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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

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

Washington, DC, July 9, 2002.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker, House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, I appreciate this opportunity to briefly address the House on an issue, I believe, of importance to 36 million married working couples. This past year the House of Representatives and President Bush had a great accomplishment, that was, that we cut taxes across the board, benefiting every taxpaying American. In fact, over 100 million households have seen their Federal taxes lowered as a result of what we call the Bush tax cut; 3.9 million American families with children no longer

pay Federal income taxes as a result of the Bush tax cut. We eliminate the marriage tax penalty; we wipe out the death tax; we make it easier to save for retirement as well as for education. Unfortunately, because of a quirk or an arcane rule over in the other body, the Bush tax cut ended up being a temporary measure. That means if we fail to make permanent the Bush tax cut, taxes will go back up for over 100 million American taxpaying households.

I want to draw attention to one of the provisions, a provision which many of us have worked on over the last several years that is a fundamental issue of fairness and something we call the marriage tax penalty. Unfortunately, prior to the Bush tax cut being signed into law, 36 million married working couples paid higher taxes just because they are married. They paid higher taxes because when both husband and wife are in the workforce and you combine your income and you file jointly, it pushes you into a higher tax bracket and that creates the marriage tax penalty. If we allow the Bush tax cut to expire, 36 million married couples will pay about \$1,700 more in higher taxes as a result of the marriage penalty being restored. That is a \$42 billion tax increase.

Let me introduce a couple from the district that I represent in the south suburbs of Chicago, from Joliet, Illinois, Jose and Magdalena Castillo, their son Eduardo, their daughter Carolina. They live in Joliet, Illinois, they are hard-working Americans, and they suffered the marriage tax penalty prior to the Bush tax cut being signed into law. The marriage tax penalty for Jose and Magdalena Castillo was about \$1,150. There are some people here in Washington who think that we should allow the marriage tax penalty provision to expire because they want to spend that money here in Washington. For the, \$1,150 is chump change here in Washington; but for a couple such as

Jose and Magdalena Castillo of Joliet, Illinois, a hard-working couple that benefits from the marriage tax relief in the Bush tax cut, \$1,150, that is several months' worth of child care for Eduardo and Carolina while they are at work. That is several months' worth of car payments. It is a significant amount of money they could set aside in their IRA or their education savings account for retirement or for their children's education.

We need to make permanent the marriage tax penalty relief that this House passed this past year and was signed into law by President Bush. I am proud to say that just a few weeks ago the House of Representatives passed overwhelmingly, every House Republican voted "yes" and I also want to note that 60 Democrats broke with their leadership and joined with the Republicans in voting to make permanent the marriage tax relief provisions that we passed and were signed into law this past year. As a result of making it permanent, we will see protection for Jose and Magdalena Castillo. We will also see that Jose and Magdalena Castillo and 36 million couples like them will no longer pay the marriage tax penalty ever. That is why we need to make it permanent.

Again, during this year as we debate whether or not to make permanent the elimination of the marriage tax penalty, there will be those on the other side who argue they need to spend the money here in Washington, that \$1,150 for Jose and Magdalena Castillo does not really matter because it is really not a lot of money. The bottom line is it is a fairness issue. Is it right or is it wrong that under our Tax Code that a couple who choose to get married should suffer higher taxes? I think it is wrong that we would want to punish society's most basic institution.

The bottom line is, this House of Representatives has voted overwhelmingly to make permanent the elimination of the marriage tax penalty. My

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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hope is that the Senate and the House will join together, that we will have bipartisan support in both the House and Senate, and that we will send to the President this year legislation to permanently eliminate the marriage tax penalty. Because if we do not, couples such as Jose and Magdalena Castillo of Joliet, Illinois, will see a \$1,150 tax increase just because they are married if we fail to make permanent the elimination of the marriage tax penalty. And if you add up all the couples across America who benefit from the elimination of the marriage tax penalty, 36 million married working couples, it would be a \$42 billion tax increase overall.

Let us protect Jose and Magdalena Castillo. Let us permanently eliminate the marriage tax penalty. Let us work together and let us get it done this year.

CORPORATE FRAUD

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, later today President Bush is scheduled to give a major speech, it is billed, on corporate responsibility. His advisers have told us he is going to get tough on corporate wrongdoers. He is even calling for jail time for those who defraud shareholders and who violate Federal law. In addition, the President's advisers let slip recently he is reading a biography of Theodore Roosevelt who had a well-deserved reputation for battling corporate greed. All of this must mean that the President is very serious about ending this season of executive greed and corporate misgovernance in America.

But to use the bully pulpit like Teddy Roosevelt did, you have got to have credibility on the issues at hand. For many of us, the President's credibility on corporate issues has been a problem since his vast, but inexplicable, success as a businessman was revealed a number of years ago. As recently as yesterday, the President and the White House have sought to offer new explanations for why he did not report in a timely manner his 1990 sale of \$850,000 worth of stock in a Texas-based energy company just weeks before its value plummeted.

It sounds a lot like Enron. It sounds a lot like WorldCom. It sounds a lot like Adelphia. It sounds a lot like these corporate scams that we have all been so critical of. Previously, the President said he thought regulators lost the documents. He pointed at the regulators. Then last week the White House said it was a mix-up by the lawyers, the son of the President's lawyers; and then yesterday he gave the most plausible explanation. He said, "I still haven't figured it out completely how I made the \$850,000." He has not figured it out.

While there are many decent and honest corporate executives and ac-

countants in this country, those who lack integrity have only been emboldened by the permissive environment created by this administration and by those on the other side of the aisle in congressional leadership who never met a regulation that they liked. Companies like Enron and WorldCom and Arthur Andersen obviously believed they could mislead investors with impunity as long as this President, this friend of corporate America, was in office.

And why would they not? In the middle of the Enron scandal, President Bush, on behalf of his corporate friends, proposed a zero-growth budget for the Securities and Exchange Commission even though the SEC itself complained it was too short-staffed to go after these corporate abuses. President Bush supported a weak pension reform bill in the House even though thousands of employees in Texas and around the country lost their retirements because of fraud and mismanagement by the President's friends and his single major contributor and fundraiser at Enron. And the President endorsed an accounting reform bill in the House that had no teeth since it was strongly supported by his friends in the accounting industry.

Does it sound familiar? President Bush has refused to ask for reauthorization of the Superfund tax which would require corporate polluters, again friends of the President, which would require corporate polluters to pay for cleanup of the messes that they make. Instead, he wants to saddle taxpayers with those cleanup costs. The President joined the prescription drug industry, for whom they had a fundraiser raising literally \$3 million from the drug industry itself 2 weeks ago, in supporting and pushing through the House a Medicare prescription drug plan that, first of all, privatizes Medicare, and second undercuts seniors' purchasing power and enables the drug industry, the most profitable industry in America, to continue to sustain its outrageous drug prices.

The President has openly supported the idea of turning the Medicare program over to the health insurance industry, again friends and major contributors of the President, and the Social Security program over to Wall Street, again major friends and political supporters and contributors of the President.

Sadly, Mr. Speaker, the list goes on and on and on and on and on. So later today as the country listens with rapt attention to the President's plan for reversing the trend of corporate greed and misdeeds, you will understand if I view this speech with a healthy degree of skepticism.

Civil rights leaders said years ago, "Don't tell me what you believe, tell me what you do and I'll tell you what you believe."

JUVENILE DIABETES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call the Chamber's attention to the serious issue of juvenile diabetes which is usually but not always diagnosed in children and remains with them for life. It has stricken over 16 million Americans, and it kills one American every 3 minutes. By the time that my brief remarks are over, two children will be diagnosed with the disease, kids like my constituent Victor Suarez. Diagnosed at age 14, Victor has to administer daily shots of insulin to keep him from falling into a diabetic coma from which there may be no recovery. Victor's friends must keep constant watch of his condition. This is no way for Victor or any child to live, but unfortunately this scene is repeated millions of times every day across our country.

Mr. Speaker, let us work toward finding more funding for research to ensure that Victor and other children will not be forced to suffer with juvenile diabetes. I congratulate the South Florida chapter of the Juvenile Diabetes Foundation International as well as its president, Sheldon Anderson, for their sincere commitment to finding a cure for diabetes and its serious complications. Founded in 1991 by a group of dedicated individuals, this south Florida chapter has already contributed over \$8 million to diabetes research. Mr. Speaker, I join 274 Members of Congress and 67 Senators who recently signed a letter requesting support for increased juvenile diabetes research funding.

I believe, as do my colleagues, that a cure for juvenile diabetes is just around the bend and that by working together, we can make it a reality.

HONORING THE LIFE OF PETE C. JARAMILLO

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Texas (Mr. HINOJOSA) is recognized during morning hour debates for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, it is a great honor and personal privilege to stand before you to pay tribute to one of our bravest and finest Americans, Pete C. Jaramillo, a loving father and grandfather, devoted son and brother, courageous soldier, loyal civil servant and great human being.

Pete C. Jaramillo of Belen, New Mexico, passed away on April 26, 2002, after a long illness. He will be remembered for his quiet strength, gentle manner, humility, deep compassion, kindness, and his dignity. He will be deeply missed by his family and friends. Mr. Jaramillo was born in Arroyo Colorado (Red Canyon), New Mexico, a small

community in the Manzano Mountains. He was the first son and one of nine children born to Aurelia Chavez and Andres Jaramillo. Like many children reared in the 1920s and early 1930s, the Great Depression forced Mr. Jaramillo to grow up quickly. Economic hardships were abundant, and there was always someone's situation that was worse than his. The Depression taught Jaramillo the importance of helping others, and throughout his life he was known to lend a helping hand to those in need.

In 1941, at the age of 17, Mr. Jaramillo joined President Franklin Roosevelt's Civilian Conservation Corps Camp, a New Deal program designed to create jobs and rebuild America's roads and infrastructure. He and his troop of Company 2867, Camp SCS-27-N, maintained New Mexico's treasured forests and streams. As a devoted son and brother, he shared his meager wages with his family.

During World War II, Mr. Jaramillo was called to serve his country. After completing his basic and advanced infantry training at Fort Bliss, Texas, he was deployed to Europe where the Germans had invaded the Allies. On D-Day, June 6, 1944, U.S. servicemen landed on Omaha Beach in France. Jaramillo was among the first wave of servicemen who landed on Omaha Beach. Unlike countless troops, Jaramillo survived the Normandy invasion only to be severely wounded by a hand grenade 6 weeks later. He was hospitalized for 4 months before returning to the U.S.

His near fatal wounds affected him all the days of his life. By the age of 20, Mr. Jaramillo's decorations and citations included the Combat Infantry Badge, the European-African-Middle Eastern Service Badge, the Good Conduct Badge, the Victory Medal, and the Purple Heart, which he received when he was wounded on July 12, 1944. On August 19, 2000, Mr. Jaramillo received the Jubilee Medal of Liberty issued by the Governor of Normandy, publicly recognizing the sacrifice and service of veterans who served in the Normandy invasion between June 6 and August 31, 1944.

"I am very proud to receive this recognition and I am thinking about the men who went to France and never returned," said Jaramillo in his acceptance remarks. Upon his honorable discharge in 1946, Jaramillo returned to his home in New Mexico. In 1947 he married Jennie Vallejos, a friend of his two sisters, Sally and Aurora, and together they raised four daughters and two sons: Ida May, Pete Jr., Maria Rita, Maria Leonella (Nellie), David, and Lynda. He also had four grandchildren: Eddie Jaramillo, Jason Griego, and Billy and Selena Manzanares.

He was a good provider, devoted father, grandfather and son-in-law. Jaramillo served as a surrogate father to numerous nieces and nephews, providing guidance and support. In 1980,

Mr. Jaramillo retired after completing 30 years of Federal service. He received many commendations for his outstanding performance and rarely missed a day of work. His last assignment was with Kirtland Air Force Base in Albuquerque, New Mexico.

Mr. Jaramillo enjoyed the simple things in life, his family, the sun upon his face, grape juice, chocolate, a country breakfast and, yes, Sunday drives. An avid reader, he liked to keep up with current events. Above everything, Pete exemplified a life of doing unto others as you would have them do unto you.

May he rest in peace.

SLAVE MEMORIAL IN OCALA, FLORIDA, AND OUR NATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, as many Members did this weekend, I am sure, I spent the Fourth of July back home with the people of the Sixth Congressional District. I had the privilege of joining others in my hometown community at the unveiling of a slave memorial in Ocala, Florida. The local community leaders believed that "Florida could not have existed and grown as it did without the hard work, courage, sacrifice and sometimes genius of black men and women."

For this reason, a monument was erected to honor the lives of the slaves who bear great responsibility for the prosperity we enjoy in the State of Florida. However, this is not only true in Florida; but, Mr. Speaker, I think it is true across this country. Lest this connection continue to go unrecognized, I along with the gentleman from Ohio (Mr. HALL) introduced the Slave Memorial Act. Both of us and many of our colleagues have long been involved in efforts to heal the legacy of slavery. This is the latest incarnation of our desire to contribute to the healing of our Nation. This bill would authorize the process for establishing a national slave memorial to honor the nameless and forgotten men, women and children who were slaves. It will hopefully enjoy a position of prominence in the shadow of the Lincoln Memorial.

Papa Stewart, a former slave, once said, "I want you to promise me that you're going to tell all the children my story." This is a conjecture, but I believe that what Papa Stewart is asking for is not that the children be told just so that the horrors of slavery could be avoided in the future, but I also believe he was earnestly asking for the recognition of the humanity of these individuals. We need to believe that there is something more meaningful than just our physical being. He is asking that this story, their humanity, be valued and told. In the telling of his story, we communicate our respect, our compassion and sensitivity to it. Papa

Stewart's is a story that we are indeed in need of telling and hearing in this Nation.

Mr. Speaker, in this new world that we have entered since September 11, it is becoming easier to remember that evil is an ever present reality. It is now easier to remember that hatred and bigotry are always and everywhere wrong. We gather to remember that the commission of monstrous sin requires not our consent but only our indifference. Of these things many of our ancestors are guilty. We can certainly say of slavery that it was "one more wrong to man and one more insult to God." And as a means of ensuring that we never see the same, we propose a memorial in the shadow of the Lincoln Memorial. We do this as a testament to slavery's "many thousand gone."

Each slave was an individual and a child of God. Not only do they deserve our remembrance, we owe them our respect. The legacy of our Nation includes many people, including those who were victims but chose not to be victimized. As Americans, we naturally understand this universal story of resilience and strength; and with this memorial we have the opportunity to thank the people who so greatly contributed to an American cultural understanding of perseverance and, of course, independence.

Mr. Speaker, it is my earnest desire that a slave memorial will play a part in healing the legacy of slavery. It is said that symbols are the natural speech of the soul, a language older and more universal than the words that we use every day. Hopefully, this memorial will speak in a language more easily understood than simple words. We stand here today to honor the slaves themselves and the men who fought to end their slavery. This discussion cannot stop with the troubles of those who were enslaved, but must continue on to celebrate their deliverance.

CORPORATE RESPONSIBILITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, it seems like every day we hear a new story of executives who misled their investors and their workers and stole millions of dollars. These executives are called irresponsible. They are accused of mismanagement or unorthodox business practices. But these corporate leaders are not unorthodox. They are criminals, plain and simple. They have stolen more money than any thieves I have ever heard of, and their crimes have real victims. The victims of these corporate crimes are workers like the workers at Enron who just wanted an honest job with a fair expectation of job security. For all their hard work, these workers got 10 minutes to clear out their desks. In

some cases they were even denied their severance packages if they refused to sign documents giving up the right to sue Enron for defrauding them.

Defrauding workers and forcing them to give up their legal rights is not irresponsibility; it is a crime. Even workers who never had anything to do with Enron were hurt by the collapse of that company. As Enron declared bankruptcy, public employees in 30 States lost anywhere from \$1.5 billion to \$10 billion from their pension plans. Stealing money from public employee pension plans is not irresponsibility; it is a crime.

Even those of us who had absolutely nothing to do with the Enrons or WorldComs of the world are hurt by corporate crime. The unethical behavior of executives at WorldCom, which was recently forced to admit it had invented \$3.8 billion in earnings, has had a devastating effect on the company's stock price. But the stock market as a whole has also suffered from the lack of confidence created by widespread corporate abuse. Less than 3 percent of all publicly traded companies misstate their earnings, but this small group casts doubt on the statements of other more ethical businesses.

A free market system cannot function if investors do not trust executives; and, therefore, the crimes of WorldCom and Enron are crimes not only against stockholders but against the very system that allowed these companies to flourish. Ask not for whom the bell tolls, corporate America, it tolls for thee. But this talk of corporate crime obscures the real crime that has taken place in this country.

The crime of Enron, like so many other corrupt corporations, is not that they broke the rules; it is that they wrote the rules. On everything from energy regulation to tax policy, Enron and its fellow energy companies got the best laws money can buy. Enron received a \$254 million check, courtesy of the American taxpayer, when the Bush administration changed the rules governing the corporate alternative minimum tax. Because with this deficit-laden budget, corporate tax cuts come directly from the Social Security trust fund, this was the legal equivalent to picking the pockets of senior citizens in order to pad the pockets of corporate executives. Enron also was allowed to vet candidates for the chairmanship of the Federal Energy Regulatory Commission, the Nation's number one energy watchdog.

Furthermore, companies like Enron and Haliburton are the intended beneficiaries of policies from the opening of the Arctic National Wildlife Refuge to the annihilation of the Superfund trust fund, which was supposed to ensure that corporate polluters paid some share of the cost of cleaning up their mess. The Superfund example gives us an especially revealing look at how corporate campaign contributors are treated by their friends in government.

If I poisoned hundreds of thousands of my fellow citizens in order to enrich myself and my friends, I would probably go to jail for the rest of my life. If, however, Haliburton spills oil all over a pristine area, ruining the land and making local residents sick, they do not even have to pay to clean it up. The taxpayer gets the bill.

Even after the collapse of Enron and the exposure of billions in fake earnings at WorldCom, this administration and many in Congress are working to protect their corporate patrons from any real accountability. The Oxley accounting bill, which the House passed on April 24, does nothing to protect against corporate abuse and bring back public confidence in corporate governance. In some cases, the bill even makes it more difficult to enforce auditing regulations. In its most glaring failure, this bill leaves the wolf in charge of the henhouse by ensuring that no independent agency has any power to effectively police.

I have full confidence this Congress and this administration can work together to prevent future Enrons and future WorldComs, and I look forward to working with Members on both sides of the aisle to make sure that we have corporate ethical governance in this country.

MEDICARE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Florida (Mr. FOLEY) is recognized during morning hour debates for 5 minutes.

Mr. FOLEY. Mr. Speaker, several weeks ago a constituent of mine approached me to complain about her Medicare bill. I assumed this would be a typical complaint about either how much she was paying for premiums or how much she paid for services. Boy, was I wrong. Her complaint was worse. She was concerned not about her cost but about how much Medicare was paying for a particular product she uses. As a diabetic, she is required to wear special shoes that need shoe inserts. At one time, the only type of insert available was custom made. However, with the wide use of these products, coupled with advancements in technology, many of these inserts are now available off the shelf which are the ones that she gets for herself.

Looking at her bill, I found that Medicare was paying, on average, \$50 a pair for these inserts. This is the insert, a simple Styrofoam insert. The shoes she is required to wear are \$134. The inserts for the shoe, over \$50 apiece. She is required to pay a portion of that and Medicare reimburses, for three sets of diabetic shoe density inserts, \$190. \$190 for these inserts. In total, the provider was getting over \$50 per pair for simple inserts. If you go to the local pharmacy or grocery store, you will discover that these off-the-shelf orthodontics cost only about \$10. Even these inserts, which I purchased

at CVS, a local pharmacy, not to do a plug for the pharmacy, but you can get them anywhere you want, they are Dr. Scholl's, these were \$16. They look state of the art. They have all kinds of descriptions on them, a strong heel pad.

I am not an orthopedic surgeon; I am not a podiatrist. I am a simple average person who had my own business in Florida, and I know how to comparative shop. I think we all do. But this is outrageous. If Medicare paid that amount for the \$16, we would have saved substantially. She would have been thrilled and delighted. That is why she brought it to my attention, because she felt as a senior citizen, talking about Medicare and the need for prescription drugs, that we will never be able to solve the problems inherent in Medicare if we do not get our acts together and start finding ways to prevent these kinds of horrific over-expenditures of the Federal Government.

But why do they do it? Let us ask the basic question. Why did people charge such an outrageous sum of money for these, what I will call, rather inadequate inserts? Because Congress told them to. We wrote into the statute what price should be paid for these products, assuming at the time that the only available insert was custom made. Now that off-the-shelves are available, Medicare is stuck.

In today's Washington Post, there is an article talking about the rising cost of health care and the choices many employers, including the government, will have to make if these skyrocketing costs are not placed under some control. Two weeks ago, Congress began to address this problem when we passed H.R. 4954, the Medicare Modernization and Prescription Drug Act of 2002. However, we need to do more. We need to look at the entire Medicare program from top to bottom and allow the marketplace, not Congress, to determine prices. The only way we can save both the Medicare program and our health care system in general is to stay out of the business of setting prices and establishing controls.

I look forward to working with Chairman THOMAS and others as we continue to debate this very important issue. The Republicans, when we proposed prescription drug coverage, we recognized that within Medicare, for its solvency, we needed to do more and should be able to do more to provide for these benefits for our constituents, our seniors, and do so without robbing and causing taxes to have to be increased on existing working Americans. If we continue down this path and allow this kind of ripoff to take place, if we allow an insert to be over \$60 a pair paid for by the Federal Government, then we will be walking away from our responsibilities to our seniors, we will bankrupt Medicare, and we will cause significant disparity for seniors.

We believe we have an answer, but we believe we have to act now. There is no

way anyone can explain to me and give me comfort about these charges and make me believe this is a legitimate expense of the Federal Government. Yes, she needs insoles; but at \$16 versus about \$50-plus, I think we can find a way to not only make her walk comfortably but save the Federal Government a ton of money. Therein lies the opportunity to provide a prescription drug coverage for our seniors who need it.

CORPORATE GOVERNANCE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Washington (Mr. INSLEE) is recognized during morning hour debates for 5 minutes.

Mr. INSLEE. Mr. Speaker, I sat in with the Financial Services Committee at our WorldCom hearing yesterday; and if you heard a sense of outrage from the Members on both sides of the aisle, it mirrored the outrage of the American public who have seen their savings go down the drain while there has been so much malfeasance in the accounting and auditing practices in our corporate boardrooms. It is very disturbing because this has created a substantial lack of confidence in our capital markets system. It is clear that we have a very systemic problem we have got to fix. It seems to me that this is a time for action that Teddy Roosevelt would have taken. Teddy Roosevelt did not say, Speak loudly and carry a small twig. He put it a different way. So today when the President addresses the Nation and Wall Street about how we are going to work ourselves out of this terrible situation, I hope that he will be guided much more by Teddy Roosevelt and much less by Calvin Coolidge. What I mean by that is we need him not just to speak loudly, which I am very confident he will do, we need him to act with great fervor. We need action, not just language.

Today I would suggest that a Teddy Roosevelt approach to this problem would involve six separate actions, not just speeches. We hope that the President will join us in the Democratic Party who propose these actions.

First, I think Teddy Roosevelt would be getting America a new director of the Securities and Exchange Commission. The present director of that organization, Mr. Harvey Pitt, is a man of great intelligence; but America needs more than that. America needs an agent of change at the helm of the Securities and Exchange Commission. We cannot have a leader of the Securities and Exchange Commission that we have to drag kicking and screaming every time that we need to do some modest, commonsense regulation of the industries that Mr. Pitt used to represent and work for. Unfortunately, Mr. Speaker, Mr. Pitt has drug his feet time and time again to take even the most modest efforts to deal with these

systemic problems. We hope that we have new leadership at that helm.

Second, I am convinced Teddy Roosevelt would impose the sternest criminal sanctions on the corporate people and accountants who failed to abide by their responsibilities, who consciously, intentionally defraud investors. I am confident the President will call for jail time for these scofflaws. But we need more than simply maximum times in jail. We need minimum times in jail. Here is the reason I say that. We need mandatory jail times for these flimflam artists. The reason is that all too often in white collar crime, these white collar criminals go up to the judge and says, he was a good man, he belonged to a great country club, he gave money to charity and they do not see the inside of a penitentiary. If you sell 50 grams of crack cocaine, you get 10 years mandatory, no ifs, ands, or buts. It ought to be the same rule for these people who have destroyed the retirement incomes of thousands of Americans. The President should do no less than mandatory minimum jail times.

Third, it is not just that we have people breaking the rules; we do not have the right rules in our accountancy and auditing system. We need new rules. So the third thing we should do is we need to divorce the consulting aspects of accounting from the auditing aspects of accounting.

Mr. Speaker, I have sat through, I think now, 12 hearings about these disasters. The one thing they almost all have in common is the people who are supposed to be auditing these corporations were also making millions of dollars providing the same corporations they are supposed to be riding herd on, providing them consulting advice. We found that this creates just too many disincentives for rigorous auditing. At a minimum, at an absolute minimum, we should require the auditing committee to agree to those multiple contracts before they allow people to provide those two services. This is a systemic problem, and it is something we have got to fix.

Fourth, we need an independent public accountancy board. It is important that it be independent. It needs to be independent of the organizations that it regulates. We need that quickly.

Fifth, we need CEOs to have to certify their financial records so that they are personally responsible.

And, sixth, and this is very important, Mr. Speaker, we need stock analyst independence, independent from the investment banking side.

Mr. Speaker, I am confident Teddy Roosevelt would take all six of these steps today. I hope the President will do so. America deserves no less.

PRESIDENT TO ADDRESS NATION ON CORPORATE GOVERNANCE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Or-

gon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, we are waiting now and in about 15 minutes the President will give a speech where he is expected to address the corporate meltdown, where millions of Americans have been defrauded of their stock holdings and their 401(k)s, thousands have lost their jobs and a few have profited mightily. The President says he wants to get tough. We are going to hear a lot of talk about watchdogs and teeth and enforcement and maybe putting some people in jail. Maybe. Probably not.

But the real question is, is he serious? Until recently, of course, the President and Vice President CHENEY had been touting their corporate experience and ties. Mr. Lay of Enron fame was called Ken Boy and was given unlimited access to the White House and the Oval Office. He is persona non grata now, perhaps. But are they serious? Unfortunately, the early indications are the President is not serious, but he is covering his political butt. That is because he is saying the SEC, which of course until recently he had stiffed in his budget, the Securities and Exchange Commission, the official watchdog of the United States of America over corporate malfeasance, which has been dramatically underfunded, yet the President proposed in his budget to not increase their funding, in fact give them a zero budget increase. Now he is going to propose a budget increase. That is good; so maybe he is serious.

But then he goes on to say the head of the SEC is doing a great job. This guy's name is Harvey Pitt. Harvey Pitt represented most of the firms and the individuals who are now taking the fifth amendment before Congress. In fact, in a recent action before the Securities and Exchange Commission, the toothless watchdog that we have on guard, headed by Mr. Pitt, appointed by Mr. Bush, who Mr. Bush says he has utmost confidence in, found, this is amazing, actually found that a firm, Ernst & Young, had violated its duty to remain independent from companies it audits. That is good.

But guess what? The finding which would ultimately in fact have involved a substantial fine was thrown out by an administrative law judge. Why? Because the facts were not right? No. Because they had not committed the malfeasance? No. Because Mr. Pitt is so conflicted that he could not vote and also Cynthia Glassman, the other SEC commissioner, was not allowed to vote, either, because they both had intimate ties with this firm. They had represented them, worked with them; and when they leave their so-called public service, they will represent them again as \$500- or \$1,000-an-hour lawyers.

So this company got off the hook because only one commissioner, the one appointed by President Clinton, could vote. The judge said, There were three

of you there and only one of you voted. I'm throwing out the judgment against Ernst & Young. This is the watchdog that the President has ultimate confidence in, a man who is so conflicted from his previous work, who represented many of these same securities firms, many of these same accounting firms, many of these same corporations and CEOs, he is so conflicted that when he was asked recently was it not a conflict of interest for him to meet with some officials from Xerox while there was an ongoing investigation, this is Harvey Pitt, our watchdog, our public servant. He said, If I recuse myself from meeting with everybody who I had represented or had personal relationships with, I wouldn't be able to meet with anybody. That is the man in whom President Bush is supposedly going to invest more authority to investigate and prosecute, a man who just came from representing these people and as soon as he is done with his public service will return to representing these same miscreants.

This certainly does not give me a great deal of confidence in the independent role and the aggressive role of the Securities and Exchange Commission; and it does not give me a great deal of confidence that the President is really serious about what he is doing here. Certainly there is a lot of political butt to be covered. Yes, he is doing a good job of that. But will he get serious? If he does not announce that he is removing Mr. Pitt, that he is going to have people who do not have conflicts of interest in charge of investigating and prosecuting these companies, people who could actually vote to prosecute, who would not have to recuse themselves because of those conflicts, then we will know he is serious. In 10 minutes we will hear.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 18 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at noon.

PRAYER

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

Lord our God, protect us and guide us as a free people who turn to You in faith and prayer and who strive to grow in virtue and integrity. At this time of cultural, economic and social change, be with the Members of the House of Representatives in all their undertakings today. May the recent celebra-

tion of the birth of this Nation 226 years ago renew all hearts in the same spirit that guided the signers of the Declaration of Independence and the Framers of this country's Constitution. May their goals and purposes still serve and guide every informed decision here today and across this Nation.

"Let us, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity." Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS 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.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.

Washington, DC, June 27, 2002.

Hon. J. DENNIS HASTERT,

Speaker of the House, Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on June 26, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION (DOCKET 2684)

BIG SUAMICO RIVER, WISCONSIN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Big Suamico River, Wisconsin, published as House Document 498, 74th Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable in the interest of navigation improvements to Big Suamico River, Wisconsin, to include extension of navigation channel up the Big Suamico River for use by shallow draft craft.

Adopted: June 26, 2002.

Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2685)

OCONTO HARBOR, WISCONSIN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Oconto Harbor, Wisconsin, published as House Document 538, 61st Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable in the interest of navigation improvements to Oconto Harbor, Wisconsin, to include extension of navigation channel up the Oconto River for use by shallow draft craft.

Adopted: June 26, 2002.

Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2686)

MILLIKEN-SACRO-TULOCAY BASIN, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Napa River Basin, California, published as House Document 222, Eighty-ninth Congress, First Session, to determine whether modifications of the recommendations contained therein are advisable in the interest of ecological recovery of the Milliken-Sacro-Tulocay groundwater basin, environmental restoration and protection of the Milliken-Sacro-Tulocay basin streams and Napa River, as well as flood damage reduction and other purposes.

Adopted: June 26, 2002.

Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2687)

LOWER WILLAMETTE RIVER WATERSHED,
OREGON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Columbia and Lower Willamette Rivers below Vancouver, Washington, and Portland, Oregon published as House Document Number 452, 87th Congress, 2nd Session, and other pertinent reports, to determine the feasibility of providing ecosystem restoration measures in the Lower Willamette River watershed from the Willamette Locks to confluence of the Willamette River with the Columbia River through the development of a comprehensive restoration strategy development in close coordination with the City of Portland, Port of Portland, the State of Oregon, local governments and organizations, Tribal Nations and other Federal agencies.

Adopted: June 26, 2002.

Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2688)

MISSISSIPPI RIVER PROJECTS, ILLINOIS AND MISSOURI

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the Mouth of the Ohio River, published as House Document 669, 76th Congress, 3rd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of environmental restoration and protection, aquatic habitat restoration, regional trails and greenways, public access, water quality, recreation and related purposes along the Mississippi River

and its tributaries and particular reference to that area in Madison and St. Clair Counties, Illinois, and St. Louis City, St. Louis County, and St. Charles County, Missouri.

Adopted: June 26, 2002.

Attest: Don Young, Chairman.

There was no objection.

RECOGNIZING AMERICAN GOLD STAR MOTHERS

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

Ms. ROS-LEHTINEN. Mr. Speaker, today I recognize the American Gold Star Mothers and congratulate them for their 65th national convention. I want to send special thanks to my constituent, Georgianna Carter-Krell, the former national president, and Barbara Calfee, the national treasurer, whose tireless efforts made this convention a great success.

The American Gold Star Mothers is an organization of women who have lost a son or daughter while in the service of our country. They are compassionate, loyal women who channel their grief and sorrow into healing others through their many hours of volunteer service for veterans and their families.

