(1) shall be used—

(A) to purchase, to the maximum extent practicable, interoperable equipment that is necessary to respond to incidents of terrorism, including incidents involving weapons of mass destruction.

(B) to train first responders, consistent with guidelines and standards developed by the Director;

(C) in consultation with the Director, to develop, construct, or upgrade terrorism preparedness training facilities;

(D) to develop, construct, or upgrade emergency operating centers;

(E) to develop preparedness and response plans consistent with Federal, State, and local strategies, as determined by the Director;

(F) to provide systems and equipment to meet communication needs, such as emergency notification systems, interoperable equipment, and secure communication equipment;

(G) to conduct exercises; and

(H) to carry out such other related activities as are approved by the Director; and

(2) shall not be used to provide compensation to first responders (including payment for overtime).

(d) ALLOCATION OF FUNDS.—For each fiscal year, in providing assistance under subsection (b), the Director shall make available—

(1) to each of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, $3,000,000; and

(2) to each State (other than a State specified in paragraph (1))—

(A) a base amount of $15,000,000; and

...
“(B) a percentage of the total remaining funds made available for the fiscal year based on criteria established by the Director, such as—

(1) population;
(2) location of vital infrastructure, including—

(I) military installations;
(II) critical public facilities (as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612));
(III) nuclear power plants; and
(IV) chemical plants; and
(V) national landmarks; and

(III) proximity to international borders.

(2) OTHER FUNDING (except in the case of local government, respectively, for the 2 fiscal years preceding the fiscal year for which the assistance is provided) of the State or local government, respectively, for the 2 fiscal years preceding the fiscal year for which the assistance is provided.

(2) REPORTS.—As a condition of receipt of assistance under this section for a fiscal year, a State shall submit to the Director, not later than 60 days after the end of the fiscal year, a report on the use of the assistance in the fiscal year.

(2) EXERCISE AND REPORT TO CONGRESS.—Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is amended—

(g) MAINTENANCE OF EXPENDITURES.—The Director may use to pay salaries and other administrative expenses incurred in administering the program not more than the lesser of—

(A) 5 percent of the funds made available to carry out this section for the fiscal year; or

(B) $375,000,000 for each of fiscal years 2004 through 2006.

(h) REPORTS.—

(1) ANNUAL REPORT TO THE DIRECTOR.—As a condition of receipt of assistance under this section for a fiscal year, a State shall submit to the Director, not later than 60 days after the end of the fiscal year, a report on the use of the assistance in the fiscal year.

(2) EXERCISE AND REPORT TO CONGRESS.—As a condition of receipt of assistance under this section, not later than 3 years after the date of enactment of this section, the Director shall—

(A) conduct an exercise, or participate in a regional exercise, approved by the Director, to measure the progress of the State in enhancing the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(B) submit a report on the results of the exercise to—

(i) the Committee on Environment and Public Works and the Committee on Appropriations of the House of Representatives;

(ii) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(3) WITH FEDERAL AGENCIES.—The Director shall, as necessary, coordinate the provision of assistance under this section with active Federal programs, including—

(A) the Administrator of the United States Fire Administration in connection with the implementation by the Administrator of the assistance to firefighters grant program established under section 33 of the Federal Fire Prevention and Control Act of 1974 (42 U.S.C. 5196l); and

(B) other appropriate Federal agencies.

(2) WITH INDIAN TRIBES.—In providing and using assistance under this section, the Director and the States shall, as appropriate, coordinate with—

(A) Indian tribes (as defined in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b)) and other tribal organizations.

(B) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) and other Alaska Native organizations.

(C) Urban search and rescue task forces in addition to the 28 urban search and rescue task forces designated by the Director, as of the date of enactment of this section so as to ensure that each urban search and rescue task force has the capacity to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.

(3) GRANT REQUIREMENTS.—The Director shall establish such requirements as are necessary to provide grants under this section.

(4) ESTABLISHMENT OF ADDITIONAL URBAN SEARCH AND RESCUE TASK FORCES.—

(A) IN GENERAL.—Subject to paragraph (2), the Director may establish urban search and rescue task forces in addition to the 28 urban search and rescue task forces designated by the Director, as of the date of enactment of this section.

(B) REQUIREMENT OF FULL FUNDING OF EXISTING URBAN SEARCH AND RESCUE TASK FORCES.—Except in the case of urban search and rescue task force designated to replace any urban search and rescue task force that withdraws or is otherwise no longer considered to be a urban search and rescue task force designated by the Director, no additional urban search and rescue task forces may be designated or funded until the 28 urban search and rescue task forces are able to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

June 20, 2002

Section 626 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191e) is amended by striking subsections (a) and (b) and inserting the following:

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as necessary to carry out this title (other than sections 630 and 631).

(2) PERMANENT ASSISTANCE FOR FIRST RESPONDERS.—There are authorized to be appropriated such sums as necessary to carry out this title (other than sections 630 and 631).

(b) DISCRETIONARY GRANTS.—The Director may provide to any urban search and rescue task force a grant, in such amount as the Director determines to be appropriate, to pay the costs of—

(1) Mandated grants for costs of operations.—For each fiscal year, of the amounts made available to carry out this section, the Director shall provide to each urban search and rescue task force a grant of not less than $1,500,000 to pay the costs of operations of the urban search and rescue task force (including costs of basic urban search and rescue equipment).

(2) Discretionary grants.—The Director may provide to any urban search and rescue task force a grant, in such amount as the Director determines to be appropriate, to pay the costs of—

(A) Urban search and rescue equipment;

(B) Urban search and rescue equipment;

(C) Equipment necessary for an urban search and rescue task force to operate in an environment contaminated or otherwise affected by a weapon of mass destruction;

(D) Training, including training for operating in an environment described in subparagraph (C).

(E) Transportation;

(F) Expansion of the urban search and rescue task force; and

(G) Incident support teams, including costs of coordination and evaluation of the readiness of the urban search and rescue task force.

(3) PRIORITY FOR FUNDING.—The Director shall establish a priority under this subsection so as to ensure that each urban search and rescue task force has the capacity to provide assistance to a major disaster or emergency declared by the President under this Act.

By Mr. HUTCHINSON (for himself, Mr. HARKIN, and Mr. GREGG):

S. 2665. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of grants to animal drug producers to develop new animal drug applications and investigational applications.

MR. HUTCHINSON. Mr. President, I am pleased today to introduce the Animal Drug User Fee Act of 2002, along with my distinguished colleagues Senators Harkin, who is chairman of the Senate Agriculture Committee, and Senator Gregg, who is ranking member of the Senate Appropriations, Labor, and Pension Committee. Modeled after the Prescription Drug User Fee Act, which has successfully reduced approval and review times by over half, the Animal Drug User Fee Act of 2002 would authorize the Food and Drug Administration to collect user fees from animal pharmaceutical manufacturers to increase the amount of resources devoted to reviewing new animal drug applications and investigational applications. Right now, nearly 90 percent of new animal drug applications are overdue,
many by over a year. These unprecedented delays in the review and approval process are both frustrating and problematic to the industry, veterinarians, as well as countless farmers who depend on cutting edge tools to combat and prevent animal disease and enhance the safety of our food supply.

Under the Animal Drug User Fee Act of 2002, user fees would be contingent upon the Food and Drug Administration’s Center for Veterinary Medicine reducing its new animal drug applications to a maximum of 180 days over a period of five years. The user fees generated by the Act would amount to $5 million in fiscal year 2003, $8 million in fiscal year 2004, and $10 million for each of the last three years, for a total of $35 million over 5 years. The Secretary may determine the user fee amount and grant waivers in cases where such fees would inhibit innovation or discourage the development of animal drug products for minor uses or minor species. Such user fees would be considered an addition to, not a replacement for, the annual appropriations amount designated for CVM through the annual appropriations process.

The Animal Drug User Fee Act of 2002 is supported by a broad range of pharmaceutical, livestock, and poultry producers, including the American Sheep Industry Foundation, the American Veterinary Medical Association, the Animal Health Institute, the National Animal Meat Association, the National Milk Producers Federation, the American Association of Equine Practitioners, the American Farm Bureau Federation, the National Pork Producers Association, and the National Turkey Federation.

This legislation will help address the inefficient review process at the Center for Veterinary Medicine and ensure that the veterinary and agriculture communities have access to new and innovative drug products to keep animals alive and healthy.

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. 2656

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 “Animal Drug User Fee Act of 2002.”

SECTION 2. FINDINGS.
The Congress finds as follows:
(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health;
(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration to the process for review of new animal drug applications; and
(3) The fees authorized by this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Secretary of Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Human Services, as set forth in the Congressional Record.

SECTION 3. FEES RELATING TO ANIMAL DRUGS.
Subchapter C of chapter VII of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 370 et seq.) is amended by adding at the end the following part:

"Part 3—Fees Relating To Animal Drugs" SEC. 738. DEFINITIONS.
For purposes of this subchapter:
(1) The term “animal drug application” means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.
(2) The term “supplemental animal drug application” means:
(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or
(B) a request to the Secretary to approve a change to an investigational animal drug application under section 512(c)(2) for which difficulties by reference to an effectiveness are required.
(3) The term “animal drug product” means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeling code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.
(4) The term “animal drug establishment” means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.
(5) The term “investigational animal drug submission” means:
(A) the filing of a claim for an investigational exemption under section 512(j) for a new investigational animal drug application that is intended to be the subject of an animal drug application or a supplemental animal drug application, or
(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.
(6) The term “animal drug sponsor” means either an applicant named in an animal drug application, except for an approved application for which all subject products have been removed under section 510, or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.
(7) The term “final dosage form” means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.
(8) The term “process for the review of animal drug applications” means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:
(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.
(B) The issuance of letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications or supplemental animal drug applications, or investigational animal drug submissions.
(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary’s review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.
(D) Meetings of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.
(E) Monitoring of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.
(F) Development of standards for products subject to review.
(G) Meetings between the agency and the animal drug sponsor.
(H) Review of advertising and labeling prior to approval of an animal drug application.
(I) Review of a supplemental animal drug application, or investigational animal drug application, but not such activities after an animal drug has been approved.
(9) The term “costs of resources allocated for the process for the review of animal drug applications” means the expenses incurred in connection with the process for the review of animal drug applications for:
(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, investigational animal drug submissions, and costs related to such officers, employees, committees, and consultants; and
(B) the costs for travel, education, and repair of other personnel activities.
(10) The term “adjustment factor” applies to the formula set forth in section 735(b) with the base or comparator year being 2002.
(11) The term “affiliate” refers to the definition set forth in section 735(9).

SEC. 739. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.
Each person that submits an animal drug application under this Act shall be subject to a fee as follows:
(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.
(B) The issuance of letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications or supplemental animal drug applications, or investigational animal drug submissions.
(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary’s review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.
(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.
(E) Meetings of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.
(F) Development of standards for products subject to review.
(G) Meetings between the agency and the animal drug sponsor.
(H) Review of advertising and labeling prior to approval of an animal drug application.
(I) Review of a supplemental animal drug application, or investigational animal drug application, but not such activities after an animal drug has been approved.
(J) Review of advertising and labeling prior to approval of an animal drug application.
(K) Review of advertising and labeling prior to approval of an animal drug application.
(L) Review of advertising and labeling prior to approval of an animal drug application.
(M) Review of advertising and labeling prior to approval of an animal drug application.
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(T) Review of advertising and labeling prior to approval of an animal drug application.
(U) Review of advertising and labeling prior to approval of an animal drug application.
(V) Review of advertising and labeling prior to approval of an animal drug application.
(W) Review of advertising and labeling prior to approval of an animal drug application.
(X) Review of advertising and labeling prior to approval of an animal drug application.
(Y) Review of advertising and labeling prior to approval of an animal drug application.
(Z) Review of advertising and labeling prior to approval of an animal drug application.

SEC. 740. REPORT TO CONGRESS.
The Secretary shall submit a report to Congress on the activities conducted pursuant to this Act.

SEC. 741. TRANSFER OF FUNDS.
Funds provided for programs relating to animal drug applications or supplemental animal drug applications, as determined by the Secretary, may be transferred to programs relating to investigational animal drug submissions.

SEC. 742. ANNUAL REPORTS.
The Secretary shall submit an annual report to Congress on the activities conducted pursuant to this Act.

SEC. 743. ANNUAL BUDGET.
The budget of the Food and Drug Administration for an fiscal year shall include amounts for the activities conducted pursuant to this Act.

SEC. 744. ANNUAL REVIEW.
The Secretary shall submit an annual review to Congress on the activities conducted pursuant to this Act.

SEC. 745. ANNUAL APPEAL.
The Secretary shall submit an annual appeal to Congress on the activities conducted pursuant to this Act.
The annual establishment application, the annual establishment application as an establishment that manufactures an animal drug application or supplemental animal drug application, and the annual establishment application or supplemental animal drug application, shall be assessed an annual fee established in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee shall be paid on or before January 31 of each year. The establishment application or supplement was approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person’s licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

(D) REFUND OF FEE IF APPLICATION REJECTED.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph (B) if substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

(A) ANIMAL DRUG PRODUCT FEE.—Each person—

(1) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under Section 510, and

(2) who, after September 1, 2002, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission, shall be assessed an annual fee established under subsection (b). The fee shall be paid on or before January 31 of each year. Each animal drug sponsor shall pay only one such fee each fiscal year.

(B) FEE PAYMENTS.—Except as provided in subsection (a)(1) and subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be determined and assessed as follows:

(1) APPLICATION AND SUPPLEMENT FEES.—


(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(2) shall be $1,250,000 in fiscal year 2003, $2,000,000 in fiscal year 2004, and $2,500,000 in fiscal years 2005, 2006, and 2007.

(3) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(3) shall be $3,750,000 in fiscal years 2002, 2003, and 2004, and $7,500,000 in fiscal years 2005, 2006, and 2007.

(4) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in sponsor fees under subsection (a)(4) shall be $1,250,000 in fiscal year 2003, $2,000,000 in fiscal years 2004, and $2,500,000 in fiscal years 2005, 2006, and 2007.

(5) ADJUSTMENTS.—

(1) INFLATION ADJUSTMENT.—The fees and total fee revenues established in subsection (a) shall be adjusted biennially by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to such application or supplement was filed, and investigational animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

(2) WORKLOAD ADJUSTMENT.—After the fee revenues are adjusted for inflation in accordance with paragraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2003 to reflect changes in review workload. With respect to such adjustment—

(A) This adjustment shall be determined by the formula on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data were submitted within 12 months of such application or supplement was filed, and investigational animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

(3) ANNUAL ADJUSTMENT.—For FY 2007, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first three months of FY 2008. If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of three months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for FY 2007.

(4) ANNUAL FEE ADJUSTMENT.—Subject to the amount appropriated for a fiscal year under section 515(c), the fee revenues shall, within 60 days after the end of each fiscal year beginning after September 30, 2002, adjust the amounts established by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications, and investigational animal drug applications for such person.

(5) FINAL YEAR ADJUSTMENT.—For FY 2007, the Secretary may adjust the fee revenues for the fiscal year that are less than the fee revenues for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (1), (2), (3), and (4) of subsection (b) shall be set at a level equal to 25 percent of the total fees appropriated under subsection (g).

(6) LIMIT.—The total amount of fees charged shall be adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

(7) FEE WAIVER OR REDUCTION.—

(1) IN GENERAL.—The Secretary shall grant a waiver from fees assessed under subsection (a) where the Secretary finds that—

(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances;

(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in connection with the review of animal drug applications for such person;

(C) the animal drug application is intended solely to provide for a minor use or minor changes in indication;

(D) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review;

(E) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

(2) RULES FOR SMALL BUSINESSES.—For purposes of paragraph (1)(D), the term ‘‘small business’’ means an entity that has less than 500 employees, including employees of affiliates.
under paragraph (1)(D) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

(6) fees—Existing fees for the review of an animal drug application or supplemental animal drug application submitted by a person subject to subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 738.5(b) that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

The Secretary may discontinue review of any animal drug application, supplemental animal drug application, or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

(1) ASSESSMENT OF FEES.—

(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2002 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2002, multiplied by the adjustment factor applicable to the fiscal year involved.

(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

(2) COLLECTIONS AND APPROPRIATION ACTS.—

(A) IN GENERAL.—The fees authorized by this section—

(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

(ii) shall only be collected and available to defer increases in the costs of the resources allocated for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services necessary to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2002 multiplied by the adjustment factor.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

(A) $5,000,000 for fiscal year 2003;

(B) $8,000,000 for fiscal year 2004;

(C) $10,000,000 for fiscal year 2005;

(D) $10,000,000 for fiscal year 2006, and

(E) $10,000,000 for fiscal year 2007, as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by the Secretary for animal drug applications, supplemental animal drug applications, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

(4) OFFER—The amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

(5) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as if U.S. treasuries in the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

(6) ASSESSMENT OF FEES.—Existing fees for the review of an animal drug application, supplemental animal drug application, or investigational animal drug submission are not more than 3 percent below the level specified in (B)(i);

(7) ASSESSMENT OF FEES.—There are authorized to be appropriated for fees under this section—

(A) $5,000,000 for fiscal year 2003;

(B) $8,000,000 for fiscal year 2004;

(C) $10,000,000 for fiscal year 2005;

(D) $10,000,000 for fiscal year 2006, and

(E) $10,000,000 for fiscal year 2007, as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by the Secretary for animal drug applications, supplemental animal drug applications, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

(4) OFFER—The amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

(5) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as if U.S. treasuries in the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

(6) ASSESSMENT OF FEES.—Existing fees for the review of an animal drug application, supplemental animal drug application, or investigational animal drug submission are not more than 3 percent below the level specified in (B)(i); or

(7) ASSESSMENT OF FEES.—Existing fees for the review of an animal drug application, supplemental animal drug application, or investigational animal drug submission are not more than 3 percent below the level specified in (B)(i).

(3) AUTHORIZATION OF APPROPRIATIONS.—

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addition to, not a replacement for, the annual appropriations amount designated for CVM through the annual appropriations process.

This legislation enjoys broad support from pharmaceutical, livestock and poultry producers and from the American Medical Association, the Animal Health Institute, the National Pork Producers Association, the National Turkey Federation, the National Cattlemen’s Beef Association, the National Milk Producers Federation, and the American Farm Bureau Federation.

I urge my colleagues to support this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3917. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3918. Mr. KENNEDY (for himself, Mr. REED, Mr. AKAKA, Mr. FINKELD, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3919. Mr. THOMAS (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3920. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3921. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3922. Mr. HUTCHISON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3923. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3924. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3925. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3926. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3927. Mrs. MURRAY (for herself and Ms. SNOWE) proposed an amendment to the bill S. 2514, supra.