I commend them for their hard work and dedication in helping those who were injured in the service of our country and also for their sincere efforts to instill and inspire the ideals of patriotism and love throughout our Nation.

PATRIOTIC PRAYERS IN SANTA ANA

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

Ms. SANCHEZ. Mr. Speaker, today I rise to commend Pastor Orr and the congregation of the First Baptist Church in Santa Ana for their proud display of patriotism on July 7, this past Sunday. During their second annual picnic and barbecue to honor those who served in the military, those in attendance could be seen clutching their Bibles as they sang patriotic songs like the Battle Hymn of the Republic under eight United States flags that once had lain on the coffins of veterans of war.

What a wonderful display of national pride, Americans from different races and different cultures coming together at a church to celebrate the lives of those who fought to defend our country's freedom. The congregation of First Baptist has demonstrated to all Americans that regardless of religious beliefs, we are all united under one flag, representing one Nation under God, indivisible.

U.S. FORCES BOMB IRAQ AGAIN

(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, since the Gulf War, our pilots have been patrolling the skies over Iraq, trying to keep Saddam Hussein contained and in check. On June 26 of this year, Iraqi forces fired an anti-aircraft missile at our aircraft. We responded, of course, by shooting back and defending ourselves against this aggression.

Yet Saddam Hussein is much more than an enemy that regularly tries to kill or capture American pilots. The country Iraq is currently a significant part of the American economy by providing us with oil.

In the first quarter of this year, we bought \$1.2 billion of Iraqi oil, according to the Energy Information Administration. Where do my colleagues think this money goes? Mr. Speaker, it goes straight to Saddam Hussein's government, straight to the \$25,000 reward checks he gives to families of each Palestinian suicide bomber.

We import nearly a million barrels a day from this madman. More than 10 percent of our oil imports come from Iraq, and yet Saddam Hussein still would like nothing more than a downed American pilot to show the world.

It is time our energy policy got in line with our foreign policy. It is time to reduce our dependency on foreign oil. Mr. Speaker, if it is worth fighting for over there, it is worth exploring for here at home.

HONESTY AND INTEGRITY IN AMERICAN CORPORATIONS

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

Mr. MENENDEZ. Mr. Speaker, people who rob and steal other people's money while sitting behind a desk in a corner office, wearing an expensive business suit, are no better than the common thief, burglar or pickpocket on the street, and they may be worse because those who committed fraud at Enron, WorldCom and Arthur Andersen have had every advantage and every opportunity our great Nation has to offer.

Instead of giving something back to the Nation that has given them so much, they stole, they robbed, they cheated, they defrauded. They hurt workers and families who depend on every paycheck and every investment they made. They hurt seniors whose retirement savings were devalued.

Mr. Speaker, free enterprise is part of our genius but so is honesty and integrity. So is honesty and integrity. It is time we start demanding those qualities from those who run and manage our businesses and from those who are supposed to enforce our laws, and for those who break that trust, the penalty should be equal to the enormous damage they cause.

GIVE PILOTS A FIGHTING CHANCE

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on September 11 terrorists took over commercial flights by using only box cutters. No one would have known their evil intent, but now we have an opportunity to stop and deter future hijackings and acts of terror by arming our pilots.

The gentleman from Alaska (Mr. YOUNG), the Committee on Transportation and Infrastructure chairman, and the gentleman from Florida (Mr. MICA), the Subcommittee on Aviation chairman, offered a common sense solution for preventing the passengers and crews of commercial flights from becoming sitting ducks. Their bill, H.R. 4635, Arming Pilots Against Terrorism, would begin a 2-year test program allowing a percentage of the current pilot workforce to be armed and trained for proper use.

At least half of the Nation's commercial airline pilots have military or law enforcement backgrounds and are highly skilled and trained in self-defense. We trust pilots daily with our lives operating high-tech aircraft. I know we can depend on their competence as armed protection.

I urge my colleagues to vote yes on H.R. 4635 and give our pilots a fighting chance to protect innocent civilians from murderous terrorists.

NOT MUCH SOLACE IN PRESIDENT'S WORDS

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

Mr. DEFAZIO. Mr. Speaker, the President has spoken and I do not take, unfortunately, much solace in what he had to say. He talked about a lot of voluntary reforms on Wall Street. He talked about the fact he has been waiting for months for a little bit of money from Congress for the SEC. Yet he denied his own toothless watchdog, Harvey Pitt, the head of the Securities and Exchange Commission, \$91 million just 3 months ago.

The President is born again into wanting to do something politically about the problem we have, but not really deal with the problems on Wall Street because that will offend some very powerful and very wealthy people, no matter how ill-gotten their gains.

The fox is still guarding the henhouse and the President did not offer us anything today except political rhetoric.

HONORING CORPORAL KENNETH JOHNSON

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

Mr. BROWN of South Carolina. Mr. Speaker, I rise today with a heavy heart to honor Corporal Kenneth Johnson of the South Carolina Highway Patrol. Last Sunday morning, around 2:15

a.m., Corporal Johnson was murdered in cold blood at a traffic checkpoint at College Park Road near Goose Creek.

Mr. Johnson, a 12-year veteran of the highway patrol, leaves behind a wife, a 13-year-old son and a 7-year-old daughter.

Kenneth Johnson was one of our Nation's best, risking his life day in and day out to preserve the peace and freedom that we often take for granted. He was a true American hero who gave his life for his country.

Our prayers go out to his wife and children. They have lost a strong husband and father. In the last few days, the citizens of Moncks Corner have come together to take care of them in their time of greatest need, but they will need our help for longer than a few weeks.

We all need to reach out to Kenneth Johnson's fellow law enforcement officers. It has been a tough week for them as well. I hope we come away from this tragedy with a renewed sense of the debt we owe to our law enforcement officers and with a renewed intolerance for the cruelty of someone who would end a life for one of South Carolina's best citizens.

APPOINT WATCHDOG INSTEAD OF LAPDOG

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

Mr. Speaker, Members of the House, every day the people we represent receive devastating news from the results of the action of the Enrons, the Tycos, the Arthur Andersens, the WorldComs and the Merck Pharmaceuticals.

They receive devastating news as employees when they are laid off, as pensioners when they see that their retirement is no longer secure, and as shareholders as they see that their net worth has gone down. It has gone down because of slipshod accounting, illegal activities, bias portfolio management, hundreds of millions of dollars in insider unsecured loans and tens of millions of dollars in golden parachutes for the economic elite in the corner offices. Nothing for the employees, nothing for the pensioners, and nothing for the shareholders.

□ 1215

Mr. President, this is not going to be solved by having the markets voluntarily clean themselves up. You appointed Harvey Pitt. You appointed Harvey Pitt as the lapdog of the industry, as a defender of the industry. What America needs is a watchdog. You are not going to be able to take a lapdog and turn him into a watchdog.

Mr. Pitt should leave this office. You should appoint somebody who can get to the bottom of these scandals and protect America's shareholders, America's pensioners, and America's employees in the future from these kinds of scandals.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would remind the Members that remarks in debate should be directed to the Chair and not to other individuals in the second person.

DO NOT TURN DEPARTMENT OF DEFENSE INTO THE WAR DEPARTMENT

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

Mr. DUNCAN. Mr. Speaker, national defense is one of the most important and one of the most legitimate functions of our national government. Serving in our Nation's Armed Forces is certainly one of the most honorable ways a person can serve this country. And because of our pride in being considered a peace-loving Nation, we changed the name of the War Department many years ago to the Department of Defense.

Now, however, most of our leaders in both parties, people for whom I have great respect, seem to be eager to go to war against Iraq. We should not be eager to go to war against any country, and especially against one that has not attacked us or even threatened to attack us. We cannot use the terrible tragedies of September 11 to justify it, because Saudi Arabia had much more to do with those events than Iraq did, and we still consider Saudi Arabia to be one of our allies.

We are already spending mega billions to increase our security. We do not need to go against our military traditions and spend billions more on an unnecessary war unless Iraq threatens to, or does, take some type of action against us. We do not need to turn the Department of Defense into the War Department once again.

SEC NEEDS FULL-TIME, NOT PART-TIME CHAIRMAN

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

Mr. INSLEE. Mr. Speaker, we appreciate the President's talking about this devastating loss to Americans' retirement incomes, but if he really wants to be a reformer with results, he has to get a new sheriff in town. He has to get a new chair of the Securities and Exchange Commission.

We know Mr. Pitt is a man of intelligence, but we cannot put up with an SEC Chair we have to drag kicking and screaming every time we want to have some modest, common-sense regulation of his former clients.

We need action and we need it now. The only way we are going to have it is if the President asks for Harvey Pitt's resignation so we can get someone un-

fettered by previous work for this industry that he attempts to regulate. Mr. Pitt has had to recuse himself, I think about 25 times, because people before him have been his former clients.

We need a full-time, not a part-time SEC director. We urge the President to take action rather than just give speeches and to get us a new sheriff in town at the SEC.

PRESIDENT SOUNDS CLARION, MORAL CALL FOR CORPORATE RESPONSIBILITY

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

Mr. PENCE. Mr. Speaker, President Calvin Coolidge said the business of America is business. But Coolidge was a moralist, and he meant not that America is dependent on the almighty dollar but that the business of America is dependent on the integrity and the character of the people who lead our enterprise.

Today, our President sounded a clarion, moral call for corporate responsibility. Corporate and accounting malfeasance at companies like Enron, WorldCom, Merck, and Arthur Andersen all argue that this need for reform is urgent. As the President said, business leaders who defraud shareholders should go to jail. As the President said, business leaders must accept personal responsibility for financial statements and be barred from serving on corporate boards when they, even unintentionally, fail in that regard.

Mr. Speaker, the reality is, the 1990s was not a decade where people in power were held accountable for their self-serving decisions. Let us follow President George W. Bush's clarion call and make this decade a time again when we recognize in the law and in reform and in regulation that righteousness exalts a nation.

CORPORATE FRAUD

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

Mr. BROWN of Ohio. Mr. Speaker, today, President Bush gave a major speech on corporate responsibility. He tells us he is going to get tough on those who have misled and defrauded shareholders in violation of Federal law.

This could be a tough sell, considering the President's own record as a businessman. Yesterday, the President was still trying to explain why, in violation of Federal law, he failed to report his 1990 sale of \$850,000 worth of stock in a Texas-based energy company just weeks before its value plummeted. Earlier he said he thought the regulators lost the documents. Last week, the White House owned up and blamed it on Mr. Bush's lawyers. Yesterday,

President Bush gave maybe the most plausible explanation. He said, I still haven't figured it out completely. He hasn't figured out how he made \$850,000 in a probably illegal stock sale.

As the President spoke in New York today, I thought of the words of a civil rights leader who said, "Don't tell me what you believe. Show me what you do; I will tell you what you believe."

CORPORATE RESPONSIBILITY

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

Mr. UDALL of Colorado. Mr. Speaker, it seems that every week we hear another story of a corporation cooking the books, too often with the help of accountants who are supposed to be protecting investors and the public. And while they cook the books, they burn the American people and the economy suffers.

Some of those involved say, these are just technical details, or they act like the piano player in the bordello, saying they did not know what was going on upstairs. But it is becoming clear that many knew all about it and it is nothing but plain, old-fashioned fraud.

Congress needs to clean up this mess by passing stronger corporate accounting and pension protection legislation than the version the House passed this spring. Talk is cheap, but the cost to the public has been high, and will be higher yet if we do not act.

Corporate CEOs need to be accountable with criminal and financial penalties when they falsify financial reports or mislead the public about company stock. CEOs should not be allowed to sell company stock in an executive plan during a lockdown period when the employees are prohibited from doing so.

We need to set up a strong, independent watchdog over the accounting industry. For markets to work fairly, the American public needs the truth. Strong legislation is crucial to restoring the truth and trust in corporate America and faith in our markets.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken at the end of legislative business today.

AIRPORT STREAMLINING APPROVAL PROCESS ACT OF 2002

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4481) to amend title 49, United States Code, relating to airport project streamlining, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4481

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 "Airport Streamlining Approval Process Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 3. PROMOTION OF NEW RUNWAYS.

Section 40104 of title 49, United States Code, is amended by adding at the end the following:

"(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47179."

SEC. 4. AIRPORT PROJECT STREAMLINING.

(a) IN GENERAL.—Chapter 471 of title 49, United States Code, is amended by inserting after section 47153 the following:

"SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

"§ 47171. DOT as lead agency

"(a) AIRPORT PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement a coordinated review process for airport capacity enhancement projects at congested airports.

"(b) COORDINATED REVIEWS.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for an airport capacity enhancement project at a congested airport will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (c) with respect to the project.

"(c) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport, the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

"(d) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

"(e) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (c) with respect to the project and the airport sponsor.

"(f) EFFECT OF FAILURE TO MEET DEADLINE.—

"(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (b) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

"(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, license, or approval.

"(g) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section with respect to an airport capacity enhancement project at a congested airport and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

"(h) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport. Any other Federal or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

"(i) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (g) and (h), the Secretary shall solicit and consider comments from interested persons and governmental entities.

"§ 47172. Categorical exclusions

"Not later than 120 days after the date of enactment of this section, the Secretary of Transportation shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement

be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects at airports.

“§ 47173. Access restrictions to ease construction”

“At the request of an airport sponsor for a congested airport, the Secretary of Transportation may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that imposition of the restriction—

“(1) is necessary to mitigate those impacts and expedite construction of the runway;

“(2) is the most appropriate and a cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs associated with the restriction; and

“(3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

“§ 47174. Airport revenue to pay for mitigation”

“(a) IN GENERAL.—Notwithstanding section 47107(b), section 47133, or any other provision of this title, the Secretary of Transportation may allow an airport sponsor carrying out an airport capacity enhancement project at a congested airport to make payments, out of revenues generated at the airport (including local taxes on aviation fuel), for measures to mitigate the environmental impacts of the project if the Secretary finds that—

“(1) the mitigation measures are included as part of, or are consistent with, the preferred alternative for the project in the documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and

“(3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved.

“(b) MITIGATION OF AIRCRAFT NOISE.—Mitigation measures described in subsection (a) may include the insulation of residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of such buildings as required for the insulation of the buildings under local building codes.

“§ 47175. Airport funding of FAA staff”

“(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

“(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

“(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

“(1) shall be credited as offsetting collections to the account that finances the activi-

ties and services for which the funds are accepted;

“(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

“(3) shall remain available until expended.

“(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002, excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862), for the activities described in subsection (a).

“§ 47176. Authorization of appropriations”

“In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), \$2,100,000 for fiscal year 2003 and \$4,200,000 for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

“§ 47177. Judicial review”

“(a) FILING AND VENUE.—A person disclosing a substantial interest in an order issued by the Secretary of Transportation or the head of any other Federal agency under this part or a person or agency relying on any determination made under this part may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

“(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the head of any other Federal agency involved. The Secretary or the head of such other agency shall file with the court a record of any proceeding in which the order was issued.

“(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the head of any other Federal agency involved, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the head of such other agency to conduct further proceedings. After reasonable notice to the Secretary or the head of such other agency, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the head of such other agency are conclusive if supported by substantial evidence.

“(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing an order of the Secretary or the head of any other Federal agency under this section, the court may consider an objection to the action of the Secretary or the head of such other agency only if the objection was made in the proceeding conducted by the Secretary or the head of such other agency or if there was a reasonable ground for not making the objection in the proceeding.

“(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

“(f) ORDER DEFINED.—In this section, the term ‘order’ includes a record of decision or a finding of no significant impact.

“§ 47178. Definitions”

“In this subchapter, the following definitions apply:

“(1) AIRPORT SPONSOR.—The term ‘airport sponsor’ has the meaning given the term ‘sponsor’ under section 47102.

“(2) CONGESTED AIRPORT.—The term ‘congested airport’ means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration’s Airport Capacity Benchmark Report 2001.

“(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term ‘airport capacity enhancement project’ means—

“(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

“(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of such title is amended by adding at the end the following:

“SUBCHAPTER III—AIRPORT PROJECT STREAMLINING”

“47171. DOT as lead agency.

“47172. Categorical exclusions.

“47173. Access restrictions to ease construction.

“47174. Airport revenue to pay for mitigation.

“47175. Airport funding of FAA staff.

“47176. Authorization of appropriations.

“47177. Judicial review.

“47178. Definitions.”

SEC. 5. GOVERNOR’S CERTIFICATE.

Section 47106(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “and” after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)(A) by striking “stage 2” and inserting “stage 3”;

(3) by striking paragraph (4); and

(4) by redesignating paragraph (5) as paragraph (4).

SEC. 6. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by adding at the end the following:

“(E) to an airport operator of a congested airport (as defined in section 47178) and a unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47178) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.”

SEC. 7. LIMITATIONS.

Nothing in this Act, including any amendment made by this Act, shall preempt or interfere with—

(1) any practice of seeking public comment; and

(2) any power, jurisdiction, or authority of a State agency or an airport sponsor with respect to carrying out an airport capacity enhancement project.

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

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

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

Mr. Speaker, over the past 20 years, air travel in the United States has grown faster than any other mode of transportation. More and more, our citizens rely on the speed and the convenience of flights in aviation to improve our daily lives. Unfortunately, we, as a nation, have failed to provide the airport capacity necessary to keep pace with the great demand that we have seen grow over the past decades.

Last year, the Federal Aviation Administration released a report which revealed for the first time how very far we have fallen behind in meeting our aviation infrastructure needs. According to the report, our Nation's 31 busiest airports are now at or above capacity for some portion of the day.

Insufficient airport runway capacity has led to chronic and worsening congestion. Last summer, and before the events of September 11, one out of every four commercial flights experienced a significant delay or cancellation. As air travelers begin to regain confidence in our system, we have already seen the return of traffic in aviation commercial passenger service to pre-September 11 levels.

It is not a question of when, Mr. Speaker, or even if; it is a question of how soon gridlock will return to our busiest airports, and we are already seeing that occur. Airports around the Nation must now begin to address the capacity needs that we have seen in the past immediately. We have a little bit of a break here again in regaining our passenger service that we had pre-September 11, so it gives us an opportunity to plan, to prepare, and to meet the aviation infrastructure needs of the future.

Unfortunately, standing in the way of moving forward with building our Nation's aviation infrastructure is a very cumbersome Federal review process. That process is full of duplication, it is full of conflicting mandates, and one that, in fact, lacks coordination, lacks accountability, and sometimes wastes years and years of precious time when communities and States are trying to work with the Federal Government to build the aviation infrastructure that our economy and our areas need so desperately.

The legislation before us today, H.R. 4481, I believe, will significantly improve the Federal review process for critical airport capacity projects that are under consideration at 31 of our Nation's busiest airports. While this legislation will cut through red tape, it will not in any way diminish existing environmental laws or in any way limit local input or control over these critical projects.

I know some Members have expressed concern that when we streamline, we do not want to streamline over local authority and we do not want to streamline over environmental laws that protect the beautiful landscape that we live in and enjoy. So those two features in this legislation that people are concerned about do not exist. We do not harm the environment, nor do we run over local authority.

The way this legislation is drafted, it will ensure that once a community has reached a consensus on a critical capacity project, the review process will not unnecessarily delay construction. This bill, in fact, creates a coordinated review process for our major airport capacity projects across the country. It also gives the Secretary of Transportation the responsibility to ensure that all environmental reviews by all government agencies will be conducted at the same time whenever possible, and completed within the deadlines established by the Department of Transportation.

H.R. 4481 also binds all Federal and State agencies taking part in a review to the project's "purpose and need" as determined by the Department of Transportation under this legislation. It also limits Federal or State agency reviews to the project alternatives that the Secretary of the Department determines are reasonable.

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Finally, this bill also expedites judicial reviews of Department of Transportation determinations. It moves all claims to the U.S. Court of Appeals and requires all petitions to be filed not later than 60 days after an order is issued with allowances, of course, for special circumstances.

I would like to reiterate that nothing in this bill is intended to cut off debate or limit input on the local level in any way. It does not usurp the rights or responsibilities of a State or airport sponsor to carry out an airport project.

Mr. Speaker, this is an excellent piece of legislation. We have worked together closely with the minority. Both sides of the aisle have been consulted, and we have worked with local and State governments and other stakeholders in this important process; and I think we have a good consensus on an excellent piece of legislation. I urge Members to support this bill.

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

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

Mr. Speaker, the legislation pending before us, as the gentleman from Florida (Mr. MICA) has just described has as its purpose to speed up construction of runways, taxiways, airside improvements at airports that have dragged on far too long in the past.

Perhaps the most egregious example or comparison would be that of the Chek Lap Kok Airport in Hong Kong, an airport built in the ocean in 300 meters of ocean depth, 12,500 feet runways,

a 23-mile rail-truck highway link to downtown Kowloon, a terminal to handle 90,000 passengers, started at the same time as the third runway at Seattle.

Chek Lap Kok has been completed at a cost of over \$25 billion, is now handling 15 to 20 million passengers a year; and I was out in Seattle a year ago for the bulldozing of the first load of dirt to start work on the third Seattle runway. Now, that is an egregious example, as I said; but it is one that underscores the frustration that airport authorities, airlines, and air traveling passengers have with our airport expansion program.

If we are going to accommodate the more than 1 billion passengers to use the U.S. airways in the next 5 to 10 years, then we have to do a better job of moving airport projects along to enhance and expand capacity.

But it is misleading to say that environmental issues alone are the factors causing 10- to 15-year delays in building runways. The FAA reviewed the runway construction process, studied a number of major construction projects which have been described as taking 10 to 15 years to complete, and found generally that the Federal environmental impact process took 3 to 4 years. Now, that certainly is in the view of many people too long, but it is not 15 years. The major cause when we look at the facts more closely as reported by FAA, the major cause of delay is the time needed to complete the local political process mandated by State law and local ordinance.

Under our system, as distinguished from many other places and most other countries in the world, it is not the Federal Government that decides to build an airport, except in the case of Dulles or Reagan National Airport, which are the only two owned by the Federal Government. It is the local government that makes that decision. Once they have, the Federal process comes into play.

I think that we should speed up the environmental process by doing a great deal of the work concurrently, and coordinate State and Federal approvals; but each proposal has to be evaluated on its own and on itself. We have to be careful that we are only streamlining environmental processes, not superseding them.

There are many positive provisions in this bill that will move the process along without undermining the National Environmental Policy Act. There is a procedure for DOT to take the lead in a cooperative initiative where all the State and Federal agencies that have environmental responsibilities agree to deadlines, agree to coordinate their review, and to do those reviews concurrently rather than sequentially. That would be a very big improvement on the existing process. I think that is a strong and constructive initiative that we have brought forward.

There is also more flexibility in this legislation to address local community

concerns by allowing restrictions on use of new runways, use of Federal airport funds for environmental mitigation, and allow FAA to accept money from airports to hire additional staff to process the environmental reviews more expeditiously. I think that is constructive.

If these reasonable, responsible, thoughtfully constructed steps are followed, the environmental process will not be preempted. It will be speeded up, and the environmental will not take a bad rap in the name of efficiency or expeditious movement of airport construction process.

On the whole we have a good bill, a reasonable one that properly managed will move our airport expansion needs ahead in a responsible manner. I think it will go a long way toward accelerating the environmental process without sacrificing environmental processes. I commend the gentleman from Alaska (Mr. YOUNG) for the extensive cooperation that we have had on this legislation, and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), for his thoughtful consideration of the views that we have offered on our side; and I also commend the gentleman from Illinois (Mr. LIPINSKI) for his dedicated work over many hours on this legislation.

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

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I can only echo the words that have been said by the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA).

This legislation will not change everything overnight, but it will expedite the process of building airports, we think, in a more expeditious time period. As the gentleman mentioned, the airports built in the Asian market were built in a short period of time, and Seattle has had 19 years and has not even flown an airplane off the new runway that is going to be built.

Mr. Speaker, this bill is needed at this time. Prior to 9-11, the biggest complaint was congestion and delays in our airports. I believe although air traffic is down now, it will return in the near future; and we need these new airports as our population grows. We need these new airports as commerce grows, and this is a way to get these airports built on time.

Mr. Speaker, I rise in support of H.R. 4481, the Airport Streamlining Approval Process Act of 2002.

I am pleased to be moving forward with this legislation. Last year, airport gridlock dominated the aviation debate. Passengers were bitterly complaining about the intolerable delays they were forced to endure. We examined those issues and found that one of the

main reasons for the congestion was the lack of airport capacity.

There was a crying need for new runways and improved airport infrastructure. Air-21 provided the funding for these improvements, but bureaucratic red tape often held up needed construction. Now attention has shifted to airport security, and rightly so. Air traffic is down and the need for airport capacity improvements is less compelling. But, I am confident that air traffic will pick up again. And when it does, congestion and delays will return with a vengeance unless we do something about it now. That is why I introduced this bill. This legislation directs the Department of Transportation to take a lead role in the environmental review process.

DOT will coordinate the actions of other agencies and will be responsible for determining the "purpose and need" and reasonable alternative to the project. I do not claim that this bill will build new runways overnight, but it will streamline the process and help airports meet the demands of air travelers more quickly. And, it should be noted, it will do this without undermining the environmental laws or the ability of citizens to have their voices heard in the process.

I would like to thank chairman MICA, as well as Mr. OBERSTAR and Mr. LIPINSKI, for their help and cooperation on this legislation. There were some difficult issues in this bill and I very much appreciate the bipartisan approach to resolving them.

I urge a yes vote on H.R. 4481.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time and express my sincere appreciation to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for the outstanding cooperation that we have on the Committee on Transportation and Infrastructure. It is a pleasure to work with these gentlemen because they always strive to do what is best for the American flying public.

Mr. Speaker, I lend my support to H.R. 4481, the Airport Streamlining Approval Process Act. In the true fashion of the Committee on Transportation and Infrastructure, this is a bipartisan measure that will expedite the environmental review and approval process for key airport capacity projects.

In the last decade, only six of our Nation's largest airports have managed to complete new runway projects, as it currently takes about 10 years or more to simply plan and approve such a project. And as we are about to reach pre-September 11 traffic, and will eventually pass these levels, we need to streamline and speed up the environmental review process in order to lessen the aviation congestion that plagues our Nation and the world. H.R. 4481 will eliminate duplication without cutting corners that might harm the environment. Simply put, once a community reaches consensus on an airport capacity project and the environmental re-

view has been finished, construction can begin in a timely fashion.

In closing, I urge Members to support this measure that will help lessen the worsening aviation capacity crunch that we are facing in this Nation.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the previous chairman of the Subcommittee on Aviation, one of the current Committee on Transportation and Infrastructure chairmen.

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

Mr. Speaker, I first want to salute and commend the gentleman from Florida (Mr. MICA) and the gentleman from Alaska (Mr. YOUNG) and the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), for bringing this bill to the floor today.

The lack of publicity about this legislation should not be any reflection on its importance because I consider this to be very, very important legislation. In previous Congresses, we held a couple of hearings about this problem, and we heard testimony that the average time of completion of a runway project in this country was approximately 10 years. In fact, we heard one witness tell us that the main runway at the Atlanta airport took 14 years from conception to completion, but only 33 days, those were 24-hour workdays, so we could say 99 working days of actual construction. That is ridiculous, Mr. Speaker.

We also heard testimony that these delays are primarily due to environmental rules and regulations and red tape, and it was driving the cost of these projects up so they were costing three or four times what they should. Those costs had to be passed on to the flying public. What this has done over the years, it has driven up the cost of air travel. It has forced many lower-income people back onto the highways, or made sure that they stayed on the highways instead of having the much safer and quicker and more comfortable alternative of flying.

This is very important legislation. We passed in the last Congress the AIR-21 bill, which was the largest aviation bill in the history of the Congress; but we certainly will not be able to gain the full benefits of the AIR-21 legislation unless we pass this legislation to complement and improve that earlier bill. This will help taxpayers receive the greatest bang for their buck on these aviation projects and will greatly improve and hold down the cost of air travel in the future. I think it is a very good bill, and I commend the authors and urge my colleagues to support this legislation.

□ 1245

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

Mr. Speaker, I have reviewed a number of documents in the form of letters

or memos issued just on the eve of the consideration of this legislation, and I want to make four points to reassure those who have expressed concerns about the effects of this bill on environmental procedures.

One, the bill specifically provides there is no preemption or interference with any practice of seeking public comment or the authority of States or the authority of airport operators to decide on which projects they wish to undertake.

Two, the bill does not give any new authority to the FAA to create exemptions from the environmental requirements.

Three, States have a choice of whether they want to participate in a coordinated process.

Four, if another agency does not comply with the coordinated schedule developed by DOT, the other agency does not lose its authority. It does have a remedy, a report to Congress.

I think on balance we have taken into consideration the concerns expressed in the course of the hearing and subsequently about the effects of this legislation on environmental processes, and I urge the adoption of the bill.

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

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

Mr. Speaker, first, again, I want to thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for his cooperation and the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation, for his kind assistance.

This legislation is authored by the chair of our full committee, the distinguished gentleman from Alaska (Mr. YOUNG), and it is cooperation of this nature that allows us to move important legislation forward. Although again not very newsworthy or legislation which brings on a great deal of debate and controversy in the House, today we are passing a significant measure which will allow airport streamlining for the approval process that is so important.

Mr. Speaker, in conclusion, this bill saves time and this legislation saves money. This legislation maintains our protections, important protections over the environment, and this legislation maintains important local and State control and authority.

I believe it is important to move this legislation forward because it does move our aviation infrastructure projects which are so necessary across the country and particularly in our congested regions of the Nation, and also this is important because it will move our economy forward, which we know is so dependent on aviation and aviation infrastructure.

So, with those comments, Mr. Speaker, I urge the adoption of this legislation and support for H.R. 4481.

Mr. CONDIT. Mr. Speaker, I rise today to put on record my concerns regarding the Air-

port Streamlining Approval Process Act of 2002 currently under discussion in the House.

No one can quarrel with the concept of coordinating the extensive environmental review process required for major infrastructure projects such as the airport construction. Major transportation, education, energy, and other essential infrastructure projects warrant expedited environmental review, as long as the review is thorough and complete. However, it is critical that the same standards of review be used for all such projects. In Northern California there is a very controversial and disputed proposal to expand the runways at San Francisco International Airport by filling in approximately one square mile of San Francisco Bay. For the last several years, I have impressed upon federal and state officials the importance of analyzing this proposal from the perspective of meeting the long-term challenges facing commercial aviation throughout Northern California.

The runway expansion and Bay fill proposal is seen as a solution to the problem of too much air traffic and air traffic delays at SFO. But, this solution will only compound the problem of traffic gridlock on our existing freeway and highway system to and from the airport. The permanent damage to San Francisco Bay caused by the Bay fill would only relieve aviation congestion problems on a temporary basis, it does nothing to address the larger issue of moving people and goods throughout California in the most reasonable, efficient, and environmentally prudent manner. In fact, it makes this challenge more difficult.

As we discuss expedited review by the Federal Government of major projects such as the San Francisco Bay fill/airport expansion proposal, we must be mindful of thoroughly reviewing all alternatives. In the case of San Francisco, have we considered the use of existing, under-utilized or abandoned aviation facilities in the San Francisco/Northern California region as an alternative to filling the Bay? Do the increased security concerns resulting from September 11 support such an expansion or would it be more prudent to improve other regional facilities? Has consideration been given to segregating SFO in terms of limiting or eliminating air cargo operations at that facility in order to maximize passenger aviation opportunities?

I have long suggested the Federal Government coordinate its review of all major projects in order to have a timely resolution and avoid endless litigation and delay. Our policies in this area, however, must be consistent and exercised with fairness, and the review must be thorough.

Mr. ROTHMAN. Mr. Speaker, I rise today in strong opposition of the Airport Streamlining Approval Process Act of 2002, which continues this Congress' focus toward the expansion of airports and ignores the quality of life issue forced on many of our constituents who live near airports—aircraft noise.

I fully recognize the vital role the aviation industry plays in our nation's economy, but it is time for this congress to stop focusing solely on what's good for the airport industry and to start focusing on what's also good for the countless individuals who live near airports and are constantly subjected to the thunderous roar of giants jets overhead.

While this measure does include provisions that address aircraft noise, I firmly believe that those steps are inadequate and do not prop-

erly address the issue of aircraft noise. Instead of addressing legislation seeking solely to expand this nation's airports, this Congress should also focus its attention on legislation that eliminates aircraft noise. One measure I have introduced would ban the two loudest types of airplane engines from all general aviation airports in the 20 largest metropolitan areas in the country. It is time that we shift our attention away from solely the expansion of airports and toward the problem of aircraft noise which hampers the quality of life for countless American citizens.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4481, as amended.