SA 3928. Mrs. HUTCHISON (for herself, Mr. WINGRAVE, Mr. LORCA, Mr. STEVENS, Mr. INOUYE, Mr. BUNNING, Mrs. FEINSTEIN, Mr. CRAIG, Ms. COLLINS, Mr. SHELLY, Mr. SMITH, of New Hampshire, Mr. BOND, Mr. DOMENICI, Mr. BAYH, Mr. NELSON, of Nebraska, Mr. BURNS, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3929. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3930. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3931. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3932. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3933. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3934. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3935. Mr. NELSON, of Florida (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3936. Mr. NELSON, of Florida (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3937. Mr. NELSON, of Florida (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3938. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 3939. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 3940. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 3941. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 2514, supra.

SA 3942. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3943. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 2514, supra.

SA 3944. Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, supra.

SA 3945. Mr. WARNER (for Mr. GRASSLEY) (for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN)) proposed an amendment to the bill S. 2514, supra.

SA 3946. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3947. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3948. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3949. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3950. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3951. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3952. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3953. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3954. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3955. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3956. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3957. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3958. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3959. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3960. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3961. Mr. LEVIN (for himself and Mr. SESSIONS) proposed an amendment to the bill S. 2514, supra.

TEXT OF AMENDMENTS

SA 3917. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2829. CONVEYANCE, FORT HOOD, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Governor of the State of Texas (in this section referred to as the ‘Board’), all right, title, and interest of the United States in and to a parcel of real property in and around Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery of the United States.

(b) REVERSIONARY INTEREST.—(1) If at the end of the five-year period beginning on the date of the conveyance authorized by subsection (a), the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3918. Mr. KENNEDY (for himself, Mr. REED, Mr. AKAKA, Mr. FINKELD, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—EQUAL COMPETITION IN CONTRACTING

SEC. 1301. RELATION TO DEPARTMENT EFFORTS TO ACHIEVEiliamwarduate ORG—ZIZATION FOR PERFORMANCE OF COMMERCIAL OR INDUSTRIAL-FUNCTIONS

Nothing in this title is intended to limit the authority of Secretary of Defense or the Secretary of a military department to pro-

Sec. 1302. REQUIRED COST SAVINGS LEVEL FOR CHANGE OF FUNCTION TO CONTRACT PERFORMANCE

Section 24610 of title 10, United States Code, is amended by adding at the end the following new paragraphs:
“(5)(A) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector unless, as a result of the cost comparison examination required under paragraph (3)(A) that meets the requirements of subparagraph (B), at least a 10-percent cost savings would be achieved by performance by the private sector over the period of the contract.

“(B) The cost comparison examination required under paragraph (5)(A) shall employ the most efficient organizational process, the framework for calculating the public sector price cost estimate, and the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, as described in Office of Management and Budget Circular A-76 and its supplemental handbooks, or any successor regulation and policy; and

“(B) a determination is made that performance of the function by the private sector would be less costly over the period of the contract than performance by the Department of Defense civilian employees during that same period.

“(B) This subsection does not apply to the following contracts:

“(A) A contract between the Department of Defense and a private sector source for performance of work with a contract value of more than $1,000,000 for as long as the work was not divided, modified, or in any way changed for the purpose of avoiding the requirements of this section.

“(B) A contract for any of the following:

“(i) Special studies and analyses.

“(ii) Construction services.

“(iii) Engineering services.

“(iv) Scientific and technical services related to (but not in support of) research and development.

“(v) Depot-level maintenance and repair services.

“(vi) Services performed for any laborator-y that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

“(ix) Services related to the design and installation of information technology (which does not include services related to the management, operation, and maintenance of information technology).

“(D) The Secretary of Defense may waive the comparison examination if

“(i) the written waiver is prepared by the Secretary of Defense, or an Assistant Secre-ty of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

“(E) A copy of the waiver under subparagraph (B) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

“(F) The Department of Defense is authorized to provide the Department of Commerce and Industry or services related to the man-

agement, operation, and maintenance of information technology.

“(4) The Secretary of Defense may waive the applicability of this subsection if

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secre-ty of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(B) the written waiver is accompanied by a detailed determination that

“(i) there is no real service expectation that civilian employees would be selected to perform the function in a competition between public sector sources and private sector sources; or

“(ii) the immediate performance of the function by the Department of Defense civilian employees or a contractor is urgent that it is necessary to subject the item described in Office of Management and Budget Circular A-76 in paragraph (5)(B) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.

“(G)(1) The reference to Office of Management and Budget Circular A-76 and its supplemental handbooks, or any successor regulation and policy is amended by inserting after subsection (c) the following new subsection:

“(1) A commercial or industrial type function of the Department of Defense performs function for public sector performance, the Secretary of Defense shall ensure that approximately the same number of positions held by civilian employees under contracts with the Department of Defense, subject to completion of the terms of those contracts, are subjected to

“(ii) the same cost comparison examination described in subsection (b)(3) that employed the most efficient organization process, the framework for calculating the public sector price cost estimate, and the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, as described in Office of Management and Budget Circular A-76 or any successor regulation, and

“(ii) the requirement that no work may be changed to performance by the private sector unless at least a 10-percent cost savings would be achieved by performance of the function by the public sector over the term of the contract.

“(B) The cost savings requirement specified in subparagraph (A)(ii) does not apply to any contract for the following:

“(i) Special studies and analyses.

“(ii) Construction services.

“(iii) Architectural services.

“(iv) Engineering services.

“(v) Medical services.

“(vi) Scientific and technical services related to (but not in support of) research and development.

“(vii) Depot-level maintenance and repair services.

“2461. Commercial or industrial type func-
tions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance.

“(a) Not less than 10 percent, for fiscal year 2001.

“(b) Not less than 15 percent, for fiscal year 2005.

“(c) Not less than 20 percent, for fiscal year 2006.

“(3) The Secretary of Defense may waive the requirements of this subsection if

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secre-ty of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements of this subsection.

“(4) A copy of the waiver under paragraph (2) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

“(c) Clerical Amendments.—(1) The heading of this section amended to read as follows:

“SEC. 1304. REPEAL OF WAIVER FOR SMALL FUNC-
tions.

“(1)(A) The reference to Office of Management and Budget Circular A-76 in paragraph (5)(B) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.

“(2)(A) Not less than 10 percent, for fiscal year 2001.

“(B) Not less than 15 percent, for fiscal year 2005.

“(C) Not less than 20 percent, for fiscal year 2006.

“(3) The Secretary of Defense may waive the requirements of this subsection if

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secre-ty of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements of this subsection.

“(4) A copy of the waiver under paragraph (2) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

“(c) Clerical Amendments.—(1) The heading of such section 2461 is amended to read as follows:

“SEC. 1304. REPEAL OF WAIVER FOR SMALL FUNC-
tions.

“(1)(A) The reference to Office of Management and Budget Circular A-76 in paragraph (5)(B) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.

“(2)(A) Not less than 10 percent, for fiscal year 2001.

“(B) Not less than 15 percent, for fiscal year 2005.

“(C) Not less than 20 percent, for fiscal year 2006.

“(3) The Secretary of Defense may waive the requirements of this subsection if

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secre-ty of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements of this subsection.

“(4) A copy of the waiver under paragraph (2) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

“(c) Clerical Amendments.—(1) The heading of such section 2461 is amended to read as follows:

“SEC. 1304. REPEAL OF WAIVER FOR SMALL FUNC-
tions.

“(1)(A) The reference to Office of Management and Budget Circular A-76 in paragraph (5)(B) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.

“(2)(A) Not less than 10 percent, for fiscal year 2001.

“(B) Not less than 15 percent, for fiscal year 2005.

“(C) Not less than 20 percent, for fiscal year 2006.

“(3) The Secretary of Defense may waive the requirements of this subsection if

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secre-ty of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements of this subsection.

“(4) A copy of the waiver under paragraph (2) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

“(c) Clerical Amendments.—(1) The heading of such section 2461 is amended to read as follows:

“SEC. 1304. REPEAL OF WAIVER FOR SMALL FUNC-
tions.

“(1)(A) The reference to Office of Management and Budget Circular A-76 in paragraph (5)(B) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.

“(2)(A) Not less than 10 percent, for fiscal year 2001.

“(B) Not less than 15 percent, for fiscal year 2005.

“(C) Not less than 20 percent, for fiscal year 2006.

“(3) The Secretary of Defense may waive the requirements of this subsection if

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secre-ty of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements of this subsection.

“(4) A copy of the waiver under paragraph (2) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

“(c) Clerical Amendments.—(1) The heading of such section 2461 is amended to read as follows:

“SEC. 1304. REPEAL OF WAIVER FOR SMALL FUNC-
tions.
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“(viii) Services performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

“(ix) Development or to the design and installation of information technology (which does not include services related to the management, operation, and maintenance of information technology systems) performed by the contractor for the Department of Defense that is associated with commercial or industrial type functions that are, or have been, performed by private industry.

“(2) To the extent possible, the Secretary of Defense should, in complying with this subsection, select those contract positions held by Federal employees under contracts with the Department of Defense that are associated with commercial or industrial type functions that are, or have been, performed by private industry.

“(3) Notwithstanding any limitation on the number of Defense civilian employees established by law, regulation, or policy, the Department of Defense may continue to employ, or may hire, such civilian employees as are necessary to perform functions acquired through the public-private competitions required by this subsection or any other provision of this section.

“(4) To perform cost comparison examinations under this subsection does not require the use of the process described in Office of Management and Budget Circular A-76 in the performance of the examinations.

“(5) The Secretary of Defense may waive the requirements of this subsection if—

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary of Defense, or an Assistant Secretary of Defense, or head of an agency of the Department of Defense authorized by the Secretary of Defense, or a head of an organization element within the Department of Defense;

“(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude the requirements of this subsection.

“(6) A copy of the waiver under paragraph (5) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

SEC. 1306. REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE SERVICE CONTRACTOR WORK FORCE.

(a) Imposition of Reporting Requirement.—(1) Chapter 146 of title 10, United States Code, is amended by inserting after section 2461a the following new section:

"§ 2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements

"(a) In this section:

"(1) CONTRACTOR.—The term ‘contractor’ includes the Secretary of Defense with respect to matters concerning a Defense Agency.

"(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ includes the Secretary of Defense or Secretary of the military department containing the major organizational element responsible for collecting or reviewing the work performed by a defense contractor shall be responsible for collecting the data required by this section, even where all or part of the work performed is not controlled by the Secretary concerned. If the Defense Agency or military department containing the major organizational element responsible for collecting or reviewing the work performed by the contractor is different from the Defense Agency or military department containing the contracting activity, the Secretary concerned shall require contractors to report the information described in subsection (c) to the secure web-site contemporaneous with submission or a similar instrument, that is required by the Secretary concerned.

"(b) TIMING OF CONTRACTOR REPORTING TO ASSURE DATA QUALITY.—The Secretary concerned shall require contractors to report the information described in subsection (c) to the secure web-site contemporaneous with submission or a similar instrument, that is required by the Secretary concerned after October 1, 2002.

"(c) CONTRACT REQUIREMENT EFFECTIVE DATE.—The Secretary concerned shall include the reporting requirement described in this section in each new solicitation or offer issued, contract awarded, and bilateral modification of an existing contract executed by the Secretary concerned after October 1, 2002.

"(d) CONTRACTOR SELF-EXEMPTION.—The Secretary concerned shall exempt a contractor from the data collection requirement imposed by this section if the contractor certifies in writing that the contractor does not have an internal system for aggregating billable hours in the direct or indirect pools, or an internal payroll accounting system, and is not otherwise required to provide such information to the Government.

"(e) REQUIRED ELEMENTS.

"(1) The requirement to perform cost comparisons under this subsection does not require the use of the process described in Office of Management and Budget Circular A-76 and the 10 percent cost differential in favor of whichever sector is currently performing the work, as described in Office of Management and Budget Circular A-76 or any successor administrative regulation.

"(2) In paragraph (1)(C), the term ‘bid-to-goal’ means a process that—

"(A) uses a series of competitive performance targets, included in a performance work statement, to compare for specific functions the cost of public sector performance with that of the private sector for all or a portion of the function, or new work that is not yet performed by Federal employees or contractors, or new work that is not yet performed by Federal employees or contractors should be tested and evaluated under the alternate authorized for the succeeding administrative regulation.

"(g) Exclusion of Certain Functions.—Under the pilot program, the Secretary of
Defense may not use the alternative public-private competition processes to review depot-level maintenance and repair workloads, functions for which contracts for performance by the private sector are prohibited, or inherently governmental activities.

(b) RELATION TO A-76 PROCESS.—In order to provide for a fair and reasonable evaluation of the alternative pilot program, the Office of Management and Budget shall, at a minimum, provide for the pilot program to be conducted in a manner consistent with section 401 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2383; 31 U.S.C. 501 note) amended by striking ‘‘striking on the list’’ in the first and second sentences of that statute and inserting ‘‘on the list and initiating an action to select a provider of such service’’ in the last sentence of that statute.

(c) EXCEPTIONS.—In the case of employees referred to in paragraph (2), consultation with appropriate representatives of those employees (including appropriate labor organizations representing such employees) shall satisfy the consultation requirements of paragraph (1).

SECTION 282. COMPETITION FOR PERFORMANCE OF ACTIVITIES NOT INHERENTLY GOVERNMENTAL.

(a) REQUIREMENTS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Comptroller General of the United States, report to the Congress a plan for using the alternative competition process to the maximum extent possible in order to achieve the purposes of the Federal Activities Inventory Reform Act of 1998.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall apply to contracts or orders for property or services entered into after the date of enactment of this Act.

SEC. 1301. SHORT TITLE.

This title may be cited as the ‘‘Freedom From Government Competition Act of 2002.’’

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) Private sector businesses, which are free to respond to the private or public demands of the marketplace, constitute the strength of the American economic system.

(2) Competitive private sector enterprises are the most productive, efficient, and effective sources of goods and services.

(3) Government competition with the private sector of the economy is detrimental to all businesses and the American economic system.

(4) Government competition with the private sector is not effective and can undermine an acceptable level of services at an unacceptably high level, both in scope and in dollar volume.

(5) When a government engages in entrepreneurial activities that are beyond its core mission and compete with the private sector—

(A) the focus and attention of the government are diverted from executing the basic functions of government; and

(B) those activities constitute unfair government competition with the private sector.

(6) Current laws and policies have failed to address adequately the problem of government competition with the private sector of the economy.

(7) The level of government competition with the private sector, especially with small businesses, has been a priority issue of each White House Conference on Small Business.

(8) Reliance on the private sector is considered an integral part of Government Performance and Results Act of 1993 (Public Law 103–62).

(9) Reliance on the private sector is necessary and desirable for proper implementation of the Federal Workforce Restructuring Act of 1994 (Public Law 103–223).

(10) It is in the public interest that the Federal Government establish a consistent policy to rely on the private sector of the economy to provide goods and services that are necessary for or beneficial to the operations of Federal Government agencies and to avoid Federal Government competition with the private sector of the economy.

(11) It is in the public interest for the private sector to utilize employees who are adversely affected by conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

SEC. 1303. RELIANCE ON THE PRIVATE SECTOR.

(a) GENERAL POLICY.—Notwithstanding any other provision of law, except as provided in subsection (b), each agency may procure from sources in the private sector any goods and services that are necessary for or beneficial to the accomplishment of authorized functions of the agency.

(b) PROHIBITIONS REGARDING TRANSACTIONS IN GOODS AND SERVICES.—

(1) PROHIBITION BY GOVERNMENT GENERALLY.—No agency may begin or carry out any activity to provide any products or services that can be provided by the private sector.

(2) TRANSACTIONS BETWEEN GOVERNMENTAL ENTITIES.—No agency may obtain any goods or services from or provide any goods or services to any other governmental entity.

(3) EXCEPTIONS.—Subsections (a) and (b) do not apply to products or services necessary for or beneficial to the accomplishment of authorized functions of the agency.

SEC. 1304. ADMINISTRATIVE PROVISIONS.

(a) REGULATIONS.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this title.
any other technical and noncost factors that sources, the past performance of sources, and personnel Management, to furnish information with the Director of the Office of Personnel Management, in consultation with the Director of the Office of Personnel Management, to furnish information on relevant available benefits and assistance to Federal Government employees adversely affected by conversions to use of private sector entities or for providing goods and services.

(C) Best value sources.—The regulations shall include standards and procedures for determining whether it is a private sector source or an agency that provides certain goods or services for the best value.

(ii) Factors considered.—The standards and procedures shall include requirements for consideration of analyses of all direct and indirect costs (performed in a manner consistent with generally accepted cost-accounting principles) and the qualifications of sources, the past performance of sources, and any other technical and noncost factors that are relevant.

(iii) Consultation requirement.—The Director shall consult with persons from the private sector and persons from the public sector in developing the standards and procedures.

(D) Appropriate governmental activities.—The regulations shall include a methodology for determining what types of activities performed by an agency should continue to be performed by the agency or any other agency.

(1) Compliance and implementation assistance.—

(A) OMB Center for Commercial Activities.—The Director of the Office of Management and Budget shall establish a Center for Commercial Activities within the Office of Management and Budget.

(B) Responsibilities of the Center—

(i) shall be responsible for the implementation of and compliance with the policies, standards, and procedures that are set forth in this title or are prescribed to carry out this section, and

(ii) shall provide agencies and private sector entities with guidance, information, and other assistance appropriate for facilitating conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

SEC. 1303. STUDY AND REPORT ON COMMERCIAL ACTIVITIES OF THE GOVERNMENT.

(a) Annual Performance Plan.—Section 111(a) of title 31, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”;

(3) by adding at the end the following:

“(7) Include—

(A) the identity of each program activity that is performed for the agency by a private sector entity in accordance with the Freedom From Government Competition Act of 2002; and

(B) the identity of each program activity that is not subject to the Freedom From Government Competition Act of 2002 by reason of an exception set forth in that Act, together with the agency by which the activity is performed specifying why the activity is determined to be covered by the exception.”;

(b) Annual Performance Report.—Section 1116(d)(3) of title 31, United States Code, is amended—

(1) by striking “explain and describe,” in the matter following paragraph (A); and

(2) in subparagraph (A), by inserting “explain and describe” after “(A)”;

(3) in subparagraph (B), by inserting “explain and describe” after “(B)”;

and

(4) by striking “and” at the end; and

(5) in subparagraph (C), by inserting “explain and describe” after “infeasible,” and

(b) by striking “and” at the end; and

(1) by adding the following:

“(D) in the case of an activity not performed by a private sector entity—

(i) explain and describe whether the activity could be performed by a private sector entity, set forth a schedule for converting to performance of the activity by a private sector entity;”.

SEC. 1306. DEFINITIONS.

(a) Agency.—As used in this title, the term “agency” means the following:

(1) Executive department.—An executive department as defined by section 101 of title 5, United States Code.

(2) Military department.—A military department as defined by section 102 of title 5.

(3) Independent establishment.—An independent establishment as defined by section 104 of title 5, United States Code.

(b) Inherently Governmental Goods and Services.—

(1) Performance of inherently governmental functions.—For the purposes of section 104(1) of title 5, United States Code, it is determined that the following functions include activities that require exclusively governmental in nature if the providing of such goods or services is an inherently governmental function.

(2) Inherently governmental functions described.—

(A) Functions included.—For the purposes of paragraph (1), a function shall be considered an inherently governmental function if the function is so intimately related to the public interest as to mandate performance by Federal Government sources for the Federal Government, including judgment, policy, regulation, authorization, order, or otherwise;

(ii) determine, protect, and advance its economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;

(iii) significantly affect the life, liberty, or property of private persons;

(iv) commission, appoint, direct, or control officers or employees of the United States; or

(v) exercise ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the control or disbursement of appropriated and other Federal funds;

(B) Functions excluded.—For the purposes of paragraph (1), inherently governmental functions do not normally include—

(i) The activity of providing advice, opinions, recommendations, or ideas to Federal Government officials;

(ii) any function that is primarily ministerial or internal in nature (such as building security, mail operations, operation of cafeterias, laundry and housekeeping, facilities services, and pouring the water of operations, motor vehicle fleet management and operations, or other routine electrical or mechanical services); or

(iii) any good or service which is currently or could reasonably be produced or performed, respectively, by an entity in the private sector.

SA 3921. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLe XIII—fEDERAL ACTIVITIES INVENTORY REFORM AMENDMENTS

SEC. 1301. SHORT TITLE; REFERENCES TO FAIR ACT OF 1998.

(a) Short Title.—This title may be cited as the “Federal Activities Inventory Reform Amendments of 2002”.

(b) References.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2352; 31 U.S.C. 501 note).

SEC. 1302. ANNUAL LISTS OF GOVERNMENT ACTIVITIES.

(a) Lists To Include Inherently Governmental Activities.—

(1) For the purposes of section 2 of this section 2 is amended by inserting before the period “At the end of the first sentence the following; “and those activities performed by Federal Government sources for the executive agency that, in that official’s judgment, are inherently personal in nature.”

(b) Descriptive and Explanatory Matters To Be Included.—Such subsection is further amended—

(1) in redesignating paragraph (3) as paragraph (5);

(2) by inserting after paragraph (2) the following new paragraphs (3) and (4):

“...A description of the activity, including—

(A) a narrative description of the activity;

(B) the product or service code, if any, that would be assigned to the activity under the Federal Procurement Data System if the activity were performed in the private sector;

(C) The Standard Industrial Classification code, if any, that would be assigned to the activity if the activity were performed in the private sector;

(4) The organization within the executive agency that is performing the activity, or for which the activity is performed, and the location of that organization;”.

(3) by adding at the end the following:

“(6) The identity of any provision of law or other authority that, except for subsection (a), would expressly or impliedly exempt the executive agency from the requirements of this section or of Office of Management and Budget Circular A–76 with respect to any activity that is not a primarily governmental activity, together with a discussion of the rationale for that exemption.”.
Section 5 is amended by adding at the end the following:

"(c) MATTER SUBJECT TO CHALLENGE.—Section 3(a) is amended by striking "or an exclusion of a particular activity on", and inserting "or an exclusion of a particular activity on, or the classification of any activity on".

(b) REVISION OF DEADLINES.—Section 3 is amended—

(1) in subsection (c), by striking "30 days" and inserting "90 working days";

(2) in subsection (d), by striking "28 days" and inserting "29 working days"; and

(3) in subsection (e), by striking "5 days" and inserting "10 working days".

(c) PUBLICATION OF RESOLUTION OF CHALLENGES.—Section 3 is amended by adding at the end the following:

"(1) SUMMARY.—A final version of the list under section 2(d), together with a description of the intended review.

(2) SCHEDULE FOR REVIEW OF LIST.—A schedule for the review to be conducted of such list under section 2(d), together with a description of the intended review.

(3) WORKING DAYS DEFINED.—Section 5, as amended by section 1086(b) of this Act, is further amended by adding at the end the following:

"(5) WORKING DAY.—The term "working day", in the administration of sections 2 and 3 with respect to a list submitted under this subsection, means a day on which the headquarters of the executive agency is open for the conduct of the executive agency’s business.

SEC. 1306. PERFORMANCE FOR OTHER GOVERNMENTAL ORGANIZATIONS.

(a) LIMITATIONS.—Section 2, as amended by section 1095 of this Act, is further amended by adding at the end the following:

"(e) LIMITATION ON PERFORMANCE FOR OTHER GOVERNMENTAL ORGANIZATIONS.—

(1) FEDERAL AGENCIES.—An activity that is not an inherently governmental function may not be performed for an executive agency by another Federal Government source under section 1535 of title 31, United States Code, unless, within three years before the date the work is to be performed for the executive agency, the other Federal Government source under that section, performance of that activity by the executive agency has been justified pursuant to a competitive process carried out under Office of Management and Budget Circular A-76.

(2) STATE AND LOCAL GOVERNMENTS.—The head of an executive agency may not take any action under section 1535 of title 31, United States Code, to perform the benefit of an agency of a State or a political subdivision of a State, that is not an inherently governmental function, if the head of the executive agency has first—

(A) solicited offers for the performance of that activity in accordance with section 18 of the Federal Property and Administrative Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)); and

(B) determined on the basis of the response to the solicitation that no responsible private sector source is available to meet the needs of the executive agency for the performance of that activity for the executive agency.

(b) STATE DEFINED.—Section 5, as amended by section 1094(a)(2) of this Act, is further amended by adding at the end the following:

"(4) District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

SEC. 1307. CHALLENGES TO THE LIST.

(a) MATTERS SUBJECT TO CHALLENGE.—Sec-

tion 3(a) is amended by striking "or an exclusion of a particular activity on," and inserting "or an exclusion of a particular activity on, or the classification of any activity on".

(b) REVISION OF DEADLINES.—Section 3 is amended—

(1) in subsection (c), by striking "30 days" and inserting "90 working days";

(2) in subsection (d), by striking "28 days" and inserting "29 working days"; and

(3) in subsection (e), by striking "5 days" and inserting "10 working days".

(c) PUBLICATION OF RESOLUTION OF CHALLENGES.—Section 3 is amended by adding at the end the following:

"(1) SUMMARY.—A final version of the list that was challenged.

(2) SCHEDULE FOR REVIEW OF LIST.—A schedule for the review to be conducted of such list under section 2(d), together with a description of the intended review.

(3) WORKING DAYS DEFINED.—Section 5, as amended by section 1086(b) of this Act, is further amended by adding at the end the following:

"(5) WORKING DAY.—The term "working day", in the administration of sections 2 and 3 with respect to a list submitted under this subsection, means a day on which the headquarters of the executive agency is open for the conduct of the executive agency’s business.

SEC. 1308. PERIODIC REVIEW TO PERFORMANCE BY FEDERAL PRISON INDUSTRIES.

Section 4 is amended by adding at the end the following:

"(c) PROHIBITED CONVERSION.—The performance of an activity of an executive agency that is not an inherently governmental function may not be converted to performance by a private sector source.

SEC. 1310. PRIVATE SECTOR SOURCE DEFINED.

Section 5, as amended by section 1097(d) of this Act, is further amended by adding at the end the following:

"(d) PRIVATE SECTOR SOURCE.—The term ‘private sector source’ means a person lawfully engaged in business for profit in the United States.

SEC. 1311. REPORT ON PORTABILITY OF FEDERAL PENSION BENEFITS.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report on the portability of Federal pension benefits.

(b) CONSULTATION.—The Director of the Office of Management and Budget shall consult with the Director of the Office of Personnel Management and other appropriate Federal agencies in preparing the report required by subsection (a).
At the end of subtitle A of title III, add the following:

SECT. 305. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS.

Of the amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for defensewide activities, $3,000,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

SA 3923. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1005. TRANSFER OF HISTORIC DF-9E PANThER AIRCRAFT TO WOMEN AIRFORCE SERVICE PILOTS MUSEUM.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the Women Airforce Service Pilots Museum in Quantico, Virginia (in this section referred to as the “W.A.S.P. museum”), all right, title, and interest of the United States in and to a DF-9E Panther aircraft (Bureau Number 125316) shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in “as is” condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft under subsection (a)—

(1) a condition that the W.A.S.P. museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the W.A.S.P. museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the W.A.S.P. museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may include such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 3924. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

[The amendment was not available for printing. It will appear in a future edition of the RECORD.]

SA 3925. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVI, add the following:

SEC. 2002. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by $9,000,000.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), $9,000,000 shall be available for a military construction project for a Reserve Center in Lane County, Oregon.

SA 3927. Mrs. MURRAY (for herself and Ms. SNOWE) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 154, after line 29, insert the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “Restriction on Use of Funds.”

SA 3928. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUYE, Mr. BUNNING, Mrs. FEINSTEIN, Mr. CRAIG, Ms. COLLINS, Mr. SPECTER, Mr. SMITH, Mr. BOND, Mr. DOMENICI, Mr. BAYH, Mr. NELSON of Nebraska, Mr. BURNS, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXVIII, add the following:

SEC. 3014. ADDITIONAL SELECTION CRITERIA FOR 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) ADDITIONAL SELECTION CRITERIA.—Section 2923 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2678 note) is amended—

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

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

“(d) ADDITIONAL CONSIDERATIONS.—The selection criteria for military installations shall also address the following:

“(1) Force structure and mission requirements through 2020, as specified by the document entitled ‘Joint Vision 2020’ issued by the Joint Chiefs of Staff, including—

“(A) mobilization requirements; and

“(B) requirements for utilization of facilities by the Department of Defense and by other departments and agencies of the United States, including—

“(i) joint use by two or more Armed Forces; and
"(ii) use by one or more reserve components;"

"(2) The availability and condition of facilities, land, and associated airspace, including:

"(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports; and

"(B) funding, programmed, and operated military construction.

"(3) Considerations regarding ranges and airspace, including:

"(A) unique features; and

"(B) existing or potential, physical, electromagnetic, or other encroachment.

"(4) Costs and effects of relocating critical facilities, including—

"(A) military construction costs at receiving military installations and facilities; and

"(B) environmental costs, including costs of compliance with Federal and State environmental laws;"

"(C) termination costs and other liabilities associated with existing contracts or agreements involving outsourcing or privatization of services, housing, or facilities used by the Department; and

"(D) effects on co-located entities of the Department;"

"(E) effects on co-located Federal agencies;"

"(F) costs of transfers and relocations of civilian personnel, and other workforce considerations.

"(6) Homeland security requirements.

"(7) State or local support for a continued presence by the Department, including—

"(A) current or potential public or private partnerships in support of Department activities; and

"(B) the capacity of States and localities to respond positively to economic effects and other consequences.

"(8) Applicable lessons from previous rounds of defense base closure and realignment, including disparities between anticipated savings and actual savings.

"(9) Anticipated savings and other benefits, including—

"(A) enhancement of capabilities through improved use of remaining infrastructure; and

"(B) the capacity to relocate units and other assets.

"(10) Other considerations that the Secretary of Defense determines appropriate.

"(b) WEIGHTING OF CRITERIA FOR TRANSPARENCY PURPOSES.—Subsection (a) of such section 2913 is amended—

"(1) by redesignating paragraph (2) as paragraph (3); and

"(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) WEIGHTING OF CRITERIA.—At the same time the Secretary publishes the proposed criteria under paragraph (1), the Secretary shall publish in the Federal Register the formula proposed to be used by the Secretary in assigning weight to the various proposed criteria in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.

SA 3929. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 13 and 14, insert the following:

SEC. 828. LIMITATION ON ARM BY CONTRACTING AGENCY.

(a) LIMITATION OF AUTHORITY.—During the period specified in subsection (b), the Secretary of the Army may not remove or transfer the authority of a contracting officer of any Army installation to enter into, review, or approve contracts for the purchase of goods or services by reason of the establishment of an Army Contracting Agency, or for a similar entity for the regionalization or consolidation of installation support contracts or information technology contracts.

(b) WEIGHTING OF CRITERIA.—Subsection (a) applies during the period beginning on the date of enactment of this Act and ending 45 days after the date on which the Secretary of the Army submits a report that meets the requirements of subsection (c) to—

(1) the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Armed Services of the Senate; (3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

SEC. 829. REPORT ON EFFECTS OF ARM BY CONTRACTING AGENCY ON SMALL BUSINESS.

(a) IN GENERAL.—The Secretary of the Army shall submit a report on the effects of the establishment of an Army Contracting Agency on small business participation in Army procurement contracts, including—

(1) the impact on small businesses located near Army installations, including—

(i) the increase or decrease in the total value of Army prime contracting with local small businesses; and

(ii) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(b) the increase in consolidated contracts and bundled contracts; and

(2) if there is a negative effect on small business participation in Army procurement contracts, in general or near any Army installation, a description of theArmy's plan to increase small business participation where it is negatively affected.

(b) DELAY IN EFFECT.—The report under this section shall be due 15 months after the date of the establishment of the Army Contracting Agency.

SA 3930. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.

Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, is hereby designated as a defense access road for purposes of section 210 of title 23, United States Code.

SA 3932. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. PROGRAMMING FOR A 310-SHIP FLEET FOR THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2000 Quadrennial Defense Review establishes that the United States should maintain a Navy of at least 310 ships.
(2) The President proposes to procure only five ships for the Navy in fiscal year 2003 and proposes to procure only an average of 6.8 ships for the Navy annually thereafter through fiscal year 2007.

(3) The current level of spending on shipbuilding for the Navy will result in a Navy fleet of approximately 238 ships within 35 years.

(4) It is necessary for the Navy to procure over the long term, on average, 8.9 new ships each year (the steady-state replacement rate) to support the President’s plans to achieve and maintain a Navy fleet of 310 ships.

(5) It may be necessary to achieve an average of 11.2 ships each year beginning in fiscal year 2008 in order to compensate for the procurement of ships at an average annual rate below 8.9 ships in previous fiscal years.

(6) The Navy provides a United States presence worldwide, especially where forward landing of United States forces is not possible.

(7) Seapower of the United States Navy is a cornerstone of our national defense.

SEC. 483C. LEAVE OF ABSENCE FOR MILITARY SERVICE.

(a) Obligation as Part of Program Participation Requirements.—Section 487(a)(22) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amended by inserting “and with the policy on leave of absence for active duty military service established pursuant to section 484B” after “of postponement of sufficiency.”

(b) Leave of Absence for Military Service.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1098 et seq.) is amended by inserting after section 484B the following:

"SEC. 484C. LEAVE OF ABSENCE FOR MILITARY SERVICE.

"(a) Leave of Absence Required.—Whenever a student who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, the institution of higher education in which the student is enrolled shall grant the student a military leave of absence from the institution—"

(1) while such student is serving on active duty; and

(2) for 1 year after the conclusion of such service.

(b) Consequences of Military Leave of Absence.—

(1) PRESERVATION OF STATUS AND ACCOUNTS.—A student on a military leave of absence from an institution of higher education shall be entitled, upon release from serving on active duty, to be restored to the educational status such student had attained prior to being ordered to such duty without loss of—

(A) academic credits earned;

(B) scholarships or grants awarded; or

(C) any nonrefundable fees paid prior to the commencement of the active duty.

(2) Refunds.—

(A) Option of Refund or Credit.—An institution of higher education shall refund tuition or fees paid or credit the tuition and fees to the next period of enrollment after the student returns from a military leave of absence, at the option of the student. Notwithstanding the 180-day limitation in section 484B(a)(2), a student on a military leave of absence under this section shall not be treated as having withdrawn for purposes of section 484B unless the student fails to return at the end of the military leave of absence (as determined under subsection (a)).

(B) Proportionate Reduction of Refund for Time Completed.—If a student requests a refund during a period of enrollment, the percentage of the tuition and fees that shall be refunded shall be equal to 100 percent minus the percentage of the period of enrollment (for which the tuition and fees were paid) that was completed in accordance with section 484B(d)(3) as of the day the student withdrew.

(c) Active Duty.—The term ‘active duty’ has the same meaning in this section in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school, but does include, in the case of members of the National Guard, active State duty.

SA 3934. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 522. LEAVE OF ABSENCE FOR MILITARY SERVICE.

(a) Obligation as Part of Program Participation Requirements.—Section 487(a)(22) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amended by inserting “and with the policy on leave of absence for active duty military service established pursuant to section 484B” after “of postponement of sufficiency.”

(b) Leave of Absence for Military Service.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1098 et seq.) is amended by inserting after section 484B the following:

"SEC. 484C. LEAVE OF ABSENCE FOR MILITARY SERVICE.

"(a) Leave of Absence Required.—Whenever a student who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, the institution of higher education in which the student is enrolled shall grant the student a military leave of absence from the institution—"

SEC. 554. NATIONAL GUARD CHALLENGE PROGRAM.

(a) Increase in Fiscal Year Limitation on Amount Available for Program.—(1) Section 508(b)(2)(A) of title 32, United States Code, is amended by striking "$62,500,000" and inserting "$66,000,000".

(2) The amendment made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to fiscal years beginning on or after that date.

(b) Authorization of Appropriations for Fiscal Year 2003.—The amendment authorized to be appropriated by this Act for the Department of Defense for fiscal year 2003 for the National Guard Challenge Program for citizens under section 509 of title 32, United States Code, is $66,000,000.

SEC. 644. REPEAL OF REQUIREMENT FOR REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Repeal.—(1) Section 1450 of title 10, United States Code, is amended by striking subsections (c) and (e).

(2) Section 1451(c) of such title is amended by striking paragraph (2).

(b) Prohibition on Retroactive Benefits.—No benefits may be paid under this section to any person for any period before the effective date specified in subsection (c) by reason of the amendments made by subsection (a).

(c) Effective Date of Amendments.—The amendments made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; and

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

SA 3936. Mr. NELSON of Florida (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1055. REPORTS ON EFFORTS TO RESOLVE WHEREABOUTS AND STATUS OF CAPTAIN MICHAEL SCOTT SPEICHER, UNITED STATES NAVY.

(a) Reports.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to Congress a report on the efforts of the United States Government to determine the whereabouts and status of Captain Michael Scott Speicher, United States Navy.

(b) Period Covered by Reports.—The first report under subsection (a) shall cover efforts described in that subsection preceding the date of the report, and each subsequent report shall cover efforts described in that subsection during the 90-day period ending on the date of such report.

(c) Report Elements.—Each report under subsection (a) shall describe, for the period covered by such report—

(1) all direct and indirect contacts with the Government of Iraq, or any successor government, regarding the whereabouts and status of Michael Scott Speicher;

(2) any request made to the government of another country, including the intelligence...
service of such country, for assistance in resolving the whereabouts and status of Michael Scott Speicher, including the response to such request; (3) each current lead on the whereabouts and status of Michael Scott Speicher, including an assessment of the utility of such lead in resolving the whereabouts and status of Michael Scott Speicher; and (4) any cooperation with nongovernmental organizations or international organizations in resolving the whereabouts and status of Michael Scott Speicher, including the results of such cooperation.

(b) Form of Reports.—Each report under subsection (a) shall be submitted in an unclassified form, but may include an unclassified summary.

SA 3937. Mr. NELSON of Florida (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 135. SENSE OF CONGRESS REGARDING ACCESS TO SPACE.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to space is a vital national security interest of the United States.