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

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. 4481, as amended.

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

There was no objection.

ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5063) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

The Clerk read as follows:

H.R. 5063

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 "Armed Forces Tax Fairness Act of 2002".

SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

“(9) MEMBERS OF UNIFORMED SERVICES.—

“(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services.

“(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 5 years by reason of subparagraph (A).

“(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified official extended duty’ means any extended duty while serving at a duty station which is at least 250 miles from such property or while residing under Government orders in Government quarters.

“(ii) UNIFORMED SERVICES.—The term ‘uniformed services’ has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

“(iii) EXTENDED DUTY.—The term ‘extended duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 180 days or for an indefinite period.

“(D) SPECIAL RULES RELATING TO ELECTION.—

“(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

“(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections made after the date of the enactment of this Act for suspended periods under section 121(d)(9) of the Internal Revenue Code of 1986 (as added by this section) beginning after such date.

SEC. 3. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

(a) IN GENERAL.—Subsection (b)(3) of section 134 of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted before December 31, 1991.”.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) of such Code is amended by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from New York (Mr. McNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

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

Mr. Speaker, this is an important bill. It has two features to it. First, it increases the tax-free death benefit payment provided to members of the Armed Services who are on active duty. The present exempt amount is \$3,000. The bill increases that to \$6,000. In 1991, during Desert Storm, this death benefit paid to the survivors was increased from \$3,000 to \$6,000, but the tax amount was not changed, so that the extra \$3,000 has been subject to tax since that time. What this does, the bill will correct that oversight.

The second feature, Mr. Speaker, is the bill will allow members of the uni-

formed services who are transferred to take advantage of the present-law capital gains tax relief on the sale of their home, the way all the rest of us can do. An individual is not subject to the first \$250,000, or, for a couple, \$500,000 on a joint return on the sale of a home if it has been lived in as a principal residence for 2 out of the last 5 years.

Uniformed members are transferred around this country and overseas at someone else's choosing. This happens so many times that it is impossible for them to meet the 5-year rule. What this bill would do is suspend the running of the 5-year rule for a total of 5 years during the time they are assigned away from home.

Furthermore, Mr. Speaker, although the provisions in this bill apply only to the military and uniformed service members, there are other citizens who work abroad for the government or foreign service officers, as well as employees of businesses, who have the same problem with the 5-year rule. At some point, not now, but at some point we need to consider their needs so that the rule is uniform.

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

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

Mr. Speaker, during this time of heightened military engagement, the benefits provided under this bill should go to our men and women in uniform without delay. The high price they are willing to pay is often overlooked during peacetime, but war quickly reminds us of their willingness to place their lives on the line for all that we hold dear. The families of these men and women deserve any help we can provide in making their lives a bit easier.

This bill responds, as my colleague from New York pointed out, to two areas of need. It provides much-needed relief to members of our military through favorable tax treatment of death benefits paid on behalf of military personnel who die in the line of duty. In addition, the bill eases the burden currently experienced by certain military personnel with respect to the exclusion of gain on the sale of their principal residence.

We all agree that the current death benefit of \$3,000 is inadequate. This position was adopted earlier when the benefit was increased from \$3,000 to \$6,000 through the appropriations process. We must now ensure that our military men and women receive the full benefits as intended. Thus, under the bill the full amount of the death penalty payable, which is \$6,000, would be excluded from income.

The second provision of the bill would ensure that certain military personnel are not denied the benefits of excluding an amount of the gain realized upon the sale of a principal residence simply because of extended military assignments away from home. Current law provides an individual taxpayer an exclusion from tax of up to

\$250,000, or \$500,000 if married and filing a joint return, of gains realized on the sale or exchange of a principal residence. To qualify, the taxpayer must have owned and used the residence as a principal residence for at least 2 of the 5 years prior to the sale or exchange.

Many of our military personnel do not receive this benefit because they are stationed away from home for an extended tour of duty. Thus, they fail to meet the so-called 2 of the 5 preceding years rule. This bill would ensure that this benefit is not lost because of an extended tour of duty. Under the bill, military personnel would be permitted to exclude any time spent on an extended tour of duty for purposes of meeting the 2 of 5 preceding years rule.

This provides the benefits which were intended when the law was enacted. I do not believe anyone in this body would argue that the Congress intended to deny this benefit to the men and women who faithfully serve in our Armed Forces. This provision brings about the fair and intended results.

I join the gentleman from New York (Mr. HOUGHTON) in strongly supporting this bill, H.R. 5063, and I urge all of my colleagues to support it as well.

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

Mr. HOUGHTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is a great honor to be here today in support of improving the quality of life for the men and women of our military and their loved ones with this Armed Forces Tax Fairness Act.

Let me begin by saying how extremely proud I am of the men and women who serve in our military, as well as their families. No matter where I go, I have the absolute rapt attention from everyone when I talk about members of our Armed Services and the great job they are doing today. I hope that our troops know that all across the Nation, citizens are proud of our troops and that Americans are grateful for the sacrifices that they and their families make for the defense of our Nation.

The bill we debate here today will put some muscle behind our statements of appreciation. While one could never, ever, put a price on life, as a very small token of respect and condolences, the military provides a death benefit for survivors called a death gratuity after the loss of a loved one. This money can be used to fly family members to a funeral or pay for memorial service expenses.

Unfortunately, in the last decade a large portion of that money has gone back to the Federal Government. The death gratuity was increased from

\$3,000 to \$6,000 during the Persian Gulf War, but our Tax Code failed to keep up with the military changes. As a result, only half of that \$6,000 is tax-free today.

During times of war and times of peace, every military family prays for the safety of their loved ones. A visit by a military chaplain bearing bad news one day is only compounded by the horror of the tax man soon after.

Taxing the loved ones' loss is one of the most inappropriate, irresponsible and immoral forms of taxation. Today's action will change that. This exclusion would be effective for those who died in the Pentagon, have fought for freedom in Afghanistan, and any service member killed while defending this country on September 11 or since that tragic day.

Mr. Speaker, I remember when my wife talked about the chaplain coming up to her front door just when I was missing in action. Those families who have suffered, suffered through the death of a loved one killed in action by terrorism, should not have to give one nickel more to Uncle Sam.

The other important change being made concerns housing of military families. The act would provide a reasonable accommodation to members of the military so they, too, can benefit from the current \$500,000 exclusion from capital gains on the sale of a home.

To get this exclusion, a family must live in a home for at least 2 of the previous 5 years. This is generally reasonable, but for those serving in the military, such a requirement is out of their control when their orders ship them to any of the four corners of the earth.

I know firsthand about being transferred. As a 29-year veteran of the Air Force, my wife Shirley and our three kids and I moved 17 times. It is a reality of military life. It is fair for the Tax Code to hold them harmless for the time when they are not living in their own homes because of military orders.

□ 1300

Do not worry. Service members will not be able to become real estate moguls by buying property all over the country and getting this benefit. It is only relevant for one property per family.

Today's action is one more way Congress can say "thank you" to our brave military men and women, as well as their families. I hope the Senate follows suit for the families and for freedom, and sends this bill to the President soon.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman from Texas very much for those wonderful and eloquent words.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I want to first thank the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr.

RANGEL) and the gentleman from New York (Mr. HOUGHTON) and the gentleman from New York (Mr. McNULTY) for bringing this legislation forward.

I think, after the celebration of our freedom last Thursday, that it is just and appropriate that we should bring this legislation forward. I actually got involved with H.R. 3973 2 or 3 months ago when I learned that the tax was on the death gratuity of our military; and I worked both sides of the political aisle. We had over 110 sponsors for that legislation, because all of us were surprised that there was still that tax on the death gratuity. So I want to compliment the chairman and the ranking member for bringing this legislation forward.

I am pleased to say, as the gentleman from Texas (Mr. JOHNSON), who was a former POW, said, that we have so many wonderful men and women in uniform who serve this Nation and are willing to be called to give their life for America at any time; and to eliminate this death tax, death gratuity tax, on the family after they have lost a loved one is absolutely the right thing to do. It should be, as it is to my colleagues, unacceptable that this death gratuity tax is in the law now, but we are going to eliminate that with the passage of this legislation.

In addition, I would like to thank the gentleman from New York (Mr. HOUGHTON), the chairman of the subcommittee, and others, because I have also shared their concern about the fact that our military was left out of the Taxpayers Relief Act of 1997, when we allowed for the first sale of a home that the capital gains tax would not apply. So I am pleased, after 5 years, I say to my colleagues, that they are bringing this forward and bringing this relief to the men and women in uniform.

The last point on that is that I did talk to Chairman Archer at the time, back in 1998, and he said that it was a mistake, that the military should have been included; so I am delighted with the efforts of my colleagues that we are moving this forward.

Mr. Speaker, in closing, I would just like to say that I give my strong support and appreciation to the leadership for bringing this act to the floor of the House.

Mr. HOUGHTON. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, to the gentleman from New York (Mr. McNULTY), I rise in proud support and sponsorship of the Armed Forces Tax Relief Act of 2002.

As we return from the 4th of July recess, I can think of nothing more appropriate or better to do than to correct the injustice and the wrong code in our tax system that we would take a tax at the very worst time in an armed service member's family's life when they have lost someone in the line of duty, in combat. We, as a government, have said that we will give that family

a death benefit. We should not be taxing them on that; we should be helping them.

Mr. Speaker, I agree with the gentleman from Texas. This is simply wrong and immoral. We must do something. This act will correct that injustice, and we will say to the family, we are proud of your family member's service to our country. We want to help you in this most difficult time, and we will not increase your burden, but we will stand with you and try to comfort, not tax you.

The other thing that is most important in an armed service member's family's life is when they move or sell their home and the quality of life that is so critical to be able to sell a home and buy a home and improve that home, and to create the comfort and the quality for their children. We should not be taxing them in a way that makes that very important and essential component of their quality of life more difficult. So I am very proud to see that we are adjusting the Tax Code.

In my home State of Mississippi, we have two military bases in Meridian and Columbus, Mississippi. Our Air Guard and our other Guard and Reserve forces are being deployed on an even more frequent basis, and we should not count that time of their serving our country, being deployed in foreign countries, fighting a war on terrorism or conducting humanitarian missions or whatever their mission may be, and then penalizing them as they try to sell their home and create a better place and a better home for their family.

So this is an act that is long overdue. It is something that is done in tribute on this, the week after the 4th of July, as our men and women are fighting a war on terrorism. I can think of nothing more appropriate or right to do as we today pass, later this afternoon, the Armed Services Tax Fairness Act of 2002.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

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

When I served in the United States Army, I remember very well, I can trace my steps during that time very vividly, I was transferred four times. That is not unusual for any member of the Armed Forces, no matter which branch it might be.

During that time, I did not have any property problems. I owned no property, so some of these provisions which we attack here today would not have applied to me. But some of the people with whom I served would have faced tax consequences if we were in a position not to do something, as we are doing here today.

The point is that transfers being a way of life, it is possible that the capital gains tax relief that is granted to people otherwise would not be granted

to a member of the armed services because of the rapid transferability of every single member of the United States Army, Navy, Marines, the entire gamut of the Armed Forces.

What we do here today is to grant members of the Armed Forces the stability in their tax structure that they otherwise would not be able to garner. So when we do this, we honor the members of the Armed Forces and we pay heed to their special tax consequences if we did not have the vision to foresee some of the problems that they might face. This bill foresees it and remedies it.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I am very proud to rise in support of this important legislation. On September 11, our Nation suffered a great tragedy. The enemies of freedom made a deliberate attack upon our people and our soil and our way of life. But those enemies were mistaken if they believed that such an attack could turn us away from the principles of liberty and freedom that we hold so dear.

Despite the strains of the war on terror, America's military is still the strongest in the world. However, the true power behind America's military might is not the high-tech tanks and planes and guns that we have; it is the fighting American soldier, sailor, airman and Marine that operates those weapons.

People are the true power behind America's military might. People fly planes and drive tanks and ride on horseback through the mountains of Afghanistan. People sail into harm's way and launch from the decks of aircraft carriers. People guard over the very freedom that makes this country the best in the world. There is no warfighting without warfighters, and if we do not protect our people, we will lose them.

Only two things in life they say are certain: death and taxes. But how in the world can we possibly continue to justify penalizing our service members who risk their lives to protect this government by then turning around and taxing them on the benefits their families receive because they gave their lives for us? It makes absolutely no sense for our government to bestow a gratuity upon the American service member only so that we can take it away after he has given the ultimate sacrifice.

Please join me in supporting this important legislation to remove death gratuity payments from members of the armed services.

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

Mr. Speaker, I work very hard these days on trying to keep my priorities straight, and part of that is remembering that had it not been for all of the men and women who wear the uni-

form of the United States military through the years, I would not have the privilege as an American citizen of going around bragging, as I often do, about how we live in the freest and most open democracy on the face of the Earth.

Freedom is not free. We have paid a tremendous price for it. I try not to let a day go by without remembering with deep gratitude all of those who, like my own brother, Bill, made the supreme sacrifice, and all of those who, like many members of this Chamber, served in our Armed Forces, came back home, continued to render outstanding service and raise beautiful families to carry on their fine traditions.

Like many Members, I attended a number of events over the July 4th weekend. One of them was on Sunday, July 7th, with survivors of the Battle of Saipan. They recalled with great sorrow how 80 percent of the people that they served with at the time did not come home alive.

But they survived. This was a very special group, Mr. Speaker, because they had never received the medals that they had earned 58 years before. Thankfully, one of the things that we could do, as Members of Congress, is to try to rectify that.

On that day, I had the honor of pinning on their lapels literally dozens of those medals, including Bronze Stars and Purple Hearts, which they earned 58 years prior to the day, but had never received. People like Nick Grinaldo and Joe Mariano, Adam Weasack, Ralph Colangione, Frank Pusatere, and Sammy DiNova; and people like the gentleman from Texas (Mr. JOHNSON), who just left this Chamber, who served our country, was a prisoner of war, who endured torture on our behalf.

These are the reasons why, when I get up in the morning, my priorities, Mr. Speaker, are to thank God for my life and veterans for my way of life.

Beyond winning the two great World Wars of this century, think of what their service and their vigilance has meant just in the past decade or so: the democratization of all of Eastern Europe. And I can remember, as those Communist countries were falling in 1989, Erich Honecker, then the leader of Germany, standing up before the world and making the pronouncement, "This is where it stops. It shall not happen here," meaning the democracy movement. Three weeks later he was no longer the leader of East Germany, replaced by Egon Krenz, who decided to adopt what he called the interpretation as, "the moderate hard line," meaning he was going to try to preserve the Communist system and just appease the democratic movement. And he was quickly dispatched, and we know the rest of the story.

What a great thrill it was for me in the following spring, in the spring of 1990, to travel and visit our troops in Germany. They flew me into Berlin and they took me to the Berlin Wall, as the people were out there with their ham-

mers and chisels, tearing down the wall piece by piece. Our soldiers made that happen. I got a hammer and chisel, and I went out there and I banged away at the wall myself, and I brought back some of those pieces of wall and gave them to veterans and thanked them for what they had done for the people of that region and for every citizen of the Free World.

And the year after that, the breakup of the Soviet Union into 15 individual democratic republics, who would have predicted that even a short time prior?

□ 1315

I thank this body for sending me over to one of those republics when they were having their independence referendum in Armenia. I went over with three of my other colleagues and watched in awe as 99.5 percent of the people over the age of 18 in that country went out and voted, a privilege none of them had experienced before in their lives. I watched them stand in line for hours for the privilege of the right to vote.

Then it was a beautiful scene, because when they finished voting, they did not go home. They had little banquets in every little polling place to celebrate their independence. What a great thrill it was for me as a Representative of the United States Congress to be there with them the next day in the streets of Yerevan, their capital, as they danced and sang and shouted (Armenian phrase), long live free and independent Armenia, and then pointed to the United States of America as their example of what they wanted to be as a democracy.

At that moment, I was never more proud to be an American. But I remembered why I had that feeling: the men and women who put on the uniform of the United States military through the years and put their lives on the line for me, for my family, and every citizen of this country.

This bill today, Mr. Speaker, is peanuts; it is small-time stuff; it is a couple of minor tax breaks. But we should enact it and build on it and remember why we have the great privileges we have in this country: the men and women of our Armed Forces.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

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

Mr. Speaker, I would like to thank the gentleman from New York (Mr. McNULTY) for those wonderful words. Many strong words have been uttered by many strong people here, and I will not try to add to those.

Suffice it to say, Mr. Speaker, that this is a fair bill, it is the right bill, it is the right bill at the right time; and I would like to, as with the gentleman from New York (Mr. McNULTY), urge Members to support H.R. 5063.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5063, the Armed Services Tax Fairness Act.

Everyday the men and women of the Armed Services risk their lives to defend our country. After September 11th the burden upon the men and women in uniform has grown exponentially. As it is, many in the Armed Forces claim that their pay is low. The least that we could do would be to give those who serve our country some type of financial relief.

Back in 1991, the gratuity death payment was increased from \$3,000 to \$6,000, however the Tax Code was not adjusted to reflect the change. As a result only the first \$3,000 is truly tax-free. House Resolution 5063 would change this so that all of the gratuity death payment money would be exempt from taxes.

Furthermore, this bill would protect armed services personnel who are transferred to take advantage of capital gains tax relief on any home sales. Currently, the law states that a person is not subject to capital gains tax on the first \$250,000 when selling a home and \$500,000 for a married couple. However, only people who live in their home for at least 2 out of the past 5 years can take advantage of exemption. Armed service men and women often are not able to satisfy the 5-year rule and therefore are not able to take advantage of this tax relief. House Resolution 5063 would address this by providing that even when men and women of the Armed Forces are transferred, it will put them in the same position as if they had been living at home while serving elsewhere.

Accordingly, I urge all of our colleagues to support H.R. 5063, the Armed Services Tax Fairness Act. This is simply the right and fair thing to do for all those in uniform who risk their lives everyday for our Nation.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 5063.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5063.

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

There was no objection.

UNDERGRADUATE SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION IMPROVEMENT ACT

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3130) to provide for increasing the technically trained workforce in the United States, as amended.

The Clerk read as follows:

H.R. 3130

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 "Undergraduate Science, Mathematics, Engineering, and Technology Education Improvement Act".

SEC. 2. FINDINGS.

The Congress makes the following findings: (1) Studies show that about half of all United States post-World War II economic growth is a direct result of technological innovation, and science, engineering, and technology play a central role in the creation of new goods and services, new jobs, and new capital.

(2) The growth in the number of jobs requiring technical skills is projected to be more than 50 percent over the next decade.

(3) A workforce that is highly trained in science, mathematics, engineering, and technology is crucial to generating the innovation that drives economic growth, yet females, who represent 50 percent of the United States population, make up only 19 percent of the science, engineering, and technology workforce.

(4) Outside of the biomedical sciences, the number of undergraduate degrees awarded in the science, mathematics, engineering, and technology disciplines has been flat or declining since 1987, despite rapid population growth and a significant increase in undergraduate enrollment over the same period.

(5) The demand for H-1B visas has increased over the past several years, suggesting that the United States is not training a sufficient number of scientists and engineers.

(6) International comparisons of 24-year olds have shown that the proportion of natural science and engineering degrees to the total of undergraduate degrees is lower in the United States than in Japan, South Korea, Taiwan, the United Kingdom, and Canada.

(7) Technological and scientific advancements hold significant potential for elevating the quality of life and the standard of living in the United States. The quality and quantity of such advancements are dependent on a technically trained workforce.

(8) Reversing the downward enrollment and graduation trends in a number of science and engineering disciplines is not only imperative to maintaining our Nation's prosperity, it is also important for our national security.

(9) The decline of student majors in science, mathematics, engineering, and technology is reportedly linked to poor teaching quality in these disciplines and lack of institutional commitment to undergraduate education as compared to research.

(10) Undergraduate science, mathematics, engineering, and technology faculty generally lack any formal preparation for their role as undergraduate educators. In addition, faculty members are generally not rewarded, and in some cases are penalized, for the time they devote to undergraduate education.

(11) Faculty experienced in working with undergraduate students report that undergraduate research experiences contribute significantly to a student's decision to stay in an undergraduate science, mathematics, engineering, or technology major and to continue their education through graduate studies.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "academic unit" means a department, division, institute, school, college, or other subcomponent of an institution of higher education;

(2) the term "community college" has the meaning given such term in section 7501(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601(4));

(3) the term "Director" means the Director of the National Science Foundation;

(4) the term "eligible nonprofit organization" means a nonprofit organization with demonstrated experience delivering science, mathematics, engineering, or technology education, as determined by the Director;

(5) the term "institution of higher education" has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(6) the term "research-grade instrumentation" means a single instrument or a networked system of instruments that enable publication-quality research to be performed by students or faculty.

SEC. 4. TECHNOLOGY TALENT.

(a) SHORT TITLE.—This section may be cited as the "Technology Talent Act of 2002".

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education with physical or information science, mathematics, engineering, or technology programs, to consortia thereof, or to nonprofit entities that have established consortia among such institutions of higher education for the purpose of increasing the number and quality of students studying and receiving associate or baccalaureate degrees in the physical and information sciences, mathematics, engineering, and technology. Consortia established by such nonprofit entities may include participation by eligible nonprofit organizations, State or local governments, or private sector companies. An institution of higher education, including those participating in consortia, that is awarded a grant under this section shall be known as a "National Science Foundation Science and Engineering Talent Expansion Center".

(2) REQUIREMENTS.—

(A) NUMBER.—The Director shall award not fewer than 10 grants under this section each year, contingent upon available funds.

(B) DURATION.—Grants under this section shall be awarded for a period of 5 years, with the final 2 years of funding contingent on the Director's determination that satisfactory progress has been made by the grantee during the first 3 years of the grant period toward achieving the increases in the number of students proposed pursuant to subparagraph (E).

(C) PRINCIPAL INVESTIGATOR.—For each grant awarded under this section to an institution of higher education, at least 1 principal investigator must be in a position of administrative leadership at the institution of higher education, and at least 1 principal investigator must be a faculty member from an academic department included in the work of the project. For each grant awarded to a consortium or nonprofit entity, at each institution of higher education participating in the consortium, at least 1 of the individuals responsible for carrying out activities authorized under subsection (c) at that institution must be in a position of administrative leadership at the institution, and at least 1 must be a faculty member from an academic department included in the work of the project at that institution.

(D) SUBSEQUENT GRANTS.—An institution of higher education, a consortium thereof, or a nonprofit entity that has completed a grant awarded under this section may apply for a subsequent grant under this section.

(E) INCREASES.—

(1) INSTITUTIONS OF HIGHER EDUCATION WITH BACCALAUREATE DEGREE PROGRAMS.—An applicant for a grant under this section that is or includes an institution of higher education that awards baccalaureate degrees shall propose in its application specific increases in the number of students who are United States citizens or permanent resident aliens obtaining baccalaureate degrees at each such institution within the physical or information sciences, mathematics, engineering, or technology, and shall state the mechanisms by which the success of the grant project at each such institution shall be assessed.

(ii) COMMUNITY COLLEGES.—An applicant for a grant under this section that is or includes a community college shall propose in its application specific increases in the number of students at the community college who are United States citizens or permanent resident aliens pursuing degrees, concentrations, or certifications in the physical or information sciences, mathematics, engineering, or technology programs or pursuing credits toward transfer to a baccalaureate degree program in the physical or information sciences, mathematics, engineering, or technology, and shall state the mechanisms by which the success of the grant project at each community college shall be assessed.

(F) RECORDKEEPING.—Each recipient of a grant under this section shall maintain, and transmit annually to the National Science Foundation, in a format indicated by the Director, baseline and subsequent data on undergraduate students in physical and information science, mathematics, engineering, and technology programs. For grants to consortia or nonprofit entities, the data transmitted shall be provided separately for each institution of higher education participating in the consortia. Such data shall include information on—

- (i) the number of students enrolled;
- (ii) student academic achievement, including quantifiable measurements of students' mastery of content and skills;
- (iii) persistence to degree completion, including students who transfer from science, mathematics, engineering, and technology programs to programs in other academic disciplines; and
- (iv) placement during the first year after degree completion in post-graduate education or career pathways.

(G) PRIORITY.—The Director may give priority in awarding grants under this section to applicants whose application—

- (i) indicates a plan to build on previous and existing efforts with demonstrated success, including efforts involving industry, in improving undergraduate learning and teaching, including efforts funded by Federal grants from the National Science Foundation or other agencies; and
- (ii) provides evidence of a commitment by the administration at each institution of higher education to support and reward faculty involvement in carrying out the proposed implementation plan for the project.

(c) USES OF FUNDS.—Activities supported by grants under this section may include—

- (1) projects that specifically aim to increase the number of traditionally underrepresented students in the physical or information sciences, mathematics, engineering, or technology, such as mentoring programs;
- (2) projects that expand the capacity of institutions of higher education to incorporate current advances in science and technology into the undergraduate learning environment;
- (3) bridge projects that enable students at community colleges to matriculate directly into baccalaureate physical or information science, mathematics, engineering, or tech-

nology programs, including those targeted at traditionally underrepresented groups in such disciplines;

(4) projects including interdisciplinary approaches to undergraduate physical and information science, mathematics, engineering, and technology education;

(5) projects that focus directly on the quality of student learning, including those that encourage—

(A) high-caliber teaching, including enabling faculty to spend additional time teaching participating students in smaller class settings, particularly in the laboratory environment, by, for example, providing summer salary or other additional salary for faculty members or stipends for students;

(B) opportunities to develop new pedagogical approaches including the development of web-based course strategies, distributed and collaborative digital teaching tools, or interactive course modules; and

(C) screening and training of teaching assistants;

(6) projects that—

(A) facilitate student exposure to potential careers, including cooperative projects with industry or government that place students in internships as early as the summer following their first year of study;

(B) provide part-time employment in industry during the school year; or

(C) provide opportunities for undergraduates to participate in industry or government sponsored research;

(7) projects that assist institutions of higher education in States that participate in the Experimental Program to Stimulate Competitive Research (EPSCoR) to broaden the science, engineering, mathematics, and technology student base or increase retention in these fields;

(8) projects to encourage undergraduate research on-campus or off-campus;

(9) projects that provide scholarships or stipends to students entering and persisting in the study of science, mathematics, engineering, or technology;

(10) projects that leverage the Federal investment by providing matching funds from industry, from State or local government sources, or from private sources; and

(11) other innovative approaches to achieving the purpose described in subsection (b)(1).

(d) ASSESSMENT, EVALUATION, AND DISSEMINATION OF INFORMATION.—

(1) PROJECT ASSESSMENT.—The Director shall require each institution of higher education receiving assistance under this section to implement project-based assessment that facilitates program evaluation under paragraph (2) and that assesses the impact of the project on achieving the purpose stated in subsection (b)(1), as well as on institutional policies and practices.

(2) PROGRAM EVALUATION.—Not later than 180 days after the date of the enactment of this Act, the Director shall award at least 1 grant or contract to an independent evaluative organization to—

(A) develop metrics for measuring the impact of the program authorized under this section on—

- (i) the number of students enrolled;
- (ii) student academic achievement, including quantifiable measurements of students' mastery of content and skills;
- (iii) persistence to degree completion, including students who transfer from science, mathematics, engineering, and technology programs to programs in other academic disciplines; and
- (iv) placement during the first year after degree completion in post-graduate education or career pathways; and

(B) conduct an evaluation of the impacts of the program described in subparagraph (A),

including a comparison of the funded projects to identify best practices with respect to achieving the purpose stated in subsection (b)(1).

(3) DISSEMINATION OF INFORMATION.—The Director, at least once each year, shall disseminate information on the activities and the results of the projects assisted under this section, including best practices identified pursuant to paragraph (2)(B), to participating institutions of higher education and other interested institutions of higher education.

(e) UNDERREPRESENTED GROUPS.—In carrying out the program authorized by this section the Director shall strive to increase the number of students receiving baccalaureate degrees, concentrations, or certifications in the physical or information sciences, mathematics, engineering, or technology who come from groups underrepresented in these fields.

(f) REPORTS.—

(1) LIST.—Not later than 90 days after the date of the enactment of this Act, the Director shall develop, and disseminate to institutions of higher education, a list of examples of existing institutional and government efforts relevant to the purpose stated in subsection (b)(1).

(2) INTERIM PROGRESS REPORT.—At the end of the third year of the program authorized under this section, the Director shall transmit to the Congress an interim progress report of the evaluation conducted under subsection (d)(2).

(3) FINAL REPORT.—Not later than 6 years after the date of the enactment of this Act, the Director shall transmit to the Congress a final report of the evaluation conducted under subsection (d)(2).

(g) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Director shall establish an advisory committee, that includes significant representation from industry and academic leaders, for the grant program authorized under this section. The advisory committee shall—

(A) assist the Director in securing active industry, and State and local government, participation in the program;

(B) recommend to the Director innovative approaches to achieving the purpose stated in subsection (b)(1); and

(C) advise the Director regarding program metrics, implementation and performance of the program, and program progress reports.

(2) DURATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this subsection.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section—

- (1) \$25,000,000 for fiscal year 2003; and
- (2) such sums as may be necessary thereafter.

(i) RELATED PROGRAMS.—The Director shall give consideration to achieving the purpose stated in subsection (b)(1) by awarding grants to institutions participating in the Louis Stokes Alliances for Minority Participation.

SEC. 5. INSTITUTIONAL REFORM.

(a) IN GENERAL.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education to expand previously implemented reforms of undergraduate science, mathematics, engineering, or technology education that have been demonstrated to have been successful in increasing the number and quality of students studying and receiving associate or baccalaureate degrees in science, mathematics, engineering, or technology.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) expansion of successful reform efforts beyond a single course or group of courses to achieve reform within an entire academic unit;

(2) expansion of successful reform efforts beyond a single academic unit to other science, mathematics, engineering, or technology academic units within an institution;

(3) creation of multidisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction and research in science, mathematics, engineering, and technology;

(4) expansion of undergraduate research opportunities beyond a particular laboratory, course, or academic unit to engage multiple academic units in providing multidisciplinary research opportunities for undergraduate students;

(5) expansion of innovative tutoring or mentoring programs proven to enhance student recruitment or persistence to degree completion in science, mathematics, engineering, or technology;

(6) improvement of undergraduate science, mathematics, engineering, and technology education for nonmajors, including teacher education majors; and

(7) implementation of technology-driven reform efforts, including the installation of technology to facilitate such reform, that directly impact undergraduate science, mathematics, engineering, or technology instruction or research experiences.

(c) SELECTION PROCESS.—

(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(A) a description of the proposed reform effort;

(B) a description of the previously implemented reform effort that will serve as the basis for the proposed reform effort and evidence of success of that previous effort, including data on student recruitment, persistence to degree completion, and academic achievement;

(C) evidence of active participation in the proposed project by individuals who were central to the success of the previously implemented reform effort; and

(D) evidence of institutional support for, and commitment to, the proposed reform effort, including a description of existing or planned institutional policies and practices regarding faculty hiring, promotion, tenure, and teaching assignment that reward faculty contributions to undergraduate education equal to, or greater than, scholarly scientific research.

(2) REVIEW OF APPLICATIONS.—In evaluating applications submitted under paragraph (1), the Director shall consider at a minimum—

(A) the evidence of past success in implementing undergraduate education reform and the likelihood of success in undertaking the proposed expanded effort;

(B) the extent to which the faculty, staff, and administrators are committed to making the proposed institutional reform a priority of the participating academic unit;

(C) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on faculty engagement in undergraduate education and that a commensurate reward structure is implemented to recognize faculty for their scholarly work in this area; and

(D) the likelihood that the institution will sustain or expand the reform beyond the period of the grant.

(3) GRANT DISTRIBUTION.—The Director shall ensure, to the extent practicable, that

grants awarded under this section are made to a variety of types of institutions of higher education.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section \$15,000,000 for each of fiscal years 2003 through 2007.

SEC. 6. FACULTY DEVELOPMENT.