(2) The Evolved Expendable Launch Vehicle program of the Department of Defense is a critical element of the Department’s plans for assuring United States access to space.

(3) Significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could hamper the ability of the Department of Defense to provide assured access to space in the future.

(4) The continuing viability of the United States space launch industrial base is a critical element of any strategy to ensure the long-term ability of the United States to assure access to space.

(5) The Under Secretary of the Air Force, as authorized by the Secretary of Defense, has been authorized to develop a strategy to address United States space launch and assured access to space requirements.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Under Secretary of the Air Force should—

(1) evaluate all options for sustaining the United States space launch industrial base;

(2) develop an integrated, long-range, and adequately funded plan for assuring United States access to space; and

(3) submit to Congress a report on the plan at the earliest opportunity practicable.

SA 3938. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. CLEARANCE OF CERTAIN TRANSACTIONS RECORDED IN TREASURY SUSPENSE ACCOUNTS AND RESOLUTION OF CHECK ISSUANCE DISCREPANCIES.

(a) CLEARING OF SUSPENSE ACCOUNTS.—(1) In the case of any transaction that was entered into by or on behalf of the Department of Defense before March 1, 2001, that is recorded in the Department of Treasury Bud- getal Clearing Account designated as account F3875, the Unavailable Check Cancelations and Overpayments (Suspense) designated as account F3880, or an Undistributed Interfund Account designated as account F3885, and for which no appropriation for the Department of Defense has been identified—

(A) any undistributed disbursement recorded in such account in such case shall be deposited to the miscellaneous receipts of the Treasury; and

(B) subject to paragraph (2), any undistributed disbursement recorded in such account in such case shall be canceled.

(2) An undistributed disbursement may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have not attempted to determine whether documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(b) RESOLUTION OF CHECK ISSUANCE DISCREPANCIES.—(1) In the case of any check drawn on the Treasury that was issued by or on behalf of the Department of Defense before October 31, 1998, for which the Secretary of the Treasury has reported to the Department of Defense a discrepancy between the amount paid and the check number transmitted to the Department of Treasury, and for which no specific appropriation for the Department of Defense can be identified as being associated with the check, the discrepancy shall be canceled, subject to paragraph (2).

(2) A discrepancy may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to determine what documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(c) CONSULTATION.—The Secretary of Defense shall consult the Secretary of the Treasury in the exercise of the authority granted by subsections (a) and (b).

(d) DURATION OF AUTHORITY.—(1) A particular undistributed disbursement may not be canceled under subsection (a) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that undistributed disbursement.

(2) A particular discrepancy may not be canceled under subsection (b) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that discrepancy.

(3) No authority may be exercised under this section after the date of the enactment of this Act.

SEC. 346. LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available for any purpose prescribed by this section and the regulations prescribed under subsection (e), logistics support and logistics services to a contractor in support of the performance of a contract described in subsection (a) for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any logistics support and logistics services that is to be provided under this section to a contractor in support of the performance of a contract shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The logistics support and logistics services that may be provided under this section in support of the performance of a contract described in subsection (a) are the distribution, disposal, and cataloging of materiel and repair parts necessary for the performance of that contract.

(d) LIMITATIONS.—(1) The number of contracts described in subsection (a) for which the Secretary makes logistics support and logistics services available under the authority of this section may not exceed five contracts.

(2) The total amount of the estimated costs of all such contracts for which logistics support and logistics services are made available under this section may not exceed $100,000,000.

(3) No contract entered into by the Director of the Defense Logistics Agency under subsection (b) may be for a period in excess of five years, including periods for which the contract is extended under options to extend the contract.

(e) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations the requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that logistics support and logistics services provided under this section are only used when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the authority under this section to be used only for providing logistics support and logistics services in support of the performance of a contract that is entered into using competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 405)).

(2) A requirement for the solicitation of offers for a contract described in subsection (a), for which logistics support and logistics services are to be made available under this section, to include—

(1) a statement that the logistics support and logistics services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(2) a description of the range of the logistics support and logistics services that are to be made available under this section.

(3) A requirement for the rates charged for logistics support and logistics services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of
resources used, but not paid for, by the Department of Defense.

(4) A requirement to credit to the General Fund of the Treasury amounts received by the Department of Defense from a contractor for the cost of logistics support and logistics services provided to the contractor by the Department of Defense under this section but not paid for out of funds available to the Department of Defense.

(5) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency by the Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(6) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of logistics support and logistics services provided to the contractor under this section.

(7) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(8) TERMINATION OF AUTHORITY.—(1) The authority provided in this section shall expire on September 30, 2007, subject to paragraphs (4) and (5).

(2) The expiration of the authority under this section does not terminate—

(A) any contract that was entered into by the Director of the Defense Logistics Agency under subsection (b) before the expiration of the authority or any obligation to provide logistics support and logistics services under that contract; or

(B) any authority—

(i) to enter into a contract described in subsection (a) for which a solicitation of offers was issued in accordance with the regulations prescribed pursuant to subsection (e)(2) before the date of the expiration of the authority,

(ii) to provide logistics support and logistics services to the contractor with respect to that contract in accordance with this section.

SA 3940. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 17, strike line 14, and insert the following:

SEC. 121. INTEGRATED BRIDGE SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by section 102(a)(4), $5,000,000 shall be available for the procurement of the integrated bridge system in items less than $5,000,000.

(b) Omnibus.—Of the total amount authorized to be appropriated by section 102(a)(4), the amount available for the integrated bridge system in Aegis support equipment is hereby reduced by $5,000,000.

SA 3942. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26, after line 22, insert the following:

SEC. 214. LASER WELDING AND CUTTING DEMONSTRATION.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, $6,000,000 shall be available for the laser welding and cutting demonstration in force protection applied research (PE 0601215N).

(b) OFFSETTING REDUCTION.—(i) the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount authorized to be appropriated for laser welding and cutting demonstration in force protection applied research (PE 0601215N) is hereby reduced by $6,000,000.

SA 3943. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 42, after line 22, insert the following:

SEC. 315. COMPASS CALL PROGRAM.

Of the amount authorized to be appropriated by section 103(1), $12,700,000 shall be available for the Compass Call program within classified projects and not within the Defense Airborne Reconnaissance Program.

SA 3941. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 33, between lines 12 and 13, and insert the following:

SEC. 310. ANNUAL OTA REPORT.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by section 139 of title 10, United States Code, is amended by inserting after the fourth sentence the following: "The report for a fiscal year shall also include an assessment of the waivers of and deviations from requirements in test and evaluation master plans and other testing requirements that occurred during the fiscal year, any concerns raised by the waivers or deviations, and the actions have been taken or are planned to be taken to address the concerns.");

(b) REORGANIZATION OF PROVISION.—Subsection (g) of such section, as amended by subsection (a), in further effect—

(1) by inserting "(1)" after "(e)";

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the matter consisting of the fourth and fifth sentences as paragraph (4);

(5) by designating the sixth sentence as paragraph (5); and

(6) by realigning paragraphs (2), (3), (4), and (5), as so designated, two ems from the left margin.

SA 3945. Mr. WARNER (for Mr. GRASSLEY (for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 346. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-388; 114 Stat. 1654A-65) is amended by striking "2002" and inserting "through 2004".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) by striking "2002" and inserting "2004"; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence—"Not later than January 15, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary’s views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b)."

SA 3946. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. HUTCHINSON)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 17, line 23, insert before the period the following:

"... and except that, notwithstanding subsection (b) of such section, such a contract may be for a period of six program years"."
SA 3947. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 503. EXTENSION OF TEMPORARY AUTHORITY FOR ENTERING INTO PERSONAL SECURITY CONTRACTS FOR THE PERFORMANCE OF HEALTH CARE RESPONSIBILITIES FOR THE ARMED FORCES AT LOCATIONS OTHER THAN MILITARY MEDICAL TREATMENT FACILITIES.


SA 3950. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. 505. EXTENSION OF TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.


SA 3951. Mr. LEVIN (for himself and Mr. SESSIONS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 905. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) Authorization for Foreign Gifts and Donations.—Section 2166 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h), as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

(’04) Authority to accept foreign gifts and donations.——(1) The Secretary of Defense may, on behalf of the Institute, accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Institute.

(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Institute. Funds so credited shall be merged with the appropriations to which credited and shall be available for the purposes and period of time as the appropriations with which merged.

(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds $1,000,000 in any fiscal year. Any such notice shall list each of the contributors of such money and the amount of each contribution in such fiscal year.

(4) For the purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a source other than the United States, a charitable organization in a foreign country, or an individual in a foreign country.

(b) CONTENT OF ANNUAL REPORT TO CONGRESS.—Subsection (1) of such section (as redesignated by subsection (a)(1)), is amended by inserting after the first sentence the following:

‘‘The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board’s report.’’

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 20, 2002, at 9:30 a.m., in open session to consider the nomination of General Ralph P. Scobey, USAF for reappointment to the grade of general and to be Commander in Chief, U.S. Northern Command/Commander, North American Aerospace Defense Command.

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 Thursday, June 20, 2002, at 4:30 p.m., to hold a “top secret” classified hearing on the security of nuclear facilities under the jurisdiction of the U.S. Nuclear Regulatory Commission. The hearing will be held in S. 407 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, June 20, 2002, at 9:30 a.m., for the purpose of holding a hearing regarding “President Bush’s Proposal to Create a Department of Homeland Security.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “Workers Freedom of Association: Obstacles to Forming a Union” during the session of the Senate on Thursday, June 20, 2002, at 10 a.m., in Senate Russell.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on
the Judiciary be authorized to meet to conduct a markup on Thursday, June 20, 2002, at 10 a.m., in Dirksen Room 226.

Agenda

1. Nominations

Lavenski R. Smith to be a U.S. Circuit Court Judge for the Eighth Circuit; David Cercone to be U.S. District Court Judge for the Western District of Pennsylvania; Morrison Cohen England Jr. to be U.S. District Court Judge for the Eastern District of California; and Kenneth Luerra to be U.S. District Court Judge for the Southern District of Florida.

For the Department of Justice: Lawrence Greenfeld to be Director, Bureau of Justice Statistics.

To be U.S. Marshal: Anthony Dicho for the District of Massachusetts; Michael Lee Kline for the Eastern District of Washington; and James Thomas Roberts for the Southern District of Georgia.

II. Bills

S. 1291, Development, Relief, and Education for Alien Minors Act [Hatch].

S. 2154, Terrorism Victim’s Access to Compensation Act of 2002 [Harkin/Allen].

H.R. 3375, Embassy Employee Compensation Act [Blunt].

S. 496, Innocence Protection Act [Leahy/Smith].

S. 2621, A bill to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems. [Leahy/Biden/Hatch].

S. 2633, Reducing Americans’ Vulnerability to Ecstasy Act [Biden/Grassley].


H.R. 1866, To amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents [Coble].

H.R. 1577, To amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings. [Coble].

H.R. 2683, To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title [Sensenbrenner/Conyers].

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 Thursday, June 20, 2002, at 2:30 p.m., to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, June 20, 2002, from 9:30 a.m.—12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK AND WASTE MANAGEMENT

Mr. REID. Mr. President: I ask unanimous consent that the Subcommittee on Environmental and Public Works, Subcommittee on Superfund, Toxics, Risk and Waste Management be authorized to hold a hearing on Tuesday, June 20, 2002, at 9:30 a.m., to hold a hearing to assess asbestos remediation activities in Libby, MT., lessons learned from Libby, as well as evaluate home insulation concerns related to asbestos. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, June 20, at 2:30 p.m., in SD-366. The purpose of this hearing is to receive testimony on the following bills: S. 139 and H.R. 2592, to assist in the preservation of archaeological, paleontological, zoological, geological and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City; S. 1609 and H.R. 1814, to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail; S. 1925, to establish the Freedom’s Way National Heritage Area in the states of Maine, New Hampshire, and for other purposes; S. 2196, to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes; S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, SC, relating to the Reconstruction Era; S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; and S. 2576, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Dr. Howard Forman and Anup Patel of my staff be granted the privileges of the floor for the balance of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Stacey Sachs be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President. I ask unanimous consent that John Elliff, who is detailed to my committee office, be granted the privilege of the floor during the course of the proceedings today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that privilege of the floor be granted to Mark Garrell, a legislative fellow with Senator Bunning, for the duration of the Dodd authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Rebecca Kockler and Brian Hanley be allowed to be on the floor for the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of Senator ALLARD, I ask unanimous consent that the privilege of the floor be granted to Carol Welch, a national defense fellow in Senator Allard’s office, and Lance Landry of Senator Allen’s office, during the entire debate of the National Defense Authorization Act for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-8

Mr. REID. As in executive session, I ask unanimous consent that the injunction of secrecy by removed from the following treaty transmitted to the Senate on June 20, 2002, by the President of the United States: Moscow Treaty (Treaty Document 107-8).

I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Affairs and ordered to be printed, and that the President’s message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:
I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (the ‘Moscow Treaty’).

The Moscow Treaty represents an important element of the new strategic relationship between the United States and Russia. It will take our two nations along a stable, predictable path to substantial reductions in our deployed strategic nuclear warhead arsenals by December 31, 2012. When these reductions are completed, each country will be at the lowest level of deployed strategic nuclear warheads in decades. This will benefit the peoples of both the United States and Russia and contribute to a more secure world.

The Moscow Treaty codifies my determination to break through the long impasse in further nuclear weapons reductions caused by the inability to finalize agreements through traditional arms control efforts. In the decade following the collapse of the Soviet Union, both countries’ strategic nuclear arsenals remained far larger than needed, even as the United States and Russia moved toward a more cooperative relationship. On May 1, 2001, I called for a new framework for our strategic relationship with Russia, including further cuts in nuclear weapons to reflect the reality that the Cold War is over. On November 13, 2001, I announced the United States plan for such cuts—to reduce our operationally deployed strategic nuclear warheads to a level of between 1700 and 2200 over the next decade. I announced these planned reductions following a careful study within the Department of Defense. That study, the Nuclear Posture Review, concluded that these force levels were sufficient to maintain the security of the United States. In reaching this decision, I recognized that it would be preferable for the United States to make such reductions on a reciprocal basis with Russia, but that the United States would be prepared to proceed unilaterally.

My Russian counterpart, President Putin, responded immediately and made clear that he shared these goals. President Putin and I agreed that our nations’ respective reductions should be recorded in a legally binding document that would outlast both of our presidencies and provide predictability over the longer term. The result is a Treaty that was negotiated without protracted negotiations. This Treaty fully meets the goals I set out for these reductions.

It is important for there to be sufficient openness so that the United States and Russia can each be confident that the other is fulfilling its reductions commitment. The Parties will use the comprehensive verification regime of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (the ‘START Treaty’) to provide the foundation for confidence, transparency, and predictability in further strategic offensive reductions. In our Joint Declaration on the New Strategic Relationship between the United States and Russia, President Putin and I also decided to establish a Consultative Group for Strategic Security to be chaired by Foreign and Defense Ministers. This body will be the principal mechanism through which the United States and Russia strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest.

The Moscow Treaty is emblematic of our new, cooperative relationship with Russia, but it is neither the primary structure of its strategic offensive reductions commitment. The Parties will determine for itself the composition and size of its strategic offensive reductions. In our Joint Declaration on the New Strategic Relationship between the United States and Russia, President Putin and I agreed that our nations would meet the goals I set out for these reductions.

In sum, the Moscow Treaty is clearly in the best interests of the United States and represents an important contribution to U.S. national security and strategic stability. I therefore urge the Senate to give prompt and favorable consideration to the Treaty, and to advise and consent to its ratification.

GEORGE W. BUSH
THE WHITE HOUSE, June 20, 2002.
REGARDING THE INTRODUCTION OF CERTAIN MEDICARE-RELATED BILLS  

HON. W.J. (BILLY) TAUSIN  
OF LOUISIANA  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, June 20, 2002

Mr. TAUSIN. Mr. Speaker, as you know, the Energy and Commerce Committee is marking up prescription drug and other Medicare-related legislation this week. The foundation for our markup is H.R. 4954, the Medicare Modernization and Prescription Drug Act of 2002, introduced by my colleagues, Representatives JOHNSON and BILIRAKIS on June 18, 2002.

To ensure an orderly process in my Committee, I made the decision to divide H.R. 4954 into a number of Committee Prints for our markup. In doing so, however, I of course want the Committee’s good work to be reflected through full-fledged Committee reports on the various titles. Accordingly, I have already introduced two bills (H.R. 4961 and H.R. 4962) that will continue to introduce free-standing bills that are the exact text of the prints we have marked up and ordered reported. Taken together, these bills will represent my Committee’s position on the vital Medicare legislation we are considering.

During House floor debate on the prescription drug legislation, which should take place next week, I will provide the House with a complete guide to the legislative history of the Energy and Commerce Committee’s work in this area.

CELEBRATING THE 30TH ANNIVERSARY OF TITLE IX  
SPEECH OF  
HON. ROSA L DELAURSO  
OF CONNECTICUT  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, June 19, 2002

Ms. DELAURSO. Mr. Speaker, I thank the gentlewoman from New York for her leadership and rise to speak on a subject important to women across America. Most people just think sports when they hear Title IX, but it is so much more than that. For 30 years, Title IX has opened the door of educational opportunity to women. But a recent study tells us that the door may be closing if we do not act soon.

Before Title IX, schools at all levels limited participation of women and girls. What a different world it was then. Back then, many publicly funded universities did not admit women to undergraduate programs. They had higher admissions standards for women than men and imposed quotas based on gender.

And that’s not all. Women frequently were discouraged from applying to law and medical schools or majoring in hard sciences, such as physics or engineering. And when they did equally qualified women regularly received less financial aid than their male counterparts, with married women generally receiving none at all. Honor societies were regularly reserved for male students only, and women’s athletics were funded at levels far below programs for men. In fact, most female athletic programs consisted mainly of cheerleading, and few women were allowed to coach athletics or hold administrative positions in athletic departments.

But when Title IX became law, that all began to change. It grew out of the women’s civil rights movement of the late 1960’s and early 70’s. During that period when so much began to change, Congress started to focus attention on institutional barriers to women and girls, like education, largely because of how they affected women’s employment opportunities.

And there have been real results. In 1971, only 18 percent of young women completed four or more years of college. But by 2006, women are projected to earn 55 percent of all bachelor’s degrees.

In the legal and medical fields, there have been even greater advances. In 1999, women earned nearly half of all medical degrees, compared with 1972, when only 9 percent of medical school degrees went to women. Women accounted for 43 percent of all law school degrees in 1994, up from a meager 7 percent in 1972. And of all doctoral degrees awarded that year, 44 percent went to women.

And in athletics, an area that has received significant attention in recent years, the gains have been palpable. Women now constitute 40 percent of college athletes, compared to the 15 percent thirty years ago. As evidenced by the trailblazing UConn Huskies women’s basketball team and all of the accolades and championships they have earned, the values women learn from sports participation, like leadership, like teamwork, discipline, and pride in accomplishment are so very important. Today’s athletic successes help us increase our participation in tomorrow’s workforce, like the number of business management and ownership positions. In fact, 80 percent of female managers of Fortune 500 companies have a sports background. There is no question that participation in athletics has truly given women some of the tools they need for success.

But this month, the National Coalition for Women and Girls in Education—consisting of the American Association of University Women and 50 other organizations—released a report on the 30th anniversary of Title IX. And the news was not particularly good.

The study included a report card examining the state of gender equity in 10 areas. Athletics, an area where we are supposedly making so many advances, got a C-. Career Education, a D. Employment and Learning Environment, a C–. Sexual Harassment and Standardized Testing were scarcely better, receiving C’s. And technology, such an important area for our economy, received a D. And though all Federal agencies that fund education programs or activities are required

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
to develop regulations to enforce Title IX, until recently only 4 agencies-Education, Energy, Agriculture and HHS-had done so.

And there is a growing movement to roll back Title IX protections. Funding has been slashed for numerous programs that support gender equity in education. In 1996, Congress eliminated funding under Title IV of the Civil Rights Act that had for two decades supported Title IX and gender-equity services in 49 state education agencies. Attacks on gender equity have been growing, and women have been forced to turn to the legal system to get the rights they are guaranteed by the law.

So, there is so much more work to do. We must support and enforce the strong compliance standards that are currently in place. And we must call on the Administration to take action to do just that. Title IX, gender equity and educational opportunity are simply too important to let fall by the wayside. We must remain vigilant. Protecting the rights of women is not simply the right thing to do, it is the essence of what we stand for as Americans.

Mr. Speaker, I would like to thank Congresswoman Max for her continued leadership on this important issue.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. SCHIFF. Mr. Speaker, I was unavoidably detained in my district on Tuesday, June 4, 2002, and I would like the record to indicate how I would have voted on rollcall votes No. 207 and 208.

For rollcall vote No. 207, a bill to permanently exclude from taxable income any restitution payments from governments of former Nazi-controlled countries, I would have voted, "aye."

For rollcall vote number 208, a bill to permanently raise the adoption tax credit, I would have voted, "aye."

COLORADO GENERAL ASSEMBLY

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express appreciation to the Colorado General Assembly. The respective members of the Colorado House of Representatives have made a commitment to improving the healthcare needs of the people of Colorado as expressed in their House Joint Resolution, which was adopted by the Second Regular Session of the 63rd General Assembly of the State of Colorado.

This joint resolution states support for the extension of health credits, the modernization of Medicare and the support of the "Immediate Helping Hand Prescription Drug Assistance Act." I commend the efforts of the Colorado House of Representatives and respectfully submit the following Colorado Joint Resolution for the RECORD:

House Resolution 02-1007, by Representatives Clapp, Crane, Fairbank, Johnson, Mace, Miller, Mitchell, Paschall, Rhodes, Snook, Spradley, Stafford, Stengel, Williams S., Williams T., Witwer, Alexander, Boyd, Daniel, Fritz, Hefley, Hoppe, Kester, King, Larson, Lawrence, Sanchez, Scott, Swenson, Tochtrop, and Young.

CONCERNING THE HEALTH CARE NEEDS OF THE PEOPLE OF COLORADO

Whereas, President George W. Bush has proposed an innovative and comprehensive plan to improve access to health care as part of his proposed budget for 2003; and

Whereas, President Bush's proposed budget contains an allocation of eighty-nine billion dollars for new tax credits for health care expenses (health credits) to be available for working individuals and families; and

Whereas, These health credits could mean up to three thousand dollars in tax relief for eligible families and up to one thousand dollars for eligible individuals; and

Whereas, To enhance the effect of these health credits, President Bush has proposed that states could provide the power of group purchasing for the health credits through state-sponsored purchasing pools for certain individuals; and

Whereas, These health credits will make private health insurance more affordable for many Coloradans who do not currently have employer-sponsored insurance; and

Whereas, President Bush's proposed budget will also loosen the restrictions on medical savings accounts (MSAs) and flexible spending accounts (FSAs); and

Whereas, Employees who purchase a high-deductible health care plan will be permitted to make contributions to MSAs in an amount equal to the amount of the deductible; and

Whereas, MSAs will be made available to all employers, and they will be made permanent; and

Whereas, Employees will be permitted to rollover up to five hundred dollars in unspent health care contributions to an FSA to use the following year or to contribute to a 401(k) plan; and

Whereas, These changes will make MSAs and FSAs more attractive to employees and employers and therefore improve the quality of health care for working individuals and families from Colorado; and

Whereas, President Bush has also worked with a bipartisan group of legislators to establish the framework for legislation to improve Medicare and keep its benefits secure based on the following principles:

(1) Promoting the option of a subsidized prescription drug benefit as part of a modernized Medicare;
(2) Providing better coverage for preventive care and serious illnesses;
(3) Allowing current and future beneficiaries to have the option of keeping the traditional Medicare plan with no charges;
(4) Providing better health insurance options;
(5) Strengthening the long-term financial security of Medicare;
(6) Updating and streamlining Medicare's regulations and administrative procedures, while reducing its fraud and abuse; and
(7) Encouraging high quality health care for all seniors; and

Whereas, President Bush's framework for bipartisan legislation to modernize Medicare and help fulfill its promise of health care security for Colorado's seniors and people with disabilities; and

Whereas, Present legislation entitled the "Immediate Helping Hand Prescription Drug Assistance Act" would give states block grants to provide a drug benefit for low-income Medicare beneficiaries; and

Whereas, The "Immediate Helping Hand Prescription Drug Assistance Act" would provide forty-eight billion dollars to states over seven years, including over eighty-five million dollars to Colorado; and

Whereas, This federal assistance would help Colorado's seniors afford prescription drugs; and

Whereas, President Bush's plans for extending health credits, increasing the flexibility of MSAs and FSAs, and modernizing Medicare, as well as the "Immediate Helping Hand Prescription Drug Assistance Act" will greatly improve the quality of health care for the citizens of Colorado; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado:

That we, the members of the House of Representatives of the State of Colorado, encourage the Colorado congressional delegation to support and work to pass legislation related to extending health credits, increasing the flexibility of MSAs and FSAs, and modernizing Medicare, and also support and work to pass the "Immediate Helping Hand Prescription Drug Assistance Act."

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Secretary of the United States Department of Health and Human Services, and each member of Colorado's delegation to the United States Congress.

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

TRIBUTE TO JOHN ROBERT DALZELL, OUTGOING CHAIRMAN, INLAND EMPIRE ECONOMIC PARTNERSHIP

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being and safety of my hometown of Corona, CA, is exceptional. Mr. Dalzell has been a constancy in the lives of many in the community and has been a shining example of how one person can make a difference in the lives of others.

John Robert Dalzell was born in Illinois on September 1, 1947 and shortly after his family moved to Arizona. After graduation from high school, John enlisted for and honored service in the United States Navy for five years which included tours of duty in Vietnam. He obtained his Bachelor's Degree from Chapman College and began his law enforcement career with the Corona Police Department as a reserve officer and police officer in 1976. He was promoted to the rank of lieutenant in 1980 and to captain in 1983.

John's exemplary career as a police officer includes serving as the commanding officer in charge of all three divisions in the police department. John holds several advanced Peace

Mr. Speaker, I ask unanimous consent that this Joint Resolution be referred to the District of Columbia Committee on Homeland Security and Governmental Affairs for local action and to be considered at the next meeting of the District of Columbia Committee on Homeland Security and Governmental Affairs.

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Officer Standards and Training certificates including Advanced and Executive Certificate and has served on law enforcement advisory boards throughout Riverside County.

John has also been actively involved in the community, as the past president and current member of the Corona Breakfast Lions club, former chairman of the American Cancer Society Charity Dinner Committee and the 2001 recipient of the Temescal District Boy Scouts of America Distinguished Citizen Award.

John’s tireless work as a police officer has contributed measurably to the safety and betterment of the City of Corona. His involvement in community organizations of the City of Corona make me proud to call him a fellow community member, American and friend. I know that all of Corona is grateful for his efforts and salute him as he departs. I look forward to continuing to work with him for the good of our community in the future.

NATIONAL SERVICE DAY

HON. JAMES P. MORAN OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of National Service Day, a day on which we commemorate those who are committed to civic duty and helping their communities. National Service represents opportunity, responsibility and community.

In 1992, when President Bill Clinton was launching his dream of national service, he said, “We need a new spirit of community, a sense that we are all in this together, or the American Dream will continue to wither. Our Destiny is bound up with the destiny of every other American.” Less than a year later, his dream was realized.

I was pleased to support the National and Community Trust Act in 1993, which created AmeriCorps, a domestic national service program founded on the framework of Federal, State and local partnerships.

Since the inception of AmeriCorps, over 200,000 Americans have been able to serve their country, and more importantly, their communities.

I am proud that many citizens have been able to take advantage of serving in AmeriCorps. I am also proud that many of my constituents have chosen to give back to their communities in many different ways.

In the Commonwealth of Virginia, over 18,000 citizens of all ages and backgrounds are participating in over 90 national service projects, which include coordinating after-school programs, building homes and organizing neighborhood watch groups.

I am pleased to say, that this year, the Corporation for National Service will provide Virginia with more than $6 million dollars to support Virginia’s National Service initiatives: AmeriCorps, Learn and Serve America, and National Senior Service Corps.

After September 11th, much has been said about “giving back to our communities” in a time of national crisis, and I strongly believe that Americans want to continue this trend, even when the present threat is gone.

When citizens are deeply-rooted to their communities, when they have seen with their own eyes the positive impact that their service has made on their communities, and when these same communities are boosted, national service has served its very local purpose.

I am proud, Mr. Speaker, to recognize National Service Day, and honor those who represent the true American ideals of opportunity, responsibility and community.

CODE TALKERS RECOGNITION ACT

SPEECH OF
HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 18, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 3250, the Code Talkers Recognition Act. This bill expresses Congress’ recognition towards the Native American Code Talkers for their honorable contribution in the U.S. victories during World War I and II.

The Sioux, Comanche, and Choctaw Code Talkers served on the frontlines of World War II in the European fronts and on the Pacific. During World War I the Choctaw Code Talkers served as radio airmen who were positioned in the widest possible area for communications that resulted in the successful transferring of their unbreakable code.

Many Native American Code Talkers provided vital combat information in their native language, regarding the enemies’ locations and their strength. As a result, countless American soldier’s lives were saved in battle. As a member of the House Committee of Veterans Affairs, I acknowledge the magnitude of commitment these men carried out in order to defend our Country and to grasp victory.

Last year on July 26, 2001, I had the privilege to participate in the Congressional Gold Medal award ceremony for the Navajo Code Talkers. Mr. Speaker, I support this legislation that will honor additional heroes of America, the Sioux, Comanche, and Choctaw Code Talkers. These code talkers respectfully deserve equal recognition for their heroic support in World Wars I and II.

RECOGNIZING THE GWINNETT HOUSING RESOURCE PARTNERSHIP’S 10-YEAR ANNIVERSARY

HON. BOB BARR
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. BARR of Georgia. Mr. Speaker, I am pleased to recognize the Gwinnett Housing Resource Partnership’s (GHRP) 10-year Anniversary. This event coincides with Gwinnett County naming June as Homeownership Month.

The Gwinnett Housing Resource Partnership is a non-profit housing counseling agency which strives to help low- and moderate-income households, including the homeless, become home owners. GHRP works toward combating predatory lending by educating over 600 households.

GHRP is led by the Executive Director, Marjina Peed, whose dedication to excellence makes her a role model to her coworkers and the neighboring counties. I am pleased to honor GHRP and Marjina Peed for their impressive accomplishments and wish them continuous success.

FINALISTS FOR NATIONAL HISTORY DAY CONTEST

HON. JOHN M. SPRATT, JR.
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. SPRATT. Mr. Speaker, I rise to congratulate the National History Day finalists from my district in South Carolina—Mr. Bennett, Bryan Blair, Jordan Thomas, Meagan Linton, Mary Carolyn Hudson, and Angel Burns.

The students were part of a nationwide group of 2,000 finalists participating in the National History Day contest at the University of Maryland at College Park June 9-13th. They brought with them the products of months of research in the form of dramatic performances and museum exhibits.

Mr. Bennett’s exhibit, “Discord in Harmony: Revolution and Reaction in Jazz,” won first place in the nation in the category of senior individual exhibit. He received a gold medal and $1,000.

Bryan Blair’s exhibit, “The Orangeburg Massacre: Revolution, Reaction, and Reform in South Carolina” was one of 17 student projects selected to be presented at the Smithsonian’s National Museum of American History. It was ranked 11th in the nation, and he won a partial-tuition scholarship to Chaminade University in Honolulu.

An exhibit by Meagan Linton, Jordan Thomas, and Mary Carolyn Hudson entitled “Tears of Sorrow, Tears of Joy: The Reaction to the Assassination of Abe Lincoln,” was shown at the White House Visitors Center. Their exhibit was ranked 12th in the nation.

Angel Burns won applause for a ten-minute individual performance entitled “Septima Clark: Queen Mother of the Civil Rights Revolution.”

I want to salute all of these students for their outstanding work, and I also want to recognize their teachers, Gail Ingram, from Cheraw High School, and Debbie Ballard, from Long Junior High School. Together, they have brought a great sense of pride to their schools and their communities and helped make history come alive for their students.

JUNETEENTH

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. RANGEL. Mr. Speaker, I rise today to recognize the historic significance of June 19th, known as Juneteenth, a day which marks the end of slavery across America and the independence of African Americans.

Juneteenth began in the great State of Texas when Major General Gordon Granger of the Union Army led his troops into the city of Galveston. There, on June 19, 1865, he officially proclaimed freedom for slaves in that State. Note that this was two and a half years
after President Lincoln’s Emancipation Proclamation, which had become official January 1, 1863. Thus it was on Juneteenth that the African American slaves of Texas and other parts of the South celebrated the final execution of the Emancipation Proclamation, giving them their freedom.

The celebration of Juneteenth which has not until recently received its rightful day of national appreciation is not only a showcase of the African American community’s positive contributions to the American way of life, but it also makes a statement for all Americans that the United States is truly the “Land of the Free.” Juneteenth is an expression and extension of American freedom and, like the Fourth of July, a time for all Americans to celebrate our independence, human rights, civil rights and freedom.

A SPECIAL TRIBUTE TO BETTY JO SHERMAN ON HER NFRW TRIBUTE NOMINATION

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding citizen from Ohio’s Fifth Congressional District. Betty Jo Sherman will be honored by the Ohio Chapter of the National Federation of Republican Women on Sunday, June 23, 2002 for her continued dedication to the electoral process.

Mr. Speaker, Betty Jo is celebrating this monumental occasion with family, friends, and colleagues, all who have known of her selfless contributions to the U.S. electoral system. Serving a democratic institution was not only Betty Jo’s duty but also her honor. These opportunities to contribute to a fundamentally American responsibility have brought her a lifetime of both personal and professional achievement. Betty Jo truly is a valued citizen of the State of Ohio.

Betty Jo continues to lead a distinguished career as an advocate for the participation in American political process, which is made evident through the numerous positions she has held within the local and state Republican Party. She has also served her local community by becoming the first woman to be elected to the Woodmore, Ohio Board of Education. Betty Jo has been active in the electoral process since the early 1970’s and tirelessly continues to serve both the interests of that system and those of her local community. These achievements demonstrate not only that Betty Jo is dedicated to the strong ideals of the American electoral process, but also to the vision of our founding fathers.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Betty Jo Sherman. Our democratic institutions are served well by having such honorable and giving citizens, like Betty Jo, who care about the active participation of all Americans in the electoral process. I am confident that Betty Jo will continue the service to this country and be an advocate of citizen participation in the American electoral system well into the future. We wish her the very best on this special occasion.

HONORING JANET COHN OF CONNECTICUT

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Janet Cohn of Connecticut, who died on April 25th at 92 years young. Mrs. Cohn was the wife of the late Yale Cohn, who passed away in 1985, and the mother of the late John Cohn of the Connecticut State Democratic Party. She was an active member of the League of Women Voters as well as various other West Hartford organizations.

Born in New York City, Mrs. Cohn moved to Connecticut where she skipped two grades and graduated from Rockville High School as class valedictorian at the age of 16. From there she went on to work at the Aetna Insurance Company due to the fact that college was financially out of the question. At Aetna, she still as a typist was widely known as well as her tendency to distract most of her gentleman co-workers with her flapper skirts, as she would gleefully report to all those who inquired.

Mrs. Cohn met Yale at a dance for Jewish singles and married in 1933. Soon after, her skills in the workplace caused the company to break its then longstanding policy of firing female employees after they married. After she left Aetna, she took up the books at her husband’s fish store, the Bostonian Fishery.

A self-proclaimed “old fashioned girl,” Mrs. Cohn refused to bow to the increase in technology over the years, which meant that she never used a videotape recorder or flew in a plane. Her lack of travel only increased her focus on the welfare of her community. After moving to West Hartford in 1964, she became chairwoman of her voting district, pitching in wherever she felt that she was needed most.

In addition to her love of politics, Mrs. Cohn found time for her love of painting, making hand painted cards for the birthdays of all of the many members of her family. She even found the time to serve as a Justice of the Peace, a role she gladly played at the age of 91 for her own granddaughter’s wedding ceremony. She leaves behind two daughters, four grandchildren and six great grandchildren.

Janet Cohn was an exceptional human being whose love of life was contagious to all those she came into contact with. She will truly be missed by the community she served for so many years, but most of all by her loving family.

THE PLIGHT OF HAITIAN AND AFRICAN REFUGEES

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. TOWNS. Mr. Speaker, though the United States is truly the “Land of the Free,” Juneteenth is a time for all Americans to celebrate our freedom. Betty Jo truly is a valued citizen of the State of Ohio. Betty Jo’s contributions to the American way of life, but also to the welfare of all peoples. However as a result of 9-11, we have started to retract on these policies.

African refugees are suffering in their homelands and are turning to the U.S. for aid, nonetheless, they are turning away and/or allowing them to enter the U.S. and continue their suffering in detention centers. Will we allow ourselves to succumb to the laws of other countries that deny people their rights and ability to live as free civilized peoples?

In December, the Administration initiated a policy, which detains all Haitians seeking asylum in Miami. This policy is unmistakably discriminatory: 91 percent of refugees from other nations are given parole in American communities while they seek asylum, while Haitians have been granted on average 60 days in detention. The policy’s objective, to deter Haitians from risking their lives to come to the U.S. by boat, has not been successful. Many Haitians are not aware of this new policy and some choose to face detainment here rather than return to their homelands. In fact, approximately 97 percent of Haitians seeking asylum are detained. For a country that was built on a historical acceptance of refugees, does it make logical sense that we treat refugees in this manner? Most Americans’ ancestors came here escaping problems in their homelands as well, yet were not treated with the same disdain. Yet this goes beyond disdain, these people lack the basic rights that we as a country preach that everyone should have. These people are detained in facilities that have surpassed their maximum limit. They are not given ample time to obtain legal assistance or prepare and file their claim of asylum. They are not given sufficient medical care. Their children are denied educational services and are not allowed recreational time outdoors. They are housed with criminal prisoners even though they themselves are not. Their human rights are being violated. It is important that we ensure the due process and equal protection to Haitians asylum seekers as they turn to us for help.