(a) IN GENERAL.—The Director shall award grants, on a merit-reviewed, competitive basis, to—

(1) institutions of higher education;

(2) eligible nonprofit organizations; or

(3) consortia of institutions and organizations described in paragraphs (1) and (2), for professional development of undergraduate faculty in support of improved undergraduate science, mathematics, engineering, and technology education.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) support for individuals to participate in scholarly activities aimed at improving undergraduate science, mathematics, engineering, and technology education including—

(A) sabbatical funding, including partial or full support for salary, benefits, and supplies, for faculty participating in scholarly research in—

(i) science, mathematics, engineering, or technology;

(ii) the science of learning; or

(iii) assessment and evaluation related to undergraduate instruction and student academic achievement;

(B) stipend support for graduate students and post-doctoral fellows to participate in instructional or evaluative activities at primarily undergraduate institutions; and

(C) release time from teaching for faculty engaged in the development, implementation, and assessment of undergraduate science, mathematics, engineering, and technology education reform activities following participation in a sabbatical opportunity or faculty development program described in this subsection; and

(2) support for institutions to develop, implement, and assess faculty development programs focused on improved instruction, mentoring, evaluation, and support of undergraduate science, mathematics, engineering, and technology students, including costs associated with—

(A) stipend support or release time for faculty and staff engaged in the development, delivery, and assessment of the faculty development program;

(B) stipend support or release time for faculty, graduate students, or post-doctoral fellows from the host institution or external institutions who are engaged as participants in such faculty development programs; and

(C) support for materials, supplies, travel expenses, and consulting fees associated with the development, delivery, and assessment of such faculty development programs.

(c) APPLICATIONS.—An entity seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(1) a description of the activities to be carried out under the proposed project and the projected impact of the project on undergraduate majors and nonmajors enrolled in science, mathematics, engineering, or technology courses or programs;

(2) a plan for assessment of the outcomes of the proposed project;

(3) a plan for dissemination of information regarding the activities and outcomes of the proposed project; and

(4) evidence of institutional support for implementation of the proposed project, includ-

ing commitment to appropriate faculty sabbaticals and release time from teaching.

(d) ANNUAL MEETING.—The Director shall convene an annual meeting of awardees under this section to foster greater national information dissemination and collaboration in the area of undergraduate science, mathematics, engineering, and technology education.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated to the National Science Foundation to carry out this section \$8,000,000 for each of fiscal years 2003 through 2007.

SEC. 7. ACCESS TO RESEARCH-GRADE INSTRUMENTATION.

(a) IN GENERAL.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education to support the acquisition of research-grade instrumentation and to support training related to the use of that instrumentation. Instruments provided through awards under this section shall be used primarily for undergraduate research, undergraduate instruction, or both, in science, mathematics, engineering, or technology.

(b) ELIGIBLE INSTITUTIONS.—Grants may be awarded under this section only to institutions of higher education that award fewer than 10 doctoral degrees per year in disciplines for which the National Science Foundation provides research support.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated to the National Science Foundation to carry out this section \$10,000,000 for each of fiscal years 2003 through 2007.

SEC. 8. UNDERGRADUATE RESEARCH EXPERIENCES.

(a) IN GENERAL.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education, eligible nonprofit organizations, or consortia thereof to establish sites that provide research experiences for 10 or more undergraduate science, mathematics, engineering, or technology students. The Director shall ensure that—

(1) at least half of the students participating at each site funded under this section shall be recruited from institutions of higher education where research activities in science, mathematics, engineering, or technology are limited or nonexistent;

(2) the awards provide undergraduate research experiences in a wide range of science, mathematics, engineering, or technology disciplines;

(3) awards support a variety of projects including independent investigator-led projects, multidisciplinary projects, and multiinstitutional projects (including virtual projects);

(4) students participating in the projects have mentors, including during the academic year, to help connect the students' research experiences to the overall academic course of study and to help students achieve success in courses of study leading to a baccalaureate degree in science, mathematics, engineering, or technology;

(5) mentors and students are supported with appropriate summer salary or stipends; and

(6) all student participants are tracked through receipt of the undergraduate degree and for at least 1 year thereafter.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section \$10,000,000 for each of fiscal years 2003 through 2007.

SEC. 9. DISSEMINATION OF PROJECT INFORMATION.

The Director shall ensure that all National Science Foundation-sponsored undergraduate science, mathematics, engineering,

or technology education projects, including those sponsored by National Science Foundation research directorates, shall disseminate via the Internet, at a minimum, the following information:

(1) Scope, goals, and objectives of each project.

(2) Activities, methodologies, and practices developed and implemented.

(3) Outcomes, both positive and negative, of project assessment activities.

SEC. 10. EVALUATION.

(a) IN GENERAL.—The Director, through the Research, Evaluation and Communication Division of the Education and Human Resources Directorate of the National Science Foundation, shall evaluate the effectiveness of all undergraduate science, mathematics, engineering, or technology education activities supported by the National Science Foundation in increasing the number and quality of students, including students from groups underrepresented in science, mathematics, engineering, and technology fields, studying and receiving associate or baccalaureate degrees in science, mathematics, engineering, and technology. In conducting the evaluation, the Director shall consider information on—

(1) the number of students enrolled;

(2) student academic achievement, including quantifiable measurements of students' mastery of content and skills;

(3) persistence to degree completion, including students who transfer from science, mathematics, engineering, and technology programs to programs in other academic disciplines; and

(4) placement during the first year after degree completion in post-graduate education or career pathways.

(b) ASSESSMENT BENCHMARKS AND TOOLS.—The Director, through the Research, Evaluation and Communication Division of the Education and Human Resources Directorate of the National Science Foundation, shall establish a common set of assessment benchmarks and tools, and shall enable every National Science Foundation-sponsored project to incorporate the use of these benchmarks and tools in their project-based assessment activities.

(c) DISSEMINATION OF EVALUATION RESULTS.—The results of the evaluations required under subsection (a) shall be made available to the public.

(d) REPORTS TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, and once every 3 years thereafter, the Director shall transmit to the Congress a report containing the results of evaluations under subsection (a).

SEC. 11. NATIONAL ACADEMY OF SCIENCES STUDY ON UNDERGRADUATE RECRUITMENT AND RETENTION.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Director shall enter into an arrangement with the National Research Council of the National Academy of Sciences to perform a study on the factors that influence undergraduate students to enter and persist to degree completion in science, mathematics, engineering, and technology programs or to leave such programs and matriculate to other academic programs, as reported by students.

(b) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Director shall transmit to the Congress a report containing the results of the study under subsection (a).

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this section \$700,000 for fiscal year 2003, to remain available until expended.

SEC. 12. MINORITY-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM.

(a) IN GENERAL.—

(1) The Director shall establish a program to award grants to Hispanic-Serving Institutions, Historically Black Colleges and Universities, Alaska Native-Serving Institutions, Native Hawaiian-Serving Institutions, and tribally controlled colleges and universities to enhance the quality of undergraduate science, mathematics, and engineering education at such institutions and to increase the retention and graduation rates of students pursuing baccalaureate degrees in science, mathematics, or engineering.

(2) Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in science, mathematics, or engineering disciplines;

(2) faculty development, including support for—

(A) sabbaticals and exchange programs to improve the faculty's research competency and knowledge of technological advances;

(B) professional development workshops on innovative teaching practices and assessment;

(C) visiting faculty, including researchers from industry; and

(D) faculty reassigned time or release time to mentor students or to participate in curriculum reform and academic enhancement activities;

(3) stipends for undergraduate students participating in research activities in science, mathematics, or engineering disciplines on-campus or off-campus at industrial, governmental, or academic research laboratories; and

(4) other activities that are consistent with subsection (a)(1), as determined by the Director.

(c) APPLICATION.—An institution seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

SEC. 13. ADVANCED TECHNOLOGICAL EDUCATION PROGRAM.

(a) CORE SCIENCE AND MATHEMATICS COURSES.—Section 3(a) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i(a)) is amended—

(1) by inserting “, and to improve the quality of their core education courses in science and mathematics” after “education in advanced-technology fields”;

(2) in paragraph (1) by inserting “and in core science and mathematics courses” after “advanced-technology fields”; and

(3) in paragraph (2) by striking “in advanced-technology fields” and inserting “who provide instruction in science, mathematics, and advanced-technology fields”.

(b) ARTICULATION PARTNERSHIPS.—Section 3(c)(1)(B) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i(c)(1)(B)) is amended—

(1) by striking “and” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting a semicolon; and

(3) by adding after clause (ii) the following new clauses:

“(iii) provide students with research experiences at bachelor-degree-granting institutions participating in the partnership, including stipend support for students participating in summer programs; and

“(iv) provide faculty mentors for students participating in activities under clause (iii), including summer salary support for faculty mentors.”

(c) ADVANCED TECHNOLOGICAL EDUCATION ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Director shall establish an advisory committee on science, mathematics, and technology education at community colleges consisting of non-Federal members, including representatives from academia and industry. The advisory committee shall review, and provide the Director with an assessment of, activities carried out under the Advanced Technological Education Program (in this section referred to as the “Program”), including—

(A) conformity of the Program to the requirements of the Scientific and Advanced-Technology Act of 1992;

(B) the effectiveness of activities supported under the Program in strengthening the scientific and technical education and training capabilities of community colleges;

(C) the effectiveness of the National Science Foundation and institutions receiving awards under the Program in disseminating information to other community colleges about activities carried out under the Program and about model curricula and teaching methods developed under the Program;

(D) the balance of resources allocated under the Program for support of national centers of excellence, individual institution grants, and articulation partnerships; and

(E) other issues identified by the Director. The advisory committee shall make recommendations to the Director for improvements to the Program based on its reviews and assessments.

(2) ADVISORY COMMITTEE REPORTS.—The advisory committee established under paragraph (1) shall report annually to the Director and to Congress on the findings and recommendations resulting from the reviews and assessments conducted in accordance with paragraph (1).

(3) DURATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this subsection.

(d) NATIONAL SCIENCE FOUNDATION REPORT.—Within 6 months after the date of the enactment of this Act, the Director shall transmit a report to Congress on—

(1) efforts by the National Science Foundation and awardees under the Program to disseminate information about the results of projects;

(2) the effectiveness of national centers of scientific and technical education established under section 3(b) of the Scientific and Advanced-Technology Act of 1992 in serving as national and regional clearinghouses of information and models for best practices in undergraduate science, mathematics, and technology education; and

(3) efforts to satisfy the requirement of section 3(f)(4) of the Scientific and Advanced-Technology Act of 1992.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation—

(1) for activities to improve core science and mathematics education in accordance with section 3(a) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i(a)), as amended by subsection (a) of this section, \$5,000,000 for each of fiscal years 2003 through 2007;

(2) for acquisition of instrumentation in accordance with section 3(a)(4) of the Scientific and Advanced-Technology Act of 1992—

(A) \$3,000,000 for fiscal year 2003;

(B) \$3,500,000 for fiscal year 2004;

(C) \$4,000,000 for fiscal year 2005;

(D) \$4,500,000 for fiscal year 2006; and

(E) \$5,000,000 for fiscal year 2007; and

(3) for support for research experiences for undergraduate students in accordance with section 3(c)(1)(B) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C.

1862i(c)(1)(B)), as amended by subsection (b) of this section, \$750,000 for each of fiscal years 2003 through 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

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

Mr. Speaker, H.R. 3130 proposes a simple and direct solution to a clear and urgent problem. The problem is that fewer and fewer American college students are majoring in mathematics, engineering, technology, or science, particularly in the physical sciences. This is a source of growing concern for many reasons.

First and most obviously, the Nation needs to constantly replenish its supply of scientists, mathematicians, and engineers to have a workforce that can compete in this increasingly technological world. The U.S. cannot assume that it can rely forever on immigrants, foreign students, and temporary emergency visa programs to meet its long-term workforce needs. Yet that is exactly what we are doing right now.

But the problem goes beyond filling jobs that explicitly call for someone with a science degree. In today's world, just about every job has a component that is informed by science and technology, from the assembly line to the boardroom. Yet we have fewer and fewer Americans who have the background to understand and analyze technical information.

Indeed, just to be an active citizen today requires more scientific background than was the case just a few years ago. Just think of how often this body turns to institutions like the National Academy of Sciences because so many policy questions today require a firm grounding in science. So we need to have more, not fewer, Americans trained in science and technology fields if we are to be a competitive economy and if we are to have a skilled workforce and an active polity.

Now, reversing the current trends which have long been in the making is not easy. Many of the problems begin as early as elementary school; and this House has passed several major bills to address those problems, including H.R. 1 from the Committee on Education and the Workforce and H.R. 1858 from the Committee on Science.

But not all of our problems reside at the K through 12 level. The statistics show that many students enter college intending to major in science, math, and engineering, but change course before declaring a major. Some of these students, of course, may just not be right for the field, but the attrition rate is far too high for that to be the whole story. The problem is, rather, that our colleges and universities by and large do not do enough to encourage students to remain in science, math, and engineering. Indeed, some-

times students are actually discouraged.

We cannot afford to have that continue. H.R. 3130 takes aim at this problem directly by providing incentives for colleges and universities, including community colleges, to increase the number and quality of science, math, engineering, and technology majors. Under the bill, the National Science Foundation would provide grants to improve undergraduate science, math, and engineering education that are contingent on the grantee increasing the number of graduating majors in those fields by a specific amount without reducing quality. This is a direct and targeted approach that should make a real difference in the culture of our Nation's colleges and universities.

I should note that NSF is already beginning to try this approach. Congress appropriated money for fiscal year 2002 to begin implementing H.R. 3130 on an experimental basis in advance of the bill's enactment, and the President has proposed continuing the program next year; but the program cannot be fully ramped up without this bill.

H.R. 3130 also creates a number of other important programs to improve undergraduate education, including grants to enable colleges and universities to expand successful, innovative undergraduate programs; grants to enable faculty to improve their teaching skills; and grants to help colleges purchase new research equipment for undergraduates. It also expands the National Science Foundation's summer research program for undergraduates.

Finally, the bill establishes a rigorous evaluation program so we can really learn what approaches to improving undergraduate education work and which ones do not. We have been flying by the seat of our pants for too long in this regard, and this bill will finally provide some reliable data and analysis on undergraduate reform.

So H.R. 3130 is a good bill that promotes targeted steps to improve undergraduate education that will make a real difference.

As with all good bills, this one reflects the work of many hands. I want to start by thanking the gentleman from Ohio (Chairman BOEHNER) and his staff for working so cooperatively with us on this bill, as they have on all education legislation.

I want to particularly thank the gentleman from Texas (Mr. HALL), the ranking minority member of the Committee, and the gentleman from Connecticut (Mr. LARSON), the primary Democrat sponsor of this bill, and all our minority Members for their contributions to this bill which passed in our committee by voice vote because it reflected ideas that originated on both sides of the aisle.

I want to mention two Members of the minority specifically, the gentleman from Utah (Mr. MATHESON) and the gentleman from California (Mr. SCHIFF), as they should have been mentioned as cosponsors of the bill, and I

want to thank the gentleman from Texas (Mr. SMITH) and other Texans on the committee for making sure that others in their State could compete fairly for grants under this bill, even though some Texas programs are organized differently from those in other States.

I also want to thank many companies and high-tech industry groups such as Tech Net and higher education groups such as the American Council on Education that have actively supported this bill and helped us get it to the floor. This bill is supported, and it deserves everyone's support because it has widespread impact. I urge its adoption.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Undergraduate Science, Mathematics, Engineering, and Technology Education Improvement Act, H.R. 3130, as reported from the Committee on Science and as described very adequately by our chairman.

The bill was developed in a very bipartisan way, in keeping with the past practices of the Committee on Science in the area of science education legislation. I want to thank the gentleman from New York (Chairman BOEHLERT) and those with whom he works, his staff, for working with us on this side of the aisle to produce this very excellent legislative product.

Basically, the bill will help increase the number of students who are graduating in science, math, and engineering, and will help improve the quality of undergraduate science education.

Mr. Speaker, this bill builds on existing NSF programs that have proven their effectiveness, such as Research Experiences for Undergraduates. Similarly, the bill will provide support for the expansion of successful small-scale undergraduate education reform activities that some colleges and universities have been engaged in.

H.R. 3130 will also implement programmatic recommendations of the Committee on Science, those that they have received through a long series of science education hearings going back to the last Congress.

I would like also to point out that the bill incorporates provisions advanced by my colleague, the gentleman from Washington (Mr. BAIRD), as in his bill, H.R. 4680. These provisions are focused on helping community colleges improve their science and technology offerings, which is important because community colleges enroll such a significant proportion of all undergraduate students.

Finally, the bill includes the establishment of an educational program at NSF that will target minority-serving institutions. This program, which was advanced by my colleague, the gentleman from California (Mr. BACA), will help address the serious problems of

underrepresentation by minorities in the science and technology fields. The Nation just cannot afford to lose the talents of any segment of society if we are to produce a workforce with the range of skills and capabilities that are going to be needed in the postindustrial world.

Mr. Speaker, I strongly support H.R. 3130 and commend it for favorable consideration by the House.

□ 1330

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) who is the ranking member of the Subcommittee on Research of the Committee on Science.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of H.R. 3130, the Undergraduate Science, Mathematics, Engineering and Technology Education Improvement Act. I want to thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), and the gentleman from Michigan (Mr. SMITH) for working with me and my colleagues in a very bipartisan manner to develop the legislation now before the House.

This bill focuses on two important issues. The first is to attract and retain more students in associate and baccalaureate degree programs in critical science and technology fields. The second issue is to ensure that all undergraduate students receive a quality education experience in their science and technology courses, regardless of the career path they ultimately choose.

One important component for dealing with the problem of declining numbers of students pursuing careers in science and math and engineering for the long term is to increase participation in these areas by individuals from underrepresented groups. Under the Technology Talent Act, the National Science Foundation is required to ensure that projects are supported that would lead to increases in the numbers of science degrees by individuals from underrepresented groups.

The NSF is also encouraged to make use of existing Louis Stokes Alliance for Minority Participation program, which has a 10-year track record in attracting and maintaining minority students in science-related degree programs. H.R. 3130 also authorizes a new Minority-Serving Institutions undergraduate program to build up the capacity for these institutions.

In other provisions, the bill will help expand undergraduate education reform efforts at institutions of higher education throughout the Nation that have demonstrated successful records of accomplishment. It provides professional development opportunities for undergraduate faculty and expands the availability of research experiences for the undergraduate students, including students at nonresearch institutions. The bill also encourages the inclusion of innovative public-private partner-

ships by enabling consortia to participate in the grants program which has worked very, very well in the State of Texas and in my area.

Mr. Speaker, I believe that H.R. 3130 will put in place a range of programs and activities that will strengthen undergraduate education in science and technology and will help provide the human resources that this Nation will need for economic strength and security in the postindustrial world.

I strongly support this legislation. I commend it to my colleagues and ask for their support in the passage by this House.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. LARSON), a member of the committee.

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, I want to thank our distinguished leader for the opportunity to speak here on the floor this afternoon.

Let me begin by applauding the efforts of the gentleman from New York (Mr. BOEHLERT), who has done an outstanding job. It has been my high honor and pleasure to work with him over the past 3 years, and in the last year specifically, as this legislation has been developed.

It has been a longstanding concern of mine and clearly my constituents and people all around this country who understand intuitively, as the chairman does, the need that exists out there to address this glaring inequity that has existed in terms of making sure that we have a pipeline that is full of students who have expertise in math, science, and engineering. Because of the obvious shortcomings in this area, we risk this Nation's becoming a second-rate economic power if we do not address these concerns forthrightly.

This bill does exactly that. And typical of his manner, the chairman once again has reached out and done this in a bipartisan manner, garnering the best ideas from both sides of the aisle, which in my humble estimation always leads to the best legislation.

I am proud, as well, to join my colleagues on this side of the aisle, especially the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from Colorado (Mr. UDALL) and the gentleman from California (Mr. HONDA), as well, who have fought hard to make sure that issues like granting minorities greater access and greater funding in these specific areas that are much needed in order for us to compete, were attended to.

Again, I would like to thank the gentleman from Texas (Mr. HALL) for his efforts as well.

The defense of this Nation and its continued economic prosperity are inextricably tied and linked to our education system. And by providing an opportunity and incentives that will provide us with the kind of dedicated members of our society entering into

the field of math and science and engineering, this bill takes a bold step in terms of accomplishing that specific goal. I am proud to stand here on the floor of the House today and endorse this concept and ask all of my colleagues for their unanimous support of a great bill put forward by a great leader.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA), a member of our subcommittee.

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

Mr. BACA. Mr. Speaker, I rise in support of H.R. 3130.

Mr. Speaker, first of all, I would like to commend the minority chairman and the chairman for a bipartisan bill that really addresses the needs of our Nation. And I say the needs of our Nation because when we look at technology, we look at our future and we look at a vision of where we need to be, and that is preparing students in the area of science, technology, engineering and mathematics. We all realize it has declined, but yet the priorities were set there because a vision is there for our Nation, and that is to make sure that we prepare our students to make sure that they can guide us, because they are our future.

This bill addresses the problem by funding a program at the NSF to provide grants to institutions of higher education. These grants will be used to increase the number and quality of graduates from physical science, mathematics, engineering and technology degree and transfer programs.

Just as importantly, this bill recognizes that the institutions that serve unique purposes also have unique needs. Hispanic-serving institutes, historically black colleges and universities, Alaska-native-serving institutions, native-Hawaiian-serving institutions, and tribally controlled colleges and universities serve that special purpose.

These institutions educate and train underserved and often overlooked segments of our population. But this segment of the population will not be overlooked by this bill because this bill addresses those needs. And I want to commend the chairman for doing that, because it is about inclusion of everyone; and this bill includes everybody in this process. Inclusion and making sure that no child, whether it is an adult, is left behind, and this includes that.

Today, we are establishing a program that would accomplish two things. First, the program would award grants to minority-serving institutions to enhance the quality of undergraduate science, mathematics, and engineering education at these institutions. These grants also increase the retention and graduation rates of students pursuing bachelors degrees in science, mathematics or engineering.

Mr. Speaker, I ask that we consider this unique role and this unique need of

minority-serving institutions when we consider this important piece of legislation. I ask my colleagues on both sides of the aisle to support this bipartisan bill that is good for our Nation and good for our country.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, let me conclude by saying if a forensic expert were brought into the Committee on Science and asked to examine this piece of legislation, he would find on it the fingerprints of just about every single member of the committee, Democrat and Republican alike. The hallmark of this committee, as has been mentioned during this debate, is the inclusion. We want the ideas from everyone on the committee. I am proud to report to my colleagues in the House that this is an engaged committee. People are involved in helping to shape responsible public policy. I am very proud to serve in the capacity of chairman of a committee that is serving with such distinction addressing the needs of the American people.

We have just been through 10 years, from March of 1991 to the end of the first quarter of last year, the longest period of sustained growth in modern history for the economy. That growth was largely driven by science, math, engineering, the technical people who are part of this Information Revolution. We had a slight downturn last year, and then we had 9–11, but we are on the rebound now.

If we are to experience, to realize, the next era of sustained growth in our economy, we are going to have to be dependent on our own people, our people who are well trained, our universities that teach these very important subjects. We cannot rely on just people from abroad to come rescue us, and that is too often the case now. We have got to grow our own, right here.

And so I am proud to present this bill to the House, to my colleagues, and to urge its adoption.

Mr. SMITH of Michigan. Mr. Speaker, I rise in support of H.R. 3130, the Technology Talent Act of 2002.

For some time now, we have recognized the need to improve math and science education in America. The Science Committee, and the Research Subcommittee which I chair, has taken one of the lead roles in advancing these reforms. Last year, the House passed legislation generated by our Committee, the Math and Science Partnerships Act, that authorizes a number of programs at the National Science Foundation aimed at improving K–12 education.

More recently, we have turned our attention to an equally important problem: improving math, science and engineering education at the undergraduate level. Our Subcommittee held hearings to identify the problems of our current educational system, and more importantly, to understand how to encourage and support changes that will provide solutions to these problems that benefit all students.

What we learned was that there is no single problem that has resulted in the talent gap and workforce challenges we face today, but rather, an assortment of problems that demand a variety of solutions. Much of the problem is simply a supply and demand issue, the marketplace is increasingly demanding a workforce skilled in the sciences and engineering, while the supply of people capable of filling those positions has remained flat.

This has forced us to look to foreign students to help fill the gap, and we now are in a situation where only half of all engineering doctoral degrees in the U.S. are awarded to American students, and a similar disproportionate number of all high-tech jobs are filled by foreign workers.

One task that doesn't require scientific or engineering expertise and that can even be understood by politicians is that if we don't fill the current talent gap in these fields, we risk damaging America's position the global economic, technological, and scientific leader.

In response to these challenges, the Science Committee has put forth the bipartisan effort that is before us today—the Technology Talent Act. It establishes a performance-based competitive grant program at the National Science Foundation that would provide funding for institutions of higher learning to implement innovative proposals designed to increase the number of undergraduates graduating in math, science, engineering, and technology.

It also addresses other areas such as institutional reform and faculty development, and authorizes NSF to provide awards to universities for improving their research instrumentation and provide undergraduate students valuable research experience.

The bill takes advantage of NSF's competitive, peer-reviewed system, allowing institutions to develop their own proposals to maximize results and promote creativity.

The legislation also emphasizes accountability and regular program evaluation, institutions that fail to meet the goals set forth in their proposals may have their funding terminated or reduced.

It is clear that if we want to maintain our competitive edge in the world—if we want to remain the top economic power, the top military force, and ensure the safety of our citizens from terrorist aggression—it is critical that we do a better job of preparing our students for careers in science, mathematics, engineering, and technology. The Technology Talent Act provides the reforms necessary to meet these challenges.

I would like to thank the Chairman for his leadership on this legislation, and I urge all members to support this bill.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the bill, H.R. 3130, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous material in the RECORD on the bill just passed, H.R. 3130.

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

There was no objection.

RECIPROCAL AGREEMENTS FOR SHARING PERSONNEL TO FIGHT WILDFIRES

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5017) to amend the Temporary Emergency Wildfire Suppression Act to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires.

The Clerk read as follows:

H.R. 5017

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

SECTION 1. RECIPROCAL AGREEMENTS FOR SHARING PERSONNEL TO FIGHT WILDFIRES.

The Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m et seq.), as amended by the Wildfire Suppression Assistance Act, is amended by adding at the end the following new section:

“SEC. 5. SPECIAL TERMS FOR RECIPROCAL AGREEMENTS FOR SHARING PERSONNEL TO FIGHT WILDFIRES.

“(a) TORT LIABILITY.—In entering into a reciprocal agreement with a foreign country under section 3, the Secretary of Agriculture and the Secretary of the Interior may include as part of the agreement a provision that personnel furnished under the agreement to provide wildfire presuppression or suppression services will be considered, for purposes of tort liability, employees of the country receiving such services when the personnel provide services under the agreement.

“(b) ASSUMPTION OF LIABILITY; REMEDIES.—The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under section 3 containing the provision described in subsection (a) unless the foreign country (either directly or through the fire organization that is a party to the agreement) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in providing wildfire presuppression or suppression services under the agreement in the foreign country. The only remedies for acts or omissions committed while providing services under the agreement shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of providing such services in a foreign country.

“(c) PROTECTIONS.—Neither the firefighter, the sending country, nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of providing wildfire presuppression or suppression services under a reciprocal agreement under section 3.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I rise today in support of H.R. 5017, introduced by my good friend and colleague from Colorado (Mr. MCINNIS) to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires.

Today, as we debate this issue, large wildfires are burning across the country. Over 3.1 million acres have already been consumed and the worst may be yet to come. This bill provides a safety net for ongoing fire-fighting efforts. During these high levels of fire activity, the wildfire agencies often run out of trained and qualified personnel available to fight these horrific blazes. This legislation would allow the U.S. to bring in skilled firefighters from around the world to aid in the suppression of these overwhelming wildfires.

It is important to point out that foreign nationals can only be used when all domestic sources are fully utilized. As I speak, there are over 12,000 personnel committed to fire-fighting duties. Depending on the number and nature of the fires, that number may reach 20,000 personnel in the next couple of weeks. If this occurs, we will most likely deplete our domestic fire-fighting sources. The next step would be to inquire for help from our international neighbors in battling the wildfires or risk losing more property and life.

□ 1345

Unfortunately, current law exposes foreign fire agencies to unreasonable liability when responding to requests by the U.S. Government during a national emergency. Consequently, exchanges or requests for assistance during the critical part of fire season will not be honored by foreign firefighters. This bill provides foreign agencies and their firefighters coverage from liability during performance of official duties and will not expose the U.S. Government to liability or death or disability for foreign nationals that are covered under the foreign agencies' normal insurance policies.

This bill supplies the protection needed in order for foreign fire management agencies to provide firefighters to the United States. It does not grant special protection to foreign firefighters. It simply provides the same level of protection that we give our own firefighters and the firefighters we use from State, county, volunteer and municipal fire agencies for Federal firefighting efforts.

This legislation strives to ensure that we will have the ability to commit more personnel as fire situations esca-

late. It ensures our Nation's commitment to combating wildfires and provides assistance and relief to our domestic firefighters.

I urge the Members of this body to join me in taking this important step today. By passing H.R. 5017, we can renew our efforts for wildfire suppression and build strong working relationships with our foreign counterparts. Join me in declaring a strong commitment to firefighting.

I congratulate my colleague from Colorado for this fine legislation and urge my colleagues to support H.R. 5017.

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

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

Mr. Speaker, I rise in support of H.R. 5017, legislation to amend the Temporary Emergency Wildfire Suppression Act. As we have heard, this legislation is designed to promote and facilitate the implementation of reciprocal firefighting agreements with foreign countries for the purpose of sharing personnel to fight wildfires.

Specifically, H.R. 5017 will require that personnel furnished under reciprocal firefighting agreements be considered employees of the country receiving the assistance for purposes of tort liability. Mr. Speaker, these agreements with foreign fire organizations are essential to suppress wildfire activities within our national forest system.

At the height of the forest fire season in the United States, we may have up to 12,200 firefighting personnel on the ground executing various fire suppression duties. The conditions that these men and women face often demand speedy alterations to existing firefighting plans if the forest fire takes an unexpected path. In order to minimize the risk of loss of life and property, our firefighting crews need experienced supervision and guidance at all times.

Unfortunately, with 244 significant forest fires burning simultaneously, the supervisory capacity of the U.S. Forest Service and the U.S. Department of the Interior are stretched to the limits. As a remedy to this problem, the United States has sought the assistance of mid-level managers from Australia and New Zealand by entering into reciprocal firefighting agreements.

H.R. 5017 would eliminate the risk of tort liability to foreign firefighters and their governments while foreign personnel are providing assistance to the United States. The foreign firefighters would be considered to be Federal employees for the limited purpose of securing them coverage under the Federal Tort Claims Act.

This legislation would also require that foreign countries or States extend a reciprocal benefit to United States firefighters in the event the United States provides personnel to them, and it would make the laws of the host country the only source of remedies

available for acts and omissions in firefighting activities in the host country. Under this legislation, foreign firefighters can readily assist us without the fear of being subjected to lawsuits.

This legislation further provides that the tort liability protection would extend to not only the firefighter but also the individual's home country and any organization associated with the firefighter.

Mr. Speaker, this legislation removes barriers to the effective implementation of reciprocal firefighting agreements with foreign fire organizations. It will increase the effectiveness of our forest fire suppression activities. I urge my colleagues to support this legislation.

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

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

My district in the State of Virginia has been struck by many severe forest fires this season, but thankfully nothing like what has been experienced in the State of Colorado, and I am sure that that accounts for the leadership that the gentleman from Colorado (Mr. MCINNIS) has shown in introducing this legislation. He also serves as chairman of the Subcommittee on Forests and Forest Health of the Committee on Resources.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS).

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

Mr. MCINNIS. Mr. Speaker, I thank the gentleman for yielding me the time, and I would like to first of all begin my remarks by saying that I appreciate the gentleman from Virginia's time, his subcommittee, and obviously his attention to this matter and the urgency of getting this bill passed. It is a critical bill.

I appreciate the comments the gentleman from Texas (Mr. STENHOLM) made. They were all exactly on point. I think he has explained very well the crisis we face.

My district is the Third District of the State of Colorado. That district geographically is larger than the State of Florida. It is unique in that it is the highest place on the continent, and we do not usually see the kind of fires because of the elevations that we are at in that district, we do not usually see the intensity of the fire that we are seeing this year.

That intensity, of course, has been brought on through a couple of different factors. One, we are experiencing the worst drought we have seen probably in 100 years in Colorado, and two, unfortunately, we have had a number of national environmental organizations who have, in my opinion, prevented us from thinning the forest in such a way that we can properly manage these forests, but those are issues for another day.