The treatment of African refugees is equally problematic. According to the Interagency Committee on Migration and Refugee Affairs, almost 50 percent of the world’s 25 million internally displaced persons are in Africa, yet we only allow 31 percent of all refugees admitted to the U.S. are African. And, because the Department of State has considered African processed refugees, we have not been able to reach our refugee allocations throughout the 1980s and 90s. For the Fiscal Year 2002, the allocation for Africa was 22,000 yet only 891 African refugees were admitted into the country.

In the 1980s, the Department of State set the goal of 20 percent of our refugee allocations going to Africa. President Carter wanted one refugee from Africa. If African refugees are in greater need why are their needs being neglected?
Witness the case of Melrose Coker, an African refugee from Sierra Leone, who has languished in two different refugee camps since 1999. She and her children have been subjected to hazardous labor exploitation, physical abuse, denial of education, sexual violence and exploitation. While trying to survive hardships in the camps, Melrose was able to make contact with her family in the United States. Her mother was deeply troubled and saddened by the hardships Melrose and her family suffered in Guinea. She could not sit back and watch while her daughter and grandchildren were being mistreated in these camps. Melrose's family in Guinea suffered some of the worst atrocities ever recorded in the world during the war in Sierra Leone, but they continue to remain at risk in the refugee camps in Guinea—where they are supposed to find safety. I, therefore, appeal to you to listen to Melrose's voice calling from beyond the tents of refugee camps in Guinea. I urge you to take on the challenge to protect her and resettle her with her family in the United States.

Finally, Haitian and African refugees are in dire need of our help and as we close our doors to their pleas or continue to allow them to be mistreated in our own nation, we join alliances with those that are for the inhumane treatment of human beings. Have we not dedicated ourselves to promoting the freedom of those deprived of rights that we believe are inherent to human beings? The answer is yes. The United States has been a leader in the protection of refugees and as we decline in our dedication to those that need our aid so do the rest of the resettlement countries. We must remember the events of September 11th and learn how to prevent them, but we cannot do so at the cost of the lives of others. We were attacked on that day because of our principles, if we retract on them, we our only ally at the cost of the lives of others.

In closing, Mr. Speaker, I am proud and pleased to be able to offer my congratulations in the United States Senate to Representative Ms. Sally Schmitz as an outstanding community servant whose work during the course of her career has helped build the Ottawa Area Chamber of Commerce and Industry into a vigorous and effective organization. For example, Ms. Schmitz's work to maintain an efficient office operation while supporting OAC membership recruitment and retention efforts have been absolutely critical to the success of the Ottawa Area Chamber of Commerce and Industry.

In recognition of Jack Loftis
HON. KEN BENTSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Jack Loftis, the longtime Associate Publisher and Editor of the Hillsboro Daily Mirror, who will officially retire on July 1, 2002, after serving nearly 50 years in Texas journalism.

A native of Hillsboro, Texas, Jack Loftis began his journalism career as a sportswriter for the Hillsboro Daily Mirror while still attending Baylor University, where he received a BBA degree in the spring of 1957. Soon after he was named editor of the paper in 1962. Mr. Loftis joined the Houston Chronicle in 1965 as a copy editor and five years later became editor of the Texas Magazine, the paper’s Sunday rotogravure section. In 1972, he was promoted to features editor and began his rise through the newspaper’s executive ranks and in 1974 was named assistant managing editor. Promoted to assistant editor in 1979 and vice president and editor in 1987, Jack Loftis gained the additional title of executive vice president in 1990 and associate publisher in 1998. At the age of 67, Mr. Loftis has been the Chronicle’s ranking editor during the past 15 years and the ninth in the Chronicle’s 100-year history. His tenure is second only to that of James Madison Award recipient and current chairman of the executive committee of the Baylor Alumni Association and chairs the advisory board for the Baylor Line, the association’s quarterly magazine. Also, in recognition of his legacy, Baylor University has named the press box at its newly constructed Baylor Ballpark stadium in Jack Loftis’ honor.

Jack Loftis recently summed up his career best by saying: “Since the day I walked in the Chronicle my intention has been to do what was best for the community, this newspaper and this staff. I hope I have succeeded more than I have failed.” Mr. Speaker, there is no question that Jack Loftis has succeeded in improving our city, state and nation and establishing the Houston Chronicle as one of America’s leading daily newspapers. Throughout his tenure, Jack witnessed and reported on the tremendous growth of Houston and Texas, the rise (and sometimes the fall) of its leaders and every day lives of the people who make up our great nation. Committed to the truth and a free, open, and democratic society, he has never shied away from reporting the news and expressing an opinion regardless of controversy or consternation. Mr. Speaker, I congratulate my friend on his tremendous career and commend him on a job well done.

DENTAL AMALGAM SAFETY
HON. C.L. “BUTCH” OTTER
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. OTTER. Mr. Speaker, today I rise to support the continued recognition of Amalgam as a safe and appropriate material to be used in dental fillings.

Numerous studies conducted by a diverse assortment of health research organizations including the National Institutes of Health, the World Health Organization, the U.S. Public Health Service, the Food and Drug Administration, and the Centers for Disease Control and Prevention all confirm that the use of Amalgam in dental fillings is safe. With the costs of healthcare already soaring it is important to protect those treatments that have a
proven track record of reliability and are cost effective for patients.

Dentists have come to rely on the use of Amalgam as a harmless, dependable, and cost effective material with which to treat their patients and I believe the use of Amalgam should remain a viable option for dentists and their patients.

FACTS ON THE 2002 ASSISTANCE TO FIREFIGHTERS GRANTS

HON. NICK SMITH
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. SMITH of Michigan. Mr. Speaker, USFA has just recently completed its peer review of the applications for this year.

Fire Operations and Firefighter Safety: $882,539,097 representing 58 percent of the applications.

Fire Fighting Vehicles: $1.26 billion representing 37 percent of the applications.

Emergency Medical Services: $35,174,763 representing 2 percent of the applications.

Fire Prevention Programs: $30,580,741 representing 3 percent of the applications.

Volunteer/Combination fire departments: 17,786 applications requesting more than $1.19 billion.

Career fire departments: 1,733 applications requesting more than $287 million.

This large number of requests by department demonstrates just how significantly many fire departments are lacking the most basic of firefighting equipment.

Last year, only 4% of applicants received awards—through a peer reviewed process, which is the fairest, most effective way to distribute these funds.

Two years ago, Congress passed legislation authorizing a grant program to help fire departments enhance their ability to respond to fire and fire-related hazards. The program, known as the Assistance to Firefighters Grant Program, makes competitive, peer-reviewed awards to fire departments for basic needs such as training and equipment. In only its second year, the program has been extremely popular among the firefighting community and was appropriated at $360 million for fiscal year 2002.

We invite you to co-sponsor H.R. 4548, which would protect the Assistance to Firefighters Grants as a program separate and distinct from the Administration’s newly created initiative within FEMA aimed at helping emergency service personnel prepare for and respond to terrorist incidents. The fire service communitywhelmingly opposed any consolidation of these two programs, concerned that it would negatively impact the grant program or possibly even eliminate it altogether. These programs, while both very important to first responders, serve distinct needs.

The efficient and cost effectiveness of the Assistance to Firefighters Grants Program has been of great benefit to America’s fire service. Congressmen HOYER, WELDON of PA, and I ask your support as a cosponsor of this legislation that retains the current provisions of the program (authorized at $900 million), as administered by the U.S. Fire Administration. To sign on as a cosponsor, contact me or Dan Byers at 225–5064.

MARKING INTERNATIONAL REFUGEE DAY

HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. CONYERS. Mr. Speaker, while Western nations mark and celebrate International Refugee Day today, the 3.3 million people who make up Africa’s refugee population probably do not know that this day is for them. They are too busy eking out a living, a bare existence, in refugee camps and villages where they have found temporary safety.

Despite being the world’s leader in refugee resettlement, the U.S. has barely opened the door to African refugees. Helping Africans resettle here has not been a priority of U.S. policy since the end of the slave trade. In 1988, the Reagan Administration capped African admissions at just 3000, and even as late as 1600 Af- ricans were actually admitted that year. From 1995 to 2000, 28% of the world’s refugees were African, but only 11% of all the refugees resettled to the U.S. were Africans.

One policy of refugee resettlement was being applied to the Continent and another policy with fewer admissions was being applied to Africa. I and my fellow members of the Congressional Black Caucus pressured the Clinton Administration to increase the admissions allocation for Africa, to rectify this imbalance, and to address the dire needs of people fleeing political persecution and violence in Africa.

By the end of the Clinton Administration in 2000, African admissions had climbed to 20,000 over the previous year’s efforts. Our doors were opened to admit 22,000 African refugees this year. Despite this important victory—we are unlikely to see the fruits of our labor. Nowhere near 22,000 refugees will arrive from Africa this year, due to policy changes in the refugee program implemented after the September 11th attacks.

African admissions are down for several reasons. The Bush Administration imposed additional security checks—known as Special Advisory Opinions—on all men between the ages of 15 and 25 and to the world, Arab and Mus- lim countries, including some North and East African nations. They will not publicize this list so it is impossible to tell whether any male African refugees are exempt from this review, but processing has been very slow.

INS personnel stopped conducting circuit rides through Africa to conduct interviews of refugee applicants due to security concerns. Interviews were also stopped at processing locations in Kenya and Ghana for almost 6 months for security reasons.

The INS is now cracking down on “major in-consistencies” in the petitions of relatives seeking to join asylees already resettled in the U.S. In the worse cases, these differences include applications for parents who the resettled refugee originally claimed were murdered or had political asylum; applications for chil- dren who the refugee did not identify when they first applied for their refugee status. The rates of these inconsistencies are undeniably troubling. For some nationalities, more than 50% of family relative applications are inconsistent with the original applications filed by the resettled asylee.

Yet American and international voluntary or- ganizations that assist in identifying refugees for resettlement tell us that in some places refu- gees are bribed by middlemen who hold up their paperwork if they indicate that they have living relatives who can assist them. The fact that the vast majority of African applicants seek entry as relatives suggests that other categories of entry may be less effective ways of entry for Africans. A myriad of processing and filing errors, or fraud on the part of the an- chor relative or a third party, may be to blame. Rather than seeking explanations and con- tacting the applicants, the INS assumes that such inconsistencies mean that any other claims of persecution, no matter how brutal, are untrustworthy lies.

For all of these reasons, many of the most vulnerable populations children, amputees, widowed women, and persecuted in refugee camps—are not getting admission to a program that exists to protect them.

I remain deeply concerned that huge refugee camps still exist in Africa where thou- sands of people await a chance at a decent life, while children are being raised themselves, and each other, to adulthood while living in the camps. Eighty percent of refugees in these camps are women and children—both vulnerable groups who are in need of protection and durable so- lution. Families are unable to reunify, reunifi- cation is difficult and resuming a normal pro- ductive life is impossible. The United States must do more to address these tragedies that are plaguing refugees in Africa.

It is also time for us to turn around the horri- bly unjust policy that the INS recently insti- tuted to keep Haitian asylum seekers locked up like, and sometimes with, violent criminals. For years, the INS Miami office has paroled asylum seekers into the community, once they showed probable fear of persecution. And what evidence exists to show that locking people up will keep those risking their lives and fleeing persecution from coming? The real goal appears to be to keep Haitians out of the United States and once again I must question whether this is a factor in this discriminatory policy.

About 250 refugees are now being held in Miami. Men are separated and put in the grossly overcrowded facilities at Krome Detention Center. Women are placed in a maximum security county jail with violent criminals. And children are being detained with one parent in a facility where they receive no education, no play time or trips outside, no special programs geared towards their needs.

It is small enough that there are millions of refugees around the world who come to us for refugee from persecution. It is even worse that we are then persecuting some of these refu- gees when they arrive by placing them in these inhumane conditions. There is no polit- ical, strategic, security or moral justification for this policy. I call on the Attorney General to immediately parole Haitians—just like all other asylum seekers.
TRIBUTE TO ERNEST C. ("ERNIE") SMITH

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mrs. TAUSCHER. Mr. Speaker, I would like to submit the following to the CONGRESSIONAL RECORD for June 20, 2002, on behalf of my constituent.

In Loving Memory of Ernest C. ("Ernie") Smith.

For his contributions to his country as a United States Marine in numerous battles in the Pacific during World War II.

For his many years of service to his community as a school teacher and docent at the Oakland Museum.

For his unconditional and unending love, guidance and support of family as beloved husband, father, grandfather and great-grandfather, and

For his camaraderie, humor and loyalty to all whom were blessed to count him as a friend.

He will be forever loved, respected and etched in our memories.

TRIBUTE TO DAY HIGUCHI

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. BERMAN. Mr. Speaker, I rise today to recognize an outstanding educator and leader—my very good friend, Day Higuchi. On June 22, 2002, Day will be honored at a luncheon held by his friends and colleagues to celebrate his thirty-two years of tireless work on behalf of the public schools of Los Angeles.

While serving as President of United Teachers of Los Angeles, Day has also devised a number of new and innovative ways of teaching that can be used throughout the many subjects he has taught in his career—science, drama, English and film making. He is recognized for his creativity and the unique manner in which he has continually refined his instructional methods, as he designed, then redesigned an innovative interdisciplinary team teaching program with three of his colleagues. Day has also improved instruction for students by creating school-to-career centers, increasing standards based instruction, and creating effective reading and math programs. In addition, he developed a system to improve teaching quality through internships for new teachers, and Professional Development Programs (PAR, NBC, ISCA, Education Advisory Committee, and Task Force on the Professional Work of Teachers).

It is no wonder that I have long turned to him as a prime advisor on issues relating to education. He is a distinguished expert on improving the performance both of students and of teachers.

Day’s leadership within the United Teachers of Los Angeles has resulted in dramatic improvements in the working conditions of educators. He first served as Chapter Chair from 1973 to 1987, then moved on to become a member of the UTLA House of Representatives from 1974 to 2003, the Board of Directors from 1984 to 1988, the Director of East Area from 1988 to 1991, the UTLA/American Federation of Teachers Vice-President from 1992 to 1997, and President from 1997 to 2003.

Day’s accomplishments as an advocate and leader are legion. He successfully fought for the rights of Union Members and for an increase in important benefits. He helped defeat the breakup of the Lomita district, negotiate raises averaging 23 percent, defeat propositions to silence labor, defeat the Draper initiative for vouchers and pass important school bond measures.

Day is a remarkable man who has been a great asset to the Los Angeles Unified School District. Mr. Speaker, it is an honor to ask my colleagues to join with me in paying tribute to Day Higuchi, who has dedicated his life to our children and their education.

TRIBUTE TO THE COMMUNITY ACTION AGENCY OF DELAWARE COUNTY

HON. ROBERT A. BRADY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to acknowledge the contributions that the Community Action Agency of Delaware County has made to improve the lives of many low income county residents. Since their inception in 1979, this agency has served numerous families and individuals.

The Community Action Agency of Delaware County focuses on equipping low income families and individuals with the tools and life skills they need to develop and build their own resources. This goal is achieved through programs focusing on life skills, employment and training, housing, and community development. These programs allow our constituents to gain a sense of self-respect, self-esteem, and a renewed sense of faith in their own abilities. The qualities and skills they develop make it possible for them to lead lives free from dependent relationships with government agencies.

The Community Action Agency of Delaware County has been successful in combining public, private, and nonprofit resources to address the needs within the economically disadvantaged community. Through these efforts they have become a major provider of social services and housing in Delaware County. For their work, they have received accolades from the Council of Delaware County.

Mr. Speaker, the Community Action Agency of Delaware County is ensuring that true self-sufficiency is possible for everyone in Delaware County. I hope that all my colleagues will join me in recognizing their contributions to Delaware County, to Pennsylvania, and to our great nation.

TRIBUTE TO MR. JOSEPH PATRICK CRIBBINS

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to Joseph Patrick Cribbins, a great American patriot, who served the United States military and our nation, and who remains a hero in the hearts of South Texans and other Americans who knew him. He passed away this week.

This American soldier, with 52 years of military service, died on June 14, 2002, the 227th birthday of the United States of America. He was a world-renowned expert in aviation safety and logistics, particularly in U.S. Army. As a young man, he was an expert horseman and steeplechase jockey. He joined the U.S. Army First Cavalry Division as a stable sergeant in the horse cavalry in 1940. From there, he was deployed to the Philippines, joining the staff of General Douglas MacArthur in World War II, where he was commissioned as an officer. That is also where he met his wife of over 50 years, his beloved Helen who preceded him in death.

After a 26-year career in uniform, he entered the civil service with the Department of the Army in the Material Command in the Washington, D.C. area. His extraordinary achievements grew, as did Army aviation in the Vietnam Era and the late 20th Century. There, he became a major player in founding the aviation logistics office, which oversaw maintenance and supply activities.

This second Army career, in which he worked closely with the Corpus Christi Army Depot in South Texas, led to a second 26-year career culminating in his top rank as the third-ranked DA civilian, equivalent to a three-star general. He received numerous awards and decorations including four individual Presidential Awards for distinguished service, from four different Commanders-in-Chief.

I ask my colleagues to join me today as the nation mourns a lost warrior, one who helped defend freedom and democracy and shaped defense policy in the 20th Century Army.

PEACE CORPS CHARTER FOR THE 21ST CENTURY ACT

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. UDALL of Colorado. Mr. Speaker, today my colleague Representative SAM FARR and I are introducing the Peace Corps Charter for the 21st Century Act. I thank my colleague for working so closely with me on this important bill.

I also thank Senator CHRISTOPHER DODD for introducing a companion bill in the Senate and working with us every step of the way in this effort. I look forward to continuing the discussions between the House and Senate and with the Administration to ensure the product that emerges from the legislative process is one that has strong bipartisan support as well as the support of returned and current Peace Corps volunteers everywhere.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national and community service. But I also have strong connections to the Peace Corps—through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important
The “Peace Corps Charter” strengthens the Peace Corps in a number of ways. It restates and further promotes its goals—to provide technical assistance to those in need around the world, to promote better understanding of Americans on the part of the peoples served, and to bring the world home to America. It authorizes the Peace Corps to expand to 15,000 volunteers in five years. It reaffirms the independence of the Peace Corps. It authorizes a number of reports, such as one on host country security. It spells out a commitment to recruit and place Peace Corps volunteers in areas where they could help promote mutual understanding, particularly in areas with substantial Muslim populations. It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS. It streamlines and empowers the Peace Corps Advisory Council, with an added focus of making use of the expertise of Returned Peace Corps Volunteers. Finally, the bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

As Sargent Shriver stated in his November speech, we need a new world of peace. Today we join with the Administration in its call for an expanded and refocused Peace Corps that can take on the new challenges that September 11th has presented to us, a Peace Corps that can be “a pragmatic and dramatic symbol of America’s commitment to peace.” I believe that passage of the Peace Corps Charter for the 21st Century will help us head in this direction.

I look forward to working with my colleagues in the House as we move forward with this vital legislation.
She has served as a role model for her family and fellow community members. She is described as a "woman of strong moral values, great strength, integrity and dignity."

Mrs. Ruth C. Gist has five children all of whom I have had the privilege to interact with professionally and socially. She has five grandchildren and five great-grandchildren. In addition, she has served as a surrogate parent to numerous other children in her church and local community all of whom she tries to serve by precept and example.

Because of her selfless devotion and tireless community service, Mrs. Gist’s church family, and the citizens of Union County have deemed it appropriate to recognize her for her years of unselfish service.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Mrs. Gist on this momentous day, Mrs. Ruth C. Gist Day, in Union County, South Carolina. I wish her good luck and Godspeed.

ON INTRODUCTION OF BILL THAT PAYS TRIBUTE TO STEVEN PINIAHA

HON. MARGE ROUKEMA
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise to introduce a bill that pays tribute to an especially brave man from New Jersey, Private First Class Steven Piniaha. This bill would authorize the President to award Private Piniaha, the Congressional Medal of Honor, for his gallantry in action near Pirkenbrunn, Germany, on April 25, 1945. For his courageous and selfless actions on the battlefield, this man is truly a great American patriot.

In response to the call of duty, Private Piniaha was unable to dislodge a force of enemy riflemen from their dug-in positions on a hillside with tank fire. Private Piniaha dismounted his tank and boldly stormed the hill. Although twice thrown to the ground by concussion grenades he continued forward until he was mere yards from the enemy and then forced the surrender of twelve of the enemy. Private Piniaha’s fearless courage, dauntless initiative and devotion to duty reflect credit on himself and are in keeping with the highest military traditions.

After leaving the service, Mr. Piniaha, spent a quarter of a century coaching little league baseball and football. He is married and has eight grownup children. He is currently retired.

Although the American colonists were victorious in the revolutionary war 219 years ago, the American pursuit of liberty did not end there. Throughout the past 2 centuries, young Americans like Private Piniaha have fought to preserve our country’s values both inside and outside its borders. In this struggle, one of our most valuable resources has been our soldiers and their dedication to upholding American ideals.

This July 4th, when we celebrate the birth of our beloved nation and all it means to us, we must acknowledge the brave and selfless actions of others ever since America’s soldiers like Private Piniaha. Through his courageous military service, Private Piniaha has done his part to ensure that America may celebrate its independence year after year.

I urge support for this bill that honors Private Piniaha’s contribution to American military history. Thanks to brave soldiers like Private Piniaha, we retain our freedom and we protect democracy around the world. I ask all my colleagues to join me in commending Private Piniaha’s sacrifice for our nation.

HON. BENJAMIN L. CARDIN
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. CARDIN. Mr. Speaker, I rise today to honor Ernest R. Grecco, an extraordinary leader and community activist who serves as President of the Metropolitan Baltimore Council AFL-CIO Unions. Mr. Grecco is recognized for his hard work and dedication to bringing people to join unions” and his ongoing work in serving the Baltimore area.

Mr. Grecco’s distinguished involvement with the labor movement has flourished since his initial engagement with the Uprising Distilleries. Ernest Grecco’s perseverance and open mindedness have allowed him to rise through the ranks of AFL-CIO Unions leadership. First serving as the COPE Director of the Metropolitan Baltimore Council AFL-CIO Unions in 1976, he became the director of the Maryland State and District of Columbia branch of this organization in 1983. Then in 1987, as a result of his genuine dedication to bettering the lives of people, Mr. Grecco advanced to his current role as the President of Metropolitan Baltimore division of this organization.

Since then, Ernest Grecco has maintained his commitment in providing services to working people. His support for the Community Service division of the Metropolitan Baltimore Council AFL-CIO Unions has strengthened its projects in areas of education, job placement and community action.

However, his message of hard work, dedication and justice is not confined to the labor movement. Ernest Grecco extensively involved it all facets of the community. Not only is he the Secretary of the United Way Board of Directors, but Mr. Grecco also serves as a member of the Private Industry Council, the Governor’s Work Force Investment Board and the Empower Baltimore Committee, among countless other distinguished organizations.

Through all his public service, Mr. Grecco has distinguished himself in the state of Maryland. He proclaimed that “Labor is alive and well in Maryland” and works hard each day to improve the lives of workers.

In July, Mr. Grecco will be celebrating his 60th birthday with family and friends. I urge my colleagues to join me in honoring Mr. Ernest R. Grecco for his service to the AFL-CIO Unions and devotion to the people of Maryland.

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Brookland Baptist Church, of Union County, South Carolina, on the occasion of their Centennial year.

This Sunday, June 23, 2002, will be Brookland Baptist Church’s Men’s Day Celebration during which they will celebrate 100 years of Christian service. Although this church—as many others—is made of bricks and mortar, to its community it symbolizes the body of Christ. In times of need, Brookland Baptist has been, and continues to be, a place of comfort and support. In times of joy, it has
A TRIBUTE TO ADAM N. HASKINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002
Mr. TOWNS. Mr. Speaker, I rise today in honor of Adam N. Haskins and his commitment to service.

From an early age, Adam focused on education, spirituality, and service to his community. After receiving his high school diploma from Brooklyn College Academy, he will pursue a Computer Science degree at Central Connecticut State University.

Mr. Haskins has always been very involved in extra-curricular activities at school. He was a member of the Leadership Team, participated in a walk-a-thon for the March of Dimes, the Toys for Tots drive and many school fundraising drives. Adam has also received many awards including the National Commemorative Certificate in the Arts from the United States Achievement Academy. The New York Metropolitan Museum of Art honored him with the Saint Gaudens’s medal for visual arts.

Adam’s mother, Peggy, inspired him to get involved in his community. He was a valuable intern in my Brooklyn district office. During his internship, he was involved in many community projects including the Toy Gun Exchange, the community Christmas Tree lighting, town hall meetings, and health forums. He was also closely involved with Congressman Towns’ Youth Initiative.

Mr. Speaker, Adam N. Haskins is a fine young man who has an outstanding record of achievement in his school and in his community. I urge all of my colleagues to join me in honoring this remarkable person.

HON. EDOLPHUS TOWNS
OF NEW YORK

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002
Mr. LARSON of Connecticut. Mr. Speaker, I rise today in recognition of National Service Day, celebrated every year on June 20, but more important to Americans this year than ever before.

Following the events of September 11, I, like many Americans, felt the need to respond not only with my checkbook but also with my actions. Indeed, many of us felt a yearning to find meaning in life by actively participating in our nation’s healing process; and we came together in a way that many of us had not seen in generations.

Long before that horrifying day, President John F. Kennedy captured what so many of us feel today when he said, “an immense reservoir of men and women anxious to sacrifice their energies and time and toil to the cause of world peace and human progress . . . knowing that he or she is sharing in the great common task of bringing to man that decent way of life which is the foundation of freedom and a condition of peace.”

And so since September 11 we have indeed responded to that calling and contributed their share in our nation’s, and the world’s, rejuvenation.

Yet they have learned what many Americans have learned in times of crisis; that the benefits not only of the deed, but the giver as well, in ways far less tangible, but perhaps even more meaningful. Service has always been an answer to man’s quest for purpose and meaning in life, elevating him, unlike any other activity, above the common background and teaching him that the world can be improved even through the small acts of individuals. Thus, when President John F. Kennedy asked Americans not to be dependent on our country, but rather to do for our country, uniting our nation and our world, he meant it because we knew the value of national service.

Our appreciation of its enriching nature ensured our overwhelming response to his call. AmeriCorps is perhaps the most celebrated example of the drive Americans have always had to lend a hand to those in need. Since it was initiated by President Clinton in 1993, more than 250,000 men and women have served in AmeriCorps, providing needed assistance to millions of Americans, particularly in tutoring programs. The Corporation for Public Management, an independent evaluator, found that students tutored by AmeriCorps members completed their homework 67 percent more often, and 75 percent of those students improved the quality of their homework as well. In my district, in the last year alone, AmeriCorps provided in-school and after-school tutoring to 250 children in five elementary schools in order to improve children’s language and math performance. The Corps members in my district also tutored 300 disadvantaged students and parents at homework centers and in service-learning projects. AmeriCorps, however, is just one of many organizations in my district that I look to as inspiring examples of community service.

The Connecticut Commission on National and Community Service is another shining example, dedicated to incorporating volunteerism into a positive personal experience to strengthen communities. Based in Hartford, the Commission envisions a Connecticut in which every citizen embraces the ethic of community service. Through a multitude of service opportunities, individuals will understand the social needs of their communities and will embark on fulfilling their most American of wishes—to help others. By recognizing this opportunity to serve others that have hindered a sense of community will be lifted, and citizens across age, ethnic, racial, and economic strata will come together around a common good.

It is therefore incumbent on us here in Congress to do all we can to encourage service in this time when so many Americans are yearning for ways to do their share and find scraps of meaning in the rubble of September 11. Now, more than ever, we can expose young people to the uplifting value of serving their community and nation.

Therefore, I join supporters of national service across the country by calling on my colleagues and on President Bush to expand America’s national service programs, such as AmeriCorps. Congressmen FORD and OSBORNE introduced the “Call to Service Act” which seeks to quintuple AmeriCorps service openings to 250,000, expand senior service, create a “citizen soldier” for short term military enlistments, and increase the involvement of college work study participants in community service. We must act to pass that legislation and its companion in the Senate in order to ensure that the opportunity to participate in service will be available to all Americans. Simi- larly, the Senate Armed Services Committee has reported legislation creating a citizen soldier option. We must take up these pieces of legislation and move forward so that national service can become not just a special chance for a few but a way of life for all Americans.

At a time when Americans from all walks of life are asking what they can do to help make our nation safer, stronger and better, national service offers an answer that points us toward a higher politics of individual and national purpose.

CONGRATULATING THE BOROUGH OF OAKLAND ON ITS ANNIVERSARY

HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002
Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate the Borough of Oakland on the occasion of its 100th anniversary. Oakland, New Jersey is a valley community nestled in the foothills of the Ramapo Mountains. It has become community known for its dedication to its people, programs, and the preservation of its natural beauty and resources. The warmth and intimacy of this small town make Oakland a true treasure in an industrial region. This weekend, the Borough of Oakland will begin their town-wide celebration of its 100th anniversary with a gala celebration, starting with a gala buffet and concluding with a wonderful fireworks display at dusk. I am proud to recognize this wonderful event and community in Northern New Jersey.

NATIONAL SERVICE DAY

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002
The area of land that is now Oakland was originally purchased by a Dutch Company in 1695, although settlers did not arrive in Oakland until a much later time. In 1710, there were only ten families. Much of this was due to the fact that the area was at least a day to the fact that the area was at least a day and a half journey from Hackensack, the closest town. During the 18th century, Oakland evolved into a serene farming and lumbering area with numerous mills on the Ramapo River and local streams. Today, the residents of Oakland number over 12,000, many of whom are second generation residents of the once rural area. These residents take tremendous pride in the history of Oakland. The Historical Society has been active in preserving the Van Allen House, a place George Washington stayed in June 1777. With the restoration of the Van Allen Homestead, these residents are setting a wonderful example of local pride, and I commend them for their efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing the Borough of Oakland on its 100th anniversary, and I congratulate the town on creating such a positive, welcoming community for its citizens.

WORLD REFUGEE DAY
HON. CARRIE P. MECK OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 2002

MRS. MECK OF Florida. Mr. Speaker, I rise today as we commemorate World Refugee Day and to bring attention to the desperate circumstances faced by Haitian refugees in South Florida.

Life for very many people in Haiti has unfortunately been one of poverty, violence, and instability. According to the UN High Commissioner for Refugees (UNHCR), since early 2000, an increasing number of people have left Haiti due to persecution and violence, often associated with politics. Haitians have applied for asylum in increasing numbers in the Dominican Republic, Jamaica, and other countries. Mr. Speaker, the United States has had an unmatched history of welcoming immigrants and refugees to our shores, which is why our refusal to welcome more Haitian refugees is so especially troubling.

In addition to the desperation, and the psychological and emotional trauma that Haitian refugees already must contend with, Haitian refugees who make it to the United States also must contend with the blatantly discriminatory treatment of Haitian refugees during the past two decades.

It is extremely divisive, in a diverse community like Miami where different ethnic groups live side-by-side, that similarly situated immigrant groups, like Cuban and Nicaraguan refugees are given such radically different treatment.

Mr. Speaker, I have in my hand testimonials from Haitian detainees who are presently detained in the Turner-Guilford Knight Correctional Facility, and I ask that these be included in the RECORD.

TRANSLATION OF LETTER

TOK, MARCH 4 2002

We are writing this letter today so we can explain the problems that we have been having since we left Haiti up until now at TGK. We know that we are going to enter the United States illegally, but we had to in order to save our lives from the Lavalas. When you think about it, we were running away from what we have found is worse. When we got here, we thought that the Americans would understand us because there are laws that protect victims of abuse and torture. We did not leave our homes because of lack of food, it was political problems that forced us to leave. What hurts us more is that everyone is speaking to us to tell us that this is not the way Immigration usually treats asylum seekers. When you look at it everyone from other nations that have been here have treatment under the same conditions as we have been released in two or three days. We would like for Immigration to have pity on us because we can no longer take this. Some of us have been here for a period of time ranging from one to three months and still are not able to get released. This causes us a lot of sadness. Some of us have developed heart problems from having to live in those conditions under every fifteen days. We only get a very small tube of tooth paste which we have to make sure it lasts the required amount of days, which is not very easy.

We dread the change of uniform that we have to endure at sea we thought that we would finally be delivered when we fell into the hands of Americans. But they imprisoned us without letting us go. Since every letter does not answer, we are asking for this INPs to decide because we can not go back to Haiti into the Lavalas hands.

CERTIFICATE OF TRANSLATION

I, Sarnia Michel, certify that I am fluent in English and Creole and that I translated the foregoing letter fully and accurately from Creole to English.

SARNIA MICHEL.

STATEMENT OF HAITIAN ASYLUM-SEEKER DETAINED AT KROME ATTEMPTED SUICIDE—JUNE 7 AND 22, 2002

My name is . My A number is . I am Haitian and I arrived on the December 3rd boat. I’ve been in detention here at Krome since I arrived.

I tried to get asylum but the judge denied me. My cousin got me a private attorney, but I don’t remember his name. He showed up for the hearing I had in February when I was denied. I thought he was going to appeal my case, but at the end of March I learned he didn’t appeal and I didn’t even get a note for my appeal had already gone by. I think my cousin tried to find another private attorney to help me, but that one never got back to him either. I don’t know any of their names.

I became very depressed as the months went by because I am still here in detention. The children are usually big on me and it is like they are imprisoned too because I am here in detention and I can’t help them at all.

July 9, 2002. I tried to hang myself. I thought I wanted to die rather than stay here in Krome being humiliated everyday. We’re locked up in prison here. I kept thinking about my kids. I was a bit of a idiot because I’m here and locked up and not going anywhere and how I can’t do anything for them.
I lost my case, they won’t release us—and I don’t think they’ll ever release us—and I’m not going anywhere. I don’t want to spend the rest of my life in prison and I can’t help anyone here. So I simply decided to kill myself.

I found this tube in the bathroom that had fabric on the end of it. I made a noose from the fabric. I had the noose around my neck and I had my Bible. I was reading some passages out loud from the Bible and just as I was about to hang myself, I heard someone call my name. They took me to the prison hospital. I was there for two days—from 7 am the day I tried to hang myself until about 7 pm the following day. The doctor who talked to me gave me some pills to help me sleep because I can never sleep at night.

I told the doctor not to send me to the place for people with mental problems. I said I’m not sick. It’s this place that makes me sick. I just think of my kids, and think of how of them I’ve lost and I think I don’t deserve to be there. I want to keep me in prison forever here. They won’t release us. They won’t help my kids. They won’t help my wife, my son, and my daughter when they come for court.

About two weeks after I called my sponsor, I called my sponsor. Our sponsor told me my wife and child were transferred to Pennsylvania. No officer or anyone from INS has talked to me about it. I don’t even know that they were transferred. I don’t know how to contact them there. I don’t know when they were transferred, my sponsor just said that they’re now in Pennsylvania.

I can’t say if what’s happened to my family is fair or not. We’re in jail, and we’re not in control of our situation. It’s up to them [INS] what to do with us. Since we’re locked up they can do whatever they want. Only God knows why they sent my family there.

We came to this country to escape political problems in my country. But I was expecting better treatment than this. I just depend on God to help us out of this. My health is ok, but sometimes I get very depressed because we’ve been locked up for so long.

I just follow instructions and do what I’m told here so I don’t have any problems with the officers here. I’m not arrogant and I don’t make problems for anyone. However, Krome is really overcrowded. Even with the Haitians who came at the airport getting released, it’s still too crowded. There were 92 people in my pod yesterday; one left last night. There are not enough beds. There have been three new people. They have not been able to see each other in the visitation area when they were at the hotel. We were not allowed to see each other in the visitation area when they came for court.

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HUMAN CLONING

HON. MARK S. SOUDER
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Mr. SOUDER. Mr. Speaker, scientists stunned the world five years ago when they announced the creation of the world’s first clone, a sheep named Dolly. In the short time since, cattle, goats, mice, rabbits and a cat have also been cloned. And efforts are now underway in the United States and elsewhere to create cloned human beings.

The President and his religious leaders, and many scientists have all expressed their disapproval for efforts to conduct human cloning, for any reason. And the House of Representatives overwhelmingly approved legislation last year to prohibit all human cloning.

Opposition to human cloning is based upon both ethical and scientific considerations. All clones have been found to suffer from severe abnormalities, premature aging and early death. In addition to these problems, cloning also poses significant health risks to the mother and to the clone itself, either in utero or after birth. The destruction of a living human embryo—found extremely troubling the announcement that embryos were being created in order to conduct stem cell research. There was a concern among opponents and supporters of embryonic stem cell research that embryos should never be created solely and specifically for research. But now that is exactly what proponents of research cloning are demanding.

If we now permit the manufacturing of human embryos for research, where do we draw the line? Do we only allow cloned embryos to grow for 5 days before they are destroyed in the process of extracting their stem cells? What about removing tissue from 5-week-old embryos? Should we consider harvesting the organs of embryos with less-than-5-week gestation? What will those who support destructive research next claim is necessary in the name of research?

We must finally draw the line that stops the exploitation of any form of human life.

Cloning, regardless of the promise, reduces human life to a commodity that is created and destroyed for convenience. And despite the claims to the contrary, there is no evidence that cloning can, or ever will, cure diseases. Such statements are purely speculative and pursuing cloning merely diverts limited research resources away from the research that is already producing promising results. It is clear that a ban that applies only to “reproductive” cloning is a false ban, which
merely creates an illusion that human cloning has been prohibited. The fact is that all cloning is reproductive cloning, and therefore human cloning for any reason should be banned.