The issue before us here today, as explained by the gentleman from Texas (Mr. STENHOLM) and as explained by the gentleman from Virginia (Mr. GOODLATTE), is the fact that emergency personnel, our firefighters, this is a very difficult task to undertake.

Last year, as my colleagues will recall, we appropriated a dramatic increase in the firefighting budgets back here. We authorized a hiring of thousands of new firefighters. We have actually purchased 10,000 new pieces of fire equipment which range in everything from tankers to bulldozers and so on, but this year, even that is not enough, and we need some assistance.

There is no effort whatsoever nor any actual occurrence of any displacement of any American worker by using foreign assistance. In fact, for many years we have used this foreign assistance primarily with Australia and New Zealand, and that is pretty self-explanatory in that Australia and New Zealand have opposite seasons of the United States. So while we are in our summer, right now they are in their winter, and we actually have an exchange program that is in place.

Unfortunately, the Australians became very concerned, and I think legitimately concerned, about the fact of their firefighters being in the United States, with the kind of litigious society that we have. We have lots of lawsuits filed in this country, many, many, many, many times more than any other country in the world, and Australia and New Zealand are reluctant to send their firefighters up here, then to see their firefighters trying to help our country fight our fires ending up being named in litigation.

So this bill is very, very important for us to pass on an immediate basis. This bill was introduced by me about a week ago. It is very uncommon in the House of Representatives for a bill to go through the House this quickly. The only way we were able to do that, frankly, is through the assistance of not only the chairman and the gentleman from Texas (Mr. STENHOLM), the ranking member, but I also want to thank five other members of the body; the gentleman from Utah (Mr. HANSEN), who is chairman of Committee on Resources; the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations; the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture; and the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary; as well as the gentleman from Arizona (Mr. FLAKE), who gave a great deal of effort and who himself has suffered a 450,000-acre fire in Arizona.

Before I finish my comments here, and I do have to read some comments for the RECORD, I do want to point out that the State of Colorado and the State of Arizona are open for business. I wish I would have brought my satellite picture. Despite all the stories my colleagues have heard about Colo-

rado, if we took a look at what actually has burned in Colorado, we would see it is significantly less than 1 percent. Unfortunately, across the country, because of the media coverage of these horrible fires, these fires have people thinking the whole State is on fire, and we have seen a tremendous drop in our tourism, not only in Colorado but Arizona as well, for no reason at all. The majority, like I said, 99 point some percent of Colorado, is open for tourism, and it is a great place to visit, as is Arizona.

That said, I want to point out that in the season that we are facing, here are a couple of unique things. One, we go to what we call a level 5. Across this country, the national fire emergency system, our alert system goes clear to level 5. Level 5 is the highest and we are now currently in a level 5 situation. It is not unique that we go to a level 5 situation. In fact, we have done it several times in the past, but what is unique is we have never gone to a level 5 system prior to July 28. We actually went to level 5 two weeks ago. So we are almost 6 weeks, almost 6 weeks ahead of what we have ever gone to in this emergency status before.

So my colleagues can understand the importance of getting this exchange program back on track. As I said, it was already in place. We are not creating a new wheel here. It is a wheel that got taken off the track, and we are trying to put it back on the track.

I should point out also that the National Interagency Fire Center, in declaring this readiness number 5, also acknowledges the importance of these management personnel that our countries exchange.

I would ask support from my colleagues, and once again, I want to particularly thank my colleagues that helped us get this through on an expedited basis. Any one of those chairmen of any one of those committees could have slowed this bill down, could have insisted that this bill run the regular course that a bill usually runs, but every one of those chairmen, to the person and to the credit of the chairman and ranking member, understood the urgency and the importance of getting assistance out there on the ground fighting these fires.

We expect a very full fire season ahead of us. We expect, as my colleagues know, and I would point out, unfortunately, we have had fatalities so far. We had a fireman killed in Durango, and to his family we wish Godspeed. We lost five firemen not very far from my house on the highway in a vehicle accident as they were going to the scene of a fire, and Godspeed to their families as well, but we are going to get them assistance.

I would ask all of my colleagues to support this. I expect unanimous support of the bill, and I will be back with discussions on this floor to talk about the necessity of thinning forests, to talk about the litigation and the appeal process that has stopped us from

thinning and managing these forests as we should. Fire must be managed. We just cannot let it go. We have seen the results of what has happened when it gets out of control, and fortunately, we have a couple of countries willing to help us out.

Again, I want to especially thank the ranking member and the chairman.

Mr. Speaker, I rise today in strong support of H.R. 5017, a bill that would amend the Temporary Emergency Wildfire Suppression Act to enhance the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires. At the outset, I want to thank five Members of this body who have been nothing short of essential in getting this bill to the House floor in very short order—Congressman JIM HANSEN, chairman of the Resources Committee, Congressman HENRY HYDE, chairman of the International Relations Committee, Congressman LARRY COMBEST, chairman of the Agriculture Committee, and Congressman JIM SENSENBRENNER, chairman of the Judiciary Committee and JEFF FLAKE. Each of these Members, and their respective staffs, were instrumental in fast tracking this legislation to the full House today, less than 2 weeks after I first introduced it.

In practical terms, H.R. 5017 would clear the way for scores of firefighters from Australia and other countries to immediately join forces with the thousands of brave Americans on the frontlines of our battle against catastrophic wildfire out West and in other parts of the country. And make no mistake about it, Mr. Speaker, we need all the reinforcements we can get.

The 2002 fire season is well on its way to becoming among the largest and most destructive in recorded history. It is on pace to eclipse the catastrophic 2000 fire season when 122,000 fires burned 8.5 million acres, destroying over 800 homes and structures. Already this year, we've burned well over 3 million acres, which by itself is nearly three times the average for an entire year. What's most alarming about this statistic is that, historically, wildfire burns the hottest, largest, and most frequent in the latter parts of July and into August and September. The wildfire forecast for the coming months, Mr. Speaker, is ominous indeed.

In response to this growing crisis on the national forests and public lands, the National Interagency Fire Center recently declared a national preparedness level of 5, the highest readiness threshold for our wildland firefighting agencies. This heightened readiness stage allows the Forest Service and Department of Interior agencies to more readily tap the assets of the military and other agencies not typically oriented to fighting wildfires. The Readiness 5 declaration was Uncle Sam's way of saying it's time to deploy all available resources, and pull out all available stops.

But even as we do, we would be remiss not to tap into the formidable human resources of our friends and allies overseas, many of whom have considerable experience fighting wildfire. Countries like Australia and New Zealand have particular appeal in this regard because their fire season occurs during our winter months, making their firefighters open and available during our fiery summer months.

Congress recognized this years ago with the enactment of the Temporary Emergency Wild-fire Suppression Act, where it authorized the Secretaries of Interior and Agriculture to enter into reciprocal arrangements that, in essence, amount to a foreign firefighter exchange program. These reciprocal agreements allow us to borrow on the expertise of foreign firefighters when a need arises, and vice-versa.

In 2000, this authority was particularly useful. Firefighters from Australia and New Zealand fought shoulder-to-shoulder with American firefighters at a time when we quite frankly needed the help. By all accounts the exchange program was a huge success.

Which brings us to today. While the Wildfire Suppression Act has been a huge help and major success, new exchange agreements have been stalled because of legitimate liability concerns on the part of Australia and other countries with whom we have historically partnered. Our bill would address those concerns in straightforward fashion by eliminating the risk of tort liability to foreign firefighters and their governments while foreign personnel are providing assistance to the United States. It requires that foreign nations extend a reciprocal tort claims benefit to United States firefighters in the event the United States provides similar assistance to them. The proposed legislation would also deem foreign firefighters to be federal employees for the limited purpose of securing them coverage under the Federal Tort Claims Act. Finally, it would make the laws of the host country the only source of remedies available for acts and omissions in firefighting activities in the host country.

Mr. Speaker, I've been told that there are 100 or so Australian firefighters all but on the tarmac ready to fly out to the United States to join our firefighting forces pending the enactment of this legislation. This highly skilled group will provide support in the place that it's needed the most right now—management caliber firefighters directing and overseeing rank-and-file firefighters on the front lines. This bill will ensure that this area of need is met in a meaningful way for the duration of this and future fire seasons.

Mr. Speaker, this is a commonsense bill that is a real priority for Secretary Norton and Secretary Veneman, just as it is for me. I hope and trust that my colleagues will join with me in supporting it.

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

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

The other State that was referenced by the gentleman from Colorado that has been absolutely devastated by wildfires this summer is the State of Arizona, and I thank very much the gentleman from Arizona (Mr. FLAKE) for his contribution to this legislation and his efforts to make sure that firefighting capabilities in the State of Arizona, as well as the rest of the country, are supplemented with foreign firefighters as we need them, and I thank him for that effort.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

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

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

Mr. Speaker, I do come from the State of Arizona where we have had 450,000 acres burn already this year. The entire West, as mentioned by the gentleman from Colorado, is a tinderbox at this point. We are at level 5, the first time we have reached level 5 this early in the year.

Arizona, as mentioned, lost about 600 square miles to fire. We still have a lot of Ponderosa pine forest left. We have the largest stand of Ponderosa pine forest in the country. Many of my colleagues, particularly from the East Coast, were surprised to hear that we had forests in Arizona, let alone that they were burning.

We had a horrible fire that was finally contained after 2 weeks, contained fully on Sunday. That fire is contained, but I can tell my colleagues that this season is not done, and this legislation recognizes the need to have firefighters, particularly in a management capacity, come here and to ensure that we have the forces necessary to put out these fires.

When the lightning seasons hit, we had some lightning just a couple of days ago, five new fires started quickly, had to be suppressed, and we are going to see a lot more of that this year. So it is very important that we pass this legislation.

I thank the gentleman from Colorado for introducing it and for the chairmen, as he mentioned, who moved it so quickly to this point.

We have a situation in Arizona and throughout the West where we have far too much fuel that allows these fires to burn far hotter and spread far faster than they would otherwise. These are things that we need to address as we look to the future, but for now, we need to ensure the firefighters are on the ready. That is what this legislation does.

I urge my colleagues to support it when it comes to the floor.

Mr. Speaker, In August of 2000, 68 firefighters from Australia arrived in Montana to help their American counterparts bring wildfires under control. At that time more than 70 fires were burning in 12 U.S. states that prompted the call for assistance.

After devastating wildfires in 2000, long-term agreements were negotiated with Australia and New Zealand. These agreements have not been implemented, however, due to concerns that the foreign firefighting personnel would face liability for alleged torts committed while their personnel were furnishing assistance to the U.S. Over 450,000 acres of land burned in the widely publicized fire of Arizona.

The National Interagency Fire Center has declared a state of "Preparedness Level 5"—indicating the highest level of risk and the need for the greatest degree of preparedness due to the severity of fire season conditions. For safety purposes, for every twenty firefighters on the front line of a fire there must be one management level firefighter to supervise and ensure the safety of the men in the field. Fourteen days ago when this legislation

was introduced, the Hayman fire was still burning in Colorado and the Rodeo-Chedeski fires were raging in Arizona. Various other fires were also burning; together they were almost expending the resources we have available to fight these blazes.

At that point there was a strong concern that there wouldn't be enough management level personnel to keep all the necessary frontline firefighters fighting the blazes. This legislation prevents that from occurring. The legislation before us makes it possible to ensure sufficient management level firefighters in the event of catastrophic fires by providing protections to firefighters, sending countries and any organization associated with the firefighter from any liability resulting from actions taking place while fighting fires here in the United States.

Also provided within the legislation is a reciprocal agreement providing the same protection to American firefighters who go to other countries to assist in fire suppression or firefighting. With the West experiencing a severe drought and one of the worst fire seasons it has ever seen on record, fire managers are expecting a busy summer.

Remove the constraints that prevent management level firefighters from ensuring we can meet the demands of this season. Support this legislation.

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Mr. STENHOLM. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5017.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5017, the bill just considered.

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

There was no objection.

IMPROPER PAYMENTS INFORMATION ACT OF 2002

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4878) to provide for reduction of improper payments by Federal agencies, as amended.

The Clerk read as follows:

H.R. 4878

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improper Payments Information Act of 2002".

SEC. 2. ESTIMATES OF IMPROPER PAYMENTS AND REPORTS ON ACTIONS TO REDUCE THEM.

(a) **IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.**—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

(b) **ESTIMATION OF IMPROPER PAYMENT.**—With respect to each program and activity identified under subsection (a), the head of the agency concerned shall—

(1) estimate the annual amount of improper payments; and

(2) include that estimate in its annual budget submission.

(c) **REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.**—With respect to any program or activity of an agency with estimated improper payments under subsection (b) that exceed one percent of the total program or activity budget or \$1,000,000 annually (whichever is less), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

(1) a statement of whether the agency has the information systems and other infrastructure it needs in order to reduce improper payments to minimal cost-effective levels;

(2) if the agency does not have such systems and infrastructure, a description of the resources the agency has requested in its budget submission to obtain the necessary information systems and infrastructure; and

(3) a description of the steps the agency has taken to ensure that agency managers (including the agency head) are held accountable for reducing improper payments.

(d) **DEFINITIONS.**—For the purposes of this section:

(1) **AGENCY.**—The term “agency” means an executive agency, as that term is defined in section 102 of title 31, United States Code.

(2) **IMPROPER PAYMENT.**—The term “improper payment”—

(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

(B) includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

(3) **PAYMENT.**—The term “payment” means any payment (including a commitment for future payment, such as a loan guarantee) that is—

(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

(e) **APPLICATION.**—This section—

(1) applies with respect to the administration of programs, and improper payments under programs, in fiscal years after fiscal year 2002; and

(2) requires the inclusion of estimates under subsection (b)(2) only in annual budget submissions for fiscal years after fiscal year 2003.

(f) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—The Director of the Office of Management and Budget shall pre-

scribe guidance to implement the requirements of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) will each control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4878.

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

There was no objection.

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

Mr. Speaker, H.R. 4878, the proposed Improper Payments Information Act of 2002, is intended to get a handle on the vexing problem of improper payments made by Federal agencies. The few agencies that do make estimates for some of their programs report improper payments of about \$20 billion.

Each year, the Federal Government wastes countless billions of taxpayer funds on improper payments. Some of these payments result from fraud or abuse. Many others represent simple mistakes. What all of these improper payments have in common is that they should never have been made.

I refer to countless billions of dollars in improper payments because no one really knows the magnitude of the problem. Incredible as it may seem, Federal agencies are not required on any kind of government-wide or systematic basis to estimate how much money they spend improperly. Therefore, most do not even try. The few agencies that do make estimates for some of their programs report improper payments of about \$20 billion annually, and I will say that again, \$20 billion, not million dollars, billion dollars, every single year in just a handful of Federal programs.

Staggering as that figure is, it represents the tip of a very large iceberg. For example, during fiscal year 2000, the Department of Health and Human Services estimated it made more than \$12 billion in improper payments in its Medicare fee-for-service program, but the figure did not include any improper payments that might have been made in the Medicaid. No one, including the General Accounting Office, has estimated that figure.

The obvious starting point toward reducing improper payments made by the Federal Government is to understand the nature and extent of the problem. The agencies and Congress must find out which programs are at risk and what causes those risks. Only then can we find effective remedies.

The President's Management Agenda for fiscal year 2002 has made the reduction of improper payments a real priority. H.R. 4878 builds upon that very

first step by the Bush administration by requiring Federal agencies to identify the programs that are vulnerable to significant improper payments.

Currently, only eight agencies report on improper payments made in 13 programs out of hundreds of Federal agencies and programs. This bill would require all agencies to include in their budget submissions an estimate of improper payments for each program that might be susceptible to significant improper payments. If an agency estimates that improper payments in a program exceed \$1 million a year, or 1 percent of the total program budget, whichever is lower, the agency would also have to explain what it is doing to reduce them.

Since the 104th Congress, the subcommittees I have chaired have held approximately 100 hearings on wasteful spending within the Federal Government. Time and again witnesses from the General Accounting Office and agency inspectors general have told the subcommittee that poor accounting systems and procedures have contributed to the government's serious and long-term problems involving improper payments. These hearings have clearly demonstrated the need for H.R. 4878.

In fact, at a recent subcommittee hearing, General Accounting Office witnesses stated that this legislation is critically important. Based on these hearings, the subcommittee marked up H.R. 4878 on June 18, 2002.

H.R. 4878 is a bipartisan and common-sense bill. I am pleased that the ranking member of the subcommittee, the gentlewoman from Illinois (Mr. SCHAKOWSKY), and our full committee chairman, the gentleman from Indiana (Mr. BURTON), and the gentlewoman from New York (Mrs. MALONEY) are among those cosponsoring the bill, and I urge all my colleagues to support this important bill.

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

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

I am pleased to be on the floor today with the gentleman from California to support passage of this bill. I thank the chairman for his willingness to work with the Democrats on the committee to produce a bill that we can all support.

As the chairman pointed out, this is a bill to make agencies more keenly aware of the problem of improper payments and to get the agencies to address the problem at the front end. We have learned from our work on debt collection that collecting improper payments is more difficult than avoiding the mistakes in the first place. The problem is that there is no incentive for agencies either to collect debt or to avoid improper payments.

Improper payments occur in a number of ways: Agencies pay invoices more than once, some unscrupulous merchants bill agency credit cards when no purchase has been made, and

the agency does not adequately monitor the bills.

Medicare is a large source of improper payments because of the conflict between the deadline for making payments and the length of time it takes to determine if the patient has private insurance. Medicaid is also a source of improper payments, in part from unscrupulous providers. However, Medicaid has yet to estimate the extent of the problem.

It is also the case that improper payments are made to individuals. These cases often arise because of difficulties in determining eligibility for a program like food stamps or Social Security disability. Often those problems are not the fault of the recipient, but come from errors in administering the program.

These programs serve the weak and downtrodden. The program rules are such that most tax accountants would have a difficult time figuring them out. It is especially important in these cases that we make sure the agency gets it right the first time. If it does not, then months or years later the agency discovers the error and tries to recapture the mispayments from the individual. This is an extreme hardship on those individuals. We must not let agency mistakes become another burden on the poor.

I hope this bill will help those agencies develop a better understanding of how these mistakes come about and correct the mistakes before they happen.

Again, Mr. Speaker, I thank the chairman for working with us to bring this bill to the floor.

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

Mr. HORN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. SULLIVAN), who is a hard-working member of the subcommittee and who we are delighted to have; and before he begins, I wish to thank the gentlewoman for her kind comments and her work on this particular bill.

Mr. SULLIVAN. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for all his hard work in making this bill possible and making the government accountable to the people in America.

This bill is extremely important. When we talk about accountability from the Federal Government, this is exactly the kind of bill that America thinks of. An improper payment, as defined by the bill, includes overpayments, underpayments, duplicate payments, payments to ineligible recipients, payments for ineligible services, and payments for services not received.

Countless billions of dollars of taxpayer funds are wasted each year through improper payments. However, the extent of improper payments in the Federal Government is unknown since Federal agencies are not required by law to estimate or report them.

In 1990 and 1994, Congress passed important pieces of legislation to make

government more transparent to its stockholders, the American people. Twenty-four agencies are required to prepare audited financial statements, and several agencies voluntarily prepare such statements. H.R. 4878 will require executive agencies to identify all spending programs that may be vulnerable to significant improper payments and to annually estimate the amount of improper payments involving those programs.

This is an extremely important topic, given the tightening of the Federal belt of late and the need to keep our country strong during this time of war and economic concern.

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

Mr. Speaker, I just really want to end with this. H.R. 4878 tightens up the Federal Government's accounting practices. This is a good thing. We need to be sure that the way we do business is on the up-and-up, and we clearly need to do more to require corporate America to do the same.

We are asking government agencies to improve the management and accountability of the agencies. We must ask the same of corporate leaders. They must be accountable for the company's financial health, be honest with the public, and there must be consequences for breaching those trusts. For years, we have asked government to act more like a business. We need to turn that around and ask businesses to be as accountable as the government.

H.R. 4878 is based on the principle that making information publicly available will change the way people and agencies behave. This is underscored by the activities of Enron and WorldCom. They knew that if the public was aware of what they were doing, the company would falter, and so they tried to spin their way out of trouble.

I think the steps that we are taking today in terms of government accountability are important, and that we should seek unanimous support from our colleagues, but also we need to think about ways that we can extend these practices and make sure that corporate America abides by these same government rules.

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

□ 1415

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

Mr. Speaker, I would like to thank the staff that worked very hard, night and day, on this particular bill. That is staff director Russell George; deputy staff director Bonnie Heald; senior counsel Henry Wray; and we are proud to have a very fine young lady from the General Accounting Office, Rosa Harris, who is a detailee to our subcommittee, and she has done a great job on all things related to financial management.

I also thank David McMillian, the professional staff member for the gen-

tlewoman from Illinois (Ms. SCHAKOWSKY). We also are delighted with his ideas. This is a bipartisan bill.

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

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

Mr. Speaker, once again I would like to thank the chairman for his willingness and openness and cooperation with the Democrats, and I would also like to take a moment of personal privilege to commend the chairman for always thanking the hard-working staff of both parties for the hard work that they do, both in committee and on the floor. I think it is a wonderful thing to acknowledge that work. I would like to join him and associate myself with his appreciation and congratulations for the hard work of our staff.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4878, as amended.

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

The title of the bill was amended so as to read: "A bill to provide for estimates and reports of improper payments by Federal agencies."

A motion to reconsider was laid on the table.

CONCERNING RISE IN ANTI-SEMITISM IN EUROPE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 393) concerning the rise in anti-Semitism in Europe, as amended.

The Clerk read as follows:

Whereas there can be no justification for violence or intolerance against minorities;

Whereas the 1993 Helsinki Declaration expressed the commitment of its signatories, including all European member states, to the promotion of tolerance toward minorities;

Whereas there has been a significant rise in anti-Semitic verbal incitement and physical attacks on Jewish people and Jewish institutions throughout Europe during the last 18 months with as many as 400 incidents reported in France;

Whereas anti-Semitism is defined as hostility towards Jews;

Whereas certain groups in Europe have exploited the situation in the Middle East as an excuse to carry out violent acts against Jews;

Whereas, although the continued violence in the Middle East is disturbing and must be resolved, exploiting that violence to fuel hostility or violence against Jews and Jewish institutions is reprehensible;

Whereas, according to news reports, the following anti-Semitic attacks are among those which have taken place in Europe in recent weeks—

(1) on March 3, Molotov cocktails were thrown at a synagogue in Antwerp, Belgium,

(2) on March 16, an explosive device was thrown into a Jewish cemetery in Berlin, Germany,

(3) on March 30, two vehicles were smashed at La Duchere synagogue in Lyon, France, and a kosher butcher shop was strafed by gunfire in Toulouse, France,

(4) on April 1, a Jewish school was attacked in Sarcelles, France, a firebomb was thrown at the Anderlecht synagogue in Brussels, Belgium, the Or Aviv synagogue (including its Torah scrolls) in Marseille, France, was destroyed by fire, and two Yeshiva students from New Jersey were brutally beaten in Berlin, Germany,

(5) on April 4, vehicles belonging to a Jewish school were burned in Aubervilliers, France, and a synagogue in Montpellier, France, was firebombed,

(6) on April 6, a Jewish sports association storefront was firebombed in Toulouse, France,

(7) on April 11, in Bondy, France, a Jewish soccer team was attacked with sticks and metal bars after the attackers shouted anti-Semitic remarks,

(8) on April 12, a Jewish cemetery was desecrated in Strasbourg, France,

(9) on April 13, synagogue worshippers were attacked in Kiev, Ukraine, and

(10) on May 1, in the Finsbury Park synagogue in London, England, vandals defaced prayer books and painted swastikas throughout the sanctuary;

Whereas anti-Semitic attacks are not confined to a single European nation;

Whereas President Bush, speaking for the American people, has rejected "the ancient evil of anti-Semitism" making specific reference to anti-Semitism in Europe; and

Whereas Europe, in view of its history, should be particularly sensitive to the scourge of anti-Semitism and anti-Semitic violence; Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the governments of Europe should continue to take necessary steps to provide security and to protect the safety and well-being of their Jewish communities;

(2) the governments of Europe should deplore anti-Semitic expressions and should prosecute and punish perpetrators of anti-Semitic violence; and

(3) the governments of Europe should continue to make a concerted effort to cultivate an atmosphere in which all forms of anti-Semitism are rejected.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 393, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 393, expressing the sense of the House concerning the rise of anti-Semitism in Europe. I thank the gentleman from New York (Mr. CROWLEY) for introducing this important resolution and for the support of the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on Inter-

national Relations, and the ranking member, the gentleman from California (Mr. LANTOS).

H. Res. 393 discusses many reported anti-Semitic crimes over the past 18 months, including 400 incidents reported in France alone. The resolution recites a number of these anti-Semitic crimes that have occurred over the past few years. It calls upon European governments to take necessary steps to ensure the well-being of their Jewish communities and to speak out against anti-Semitic expressions, to prosecute perpetrators of anti-Semitic violence, and to cultivate an atmosphere in which all forms of anti-Semitism will be rejected.

Since the outbreak of Palestinian violence in Israel almost 2 years ago, the European continent has witnessed an upsurge in violent anti-Semitic attacks directed at both Jewish institutions and individuals. It has been unprecedented in magnitude and brutality since World War II.

Anti-Semitic crimes, including the intentional destruction and desecration of synagogues and other Jewish institutions, as well as violent assaults against individual Jews, are not isolated to any particular neighborhood or to any particular city or to any particular country of Europe. Rather, outbreaks of anti-Semitic violence have come to plague the entire continent. Our allies of Europe have not done enough until now either to recognize the seriousness of this problem for its urgency or to take any decisive action against those who fuel hatred and perpetrate criminal acts against Jewish populations.

The results of a recent Anti-Defamation League opinion survey concerning European attitudes toward Jews, toward Israel and the Palestinian-Israeli conflict conducted in Belgium, Denmark, France, Germany, and the United Kingdom reveal that 30 percent of Europeans surveyed harbored traditional anti-Semitic stereotypes and approximately one-third of French and Belgian respondents said they were unconcerned or fairly concerned about ongoing anti-Jewish violence in Europe. Those results are certainly distressing.

Many European governments have been unwilling to recognize the seriousness of this problem until now many months after the outbreak of a violent campaign targeting Jews without impunity.

The decision of some European leaders to treat this phenomenon as if it were nothing more than an occasion of inter-communal strife between Jews and Muslims, rationalized by some as the product of legitimate, pent-up anger and frustration is certainly troubling.

Such thinking is dangerous. It represents an unwillingness to recognize the uniqueness of anti-Semitism as a form of hatred, especially in light of Europe's troubled history in that regard. What the Jews of Europe are wit-

nessing now is not some broader phenomenon so readily characterized as a problem in community relations or racism. Rather, by attempting to characterize the recent anti-Semitic violence in such terms, European leaders are doing nothing more than obfuscating, or even denying the unique problem at hand, and are thereby, in effect, permitting it to continue.

Decisive action against perpetrators of anti-Semitic crimes in Europe must be taken, including the pursuit and prosecution of suspects, as well as the upgrading of security at Jewish institutions. But even more important, the nature of the problem must be recognized for what it truly is. The problem I am talking about is the intentional, deliberate targeting of Jews simply because they are Jews, as well as the desire to use the crisis in Israeli-Palestinian relations as a pretext for terrorizing Jews simply due to their religious affiliation and not due to any actual harm they may have caused to anyone else. A central tenet of H. Res. 393 is that exploiting the violence in the Middle East to fuel hostility or violence against Jews and Jewish institutions is reprehensible.

I applaud today's U.S.-German public meeting in the city of Berlin on the issue of anti-Semitism, and I urge member and observer states of the Organization for Security and Cooperation in Europe to seize this opportunity of the current annual session of their Parliamentary Assembly to hold a special meeting on anti-Semitism.

Accordingly, I urge Members to vote for H. Res. 393, which sends a strong message that the well-being of the Jews of Europe half a century after the Holocaust remains a serious concern of the United States to this very day, and will remain a priority of ours. President Bush has rejected this problem calling it "this ancient evil."

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

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

Mr. Speaker, as the only survivor of the Holocaust ever elected to the Congress of the United States, I want to commend the gentleman from New York (Mr. CROWLEY), a valued member of our committee, for his outstanding resolution and for his untiring efforts in calling attention to the scourge of anti-Semitism in Europe. I also want to thank the distinguished gentleman from Illinois (Mr. HYDE) for expediting the consideration of this resolution and the gentleman from California (Mr. GALLEGLEY), who has been most cooperative in bringing this resolution before us today. But I particularly want to express my personal gratitude to the distinguished chairman emeritus of the Committee on International Relations who during his entire distinguished career in this body has been a powerful champion for human rights and against all forms of discrimination, the gentleman from New York (Mr. GILMAN).

Mr. Speaker, anti-Semitism in Europe has resulted in vicious attacks

against Jews on an almost daily basis. Our resolution highlights some of these incredibly brutal, medieval incidents.

In France, Jewish organizations recorded more than 300 anti-Semitic attacks in the month of April alone: Desecration of Jewish cemeteries, physical and verbal assaults against Jewish children in playgrounds and on soccer fields, fire bombing and vandalizing of Jewish institutions.

In Belgium, the headquarters of the European Union, rabbis and other Jewish community leaders have been repeatedly assaulted, and worshipers have been attacked on their way to and from synagogues.

In England, dozens of threats and physical assaults against Jews have been reported in recent months. Just a short while ago, a suburban London synagogue was vandalized, religious artifacts were defaced, and crude swastikas were painted throughout the building.

In Germany, some 127 anti-Semitic incidents were reported during the first quarter of this year. In Berlin, a Jewish hospital was ransacked and Jews have been beaten.

Mr. Speaker, we cannot instantaneously change the attitudes of many Europeans who for a long period of time have been holding anti-Semitic views. A survey conducted by the Anti-Defamation League last month in Belgium, Denmark, France, Germany and the United Kingdom found that almost one-third of the residents of those countries harbor traditional anti-Semitic stereotypes.

The problem is clear, and the response must be equally clear. Our strong resolution today calls upon the governments of Europe to take all necessary steps to protect the safety and well-being of their Jewish communities and to cultivate an atmosphere of cooperation and reconciliation among their Jewish and non-Jewish residents.

There are positive and concrete steps that the European governments must take. Government officials cannot stop what people think; but they can set an example of tolerance, and they can act quickly and decisively to punish those who perpetrate racially- and religiously-based violence.

□ 1430

Government leaders can and must publicly and quickly condemn anti-Semitic incidents, and they should condemn them for what they are, unadulterated anti-Semitism, not merely spillover from the Middle East, as some would have it labeled. This merely obfuscates the issue.

Government leaders must insist that these incidents of racism and bigotry are quickly and carefully investigated and that their perpetrators are prosecuted to the fullest extent of the law. It is not sufficient or acceptable for government officials to tell Jews to refrain from wearing distinctive religious clothing, as happened in at least one European country. That puts the onus

on the victim and not on the perpetrator.

Mr. Speaker, the distinguished head of the Anti-Defamation League made reference to a recent disturbing survey of anti-Semitism in Europe that was conducted by the Anti-Defamation League.

My good friend, Abe Foxman, National Director of the ADL, wrote an excellent article discussing the survey results and the very disturbing phenomenon of anti-Semitism in Europe entitled "Europe's Anti-Israel Excuse." Abe Foxman provides excellent insight into how the current Israeli-Palestinian conflict has led to the resurrection of widespread open anti-Semitism in Europe. As a Holocaust survivor, Mr. Foxman brings a unique perspective about the dangers of bigotry and prejudice, since he personally experienced the effects of widespread, unchallenged anti-Semitism in the 1940s.

With European governments turning a blind eye to anti-Semitism and dismissing attacks on Jews as merely a reaction to the Israeli-Palestinian conflict, Mr. Foxman correctly observes that the future of Jewish life in Europe is in question.

Mr. Speaker, I will include for the RECORD Mr. Foxman's article in its entirety, and I urge all of my colleagues to give it the serious and thoughtful attention it deserves.

Mr. Speaker, I again commend my good friend and distinguished colleague, the gentleman from New York (Mr. CROWLEY), for bringing this resolution to our attention. I urge all of my colleagues to support it.

Mr. Speaker, I include the Abe Foxman article entitled "Europe's Anti-Israel Excuse" for the RECORD.

EUROPE'S ANTI-ISRAEL EXCUSE

(By Abraham H. Foxman)

Throughout history a constant barometer for judging the level of hate and exclusion vs. the level of freedom and democracy in any society has been anti-Semitism—how a country treats its Jewish citizens. Jews have been persecuted and delegitimized throughout history because of their perceived differences. Any society that can understand and accept Jews is typically more democratic, more open and accepting of "the other." This predictor has held true throughout the ages.

During the Holocaust, Jews and other minorities of Europe were dispatched to the camps and, ultimately, their deaths in an environment rife with anti-Semitism. Nearly 60 years later in a modern, democratic Europe, that presumably had shed itself of the legacy of that era, Jews have again come under attack. During the past year and a half a troubling epidemic of anti-Jewish hatred, not isolated to any one country or community, has produced a climate of intimidation and fear in the Jewish communities of Europe. Never, as a Holocaust survivor, did I believe we would witness another eruption of anti-Semitism of such magnitude, in Europe of all places. But the resiliency of anti-Semitism is unparalleled. It rears its ugly head in far-flung places, like Malaysia and Japan, where there are no Jews.

The Anti-Defamation League has been taking the pulse of anti-Semitism in America for more than 40 years. Never did I expect

that we would have to do the same in Europe, given the history and our expectation that European anti-Semitism, while not eradicated, would be so marginal and so rejected that it would not be a major concern.

What we found in the countries we surveyed—Britain, France, Germany, Belgium and Denmark—was shocking and disturbing. Classical anti-Semitism, coupled with a new form fueled by anti-Israel sentiment, has become a potent and dangerous mix in countries with enormous Muslim and Arab populations.

More than 1 million Jews live in these five nations, and their communities are under siege. Who would have believed that we would see the burning of synagogues and attacks of Jewish students, rabbis, Jewish institutions and Jewish owned-property?

While European leaders have attempted to explain away these attacks as a fleeting response to events in the Middle East and not the barginger of a more insidious and deeply ingrained hatred, the attitudes of average Europeans paint a far different picture. Among the 2,500 people polled in late May and early June as part of our survey, 45 percent admitted to their perception that Jews are more loyal to Israel than their own country, while 30 percent agreed with the statement that Jews have too much power in the business world. Perhaps most telling, 62 percent said they believe the outbreak of anti-Semitic violence in Europe is the result of anti-Israel sentiment, not anti-Jewish feeling. The contrariness of their own attitudes suggests that Europeans are loath to admit that hatred of Jews is making a comeback.

This view may make Europeans more comfortable in the face of what is happening in their countries, by suggesting that this time around, Jews are not the innocent victims but are themselves the victimizers in the Middle East. But the incredibly biased reaction against Israel seen in the poll—despite the fact that Israel under former prime minister Ehud Barak offered the Palestinians an independent state, and despite the fact that Palestinians have carried out a sustained campaign of terrorism against Israeli civilians—speaks to a repressed hostility to Jews that may not be socially acceptable in post-Holocaust Europe. Still, even with such constraints, some 30 percent of Europeans are not averse to expressing their anti-Semitic beliefs openly and directly.

Meanwhile, the Europeans have been tepid in their support for the U.S. war on terrorism and especially the Bush administration's efforts to broker an end to Israeli-Palestinian bloodshed. The Europeans seek to appease Saddam Hussein and other threats to the Western world while blaming Israel, not the Palestinian Authority, for the crisis. All while they minimize the extent of anti-Semitism in Europe and fail to immediately condemn horrific acts of harassment and vandalism. The message to Europe's burgeoning immigrant population is that there is a certain level of acceptance for intolerance.

It is time for Europe to assume responsibility for a situation of its own making. The combination of significant, openly expressed anti-Jewish bias together with irrational anti-Israel opinions creates a climate of great concern for the Jews of Europe. It is not surprising that in such an atmosphere Muslim residents feel free to attack Jewish students and religious institutions not because they are Israelis but because they are Jews. And it is not surprising that some European officials have begun telling Jewish leaders to advise their numbers to avoid public displays of Jewishness, instead of promising to protect their Jewish communities.

European leaders and officials must see what is going on for what it is—outright anti-

Semitism—and condemn the revival of this ancient hatred that had its greatest manifestations on the same continent.

They must acknowledge that the anti-Israel vilification across Western Europe is unacceptable. The recent comparisons of Israelis to Nazis, to Jews as the executors of “massacres” and even as the killers of Christ—these do not fall into the category of legitimate criticism of a sovereign state. They create the very climate that questions the future of Jewish life in Europe.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from New Jersey (Mr. SMITH), who is Chairman of the Helsinki Commission and has recently led a delegation to Europe to discuss this very issue.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me time, and I rise in very strong support of H. Res. 393. I want to commend its sponsor and all of the Members who are taking part in this very important debate.

Mr. Speaker, yesterday, along with the gentleman from Maryland (Mr. CARDIN), who is on the floor and will be speaking momentarily, we returned back from the OSCE, the Organization for Security and Cooperation in Europe, Parliamentary Assembly.

Every year, parliamentarians from the 55 nations that comprise the OSCE meet to discuss issues of importance. This year the focus was on terrorism, but we made sure that a number of other issues, because certainly anti-Semitism is inextricably linked to terrorism, were raised in a very profound way.

Yesterday, two very historic and I think very vital things happened in this debate. I had the privilege of cochairing a historic meeting on anti-Semitism with a counterpart, a member of the German Bundestag, Professor Gert Weisskirchen, who is a member of the Parliament there, also a professor of applied sciences at the University of Heidelberg, and we heard from four very serious, very credible and very profound voices in this battle to wage against anti-Semitism.

We heard from Abraham Foxman, the National Director of the Anti-Defamation League, who gave a very impassioned but also very empirical speech, that is to say he backed it up with statistics, with information about this rising tide of anti-Semitism, not just in Europe, but in the United States and Canada as well.

He pointed out, for example, according to their data, 17 percent of Americans are showing real anti-Semitic beliefs, and the ugliness of it. Sadly, among Latinos and African Americans, it is about 35 percent. He pointed out in Europe, in the aggregate, the anti-Semitism was about 30 percent of the population.

Dr. Shimon Samuels also spoke, who is the Director of the Wiesenthal Center in Paris. He too gave a very impassioned and very documented talk. He

made the point that the slippery slope from hate speech to hate crime is clear. Seventy-two hours after the close of the Durban hate-fest, its virulence struck at the strategic and financial centers of the United States. He pointed out, “If Durban was Mein Kampf, than 9/11 was Kristalnacht, a warning.

“What starts with the Jews is a measure, an alarm signalling impending danger for global stability. The new anti-Semitic alliance is bound up with anti-Americanism under the cover of so-called anti-globalization.”

He also testified and said, “The Holocaust for 30 years acted as a protective Teflon against blatant anti-Semitic expression. That Teflon has eroded, and what was considered distasteful and politically incorrect is becoming simply an opinion. But cocktail chatter at fine English dinners,” he said, “can end as Molotov cocktails against synagogues.

“Political correctness is also eroding for others, as tolerance for multiculturalism gives way to populous voices in France, Italy, Austria, Denmark, Portugal and in the Netherlands. These countries’ Jewish communities can be caught between the rock of radical Islamic violence and the hard place of a revitalized Holocaust-denying extreme right.

“Common cause,” he concluded, “must be sought between the victimized minorities against extremism and fascism.”

I would point out to my colleagues one of those who spoke pointed out, it was Professor Julius Schoeps, that he has found that people do not say “I am anti-Semitic;” they just say “I do not like Jews,” a distinction without a difference, and, unfortunately, it is rearing itself in one ugly attack after another.

I would point out in that Berlin very recently, two New Jersey yeshiva students, after they left synagogue, they left prayer, there was an anti-American, anti-Israeli demonstration going on, and they were asked repeatedly, are you Jews? Are you Jews? And then the fists started coming their way and they were beaten right there in Berlin.

Let me finally say, Mr. Speaker, that yesterday we also passed a supplementary item at our OSCE Parliamentary Assembly. I was proud to be the principal sponsor. The gentleman from Maryland (Mr. CARDIN) offered a couple of strengthening amendments during the course of that debate, and we presented a united force, a U.S. force against anti-Semitism.

I would just point out this resolution now hopefully will act in concert with other expressions to wake up Europe. We cannot sit idly by. If we do not say anything, if we do not speak out, we allow the forces of hate to gain a further foothold. Again, that passed yesterday as well.

Mr. Speaker, I urge Members to become much more aware that this ugliness is rearing its ugly face, not just in the United States, but Canada, in Europe, and we have to put to an end to

it. Hate speech and hate crimes go hand in hand.

Mr. Speaker, I urge support of the resolution.

UNITED STATES HELSINKI COMMISSION—ANTI-SEMITISM IN THE OSCE REGION

The Delegations of Germany and the United States will hold a side event to highlight the alarming escalation of anti-Semitic violence occurring throughout the OSCE region.

All Heads of Delegations have been invited to attend, as well as media and NGOs.

The United States delegation has introduced a supplementary item condemning anti-Semitic violence. The Resolution urges Parliamentary Assembly participants to speak out against anti-Semitism.

12:30 PM—2:00 PM, MONDAY, 8 JULY

The Representation of Lower Saxony in der Ministergaerten 10 10117 Berlin—approximately a 15-minute walk from the Bundestag and across from the Holocaust Memorial construction site.

Co-Hosts

Prof. Gert Weisskirchen, Member of the German Bundestag and Professor of Applied Cultural Sciences, Universität Heidelberg.

Representative Christopher H. Smith, Head of United States Delegation to the OSCE-PA and Co-Chairman of the United States Commission on Security and Cooperation in Europe.

Presenters

Mr. Abraham H. Foxman, National Director, Anti-Defamation League.

Dr. Shimon Samuels, Director for International Liaison Simon Wiesenthal Center—Paris.

Dr. Wolfgang Benz, Director of the Center for anti-Semitic Research at the Technical University of Berlin.

Dr. Julius Schoeps, Professor Modern History, University of Potsdam & Director of the Moses Mendelssohn Center for European-Jewish Studies.

SUPPLEMENTARY ITEM ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION FOR THE 11TH ANNUAL SESSION OF THE OSCE PARLIAMENTARY ASSEMBLY, BERLIN, 6-10 JULY 2002

[Principal sponsor: Mr. Christopher H. Smith, USA]

1. Recalling that the OSCE was the first organization to publicly achieve international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;

2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to “unequivocally condemn” anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE’s “comprehensive approach” to security, calls for “improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms,” and urges participating States to address “acute problems,” such as anti-Semitism;

4. Reaffirming the 1999 Charter for European Security, committing participating States to “counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;”

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;

7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;

8. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks region wide;

9. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;

10. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the deprivations;

11. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

12. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies confirm with relevant OSCE commitments on anti-Semitism; and

13. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international fora.

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

Mr. Speaker, I want to thank the gentleman for his leadership on this issue and for taking the issue to the OSCE. I thank the gentleman very much.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from New York (Mr. CROWLEY), my good friend, our distinguished colleague, and the author of this important resolution.

Mr. CROWLEY. Mr. Speaker, I rise today in support of my resolution, H. Res. 393, which calls on European governments to address the rise of anti-Semitism throughout the continent of Europe. I introduced this bill because I am concerned that Europe is on the verge of another Kristalnacht. Anti-Semitism, accompanied by, in many cases by violence, is at the highest levels since the horrors of World War II. According to the British Daily Telegraph, more than 2,000 anti-Semitic incidents were reported throughout the European Union in the last 10 months, more than 18 every single day.

As I have listened very intently to my good friend from New Jersey who just came back from Europe and talking about the rise of anti-Semitism, not only in Europe, but in the United States and Canada, it is ugly wherever it raises its head.

We must keep in mind, we do not share a similar history when it comes to dealing with the issue of anti-Semi-

tism. We all know what the history of Europe has been.

Among the most recent incidents on March 30, two yeshiva students from New Jersey were brutally beaten on the streets of Berlin in an anti-Semitic attack.

On April 11, 15 hooded attackers assaulted a Jewish teenage soccer team in Bondy, France, with sticks and metal bars while yelling anti-Semitic remarks.

On April 27, a synagogue in a London suburb was desecrated by vandals, who painted swastikas on the walls and destroyed religious articles.

Two synagogues in Belgium were firebombed earlier this year.

Also in Belgium, two Hasidic Jews in Antwerp were attacked ferociously as a chorus of teenage attackers spat on them, chanting "dirty Jew" and praising Hitler. One of the two men had just emerged from the hospital a few days later when his 10-year-old daughter was also attacked by assailants chanting a chorus of anti-Semitic remarks. The girl now walks to and from school with an escort.

Anti-Semitism is clearly on the rise. The French government reported 320 anti-Semitic incidents in 2001, almost one per day. But this year French Jewish organizations reported over 300 incidents in the month of April alone.

Jewish cemeteries have been vandalized, a kosher butcher shop near Toulouse was the target of a drive-by shooting, and the Or Aviv Synagogue in Marseille was burned to the ground by arsonists during the Passover holiday.

Not every European government faces a rash of anti-Semitism. Norway, for example, has experienced few hate crimes directed at Jews, and Prime Minister Bondevik made it clear his government will forcefully prosecute any anti-Semitic attacks.

Other governments have taken only minor steps to address anti-Semitism. France, for example, has increased the police presence at major Jewish sites in the aftermath of several attacks. They just this week established a 24-hour hotline for the Jewish community, and they have also appointed a liaison between the French government and the French Jewish community.

But such steps are few and far between, and, in my opinion, do not go far enough. European governments have done little to punish the perpetrators of such attacks, or, more importantly, they have done little to foster an atmosphere in which Jews and other minority groups can live free from harassment as normal members of their societies.

Indeed, several senior European officials have made their anti-Semitism clear and demonstrated that their bigotry affects government policies. Extremist xenophobes like Haider in Austria and Le Pen in France have made hatred and intolerance the basis of their party's political platforms. Le Pen made it into a runoff race for the

presidency of France. While he did not win, his base of support in France remains strong.

France no longer appears to be guided by the 1789 Declaration of the Rights of Man, the foundation for French democracy, which called for equal rights for all. Daniel Bernard, the French ambassador in London, recently referred to Israel with an obscenity when he attributed all the troubles in the Middle East to Israel. When his remarks were reported in the press, Ambassador Bernard refused to apologize and the foreign ministry refused to censure him.

Bernard's remarks, made at a fashionable dinner party in London, demonstrate that the World Jewish Congress was correct when it asserted that anti-Semitism is no longer considered unacceptable in European polite society. European governments must demonstrate that such attitudes are simply not acceptable.

In the years before World War II, the fabric of European society was torn apart by the official anti-Semitism of Nazi Germany and its puppet governments in France, Austria, Poland and elsewhere.

□ 1445

Now, more than 60 years later, European governments are once again doing little to discourage intolerance and hatred directed at Jews and other minority groups. When their rights are trampled upon, European governments must step up and act in order to protect all citizens. The failure to properly condemn and control these attacks makes the governments of Europe complicit in them.

Before I close, I would like to thank a number of groups for their work in support of this resolution, particularly the Orthodox Union, the National Council of Soviet Jewry, NORPAC, and Harriet Mandel and her colleagues in the Jewish Community Relations Council of New York.

I would also like to thank the ranking member and the chairman of the committee, as well as the chair of the subcommittee, who waived the rules to allow this to come to the floor.

I want to thank the Speaker of the House for bringing this important resolution to us today. But most especially, Mr. Speaker, I would like to thank my fellow colleague from New York (Mr. GILMAN), chairman emeritus of the Committee on International Relations, for all of his hard work throughout the years, especially on issues pertaining to the Middle East and whose Jewish constituents as well as all of the constituents that he represents in New York, and all of New York.

I would say to the gentleman that we are greatly going to miss the gentleman when he retires from the House of Representatives. I know that many people will speak the gentleman's praises in days to come, but I want to tell the gentleman what a great honor

it has been to serve with the gentleman on this floor.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. CROWLEY), not only for his kind words, but for his leadership in bringing this measure to the floor, working out all of the compromises that were needed in order to make this important measure possible. I thank the gentleman for his hard work on this measure.

Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), who has been a staunch supporter of human rights throughout the world and especially in fighting anti-Semitism.

Mrs. MORELLA. Mr. Speaker, I rise in support of H. Res. 393, expressing concern about the rise of anti-Semitism in Europe. I want to thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

I echo and associate myself with the comments of the gentleman from New York (Mr. CROWLEY) with regard to the wonderful service the gentleman from New York (Mr. GILMAN) has provided and the deep commitment he has demonstrated and the deep friendship he has had for us on both sides of the aisle. I want to thank the gentleman from New York (Mr. CROWLEY) for introducing this legislation. I also want to thank the gentleman from California (Mr. LANTOS), as well as the gentleman from New York (Mr. GILMAN) and the others who have helped to bring this very important resolution to the floor today.

As Americans, we value our diversity, and we celebrate our unity. I hope that this resolution will remind European leaders that ignoring the practice of hatred is as if condoning it.

Anti-Semitism is one of the oldest forms of hatred and it is, unfortunately, experiencing a resurgence, crossing boundaries of every type, geographical, national, political, religious and cultural. We see it in the proliferation of anti-Jewish media expressing vicious stereotyping, conspiracy theories, and even denial of the Holocaust. Its messages of hate have influenced Muslim immigrants in France to commit daily anti-Jewish acts and have overpowered the Conference on Racism in Durban with anti-Israel, anti-Zionist, anti-Jewish resolutions and statements.

Not even 60 years have passed since the murder of 6 million Jews in the Holocaust, and once again, we see anti-Semitism coming back strongly in Europe. This time it is fueled by anti-Semitic campaigns being spread throughout the Arab world and spilling over through some immigrants and the new media into France, England, Belgium and other countries.

Daily attacks on Jews and their institutions are taking place in France while the government looks the other way. Leading French media are filled with stories slanted against Israel, further heating up a climate in which

leadership of the Jewish community is virtually alone, fighting anti-Semitic attacks.

European leaders have continually avoided condemning the tactic of suicide bombing in Israel, which lends support to the acts of hatred against Jews in their own nations. Our message to them is clear: Join the United States in working toward an agreement in the Middle East that will lead to peace with security and independence for Israelis and Palestinians.

Mr. GILMAN. Mr. Speaker, I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for her poignant remarks in support of this resolution, and I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), my distinguished colleague.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H. Res. 393, which denounces the rise in anti-Semitism in Europe. This Congress must condemn these and any violent acts that are hurting families and communities, both here and abroad.

According to an annual study by a Tel Aviv university, anti-Semitic acts rose sharply around the world after the September 11 attacks. The study reveals some of the worst anti-Semitic days since the end of World War II. Another recent survey revealed that 30 percent of Europeans harbored traditional anti-Semitic stereotypes. Congress must condemn these acts by passing H. Res. 393.

But, Mr. Speaker, we must also make it a top priority to stop hate in our own country. Anti-Semitism is not limited to Europe. The Anti-Defamation League reported that this year, here in the United States, anti-Jewish incidents have increased 11 percent.

Congress must make it clear that there is no room for personal attacks and bigotry in America. That is why we need to pass H. Res. 393 and the bill of the gentleman from Michigan (Mr. CONYERS), H.R. 1343, The Local Law Enforcement Hate Crimes Prevention Act, to help prosecute and prevent crimes motivated by hate across our own Nation.

The people of the United States must set an example for the world by expressing our differences without resorting to violence against our neighbors. In the United States, freedom of speech is a fundamental right, a right to be used for causes that citizens are passionate over, but not for causes that damage another's right to a different opinion, a different religion, a different lifestyle.

This Congress has the responsibility to combat unnecessary hatred and to lead the charge. Together we can make a statement by passing H. Res. 393, condemning anti-Semitism.

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

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Maryland (Mr. CARDIN),

my good friend and distinguished colleague.

Mr. CARDIN. Mr. Speaker, first, let me thank the gentleman from California (Mr. LANTOS) for his entire career of fighting prejudice and bias wherever it can be found in our communities.

I also want to thank the gentleman from New York (Mr. GILMAN). The gentleman will be deeply missed in this body. We thank him for his leadership on behalf of all of the people of this Nation.

I want to thank the gentleman from New Jersey (Mr. SMITH), my good friend, for his leadership in the Helsinki process. He took this resolution to Europe and we were able to get unanimous support among our fellow parliamentarians to speak out and develop an action plan against anti-Semitism.

I thank the gentleman from New York (Mr. CROWLEY) for bringing this resolution forward; I thank him on behalf of all of us for stating what I would hope would be unanimously supported by this body.

There is no question that anti-Semitic activities are on the increase in every state in Europe. We need to do more than just speak out; we need to develop an action plan, and that is what we were successful in getting in our visit on the OSCE Parliamentary Assembly during this past weekend. We have developed an action plan and will continue to monitor it to make it clear that international events cannot be used to justify anti-Semitic activities; that we need to work with the leadership, not just among parliamentarians, but the leadership in our communities from church groups and from educators. We have to work with children in our schools, and we have to deal with property restitution issues to make sure that people are fairly compensated for property that was wrongfully taken.

In short, Mr. Speaker, we need a total plan to make sure the world understands that we will not tolerate anti-Semitic activities, period, the end.

So I very much applaud the efforts on this resolution. It is important that this body speaks out, but it is also important that we follow it with action in all of the areas that we have mentioned.

Mr. GILMAN. Mr. Speaker, I just want to thank the gentleman from Maryland for his kind words, but most important, for his willingness to go to Berlin, along with the gentleman from New Jersey (Mr. SMITH) and to bring this resolution to their attention. We thank him for his efforts.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), my good friend, an indefatigable fighter for human rights in all of its manifestations.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind remarks, and also

for his many years of leadership on this issue.

Also, I want to salute the gentleman from New York (Mr. GILMAN) for a career that we should all emulate and follow in terms of human rights and for justice around the world.

I want to compliment the gentleman from New York (Mr. CROWLEY) for bringing this resolution to the floor, denouncing anti-Semitism wherever it is found in Europe or this country.

I certainly want to acknowledge, as others have, the great leadership of the gentleman from New Jersey (Mr. SMITH), who led our delegation this past weekend to the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

I want to share a little with my colleagues the work led by the gentleman from New Jersey (Mr. SMITH) and joined by all of the American delegates. We were proud to do so, in bringing this challenge of anti-Semitism and the need to denounce anti-Semitism to the OSCE and, hopefully, to all of the governments of Europe. We made an historic effort, through the leadership of the gentleman from New Jersey (Mr. SMITH) leading the American delegation and the leadership of Dr. Gert Weisskirchen, a German parliamentarian and the leader of his delegation, in a joint delegation assembly to talk about the evils of anti-Semitism, to bring forward four experts to talk to all of us about the need to speak out and denounce anti-Semitism. This was the first time that the American delegation and the German delegation had ever met in a separate event, invited the press in, invited experts in to talk to us.

I wish, I say to the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maryland (Mr. CARDIN), I wish all of our colleagues could have heard what we heard from Abraham Foxman, the executive director of the Anti-Defamation League, in which he talked about the need to speak out to denounce anti-Semitism. He talked about the events in Germany recently, where after a number of events aimed against Jews, just for being Jews, the official advice to the Jewish community in Germany is to stop wearing visible signs of their faith.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The time of the gentleman from California (Mr. LANTOS) has expired.

Mr. GILMAN. Mr. Speaker, I am pleased to yield an additional 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL.)

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) very kindly.

I simply want to say, what kind of advice is that? How can anybody say, "avoid wearing visible signs of your faith," as if that is the way to deal with the hatred that is being directed against Jews in Germany and across Europe? The way to deal with it, as Mr. Foxman pointed out, is to speak out, to

speak out loudly, to denounce it, to make sure that everybody knows how unacceptable that hatred and intolerance is.

We will win this victory if we step forward, and if people around the world step forward and say that anti-Semitism is un-American, that it is un-German, that it is un-French, that it is un-Ukrainian, that it is against the basic principles of a civilized people wherever it happens around the world.

Mr. Speaker, that is the fight we are joining. That is what the gentleman from New York (Mr. GILMAN) has done for 20-some years, and that is what the whole career of the gentleman from California (Mr. LANTOS) has been about. That is what my friend, the gentleman from New York (Mr. CROWLEY) is fighting for today, and I am honored to join my colleagues in that fight.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that each side be granted an additional 3 minutes.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 additional minutes to the gentleman from California (Mr. LANTOS).

The SPEAKER pro tempore. Without objection, the gentleman from California will control 3 additional minutes.

There was no objection.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New York.

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

It is literally unthinkable that just 50 years after the Holocaust this body should be compelled to take up this issue. It speaks very poorly of the educational process that has unfolded in Europe in the last two generations, that this most ancient hatred, based on prejudice and ignorance, should again be sweeping the continent.

□ 1500

Several strains provide a confluence as to why they are up against this problem today. The first and perhaps most important one is the old church-based anti-Semitism. Churches have been guilty for centuries of fomenting anti-Semitism; and while some voices have spoken for acceptance and tolerance, important segments of the churches have contributed to the continuation of this sickening spectacle of religious hate.

We also see the upsurge of skinhead and neo-Nazi movements of direct followers of what was the dominant theme in Germany in the 1930's and early 40's. The skinhead and neo-Nazi component of this new wave of anti-Semitism must be fought by all European governments.

We have a new element. The extremist Islamic and Arab populations of Europe are contributing powerfully to anti-Semitism, and it is incumbent upon the governments of Europe to fight these forces.

Finally, the perpetually misguided European left must recognize that its values and priorities are all upside

down. They view the small State of Israel, a victim of a wave of suicide bombers and terrorist activities, as the aggressive Goliath. The time is long overdue for the misguided European left to wake up and recognize the realities of the Middle East situation.

These are the four strains: church-based anti-Semitism; neo-Nazi skinhead anti-Semitism; the anti-Semitism emanating from the Muslim and Arab population in Europe; and, finally, the misguided European left which mistakes the victim for the aggressor. This is a gigantic task that all men and women in Europe of goodwill and decency must unite to defeat.

I urge all of my colleagues to vote for this resolution as an expression of the conscience of this body and the American people.

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

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

I want to thank my colleagues, especially the gentleman from New York (Mr. CROWLEY), the sponsor of this important measure, and for his participation in the debate, as well as the gentleman from California (Mr. LANTOS), ranking member of our committee, for his eloquent remarks. And I hope that the European governments to whom this resolution is addressed will review the content of our debate today and draw the appropriate conclusions and, more importantly, take the required actions to stop the flow of anti-Semitism throughout Europe.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H. Res. 393.

For months, vicious attacks against Jews across Europe have continued almost on a daily basis. It has been an issue of such great concern to me that last month I sent a letter signed by 140 of my colleagues urging EU Secretary-General Javier Solana to take action against this dangerous trend.

In France, Jewish organizations recorded more than 300 anti-Semitic attacks in the month of April alone. Jewish cemeteries have been desecrated, Jewish children have been verbally and physically assaulted on playgrounds and soccer fields, and Jewish institutions have been firebombed and vandalized. In February, yellow stars of David were painted on Jewish shop windows in Paris. In March, there was a drive-by shooting of a kosher butcher shop near Toulouse. And, in the middle of Passover, the Or Aviv Synagogue in Marseilles was burned to the ground.

In Belgium, the seat of the European Union, Rabbis and community leaders have been assaulted, as have synagogue worshipers, on their way to and from services.

In England, dozens of threats and physical assaults on Jews have been reported in recent months, and in April, a vicious attack on a suburban London synagogue left windows smashed, religious artifacts defaced, and crude swastikas painted everywhere.

The situation has only been made worse by the failure of these countries to forcefully condemn these hate crimes and vigorously prosecute their perpetrators.

European leaders, including EU representatives, have dismissed the severity of the problem, blaming the Middle East conflict and Muslim demographics instead of the Arab and European media outlets that have fed their fervor by demonizing Jews and justifying suicide murders by Palestinian terrorists.

The European Convention for the Protection of Human Rights and Fundamental Freedoms espouses the basic rights of all Europeans to liberty, security, freedom of religion, and freedom from discrimination. Yet, no EU institution has made any effort to uphold these rights for Jewish minorities.

It is time for the European nations to take a bold unified stance condemning the re-emergence of anti-Semitism in Europe.

It is time for the United Nations to take action and reverse the virulent wave of anti-Semitic attacks unleashed last year at the U.N. Conference on Racism, where delegates sought to equate Zionism and racism and insisted that the Holocaust be written with a lower case "h" to lessen the magnitude of the tragedy.

Hasn't the horror of World War II taught us the danger of anti-Semitism, which seeks to dehumanize Jews and make them legitimate targets for violence? Hasn't the abomination of suicide murder shown us what happens when hatred devalues human life to create targets for terrorism?

The United States and all civilized nations just not be silent in the face of these threats. We must lead the fight to condemn anti-Semitism in Europe, the former Soviet Union, and everywhere it emerges.

I urge all of my colleagues to support H. Res. 393.

Mr. FERGUSON. Mr. Speaker, I am proud to join over 70 of my House colleagues in co-sponsoring H. Res. 393, a resolution condemning the rise of anti-Semitism in Europe. The disturbing trend of hatred, intolerance and cruelty on the continent of Europe demands our immediate attention and action.

We are all aware of the horrors faced by Jewish people in Europe a little more than a half century ago. For this reason, we must keep Europe's troubled history in mind and scrutinize the numerous anti-Semitic attacks on Jews in Europe over the last 18 months before these sentiments are allowed to escalate to more disturbing levels. It is wise not to ignore history for fear of being doomed to repeat it.

Of the many despicable attacks that have occurred over the past 18 months, I would like to single out the brutal beating in Berlin, Germany of two Yeshiva students from my home state of New Jersey. These students traveled to Germany in the youthful pursuit of an education and the desire to exchange ideas with another culture. They did not envision being singled out for their religion and brutally beaten by bigoted thugs. We must not ignore this event and the many that have signaled a rise in anti-Semitism across the European continent.

We are at the birth of a new and uncertain century. Unfortunately, we have already seen a rise in narrow-minded hatred, evidenced by the horrific terror attacks on our Nation on September 11th. As a freethinking and compassionate people, we must insist that our allies follow the American ideals of tolerance and understanding. At the very least, we must speak out to protect the basic human rights of

people who face persecution based on their religion. Therefore, I urge our European allies to draw their attention to the rise in anti-Semitism on their continent and take whatever steps necessary to curb this disturbing trend.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H. Res. 393, and would like first of all to thank my colleague from New York, Mr. CROWLEY for his initiative in bringing this important resolution to the attention of the House. I also want to thank Chairman HYDE and Ranking Member LANTOS for their support of Mr. CROWLEY's resolution.

Mr. Speaker, every year the House considers a great number of resolutions on a vast array of topics. I'd like to suggest that the resolution under consideration right now is the perfect example of what a House resolution ought to be.

H. Res. 393 is concise, timely, and most of all, important. The topic under debate today is the resurgence of a form of hatefulness that we all hoped would never again emerge in Europe. Anti-Semitism has a long and unfortunate history in Europe and its re-emergence in the past few months should serve not only as a warning that hatred and bigotry are always lurking in the margins of society, but also as a call to arms.

Mr. Speaker, on September 11, 2001, our Nation and my city of New York especially, were attacked by the forces of ignorance and intolerance, the forces of hatred and exclusion, the forces of irrationality and brutality. The spirit which animated the men who attacked our Nation is the same as that which motivates the anti-Semitism of the past, the present and, we may expect, of the future as well.

Pathological intolerance is nothing new, but it has, unfortunately, through technology, acquired new tools capable of wreaking massive violence and havoc. In the 1940s, the resources of an entire nation were put to the task of annihilating Europe's Jews. Today, unfortunately we see their spiritual descendants using different tools: car bombs, gas cylinders, light boats and even airplanes. But the mission of hate is the same and the results just as ghastly.

Today, Europe is again facing a tide of hatred against Jews. Again we see Europe's synagogues being defiled, burned and vandalized, again we see Europe's Jews being attacked in the streets, and most disconcerting of all, again we see Europe's governments telling us not to worry, that everything will be all right, that this is a passing phase, that this is the work of a disaffected few.

Mr. Speaker, I don't buy that. And more importantly, today, in passing this vital resolution, the entire Congress is refusing to accept Europe's invitation to acquiescence and passivity.

Historically in Europe, Mr. Speaker, Jews have been the proverbial "canary in the coal mine," the group whose welfare, acceptance and safety can be seen as a gauge for the security of all religious and ethnic minorities. And today, Europe's Jews are again in jeopardy. How we confront this awful reality is the test of the pledge our Nation made upon discovery of Hitler's extermination camps in 1945: Never again.