Dr. Zavos announced his goal of producing a cloned human child by the end of this year. Some of his colleagues claim to already have created cloned pregnancies. Congress must not act as an accomplice to these sinister acts by failing to enact a ban now, before it is too late.
HIGHLIGHTS


Senate

Chamber Action

Routine Proceedings, pages S5791–S5879

Measures Introduced: Sixteen bills were introduced, as follows: S. 2650–2665.

Measures Reported:

- S. 2621, to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems. (S. Rept. No. 107–166)
- S. 754, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs, with an amendment in the nature of a substitute. (S. Rept. No. 107–167)
- H.R. 1866, to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.
- H.R. 1886, to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings.
- S. 1291, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents, with an amendment in the nature of a substitute.
- S. 1335, to support business incubation in academic settings, with an amendment in the nature of a substitute.

National Defense Authorization Act: Senate continued consideration of S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto:

- Adopted:
  - Reid (for Conrad) Modified Amendment No. 3916 (to Amendment No. 3915), of a perfecting nature.
  - Levin/Warner Amendment No. 3938, to authorize clearance of certain transactions recorded in Treasury suspense accounts and cancellation of certain check issuance discrepancies in Treasury records, all of which relate to financial transactions of the Department of Defense.
  - Levin/Warner Amendment No. 3939, to authorize the Secretary to provide logistics support and logistics services to weapon system contractors.
  - Levin/Warner Amendment No. 3940, to provide for the amount for the Compass Call program of the Air Force to be available within classified projects.
  - Warner (for Sessions) Amendment No. 3941, to reallocate $5,000,000 of the authorization of appropriations for Other Procurement, Navy, for the integrated bridge system to items less than $5,000,000 from the Aegis support equipment.
  - Levin (for Cleland) Amendment No. 3942, to strike section 344 relating to clarification of core logistics capabilities.
  - Warner (for Collins) Amendment No. 3943, to reallocate $6,000,000 of the authorization of appropriations for RDT&E, Navy, for laser welding and cutting demonstration to force protection applied research (PE 0602123N) from surface ship and submarine HM&E advanced research (PE 0603508N).
Levin (for Landrieu) Amendment No. 3944, to make various amendments to the subtitle on improved management of Department of Defense test and evaluation facilities.  

Warner (for Grassley) Amendment No. 3945, to extend the Arsenal support program initiative.  

Levin (for Cleland/Hutchinson) Amendment No. 3946, to authorize a 6-year period for a multiyear contract for the procurement of C–130J aircraft and variants.

Levin (for Cleland) Amendment No. 3947, to clarify the rate of educational assistance under the Montgomery GI Bill for dependents transferred entitlement by members of the Armed Forces with critical skills.

Levin (for Cleland) Amendment No. 3948, to repeal a limitation on authority to grant officers in grades of colonel (or captain, in the case of the Navy) and below a waiver of the required sequence of joint professional military education and joint duty assignment.

Levin (for Cleland) Amendment No. 3949, to extend temporary authority for entering into personal services contracts for the performance of health care responsibilities for the Armed Forces at locations other than military medical treatment facilities.

Levin (for Cleland) Amendment No. 3950, to extend the temporary authority for recall of retired aviators.

Levin/Sessions Amendment No. 3951, to authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation, and to require the Secretary’s annual report on the Institute to include the annual report of the Board of Visitor’s for the Institute.

Pending:

Murray/Snowe Amendment No. 3927, to restore a previous policy regarding restrictions on use of Department of Defense facilities.

During consideration of this measure today, Senate also took the following action:

By 59 yeas to 40 nays (Vote No. 159), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to waive section 306 of the Congressional Budget Act with respect to Feingold Amendment No. 3915, to extend for 2 years procedures to maintain fiscal accountability and responsibility. Subsequently, a point of order that the amendment violates section 306 of the Congressional Budget Act, by containing a matter within the jurisdiction of the Committee on the Budget and had been offered to a measure that was not reported from the Budget Committee, was sustained, and the amendment thus fell.

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, June 21, 2002, with a vote to occur on or in relation to Murray/Snowe Amendment No. 3927 (listed above).

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:


The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Appointment:

Parents Advisory Council on Youth Drug Abuse: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–277, announced the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse: Darcy L. Jensen of South Dakota (Representative of Non-Profit Organization), vice Kerrie S. Lansford, term expired; Dr. Lynn McDonald of Wisconsin, vice Robert L. Maginnis, term expired; George L. Lozano of California, vice Darcy Jensen, term expired; and Rosanne Ortega of Texas, vice Dr. Lynn McDonald, term expired.

Nominations Received: Senate received the following nominations:

Richard Vaughn Mecum, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

Burton Stallwood, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

George Breffini Walsh, of Virginia, to be United States Marshal for the District of Columbia for the term of four years.

Petitions and Memorials:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: One record vote was taken today. (Total—159)
Committee Meetings

(Committees not listed did not meet)

AMTRAK

Committee on Appropriations: Subcommittee on Transportation concluded hearings to examine Amtrak’s financial condition, focusing on investment in infrastructure, long term financing options, and long term effective public partnerships, after receiving testimony from David Gunn, President and Chief Executive Officer, National Railroad Passenger Corporation (AMTRAK); and Allan Rutter, Administrator, Federal Railroad Administration, Kenneth M. Mead, Inspector General, and Donna McLean, Chief Financial Officer, all of the Department of Transportation.

NOMINATION

Committee on Armed Services: Committee concluded hearings on the nomination of Gen. Ralph E. Eberhart, USAF, for reappointment to the grade of general and to be Commander in Chief, United States Northern Command/Commander, North American Aerospace Defense Command, after the nominee testified and answered questions in his own behalf.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded hearings on S. 139/H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah, S. 1609/H.R. 1814, to amend the National Trails System Act to direct the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System; S. 1925, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, after receiving testimony from Senators Dodd, Lieberman, and Bennett; Brenda Barrett, National Coordinator for Heritage Areas, National Park Service, Department of the Interior; Mayor Mary Whitney, Fitchburg, Massachusetts, on behalf of the Freedom’s Way Heritage Association, Inc.; Wilson G. Martin, Utah Division of State History, and Fred C. Esplin, University of Utah, both of Salt Lake City; Kathryn M. Cordova, El Prado, New Mexico, and Jose D. Villa, Espanola, New Mexico, both on behalf of the Northern Rio Grande National Heritage Area; and Heath Clish, Appalachian Mountain Club, Boston, Massachusetts.

ASBESTOS REMEDIATION

Committee on Environment and Public Works: Subcommittee on Superfund, Toxics, Risk, and Waste Management concluded hearings to examine lessons learned from asbestos remediation activities in Libby, Montana, as well as home insulation concerns relating to asbestos, after receiving testimony from Senator Murray; Marianne Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Gregory R. Wagner, Director, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, and Henry Falk, Assistant Administrator, Agency for Toxic Substances and Disease Registry, both of the Department of Health and Human Services; Michael R. Spence, Montana State Department of Public Health and Human Services, Helena; Brad Black, Lincoln County Health Department, and Pat Cohan, both on behalf of the Center for Asbestos-Related Disease, Libby, Montana; and John Konzen, Lincoln County Commission, Troy, Montana.

NUCLEAR SECURITY

Committee on Environment and Public Works: Committee concluded closed hearings to examine nuclear plant security, after receiving testimony from certain Federal witnesses.

HOMELAND SECURITY

Committee on Governmental Affairs: Committee concluded hearings to examine the President’s proposal to create a Department of Homeland Security, after receiving testimony from former Senators Gary Hart and Warren Rudman, both Co-Chairs, United States Commission on National Security/21st Century; and Tom Ridge, Director, Office of Homeland Security.

FORMING UNIONS

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine workers
freedom of association, focusing on whether current American labor laws impose unacceptable obstacles to forming unions, after receiving testimony from John J. Sweeney, AFL–CIO, and Daniel V. Yager, Labor Policy Association, both of Washington, D.C.; Kenneth Roth, Human Rights Watch, New York, New York; Nancy Schweikhard, St. John's Medical Center, Oxnard, California; Robert MacDaniels, ONCORE Construction, Bladensburg, Maryland; Eric J. Vizier, Galliano, Louisiana; Sherri Bufkin, Bladenboro, North Carolina; and Mario Vidales, Las Vegas, Nevada.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:
- S. 1291, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents, with an amendment in the nature of a substitute;
- S. 2621, to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems;
- S. 1754, to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, with an amendment in the nature of a substitute;
- S. 1866, to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents;
- H.R. 1866, to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings;
- H.R. 2068, to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, “Public Buildings, Property, and Works”; and
- The nominations of David S. Cercone, to be United States District Judge for the Western District of Pennsylvania, Morrison C. England, Jr., to be United States District Judge for the Eastern District of California, Kenneth A. Marra, to be United States District Judge for the Southern District of Florida, and Lawrence A. Greenfeld, of Maryland, to be Director of the Bureau of Justice Statistics, James Thomas Roberts, Jr., to be United States Marshal for the Southern District of Georgia, Michael Lee Kline, to be United States Marshal for the Eastern District of Washington and Anthony Dichio, to be United States Marshal for the District of Massachusetts, all of the Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

LONG-TERM CARE FINANCING

Special Committee on Aging: Committee concluded hearings to examine long term care financing, focusing on entitlement reform, including expanding home care, and expanding Medicare to address the need for adult day health care, after receiving testimony from Senator Rockefeller; former Senator Durenberger, on behalf of the Citizens for Long-Term Care Coalition; Carol V. O'Shaughnessy, Specialist in Social Legislation, Congressional Research Service, Library of Congress; Vermont Governor Howard Dean, Montpelier, on behalf of the National Governors Association; and Steven Chies, American Health Care Association, Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 4970–4981; 1 private bill, H.R. 4982; and 4 resolutions, H.J. Res. 100 and H. Res. 452–454, were introduced.

Reports Filed: Reports were filed as follows:
- H.R. 1606, to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, and to decrease the matching requirement related to such appropriations, amended (H. Rept. 107–519);
- H.R. 2733, to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration, amended (H. Rept. 107–520);
H.R. 4854, to reauthorize and reform the national service laws, amended (H. Rept. 107–521); and
H. Res. 451, providing for consideration of H.R. 4931, to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent (H. Rept. 107–522).

Guest Chaplain: The prayer was offered by the Most Reverend Oscar H. Lipscomb, Archbishop of Mobile, Alabama.

Journal: Agreed to the Speaker’s approval of the Journal of Wednesday, June 19 by a yea-and-nay vote of 352 yeas to 50 nays, Roll No. 239.

Pages H3723–24

President’s Export Council: The Chair announced the Speaker’s appointment of Representatives English, Pickering, Hayes, Inslee, and Wu to the President’s Export Council.

Small Airport Safety, Security, and Air Service Improvement Act: The House passed H.R. 1079, to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers by a yea-and-nay vote of 284 yeas to 143 nays, Roll No. 243.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, H. Rept. 107–496, was considered as an original bill for the purposes of amendment.

Agreed To:
Nethercutt amendment that requires a study on the feasibility, costs, and benefits of allowing the sponsor of an airport to use up to 10% of Airport Improvement Program funds to pay the non-Federal cost of operating an air traffic control tower (agreed to by a recorded vote of 415 ayes to 12 noes, Roll No. 242).

Rejected:
Oberstar amendment that sought to strike provisions that allow the Secretary of Transportation to use Airport Improvement Program grants to reimburse airports for the cost of construction or improvement of a nonapproach control tower incurred after October 1, 1996 and to reimburse airports for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996 (rejected by a recorded vote of 202 ayes to 223 noes, Roll No. 241).

Agreed to H. Res. 447, the rule that provided for consideration of the bill by a yea-and-nay vote of 419 yeas with none voting “nay,” Roll No. 240.

Pages H3728–36

Senate Messages: Message received from the Senate today appears on page H3724.

Referrals: S. Con. Res. 110 was referred to the Committee on Transportation and Infrastructure and S. Con. Res. 114 was held at the desk.

Quorum Calls—Votes: Three yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H3723–24, H3735–36, H3747–48, H3748–49, and H3749. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:42 p.m.

Committee Meetings

TRANSPORTATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Transportation held a hearing on Transportation Security Administration. Testimony was heard from the following officials of the Department of Transportation: John W. Magaw, Under Secretary, Security; and Kenneth M. Mead, Inspector General.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS
Committee on Appropriations: Subcommittee on the Treasury, Postal Service and General Government held a hearing on the Office of National Drug Control Policy. Testimony was heard from John P. Walters, Director, Office of National Drug Control Policy.

UNION DUES—ASSESSMENT OF USE FOR POLITICAL PURPOSES
Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on “An Assessment of the Use of Union Dues for Political Purposes: Is the Law Being Followed or Violated?” Testimony was heard from public witnesses.

MISCELLANEOUS HEALTH MEASURES
Committee on Energy and Commerce: Ordered reported the following: Certain health profession programs regarding practices of pharmacy, as amended; and programs of grants to health care providers to implement electronic prescription drug programs.

HOUSING AFFORDABILITY FOR AMERICA ACT

Committee recessed subject to call.
POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Committee on Government Reform: By a vote of 6 yeas, 20 nays and 9 present, the Committee defeated H.R. 4970, Postal Accountability and Enhancement Act.

DEPARTMENT OF HOMELAND SECURITY—PRESIDENT’S PROPOSAL OVERVIEW

Committee on Government Reform: Held a hearing on “The Department of Homeland Security: An Overview of the President’s Proposal.” Testimony was heard from Tom Ridge, Assistant to the President, Office of Homeland Security Advisor.

OIL DIPLOMACY

Committee on International Relations: Held a hearing on Oil Diplomacy: Facts and Myths Behind Foreign Oil Dependency. Testimony was heard from Spencer Abraham, Secretary of Energy; Alan P. Larson, Under Secretary, Economic, Business and Agricultural Affairs, Department of State; and public witnesses.

LITIGATION AND ITS EFFECTS ON RAILS-TO-TRAILS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on “Litigation and its Effect on the Rails-To-Trails Program.” Testimony was heard from Tom Sanconetti, Assistant Attorney General, Environment and Resources Division, Department of Justice; Thomas Murphy, Mayor, Pittsburgh, Pennsylvania; and public witnesses.

OVERSIGHT—PATENT REEXAMINATION AND SMALL BUSINESS INNOVATION

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on “Patent Reexamination and Small Business Innovation.” Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following: H.R. 4870, Mount Naomi Wilderness Boundary Adjustment Act; H.R. 4952, Mount Wilson Observatory Preservation and Enhancement Act; H.R. 3802, to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; H.R. 4919, Tonto and Coconino Forests Land Exchange Act; and H.R. 4917, Los Padres National Forest Land Exchange Act of 2002. Testimony was heard from Representatives Peterson of Pennsylvania and Hayworth; Tom L. Thompson, Deputy Chief, National Forest System, Forest Service, USDA; and public witnesses.

RETIREMENT SAVINGS SECURITY ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing one hour of debate on H.R. 4931, Retirement Savings Security Act of 2002. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Matsui or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Portman and Matsui.

AQUATIC INVASIVE SPECIES—RESEARCH PRIORITIES

Committee on Science: Subcommittee on Environment, Technology, and Standards held a hearing on Research Priorities for Aquatic Invasive Species. Testimony was heard from Representative Underwood; and public witnesses.

FEDERAL TRANSIT CAPITAL GRANTS PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Federal Transit Capital Grants Programs. Testimony was heard from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; John H. Anderson, Jr., Director, Transportation Issues Area, GAO; Linda A. Lovejoy, Chief, Public Transit, Bureau of Transit and Local Roads, Department of Transportation, State of Wisconsin; and public witnesses.
CONGRESSIONAL RECORD—DAILY DIGEST

RETIREMENT SECURITY AND DEFINED BENEFIT PENSION PLANS

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Retirement Security and Defined Benefit Pension Plans. Testimony was heard from Representative Gutknecht; Steven A. Kandarian, Executive Director, Pension Benefit Guaranty Corporation; and public witnesses.

SOCIAL SECURITY DISABILITY PROGRAMS’ CHALLENGES AND OPPORTUNITIES

Committee on Ways and Means: Subcommittee on Social Security continued hearings on Social Security Disability Programs’ Challenges and Opportunities. Testimony was heard from public witnesses.

Joint Meetings

GREECE HUMAN RIGHTS

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded joint hearings to examine human rights in Greece, focusing on minority rights, religious liberty, freedom of the media, human trafficking, and domestic terrorism, after receiving testimony from Mania Telalian, Legal Advisor, Athens, Greece, Dimitrios Moschopoulos, Counselor, Berlin, Germany, both of the Greece Ministry of Foreign Affairs; Vassilios Tsirbas, European Centre for Law and Justice, Strasbourg, France; Adamantia Pollis, New School University, New York, New York; and Panayote Dimitras, Center for Documentation and Information on Minorities in Europe-Southeast Europe, Athens, Greece.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of June 17, 2002, p. D626)

H.R. 1366, to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building”. Signed on June 18, 2002. (Public Law 107–190)

H.R. 1374, to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the “Philip E. Ruppe Post Office Building”. Signed on June 18, 2002. (Public Law 107–191)


H.R. 4486, to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building”. Signed on June 18, 2002. (Public Law 107–194)

H.R. 4560, to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting. Signed on June 19, 2002. (Public Law 107–195)

COMMITTEE MEETINGS FOR FRIDAY, JUNE 21, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the importance of summer school to student achievement and well being, 10 a.m., SD–430.

Committee on the Judiciary: Subcommittee on Immigration, to hold hearings to examine the plight of North Korean refugees, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, on FBI Reorganization, 10 a.m., 2359 Rayburn.
Congressional Record

Next Meeting of the SENATE
9:30 a.m., Friday, June 21

Senate Chamber

Program for Friday: Senate will continue consideration of S. 2514, National Defense Authorization Act, with a vote to occur on Murray/Snowe Amendment No. 3927.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, June 21

House Chamber


Extensions of Remarks, as inserted in this issue

HOUSE

Barr, Bob, Ga., E1109
Bentsen, Ken, Tex., E1111
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Brady, Robert A., Pa., E1113
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DeLauro, Rosa L., Conn., E1107

Gillmor, Paul E., Ohio, E1110
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Meek, Carrie P., Fla., E1117
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Ortiz, Solomon P., Tex., E1113
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Smith, Nick, Mich., E1112
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Spratt, John M., Jr., S.C., E1109
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Tauscher, Ellen O., Calif., E1113
Tauschin, W.J. (Billy), La., E1107
Town, Edolphus, N.Y., E1116, E1116
Udall, Mark, Colo., E1113
Udall, Tom, N.M., E1109
Waters, Maxine, Calif., E1114, E1115
Weller, Jerry, Ill., E1107, E1111

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