Today, with the adoption of this critical resolution demanding that European nations live up to their responsibilities for the protection of all their citizens, I am proud to say we are living up to that great historical commitment.

Again, I want to commend Mr. CROWLEY for authoring this resolution, and strongly urge its passage by the House.

Ms. MALONEY of New York. Mr. Speaker, I rise in strong support of this resolution.

The statue of Alfred Dreyfus that stands in Paris had the words "dirty Jew" painted on it earlier this year.

Dreyfus was a Jewish Captain in the French army before he was sent to jail on trumped-up charges and fabricated evidence. He served eleven years and survived several attempted cover-ups by the French military before his innocence was universally recognized. He was finally released in 1906.

To many people, including the father of Modern Zionism Theodore Herzl, Dreyfus is the symbol of the persecuted Jew and anti-Semitism.

For all those who remember history, the fact that this statue was the target of anti-Semitism in today's France is horribly disturbing. Unfortunately, France is not alone. Belgium, Britain, Italy, Germany, Slovakia, Ukraine, and Greece have all experienced anti-Semitic incidents since the upswing in anti-Semitism began.

In Germany, police have warned Jews that wearing yarmulkas, the traditional Jewish head coverings, could cause them to be targets of attacks.

Last April, the Simon Wiesenthal Center released its first ever travel advisory, urging Jews to exercise caution when traveling to France or Belgium.

It has been only sixty years since the defeat of Hitler and now swastikas have reappeared in Europe. They can be found sprayed on Jewish schools, drawn on gravestones in a desecrated Jewish cemetery, painted on the wall of a synagogue, stitched on the flags of anti-Israel demonstrators, and in the hearts and minds of the people who attack rabbinical students and Jewish athletes.

The governments of Europe must protect their citizens. They must work actively to stop the increase in anti-Semitic incidents, and denounce anti-Semitic remarks thinly veiled as anti-Israel. Only then can progress be made toward the true goal: an atmosphere of cooperation and reconciliation among the Jewish and non-Jewish citizens of Europe.

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

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 393, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

MOTION TO INSTRUCT CONFEREES
ON H.R. 3295, HELP AMERICA
VOTE ACT OF 2001

Mr. LANGEVIN. Mr. Speaker, I offer a motion to instruct conferees on H.R. 3295.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LANGEVIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to recede from disagreement with the provisions contained in subparagraphs (A) and (B) of section 101(a)(3) of the Senate amendment to the House bill (relating to the accessibility of voting systems for individuals with disabilities).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Ohio (Mr. NEY) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. Speaker, today I offer this motion to instruct on H.R. 3295, the Help America Vote Act of 2001, in order to raise awareness of a significant shortcoming in our Nation's elections: the disenfranchisement of disabled voters due to inaccessible voting equipment.

I wish to first dedicate this motion to the memory of my good friend, Justin Dart, Jr., one of the strongest voices for the disabled community, who died June 22 at the age of 71. Justin, often called the Father of the Americans with Disabilities Act, leaves a great legacy of activism and inspires us all with his vision of an America in which every person can reach his or her full potential and actively contribute to society. Millions of people's lives have been improved by his good deeds, and it is in his honor that I offer this motion today.

I first want to thank my good friend, the gentleman from Ohio (Mr. NEY), for his inclusive and bipartisan efforts to improve our Nation's elections, and for being so receptive to the needs of disabled voters. We owe him a debt of gratitude.

I also owe a great deal of gratitude to the gentleman from Maryland (Mr. HOYER) and the gentleman from Michigan (Mr. CONYERS) for their support of this motion and for their lifelong commitment to civil rights. We would not be where we are today without them.

Finally, I thank my friend and colleague, the gentleman from Minnesota (Mr. RAMSTAD), for his advocacy of the rights of the disabled and for joining us today in this effort to ensure that people with disabilities have full access to voting.

Mr. Speaker, the low voting participation rate among the disabled is a pervasive and well-documented problem. Yet the Nation has made little progress in addressing its causes. The inaccessibility of polling places and election equipment is one of the major

factors in this unfortunate phenomenon. Shockingly, the General Accounting Office found that 84 percent of our Nation's polling places were inaccessible to the physically disabled in 2000. Blind voters often cannot cast a vote without assistance, the visually impaired may not be able to decipher small print or confusing ballots, and people in wheelchairs may have difficulty maneuvering in older voting booths.

Just as a personal story to lend passion to this argument, it was only just a few short years ago that I myself never knew the privilege of voting independently, in privacy, in a voting booth. Rhode Island had the oldest voting machines in the country, lever machines, in which I would have to go in and could not possibly reach the levers myself; I would always have to take someone in. Though I was grateful for the assistance, it certainly deprived me of the right to a secret and independent vote. Many others know the same story.

As a result of these problems, only 41 percent of people with disabilities voted in November of 2000, in the November of 2000 elections, far below the national average. With nearly one in five Americans having some level of disability, and approximately 35 million Americans over the age of 65, we must act now to ensure that our voting system is accessible to all Americans.

Improving access to voting has been an overarching goal of my work in public service. As Secretary of State of Rhode Island, I was the chief architect of a plan to upgrade the State's voting system and equipment. The replacement of outdated lever machines with electronic equipment and Braille and tactile ballots helped increase voter turnout and significantly reduced chances of error.

The entire upgrade was statewide and cost effective, and Rhode Island is now widely recognized as having one of the most modern and accessible voting systems in the United States.

In Congress, I have continued to emphasize the importance of voting access. In March 2001, I joined former Secretaries of State in Congress in hosting a voting technology demonstration in which we highlighted accessible election equipment. Not only did this event illustrate the many types of affordable and accessible equipment, it also offered several people with disabilities the opportunity to use a voting machine for the very first time in their lives. The technology exists to address the disenfranchisement of disabled voters, and Congress must encourage its use.

For this reason, I am pleased to offer this motion to instruct in support of the Senate's accessible voting equipment provisions. The Senate's version of H.R. 3295 requires voting systems used in Federal elections to be accessible for individuals with disabilities, including the blind and visually impaired, in a manner that provides privacy and independence.

The Senate's language also requires that each polling place have at least one voting system equipped for individuals with disabilities. Guaranteeing voting equipment in all polling places is one of the disability community's top priorities in election reform, and I am pleased to announce that this motion to instruct has been endorsed by 26 disability advocacy groups.

One major component of election reform must be to provide the greatest possible access to voting for all eligible citizens, and the Senate's accessibility language is a major step toward this noble goal.

I urge my colleagues to support this motion to instruct so that all Americans can exercise their fundamental right to participate in our democracy by guaranteeing them the right to vote.

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

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

Mr. Speaker, I just wanted to say today that I agree with the gentleman from Rhode Island (Mr. LANGEVIN) that we need to take steps to improve access for the disabled to our Nation's election systems. The gentleman from Maryland (Mr. HOYER), our ranking member and a partner on this bill, and I worked closely with our colleague, the gentleman from Rhode Island, during the drafting of this bill, the Help America Vote Act.

I am grateful for his input and support during that process, so I want to thank the gentleman from Rhode Island (Mr. LANGEVIN) for all his hard work and efforts on this piece of legislation before us.

The bill we passed in the House by an overwhelming margin last December included a number of provisions to improve access for persons who have a form of disability and authorize funds to help make those improvements happen. I was pleased to receive the endorsement of the National Federation of the Blind for our bill, the bill that the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Maryland (Mr. HOYER) and many other Members on both sides of the aisle, the gentleman from Missouri (Mr. BLUNT) and others, supported; and we had that endorsement for the bill, and we were very, very appreciative of that.

Just yesterday I was honored to address the National Federation of the Blind's convention in Louisville on precisely this topic. There is no question that no matter what the form of disability, in this case it was a convention of the National Federation of the Blind, people have a right to vote in secrecy and in privacy. In this case, secrecy is not a bad word; secrecy is something people have a right to do with their ballots, and should have the right to do.

As the work on this bill continues in the conference committee, Mr. Speaker, I am confident we are going to produce a final product. It will be a

final product that makes great strides in improving access to the voting process for the citizens in this country.

While I will support the gentleman's motion, and I do fully support it, and I appreciate the gentleman's work on other places to vote. In my district, for example, we have very few taxis or public bus systems. So looking at the rural area, still protecting people's rights is going to be something I know that we can talk definitely about.

Again, let me make it clear that I expect when this conference is completed, and I expect this conference to be completed hopefully very soon, the changes that will ensue will improve access for the disabled community and ensure, I will use the word "ensure," that blind voters are able to vote privately and independently.

One other point I want to add about the technology, too. I know there are certain companies that have actually publicly stated that they can equip every machine, and I hope that as this bill progresses and people are buying machines across this country to update and put integrity into the voting process, that the machines are equipped; the hope is the technology comes through and that en masse machines are equipped.

I look forward to working with the gentleman from Rhode Island (Mr. LANGEVIN) and my friend from Maryland (Mr. HOYER), who I mentioned earlier, to secure the adequate funding but also to enact a conference report that absolutely improves access for the disabled community across the United States.

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

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

Mr. Speaker, again, I thank the chairman for his help and support on this issue. We would not be here on the election reform without his diligent leadership, and I thank the gentleman.

Earlier in my statement, Mr. Speaker, I acknowledged and expressed my gratitude to the gentleman from Maryland (Mr. HOYER), my distinguished colleague, who is, as many know, the author of the Americans with Disabilities Act and who has been a great champion of people with disabilities and their rights.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Rhode Island (Mr. LANGEVIN), and I thank him for his leadership on this issue and so many others. He has been extraordinarily helpful in getting the election reform legislation to the place it is now. I think this motion he now makes, and it is supported by both the gentleman from Ohio (Mr. NEY) and myself, is an important one; and I want to thank him for that.

□ 1515

Second, in keeping with the requirements of the Americans with Disabilities Act, I think we should be requiring States to make also reasonable accommodations. One thing we need to talk about down the road here too in the next couple of weeks are certain rural areas where we want to make sure that if provisions are adopted that we in fact do not shut people out of voting. Because sometimes the rural areas, and we have used this in the Committee on Energy and Commerce

many times as we have talked, in rural areas there are places where people vote, for example, and if you try to move them to another area you would have to involve buses to take people to other places to vote. In my district, for example, we have very few taxis or public bus systems. So looking at the rural area, still protecting people's rights is going to be something I know that we can talk definitely about.

Again, let me make it clear that I expect when this conference is completed, and I expect this conference to be completed hopefully very soon, the changes that will ensue will improve access for the disabled community and ensure, I will use the word "ensure," that blind voters are able to vote privately and independently.

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

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

Mr. Speaker, again, I thank the chairman for his help and support on this issue. We would not be here on the election reform without his diligent leadership, and I thank the gentleman.

Earlier in my statement, Mr. Speaker, I acknowledged and expressed my gratitude to the gentleman from Maryland (Mr. HOYER), my distinguished colleague, who is, as many know, the author of the Americans with Disabilities Act and who has been a great champion of people with disabilities and their rights.

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Mr. HOYER. Mr. Speaker, I thank the gentleman from Rhode Island (Mr. LANGEVIN), and I thank him for his leadership on this issue and so many others. He has been extraordinarily helpful in getting the election reform legislation to the place it is now. I think this motion he now makes, and it is supported by both the gentleman from Ohio (Mr. NEY) and myself, is an important one; and I want to thank him for that.

Mr. Speaker, in the 20 months since our last national election, the American people have seen the very best and very worst that democracy has to offer.

The disenfranchisement of millions of Americans who fell prey to unreliable, outdated voting machines as well as the wide bipartisan support in the Congress for the Federal election reform will hopefully change that.

Members on both sides of the aisle have spoken eloquently and sincerely about safeguarding our most cherished democratic right: the right to vote and to have one's vote counted.

Yet our work is not done, for who among us would accept election reform that fails to ensure the privacy and independence of millions of eligible voters at the ballot box? None of us, I would argue, because the right to exercise the franchise under conditions that afford privacy and independence is intimately American and bound up in what it means to be a free and equal citizen in a democratic society. Yet in thousands of polling places across the country, voters who are physically, visually, or mentally challenged enjoy less privacy and independence when they exercise their sacred right to vote than do other voters.

That is why I urge all Members to support this important motion to instruct offered by our colleague, the gentleman from Rhode Island (Mr. LANGEVIN). It is fair and it makes sense. It recognizes, as most of us do, that the election reform conference report should combine the best of the House-passed Help America Vote Act with the Senate-passed bill. To that end, the gentleman from Rhode Island's motion instructs the House conferees to agree to section 101(A)(3) of the Senate amendment to the House bill.

This section states that by January 2007 voting systems shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Make no mistake about it, I am proud of the Help America Vote Act. I am proud of the work that the gentleman from Ohio (Mr. NEY) and I and so many others, including the gentleman from Rhode Island (Mr. LANGEVIN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and others, helped us achieve. But we have not finished the job yet, Mr. Speaker; and we need to do that.

We need to pass this motion and then hopefully the conference will become even more energized than it has been. We are late, not too late, but we are late in passing a conference report that incorporates, as I said, the best of the House bill and the best of the Senate bill. We need to pass election reform. We need to pass it in the next 3 weeks if at all possible. We need to tell the States the resources they will have available to make their machines not only accessible but accurate as they count every American's vote.

Mr. Speaker, I urge all of my colleagues to support this very, very important motion to instruct.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

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

Mr. Speaker, I just rise in very strong support of the motion offered by our colleague from Rhode Island, who is one of four co-chairs with me on the Disabilities Caucus. And it is so important that we do instruct the conferees to accept the Senate version, which would require that we have one voting machine in every polling place, at least, that is accessible to people with disabilities.

As a matter of fact, on July 26 of this year, we will celebrate the 12th anniversary of the Americans with Disabilities Act. I was one of the co-sponsors of that act, as were many of Members who are here serving in this 107th Congress. Certainly, the concept of Americans with Disabilities is one where we would allow them indeed the most precious privilege that we have as Americans, the right to vote and to make it accessible. So I thank the gentleman from Rhode Island (Mr. LANGEVIN).

I know this body will assuredly unanimously support this motion to instruct the conferees on this election reform bill.

Mr. Speaker, I want to thank the gentleman from Ohio (Mr. NEY) for the leadership he has shown in bringing us together in terms of true election reforms and the ranking member of his committee, too.

Mr. LANGEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank the leadership of this committee, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). I know how diligent they have been in working on this, and most especially to the gentleman from Rhode Island (Mr. LANGEVIN) for offering the motion to instruct the conferees.

Mr. Speaker, whether the policy issue is prescription drug coverage, education, or any other matters within the jurisdiction of the Congress, the most fundamental issue facing all of us is restoring the public's faith in democracy. Congress must make electoral reform a top priority, and we hope to see the conclusion of this bill in conference soon.

Constitutionally mandated equal protection of the laws and the Voting Rights Act require an electoral system in which all Americans are able to register as voters, remain on the rolls once registered, and vote free from harassment. Ballots must not be misleading, and every vote must count and be counted.

In the 2000 election, Florida was not the only State where American citizens

were denied the full exercise of their fundamental rights and their constitutional franchise. It happened across this Nation. Moreover, most of those excluded from democracy were Americans of color. As such, election reform is the number one legislative priority for the Congressional Black Caucus, and I sincerely hope that it is a top priority for every Member of the 107th Congress. We cannot be silenced until Congress answers the call for electoral reform. This is not a black, white or brown issue. It is an American issue. It is a red, white and blue issue.

It should be of great concern to each of us that if any one of us is improperly denied access to the ballot box or if every ballot cast is not counted, the survival of our democracy depends on the accuracy and integrity of our election system. It is important that conferees make an effective date for election reform in time for the next Presidential election in 2004. Actually, it should have been in time for our congressional elections; but we will go forward, unfortunately with the same system that caused us as much headache as it did in November 2000.

For the second instruction, it is important that the government has the ability as soon as it is feasible to legally check to see if States are, in fact, making the necessary changes that the final election reform bill stimulates. I hope each of my colleagues will do his and her part by voting in favor of this sensible motion to instruct.

Mr. LANGEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the motion to instruct conferees on the election reform bill, H.R. 3295, which has been submitted by my colleague from Rhode Island (Mr. LANGEVIN). The motion asks the conferees to agree to the Senate provisions relating to the accessibility of voting systems for individuals with disabilities.

It is essential that at least one voting machine in each polling place be accessible to people with disabilities. This can be done in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

The language referred to in the gentleman from Rhode Island's motion has been endorsed by a coalition of 17 national organizations representing people with disabilities; and I believe this is the best approach for increasing the participation of all citizens in the electoral process, especially at a time when voter participation has been decreasing.

With the electronic voting technology that exists today, it is possible to enable many individuals with disabilities to record their votes directly and in privacy. This is a fundamental right that all Americans should have. The cost to do this is minimal, and I

urge conferees to adopt the language as outlined in the gentleman from Rhode Island's motion.

I also commend the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for their leadership on this issue and commend the gentleman from Rhode Island (Mr. LANGEVIN) for this amendment.

Mr. LANGEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

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

Mr. Speaker, I rise in support of this motion to instruct conferees on election reform offered by the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. Speaker, this motion to instruct does a very simple, but important, thing. It asks conferees to adopt the language in the Senate bill with respect to voting equipment with persons with disabilities. The Senate language says that there must be at least one accessible voting machine in each polling place, a voting machine that would allow voters with disabilities to vote privately and independently just like everybody else.

Let me share with you the manner in which most blind voters currently cast their ballots at an election. First, they have to bring someone along with them to help them cast their ballot, or they can have a poll worker assist them. Then they have to let the other person read the ballot to them out loud. This is usually done in a voting booth that is adjacent to other voting booths; and in order to vote, the voter with the disability has to announce his or her choice to the person helping him. All of this is likely to be within listening range of other voters at the polling place. Persons with other disabilities also suffer a compromise of their right to cast a secret ballot.

I cannot imagine that this is a manner in which most Americans would be comfortable in voting. Most of us value our privacy and independence in a voting place.

□ 1530

Many of us choose not to reveal our voting choices to others. We view it as our right to keep our choices private, but many voters with disabilities do not currently have this option. Their ballot choices are shared with at least one other person and often more.

This harsh reality was revealed in a recent GAO report. During the 2000 presidential election, the GAO surveyed hundreds of polling places throughout the country to measure access for voters with disabilities. The GAO found that none, not one, of the hundreds of polling places surveyed allowed voters with disabilities to vote privately and independently. Every polling place required voters with disabilities to vote in the somewhat public manner I referred to.

This motion to instruct seeks to remedy this problem by requiring that one voting machine per polling place incorporate assistive technology that allows

any voter, including voters with disabilities, to vote privately and independently. Potentially, it could impact millions of voters with disabilities, by allowing them full and equal access to the voting process, and that is the least that they deserve, for that is what most of us expect for ourselves and our constituents when we go to the polling place. It is also likely that for these accessible voting machines to be there, the cost will be borne at least in part by the Federal Government.

I commend the gentleman from Rhode Island for his leadership on this issue. I urge my colleagues to support the motion to instruct.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me first thank the gentleman from Rhode Island (Mr. LANGEVIN) for this excellent legislative initiative, and I want to also thank the gentleman from Ohio (Mr. NEY), the chairman of the committee, because this is vitally important to our Nation, to our democracy, to the comfort our voters feel when they leave the polls, that the vote is counted, but in this particular instance, we need to ensure that every American is allowed and able to vote. It is not as easy said as done.

We have barriers and we do have roadblocks for people to achieve a normal living in this country. This will go a long way to ensure that those who are disabled are able to make it to the voting polls and cast their ballot for the candidates that they feel are most appropriate for this Nation.

We in Florida, of course, had an interesting election. The gentleman from Ohio's bill speaks to all of the concerns that many Floridians had during that contentious debate. I do want to commend him and the gentleman from Maryland (Mr. HOYER) for working so cooperatively on an issue that for a while divided the Nation, but hopefully when this final product makes it to the President's desk, it will unite us as Americans, knowing that when we do, in fact, cast those ballots, those critical ballots, whether it is for city commissioner, county commissioner or President of the United States, they are done accurately, they are done effectively, and they are done without any degree of uncertainty.

The gentleman from Rhode Island (Mr. LANGEVIN) has been the leader on this and a number of other issues, and I commend him and encourage and urge my colleagues to be fully supportive of this motion to instruct. It will not only improve the bill substantially but will improve the lives of millions of Americans who up until now may have found themselves disenfranchised by polling places that were not familiar, not comfortable, not accessible.

So I think this is something overdue, quite frankly, long overdue in the annals of our electoral system, and I commend the gentleman for his great ef-

forts in bringing this to our attention and urge everybody to universally support this motion to instruct.

Mr. LANGEVIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise to express strong support for the Langevin-Hoyer-Conyers motion to instruct conferees on the election reform bill. Election reform is one of the most important issues that we will face in the 107th Congress.

Last year, we cast historic bipartisan election reform language and legislation that will significantly improve our election system. More importantly, this legislation will protect one of our most cherished democratic rights, the right to vote.

In passing the Help America Vote Act, we understood that this legislation was not perfect. One area that needs to be improved on is the language concerning the right of voters with disabilities and their access to polling places, and I thank my colleague, the gentleman from Rhode Island (Mr. LANGEVIN), for his leadership on this issue.

One of the greatest challenges voters face are inaccessible buildings and voting machines. According to the GAO, 84 percent of polling places examined in the last election were found to have one or more physical impediments which would limit people's access, people with disabilities. This is appalling. In my view, we need to make polling places and voting machines fully accessible to elderly, to frail, to those with disabilities.

Affording all people the opportunity to cast a secret ballot is of critical importance to our election system. Therefore, I urge my colleagues to support the Senate language to require States to maintain voting systems that are accessible to disabled and elderly voters.

Finally, I am hopeful that as we move forward on this issue Congress will enact a Federal election reform bill that ensures every single vote is counted and that no American is ever disenfranchised again. We must regain the trust and full participation of voters across this country.

This is a great first step and I commend my colleagues who are leaders in this area, and I urge all of us in this House to support the motion that is before us this afternoon.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I thank the distinguished chairman for yielding me the time.

Today, Mr. Speaker, I rise in strong support of this important motion which I offered with my good friend, the gentleman from Rhode Island (Mr. LANGEVIN), the cochair of the House Disabilities Caucus, and I want to

thank him for his leadership on these issues, as well as the gentleman from Ohio (Mr. NEY).

The right to vote, Mr. Speaker, is the most basic and fundamental right we have as Americans, and despite the importance of this constitutionally important and constitutionally protected right, every election there are millions of citizens with disabilities who find it difficult, if not impossible, to cast their ballot.

Across the country, thousands of visually impaired people, voters, are unable to cast a secret vote, a right afforded to every other American, because of their inability to read the ballot visually.

This motion to instruct asks the conferees to include language passed by the Senate that requires every polling place to offer at least one voting machine equipped for individuals with disabilities. That is the least we can do, Mr. Speaker, to provide access to voting for every American, every citizen.

This motion is about fairness, and people with disabilities deserve equal access to voting. Over the years, Congress has worked hard to ensure that every person's voice is heard regardless of race, religion or ethnic background. It is long past time that we provide the same opportunity to individuals with disabilities.

This motion is very timely. We have just returned from celebrating the 4th of July, the birth of our great Nation. We have the opportunity today, Mr. Speaker, to ensure that the vision of our Founding Fathers is realized, that every American has an equal opportunity to vote.

I urge Members to vote yes for this important motion, and again, I thank the gentleman from Rhode Island (Mr. LANGEVIN) for his leadership on this important issue.

Mr. LANGEVIN. Mr. Speaker, I again want to thank the gentleman from Minnesota (Mr. RAMSTAD) for his support of this issue. Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, again, I support this motion, and I yield back the balance of my time.

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

In closing, I just want to reiterate my appreciation to the gentleman from Ohio (Mr. NEY) for his leadership both on election reform and on disabilities issues and agreeing to support this motion to instruct. We would not be where we are on election reform without his support and I thank him.

Mr. Speaker, as I previously mentioned, I offered this motion in honor of Justin Dart, the father of the Americans with Disabilities Act and an ardent supporter of greater access to voting. Last year during the ADA anniversary celebration Justin said, Let us rise above politics as usual. Let us join together, Republican, Democrats, Independents, Americans. Let us embrace each other in love for individual human life. Let us unite in action to keep the

sacred pledge, life, liberty and justice for all.

I ask my colleagues to help empower all Americans by voting for this motion to instruct.

GENERAL LEAVE

Mr. LANGEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Rhode Island (Mr. LANGEVIN).

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

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

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

The Sergeant at Arms will notify absent Members.

The Chair announces that this vote will be followed by two 5-minute votes on motions to suspend the rules considered earlier today.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 22, as follows:

[Roll No. 285]

YEAS—410

Abercrombie	Brady (TX)	Crowley
Aderholt	Brown (FL)	Cubin
Akin	Brown (OH)	Culberson
Allen	Brown (SC)	Cunningham
Andrews	Bryant	Davis (CA)
Armey	Burr	Davis (FL)
Baca	Burton	Davis (IL)
Bachus	Buyer	Davis, Jo Ann
Baird	Callahan	Davis, Tom
Baker	Calvert	Deal
Baldacci	Camp	DeFazio
Baldwin	Cannon	DeGette
Ballenger	Cantor	DeLauro
Barcia	Capito	DeLay
Barr	Capps	DeMint
Bartlett	Capuano	Deutsch
Barton	Cardin	Diaz-Balart
Bass	Carson (IN)	Dicks
Becerra	Carson (OK)	Dingell
Bentsen	Castle	Doggett
Bereuter	Chabot	Dooley
Berkley	Chambliss	Doolittle
Berman	Clay	Doyle
Berry	Clayton	Duncan
Biggert	Clement	Dunn
Bilirakis	Clyburn	Edwards
Bishop	Coble	Ehlers
Blumenauer	Collins	Ehrlich
Blunt	Combest	Emerson
Boehlert	Condit	Engel
Boehner	Conyers	English
Bonilla	Cooksey	Eshoo
Bono	Costello	Etheridge
Boozman	Cox	Evans
Borski	Coyne	Everett
Boswell	Cramer	Farr
Boyd	Crane	Fattah
Brady (PA)	Crenshaw	Ferguson

Filner	Latham	Rodriguez
Fletcher	LaTourette	Roemer
Foley	Leach	Rogers (KY)
Forbes	Lee	Rogers (MI)
Ford	Levin	Rohrabacher
Fossella	Lewis (CA)	Ros-Lehtinen
Frank	Lewis (GA)	Ross
Frelinghuysen	Lewis (KY)	Rothman
Frost	Linder	Roybal-Allard
Gallegly	Lipinski	Royce
Ganske	LoBiondo	Rush
Gekas	Lofgren	Ryan (WI)
Gephardt	Lowe	Ryun (KS)
Gibbons	Lucas (KY)	Sabo
Gilchrest	Lucas (OK)	Sanchez
Gillmor	Luther	Sanders
Gilman	Lynch	Sandlin
Gonzalez	Maloney (CT)	Sawyer
Goodlatte	Maloney (NY)	Saxton
Gordon	Manzullo	Schakowsky
Goss	Markey	Schiff
Graham	Mascara	Schrock
Granger	Matheson	Scott
Graves	Matsui	Sensenbrenner
Green (TX)	McCarthy (MO)	Serrano
Green (WI)	McCarthy (NY)	Sessions
Greenwood	McCollum	Shadegg
Grucci	McCrery	Shaw
Gutierrez	McDermott	Shays
Gutknecht	McGovern	Sherman
Hall (OH)	McHugh	Sherwood
Hall (TX)	McInnis	Shimkus
Hansen	McIntyre	Shoos
Harman	McKeon	Shuster
Hart	McKinney	Simmons
Hastings (WA)	McNulty	Simpson
Hayes	Meehan	Skeen
Hayworth	Meek (FL)	Skelton
Hefley	Menendez	Slaughter
Heger	Mica	Smith (MI)
Hill	Millender-McDonald	Smith (NJ)
Hilleary	Miller, Dan	Smith (TX)
Hilliard	Miller, Gary	Smith (WA)
Hinchee	Miller, George	Snyder
Hinojosa	Miller, Jeff	Solis
Hobson	Mink	Stark
Hoeffel	Mollohan	Stearns
Hoekstra	Moore	Stenholm
Holden	Moran (KS)	Strickland
Honda	Moran (VA)	Stump
Hooley	Morella	Stupak
Horn	Murtha	Sullivan
Hostettler	Myrick	Sununu
Houghton	Nadler	Sweeney
Hoyer	Napolitano	Tancredo
Hunter	Neal	Tanner
Hyde	Nethercutt	Tauscher
Inslee	Ney	Tauzin
Isakson	Northup	Taylor (MS)
Israel	Norwood	Taylor (NC)
Issa	Nussle	Terry
Istook	Oberstar	Thomas
Jackson (IL)	Obey	Thompson (CA)
Jackson-Lee	Ortiz	Thompson (MS)
(TX)	Osborne	Thornberry
Jefferson	Ose	Thune
Jenkins	Otter	Thurman
John	Owens	Tiahrt
Johnson (CT)	Oxley	Tiberi
Johnson (IL)	Pallone	Tierney
Johnson, E. B.	Pascarell	Toomey
Johnson, Sam	Pastor	Towns
Jones (NC)	Payne	Turner
Jones (OH)	Pence	Udall (CO)
Kanjorski	Peterson (MN)	Udall (NM)
Kaptur	Peterson (PA)	Upton
Keller	Petri	Velazquez
Kelly	Phelps	Visclosky
Kennedy (MN)	Pickering	Vitter
Kennedy (RI)	Pitts	Walden
Kerns	Platts	Wamp
Kildee	Pombo	Waters
Kilpatrick	Pomeroy	Watkins (OK)
Kind (WI)	Portman	Watson (CA)
King (NY)	Price (NC)	Watt (NC)
Kingston	Pryce (OH)	Watts (OK)
Kirk	Quinn	Waxman
Kleczka	Radanovich	Weiner
Knollenberg	Rahall	Weldon (FL)
Kolbe	Ramstad	Weldon (PA)
Kucinich	Rangel	Weller
LaFalce	LaHood	Wexler
LaHood	Lampson	Whitfield
Langevin	Langewell	Wicker
Lantos	Farr	Wilson (NM)
Larsen (WA)	Fattah	Wilson (SC)
Larson (CT)	Ferguson	

Wolf	Wu	Young (AK)
Woolsey	Wynn	Young (FL)

NAYS—2

Flake Paul

NOT VOTING—22

Ackerman	Goode	Roukema
Barrett	Hastings (FL)	Schaffer
Blagojevich	Holt	Souder
Bonior	Hulshof	Spratt
Boucher	Meeks (NY)	Trafficant
Cummings	Olver	Walsh
Delahunt	Pelosi	
Dreier	Riley	

□ 1604

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 5063, by the yeas and nays; and H. Res. 393, by the yeas and nays.

ARMED FORCES TAX FAIRNESS ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5063.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 5063, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 286]

YEAS—413

Abercrombie	Blunt	Carson (OK)
Aderholt	Boehlert	Castle
Akin	Boehner	Chabot
Allen	Bonilla	Chambliss
Andrews	Bono	Clay
Armey	Boozman	Clayton
Baca	Borski	Clement
Bachus	Boswell	Clyburn
Baird	Boyd	Coble
Baker	Brady (PA)	Collins
Baldacci	Brady (TX)	Combest
Baldwin	Brown (FL)	Condit
Ballenger	Brown (OH)	Conyers
Barcia	Brown (SC)	Cooksey
Barr	Bryant	Costello
Bartlett	Burr	Cox
Barton	Burton	Coyne
Bass	Buyer	Cramer
Becerra	Callahan	Crane
Bentsen	Calvert	Crenshaw
Bereuter	Camp	Crowley
Berkley	Cannon	Cubin
Berman	Cantor	Culberson
Berry	Capito	Cunningham
Biggert	Capps	Davis (CA)
Bilirakis	Capuano	Davis (FL)
Bishop	Cardin	Davis (IL)
Blumenauer	Carson (IN)	Davis, Jo Ann

Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchev
Hinojosa
Hobson
Hoefel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslce
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins

John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecicka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Sullivan
Sununu
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins

Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt

Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Ackerman
Barrett
Blagojevich
Bonior
Boucher
Cummings
Delahunt
Dreier
Hastings (FL)
Holt
Hulshof
Meeks (NY)
Olver
Pelosi
Riley
Roukema
Schaffer
Souder
Spratt
Traficant
Walsh

Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchev
Hinojosa
Hobson
Hoefel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslce
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecicka
Knollenberg
Kolbe
Kucinich

LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad

Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield

NOT VOTING—21

□ 1614

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING RISE IN ANTI-SEMITISM IN EUROPE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 393, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 393, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 287]

YEAS—412

Abercrombie
Aderholt
Akin
Allen
Andrews
Arney
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehler
Boehner
Bonilla
Bono
Boozman
Borski
Boswell

Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox

Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culbertson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo

Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchev
Hinojosa
Hobson
Hoefel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslce
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecicka
Knollenberg
Kolbe
Kucinich

LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad

Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield

Wicker	Wolf	Wynn
Wilson (NM)	Woolsey	Young (AK)
Wilson (SC)	Wu	Young (FL)

NOT VOTING—22

Ackerman	Hastings (FL)	Roukema
Barrett	Holt	Schaffer
Blagojevich	Hulshof	Souder
Bonior	Lantos	Spratt
Boucher	Meeks (NY)	Traficant
Cummings	Olver	Walsh
Delahunt	Pelosi	
Dreier	Riley	

□ 1623

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4635, ARMING PILOTS AGAINST TERRORISM ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-557) on the resolution (H. Res. 472) providing for consideration of the bill (H.R. 4635) to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2486, INLAND FLOOD FORECASTING AND WARNING SYSTEM ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-558) on the resolution (H. Res. 473) providing for consideration of the bill (H.R. 2486) to authorize the National Weather Service to conduct research and development, training, and outreach activities relating to tropical cyclone inland forecasting improvement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2733, ENTERPRISE INTEGRATION ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-559) on the resolution (H. Res. 474) providing for consideration of the bill (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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4687, NATIONAL CONSTRUCTION SAFETY TEAM ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-560) on the resolution (H. Res. 475) providing for consideration of the bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that pose significant potential of substantial loss of life, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, yesterday I was traveling on official House business and missed rollcall votes 283 and 284. Had I been present, I would have voted aye on rollcall 283 and aye on rollcall 284.

ANNOUNCEMENT OF DECISION NOT TO RUN FOR REELECTION

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

Mrs. MEEK of Florida. Mr. Speaker, Members of my beloved House, it is no secret that I love this institution and I love my job in Congress. Working with all of you over the years has been one of the great joys of my life.

I told this to my constituents in Miami on Sunday, because they mean a lot to me. And I love all of you, too, both the Republicans and the Democrats, even the independents, so I wanted you to hear it from me directly that I have decided not to run for reelection this fall. So you will have me until December. I have enjoyed this stay. It has been a good run, Mr. Speaker. It has been a good run.

I was elected to Congress in 1992. CORRINE BROWN, ALCEE HASTINGS and I were the first African Americans elected from the State of Florida since right after Reconstruction. I said then that we waited 100 years to get to this body, so we were very anxious to get to work, and so we did. I came here after 13 years as a State representative and a State senator in the Florida legislature.

I have been impressed with the House from the very first. Every time I look at the Capitol dome and look at Lady Liberty I am more and more in awe. It will never get old to me. I am a good American. I love America.

I was elected to Congress during a crisis time in my community. Hurricane Andrew, the costliest hurricane of all time, had just devastated the entire south end of my district. We worked very hard together, both Republicans and Democrats.

I came here with two Republicans, we were together in the Florida legisla-

ture, ILEANA ROS-LEHTINEN and LINCOLN DIAZ-BALART, and CORRINE BROWN, "Queen CORRINE," from the Florida legislature. We came here together and we have stood hand in hand ever since. And ALCEE HASTINGS came with us. He reached the highest pinnacle of the judiciary in our State as a Federal judge. So we came here in honor, and we love this Congress and we love this country.

So while our constituents were cleaning up all of the devastation by the hurricane, I came to the Congress, and the Congress responded and helped us build back that community. It has been a lot of work, Mr. Speaker, and a lot of it, the people you see here, helped make it happen through the years. They helped us restore our community, helped us restore the dignity and the quality of life of many of the people we represented.

A lot of problems arise in my district many times. I bring them here to your lap and to your feet and to your hands, and many of you, particularly my comrades and colleagues on the Committee on Appropriations, they always do whatever they can to help. Always. That is why I love this body so very much. I was just gifted and blessed to be placed on the Committee on Appropriations so I could bring the direct wishes and concerns of my constituency to this body, and I appreciate it.

□ 1630

I was confirmed just last fall on the evening of September 11 when I joined so many of you on the steps of the Capitol the evening after the terrorist attacks on New York and the Pentagon and we sang God Bless America together, Democrats and Republicans, Northerners and Southerners and Westerners, one Nation under God, indivisible, united and strong.

Do I sound maudlin? Do I sound soft? Do I sound sad? I never asked for forgiveness for standing up for this country. I never asked for forgiveness for standing up for military preparedness. I was around during World War II. I will always want this country to be strong and to be prepared.

Throughout my career I have always tried to think of the little people and to use the power of government to help improve their lives. I know what it is like not to have much and not to have many prospects. I rose from the lowest part of the neighborhood I grew up in Tallahassee. They called it The Bottom. It was "the black bottom." I was thinking of this the other day because just a few weeks ago the adventurer CURT took me to Moscow and Beijing on a CODEL. I met with the Presidents of Russia and China. I have discussed national issues with Presidents Carter, Clinton, and Bush. I have been there, Mr. Speaker. I have talked to all of them, walked with kings as the poet would say, but not lost the common touch.

This one black woman from The Bottom, it was one day in the State capitol in Florida that I was not even able

during those days to go into the capitol and I lived two blocks from the capitol in Tallahassee, and I always looked up at the capitol and wondered if some day I would become a part of it. Who would imagine that I would become a part of the Florida senate, of the Florida house? Who would imagine that I would come here to Washington to be in the Halls of Congress? This is a revered body. It is a body that is well respected.

I grew up during the period of intolerance and strict segregation. It was so unfair, and it left a lasting impression on me, and I knew I had to continue to work. I saw good people held down and prevented from rising to their potential simply because of their color. I knew of good men who were killed for the same reason. I saw that power could be used to build or destroy, and I saw how powerlessness could lead to frustration and anger.

I can only state to this Congress, to every last one of you, how much I respect my blackness and my racial identity. I feel very strongly that there is still a debt we owe to the people who came before us.

When I was a child, I heard Roland Hayes sing. I got a chance to hear George Washington Carver speak. I heard W.E.B. DuBois speak. I heard Marian Anderson sing. I read the poems of Countee Cullen. So that great diversity and love that God has given came from my experience as a black person.

I stand before you today as the granddaughter of a slave. How wonderful. When you look at me, you can see that our Nation's legacy of slavery and racism is not so far removed from our lives today. But we have to keep fighting. One of the reasons that I was elected to this office was to remind you of that, and I have tried to do so to the best of my ability.

In my 10 years in the Congress and over three decades of service to my community, I have tried to live by a commitment every day of my life, and that is service is a price you pay for the space that God has let you occupy.

Because of the love of a strong Christian family, loving parents, protective older brothers and sisters, outsiders who took an interest in me, both white and black, and a strong desire to succeed, I was able to move forward.

Education is the springboard, Mr. Speaker. I have stood for it since I have been here. Improving the quality of life in housing and good health care, these are springboards. So I know it is a vehicle, and that is why I think we should continue in the Halls of Congress to do so.

I wanted to say a few things here today because of what I have lived through. We do not have time for me to go through all of it. One of these days I will write a book so each of you can read it. And other than that I will be coming back from time to time. I have six grandchildren and I have three children, and they all know of my legacy.

And when I go back home, I am not going to sit still.

My colleagues need to know some of the reasons why I am not retiring. I am not retiring because I am so feeble I cannot come up here every day. I am not retiring because I do not feel I can do the job, and I am not retiring because I feel that if I were to run I would be defeated. Mr. Speaker, I am almost undefeatable. I am almost that way in my mind, so that is no reason why I am leaving. But I want to go now, because I have other things to do and other careers to pursue.

I love this country very much, and serving it has been the greatest honor of my life. We need more respect. We need respect of diversity, we need to embrace it, and we have to listen. I fully appreciate now how progress rarely comes in giant steps, but in small, incremental lurches forward. So I will retire from Congress, fully confident that our great Nation will continue to prosper.

Dr. Benjamin Mays, the former President of Morehouse College said, "It isn't a calamity to die with dreams unfulfilled, but it is a calamity not to dream."

Mr. Speaker, I hope all of my colleagues will remember me as someone who tried as hard as she could to do both.

NEVER CAN SAY GOOD-BYE

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

Ms. ROS-LEHTINEN. Mr. Speaker and colleagues, I just want to echo the sentiments on this side of the aisle about our sadness regarding the departure from this wonderful institution of our dear colleague, the gentlewoman from Florida (Mrs. MEEK).

In my 20 years of elective office, I have served every one of those days with my colleague, CARRIE MEEK. The Congresswoman from Florida has been a distinguished member of every institution I have had the pleasure to serve. In the Florida house we served together. We moved together to the Florida senate, and then we served here in the U.S. Congress.

In those many years, the gentlewoman from Florida (Mrs. MEEK) has distinguished herself as a dedicated public servant, carrying the water on so many items of interest to south Florida and, indeed, our Nation; because I think her legacy extends far beyond her Liberty City district, far beyond our Sunshine State, far beyond our borders. She leaves a legacy of leadership, of dignity, of dedication, and a real sense of community service.

CARRIE, we are going to have you to kick around for a lot of years. You are not retiring; you are going to be in our hearts and you are going to be in our community for many decades to come. I cannot imagine serving here without you. So every day when we are voting,

you will be a part of this institution, you will be a part of our body, you will be a part of our legacy. Asi que te va vamos a estranoi, mi amiga. You are my friend. We have traveled many a hard road together, and we will continue that struggle together for many more years. You are not leaving, so we are not going to say good-bye. Adios, mi amiga.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on Monday, July 8, 2002, I was unavoidably detained in my district on official business, and I missed rollcall votes, numbers 283 and 284. If I was present, I would have voted "aye" on rollcall vote 283 and "aye" on rollcall vote 284.

MANY THANKS TO CARRIE MEEK, A GREAT AMERICAN

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

Mr. HOYER. Mr. Speaker, I have had the honor of serving with the gentlewoman from Florida (Mrs. MEEK) on the Committee on Appropriations for many years now. We saw the parade of Members from both sides of the aisle, all sorts of ideologies, come and give the gentlewoman a hug. They gave her a hug not for her, although she appreciated it; they gave her a hug for themselves. She is an historic leader of this House, an historic leader of her State, and a great American. She loves this country, and the great news is her country loves her.

The gentlewoman from Florida (Mrs. MEEK) is a person of great depth, of great intellect, of great ability, who is as humble an individual as I know, as effective an individual as I know.

And, CARRIE, all of us will miss you in the day-to-day operations of this body. But as the gentlewoman from Florida (Ms. ROS-LEHTINEN) indicated, we know that you are not going. We think you are probably going to be coming here regularly to visit family. Who knows?

But we certainly want to say to the gentlewoman that we thank her. We thank her for being her, for being our friend, for being such a great Member of this House. She has brought honor to this House, she has brought humanity to this House, and she has brought great service to her district.

EXTENDING DEEP LOVE AND APPRECIATION

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

Ms. KAPTUR. Mr. Speaker, I wish to add my words to that of the gentleman from Maryland (Mr. HOYER) and the Florida delegation in extending our deepest love and appreciation to our treasured colleague from the State of

Florida (Mrs. MEEK). Without question, her spirit carries this institution, and she has given hope, not only to her district, but to the people of our entire country. Each of us here in the House knows we are serving with an historic figure, and we thank her family, we thank the people of Florida, of Miami, for sending her here in order that our country be a better place in which to live.

I think every single Member here whose life she has touched is a better person for knowing her. She has strengthened us when we were at our weakest, she has made us laugh when we were taking ourselves too seriously, and even as recently as this afternoon she was fighting for the weakest and the poorest among us in the Committee on Appropriations in a several-year effort that she has fought to get rid of usurious lending and check-cashing facilities across this country that prey on the poorest among us.

I will never meet another person like the gentlewoman from Florida (Mrs. MEEK), and I say to the gentlewoman, I hope that you will come back to us as often as you wish, because you have a seat in the office of every single person on both sides of the aisle of this Chamber. You are held in the highest regard, and you truly have fulfilled the oath that you took to represent the interests of our country.

It has been my great privilege to serve with you, and I thank you for your work on behalf of the citizens not just of your district or mine, but our entire country and the world. You are one of a kind. God bless you.

□ 1645

TRIBUTE TO THE HONORABLE
CARRIE MEEK, MEMBER OF CONGRESS

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

Mr. TAUZIN. Mr. Speaker, I wanted to rise, too, to let the gentlewoman from Florida (Mrs. MEEK) know that, from this side of the aisle, the feelings that have been already expressed about her personally are shared broadly across this body.

I say to the gentlewoman from Florida, we have shared a lot of time together, I have shared time on both sides of the aisle, and we have come through a lot together. We came through Hurricane Andrew. When it got through messing with the gentlewoman's folks, it came down to Louisiana and messed with mine, and we share the horrors of those tragic days with our constituents together, and helped rebuild together.

More importantly, I say to the gentlewoman from Florida (Mrs. MEEK), she has been a dear friend, a dear friend to so many of us. We have come to love and admire her in so many ways.

I have often said that this House is filled with real people who represent

real people. In a real sense, the gentlewoman from Florida (Mrs. MEEK) has literally represented the best of what the House of Representatives is all about. It is about people coming from the bottoms, the small places of America, and representing them with dignity and honor and respect; and she has done that in a magnificent fashion.

She has honored this body by her presence. She will be remembered a long time by more than those grandchildren who love her so much. She will be remembered with honor and love by all of us in this House for the time we have been privileged to share with her here.

I wish you bon voyage, CARRIE. I hope you have a great time in whatever you do.

TRIBUTE TO THE HONORABLE
CARRIE MEEK, MEMBER OF CONGRESS

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

Mr. McDERMOTT. Mr. Speaker, I am here to speak on behalf of guys with white hair, the gentleman from Virginia (Mr. MORAN), the gentleman from California (Mr. GEORGE MILLER), and me. The gentlewoman from Florida (Mrs. MEEK) used to play the game with us all the time; and we knew she knew who we were, but she would play like she did not. But her sense of humor and her ability to reach down into people's souls really makes the difference.

Many Members come here and we all think or we all try not to lose touch with where we came from; but there is no question, when the gentlewoman from Florida (Mrs. MEEK) speaks on this floor, there is no question that she has not forgotten where she came from or the people around her, who they were, and what they struggle with.

Her voice has been a consistent and solid voice for the people in this society we try to give a hand up to, but the gentlewoman from Florida would never let us get away with just trying. She insisted that we do it. We are going to miss her, and they are going to miss her. All of us are going to miss her coming up the aisle saying, "the gentleman from Virginia, Mr. MORAN." We are going to miss her a lot.

TRIBUTE TO THE HONORABLE
CARRIE MEEK, MEMBER OF CONGRESS

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

Mr. DIAZ-BALART. Mr. Speaker, as one reads history, many times it seems as though the figures that one encounters are larger than life. It is uncommon to be absolutely certain that, during one's life, one has met someone who is like the greatest of the characters that one has met in history.

That one person that I know, and am absolutely certain that she has already come to be known not only as one of the greatest orators in the history of Florida, one of the greatest public servants in the history of Florida, but one of the greatest Floridians, is the gentlewoman from Florida (Mrs. MEEK).

I have had the honor, the profound honor and privilege, to know her and to be her friend since we served together in the Florida legislature; and her wisdom and her fairness and her compassion and her goodness and her strength and toughness on behalf of those in need are legendary, and will be more legendary each day.

I join all Floridians, all who have known her, in thanking her, in wishing her well, in wishing her and her family and her son, who will be here with us soon, Godspeed. Thank you, CARRIE.

TRIBUTE TO THE HONORABLE
CARRIE MEEK, MEMBER OF CONGRESS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I know that I will have an opportunity to pay tribute to the distinguished gentlewoman from Florida (Mrs. MEEK) at a later time, but I simply wanted to not have this RECORD close, after she has made such an eloquent statement to her colleagues, without commenting on what she means to those of us who have had the privilege of serving with her and on what she means to Florida and to the Nation.

The gentlewoman from Florida (Mrs. MEEK) is a renaissance woman. She is one who will come to the floor with passion, but also with knowledge. She is one that is unbeatable in debate because she is not one who memorizes or tries to recapture facts she does not know. She speaks both from the heart, but as well, from an internal, deeply embedded sense of knowledge of humanity and the needs of our people, no matter who they are.

I have heard her quote from those who many of us only read about, and we will miss the eloquence of a stateswoman who can turn heads and minds on issues that they thought they would come to the floor and vote in the opposite way.

It is well known that we expect to be fortunate enough to be able to serve, those of us who may get reelected, with her distinguished son. But what I would say, Mr. Speaker, that I want the RECORD to be able to account for as she gives her remarks this evening, is that she is a great woman, a woman of affection and love, and that we love her; and, as well, she has been someone who has, in the deepest of need, she has gone there and responded to the need, but also she has solved the need. That is for her constituents in Florida, that is for the people of the United States of

America, and those who may call upon her, who do not know her but see her as a soldier or sojourner for truth.

**TRIBUTE TO THE HONORABLE
CARRIE MEEK, MEMBER OF CONGRESS**

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

Mr. DEUTSCH. Mr. Speaker, this is with both great pride and sadness that I rise today to join what I really think are unprecedented spontaneous words of Members to talk about our friend and our colleague, the gentlewoman from Florida (Mrs. MEEK).

I joined this Chamber with her 10 years ago with several other Members from Florida, and particularly from south Florida. Three of us were elected: myself, the gentlewoman from Florida (Mrs. MEEK), and the gentleman from Florida (Mr. DIAZ-BALART).

For those of us in south Florida, we literally stepped on the shoulders of giants: Claude Pepper, Dante Fascell, Bill Lehman. I think for all of us those truly were icons in American history. We felt we could fill their shoes, but we knew of their legacy. I think after 10 years it is absolutely clear that at least one of us has attained that legacy, and that is the gentlewoman from Florida (Mrs. MEEK), who really in the history of America stands out as a unique leader.

Clearly not just in the history of Florida, in the history of south Florida, but truly in the history of America she is an icon, an icon in terms of integrity, accomplishment, work, and compassion. I think that is something that she will remain for the rest of her life and for all history. Her legacy is not just her good works but her family, as well, who join her in public service and will continue.

**TRIBUTE TO THE HONORABLE
CARRIE MEEK, MEMBER OF CONGRESS**

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

Mr. PRICE of North Carolina. Mr. Speaker, I want to add my words of tribute to the spontaneous demonstration this afternoon on behalf of our colleague, the gentlewoman from Florida (Mrs. MEEK), who has recently announced her retirement. This is an announcement that caught us by surprise and that we regret; but we welcome this chance to pay tribute to the gentlewoman from Florida for whom we have great admiration and affection.

I have sat next to the gentlewoman from Florida on both of my Appropriations subcommittees for some years now, both the Subcommittee on VA, HUD and Independent Agencies and the Subcommittee on Treasury, Postal Service and General Government. We

have sat through many hearings and many markups together. We have had some good times, and we have had some real challenges. I have developed great affection and respect for the gentlewoman from Florida during this period of service.

The gentlewoman from Florida (Mrs. MEEK) is a fighter. I will never forget the kind of fight she made for the hurricane victims when her district was stricken some years ago. This very day, I have seen her fighting for people without adequate banking services in our Committee on Appropriations.

The gentlewoman from Florida (Mrs. MEEK) does not always win these fights, but she always fights with conviction, with a compelling case, and with the kind of style that makes her a very hard person to oppose. She has a warm and winning way; she wins admiration and friendship on both sides of the aisle. She is a unique Member of this body. I have counted it a real privilege to serve with her and am looking forward to several months more of service as we go through the appropriations cycle.

I wanted to rush over here when I saw this spontaneous tribute arising on the House floor, because I am so fond of Mrs. MEEK and so admiring of her. I am pleased this afternoon to add my words of tribute, to wish her well, and to say that in her months remaining here I anticipate many more good fights and good times as we serve together.

**TRIBUTE TO THE HONORABLE
CARRIE MEEK, MEMBER OF CONGRESS**

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

Ms. WATSON of California. Mr. Speaker, I had not intended to give my tribute this afternoon, but we cannot be in these Chambers or in hearing distance and not be compelled to come up and add to this tribute. We are going to say more later.

I have known the gentlewoman from Florida (Mrs. MEEK) for almost 30 years now. I remember her as a legislator who rushed up to me one day and said, What is the name of that bill, that bill? What is the number of that bill that you had? We want to do it in Florida. She was always probing, always seeking to make good public law.

We served together in Noble Women many years ago. I just went up to her and I said, I want to take credit for getting you here in 1992. After that very devastating earthquake she called my office. We had had a big uprising in Los Angeles. She said, What can I do? I have two young men running against me. I said, Turn your headquarters into an emergency relief center. She did that. She gave out beds and blankets and food, and she ended up in the place where she needed to be; that was in the House of Representatives.

She has served with distinction, but most of all, she has served with heart,

directly under God, and shared that with all of us. For that, we will be eternally grateful to you, Carrie. We love you.

**TRIBUTE TO THE HONORABLE
CARRIE MEEK, MEMBER OF CONGRESS**

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

Mrs. JONES of Ohio. Mr. Speaker, it just happens that today I had on the great colors red and white. I am pleased, as a member of the Delta Sigma Theta Sorority, Inc., an international woman's sorority, to stand here to salute my soror, the Honorable gentlewoman from Florida (Mrs. MEEK).

It has been wonderful to have an opportunity to serve in the House of Representatives with her. We had a wonderful chance to talk about the great Delta days, about Bethune College, about basketball. In fact, recently she and I coached the Congressional Basketball Team called the Hills Angels as we played the Georgetown law faculty.

But more importantly, she is full of history, full of wonder, full of grace; and I am so pleased and blessed to have had the opportunity to serve in the House of Representatives with her, if only for 4 years.

□ 1700

In your lifetime God gives you the opportunity to be touched by a number of people. I am so pleased that I had a chance to be touched by this wonderful, wonderful woman called CARRIE MEEK. And I look forward to your further years of service. We will not let you retire. We may let you leave here, but we have other jobs for you, Mrs. CARRIE MEEK.

On behalf of all the Deltas from across the world, 190,000 strong, we salute our soror, CARRIE MEEK.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHUSTER). 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

Mr. DEFAZIO. Mr. Speaker, today the President gave a long, rather long speech full of words that really administered a pretty heavy feather duster to the miscreants on Wall Street, the CEOs, the analysts and the others who have been robbing our corporations, our economy, blind. He said he was not going to put up with it anymore. He was going to get tough.

But it is more what he did not say than what he did say that is important. He did not say he would support tough legislation to overhaul the securities firms, the Sarbanes bill. He did go on to say he would support the weaker House version, the one that really would not do anything for pension reform or auditing, the show bills that passed the House here before this thing really imploded, that the Republican majority pushed through. They would still allow corporations to direct their employees to be stuck with stock and would not really fix the problems of auditing and those things.

He did not talk about corporate tax dodges. The phony incorporations of U.S. firms in Bermuda to avoid tens of millions of dollars in taxes. He did not talk about rescinding his order which would allow corporate lawbreakers to get government contracts. He did not say a word about Harvey Pitt, the toothless watchdog of the Securities and Exchange Commission. Now the principal watchdog over America's securities firms and the stock markets and all those financial investments, all of those very complicated, high falooting things which have allowed people to steal hundreds of millions, billions, of dollars, bankrupt companies, put people out of work, steal their pensions and crater the 401(k)s of tens of thousands of American. We have an organization already in place that is supposed to take care of that. The Securities and Exchange Commission.

Earlier this year, just a couple of months ago, the President proposed a zero funding increase for them. Today, he pretended that he had been asking for a long time for more money for the SEC. He has not been, but I am glad that he has been born again in asking for some increase. But the increase he is asking for is a tiny fraction of the money that has been stolen. It will be inadequate to make the SEC the kind of watchdog we want as long as Harvey Pitt is the chairman.

Now, Harvey Pitt is a former securities lawyer. He is so compromised that when he recently met with a firm that was being investigated and he was questioned about it, he said, well, look, you cannot ask me not to meet with firms that are being investigated by the SEC just because I represented them, because then I would not be able to meet with anybody.

This is our watchdog. This is the President's appointee. This is the guy who is going to bring honesty. Come on. If that gentleman is not removed the President is not serious.

Recently the SEC tried to do an enforcement action against Ernst &

Young. There were three commissioners present. They heard the evidence and at the end, the evidence was compelling, Ernst & Young should pay a fine. They had committed some improprieties. But guess what? Only one of the three SEC, Securities and Exchange Commission, members could vote because the other two were so compromised that they would have been penalized under law for voting because of their associations with this firm. So the one voted to penalize them, the Clinton appointee. But then an administrative law judge said, you cannot convict these people with one Securities and Exchange commissioner. You have to have more than one.

So here we have a Securities and Exchange Commission which is so compromised with their contacts, with their clients, who have represented all these people robbing America blind that they cannot even vote on enforcement actions. And the President is trying to tell us with his speech today, by God, he is taking care of this problem. He has not taken care of the problem. He has tried to take care of one problem today and that is the political problem he has, the gathering storm of anger in this country that is beginning to look for someone to blame for the fact that billions of dollars of wealth have evaporated.

Americans are opening their 401(k) statements this month and many of them are shocked, disappointed and, yes, angered. They want to know who is responsible. How could these high-flying companies, how could these CEOs who are paying themselves tens of millions, hundreds of millions of dollars, boards of directors loaning themselves hundreds of millions of dollars, how could they suddenly be worthless? How could their 401(k)s have dropped so much? Because the money was stolen. And because there is no one home to enforce the law.

The Securities and Exchange Commission is the place to enforce the law, and until the President replaces the compromised people on the SEC; he has even got one nominated now, he comes from a securities firm. But as soon as that person gets there, he will not be able to vote on any of these things because they worked on all of these things. These are their buddies, the people they go to the luncheons with, the country club, they go yachting with, they go to their multimillion-dollar homes in Florida with.

We need to clean up this mess. The President had a chance today; he did not take it. Perhaps we can give him another chance again soon. Perhaps the Republican leaders of the House will relent and allow real reforms for pensions, real reforms for securities. Maybe they will undo some of the things they did back in 1995, which essentially exempted these securities firms from prosecution.

We can take some real measures here if there is the will. But there is so

much money flooding from these people into politics that I fear we will not get there.

Some of us will continue to speak out. Others will begin to speak out. But will they put their vote where their mouth is? And will the President really put firm steps where his rhetoric is? Not today.

Tomorrow is another day. Americans will be a little madder tomorrow. This will still be going on tomorrow. Let us see what happens then.

DISASTER IN SOUTH DAKOTA

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

Mr. THUNE. Mr. Speaker, I appreciate the opportunity to speak this afternoon to some issues that are important to my State.

In the last week I have had the opportunity to travel the State of South Dakota and witness some enormous devastation that our State has experienced as a result of drought. It was announced yesterday that the month of June was the driest in the 114-year history of our State. In western South Dakota we have farmers and ranchers who are experiencing tremendous economic impacts, losing, having to sell and liquidate their herds. We need a solution.

I will continue to prevail upon this body, upon my colleagues here, as I have already, to provide assistance to our farmers and ranchers who are so desperately in need of help this year.

In my judgment, the drought we are experiencing in South Dakota is not unlike many of the other natural disasters that affect other parts of this country, and it demands that this Congress and the people of this country step up and support those in my State who are suffering so desperately this year.

I also had the opportunity, Mr. Speaker, to witness firsthand some of the devastation that resulted as a result of the Grizzly Gulch fire, fire that ravaged about 11,000 acres of South Dakota this last week. Fortunately, it is under control; it is being contained. For that, we owe an incredible debt of gratitude to the extraordinary effort that was made by fire fighters all across South Dakota, volunteers who came and joined the Federal fire fighters who were doing such a great job of controlling, containing that blaze.

It came very, very close, right down to the city's edge, the city of Deadwood and other communities that would be impacted. It burned a number of structures and homes, but it did not come into the community as a result of the extraordinary efforts; and for that, I give the fire fighters of my State, many of them volunteers from across our State, great credit for the tremendous work that they did in controlling that blaze.

The people of my State have pulled together as they do in times of adversity to address this tragedy. We saved

the community of Deadwood. And in South Dakota, I will tell my colleagues, we are open and ready for business. Those who like to vacation, we invite them to South Dakota. We have a number of wonderful family vacation attractions. It is very family-friendly. It is affordable. We have lakes and hills and bike trails, Mount Rushmore, Crazy Horse, many of the other great attractions that are unique to South Dakota. We want people of this country to come to our State and experience the wonderful beauty of it and take in many of the attractions that are available to them.

One thing that came out of this also, Mr. Speaker, and was reinforced, is that we need a change in forest policy in this country. Fires are a natural part of a forest system. We know that. But the intensity of those fires is not natural. We need to reduce the fuel loads that exist in places, in the Black Hills National Forest. We have seen fires in other parts of the country this year, but we have experienced firsthand fires in my State, and we have enormous loads of fuel on the ground in places that need to be reduced or we will be dealing with catastrophic fires throughout the course of the summer.

The Forest Service needs the authority to clear the dead trees that are creating the fuel loads that are presenting the risk of catastrophic fire. I have been trying now for several months to get a legislative solution in place that would give the Forest Service the tools they need to prevent catastrophic fires. Those efforts have been resisted to this point in the other body. Last week's fire should be a reminder and force us all to take another look at the policies in this country.

We have in this country, in my opinion, a big fire policy; as a result, we have big fires. We are seeing them burn in Arizona and Colorado and now South Dakota. We need reforms, Mr. Speaker, that will enable the Forest Service to address these incredible risks that exist in our forests today.

The Forest Service, 40 percent litigation and appeals; 40 percent of the dollars that we appropriate for the Forest Service are spent fighting lawsuits and appeals that are brought on by groups who are trying to prevent the Forest Service from doing what they know they need to do and what the public knows needs to be done to keep our forests healthy.

I urge my colleagues to work with those of us that live in areas that are at risk of catastrophic fire to make change in our policies that will protect the lives and the property of people of my State and others like it.

The Black Hills National Forest is South Dakota's treasure, but it is also America's treasure, and we need to treat it that way. Our State is experiencing historic droughts; that is a disaster. With that comes the risk of fire, fires that we know are going to be fre-

quent in years like this. But the intensity of those fires, Mr. Speaker, is something we can address. We have within our control the ability and the power to give the Forest Service the tools that they need, the authority they need to go in there and manage and treat these forests, to clear those dead trees and that dead timber in a way that will prevent these forest fires from happening in the future.

In one part of Beaver Park, which is in the Sturgis area of South Dakota, we have there 70 tons of fuel on the ground in an area where the average is 7 tons of fuel, primarily as a result of the pine beetle infestation which has been killing trees at a rampant pace. In the last couple of years, in 1999, there were 15,000 trees that were affected by the pine beetle. In 2001, that was 100,000 trees. Yet, because of lawsuits, because of litigation, because of appeals and dilatory tactics, the Forest Service is unable to go in and take the steps necessary to keep the lives and property of people safe and to make sure that our forests are healthy.

Mr. Speaker, today I ask my colleagues in this body to work with me to make the necessary changes to give the Forest Service the tools they need and the authority they need to do the job of keeping our forests safe, protecting our lives and property, and our forests healthy.

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

(Mr. ROSS 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 California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER 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 Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PALLONE 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 the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RAIDING THE SOCIAL SECURITY TRUST FUND

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

Ms. KAPTUR. Mr. Speaker, I rise this evening to continue what has become my weekly clocking of the continuing Republican raid on our Nation's Social Security trust fund.

□ 1715

Four weeks have passed since I first came to this floor, unveiled our debt clock and our debt graphs and started documenting the truth to the American people about the Social Security trust fund.

The truth is that House Republican leaders have turned their back on America's senior citizens and are raiding billions every day from our Social Security trust fund. When President Clinton left office, our Nation had finally moved into an annual balance of accounts, and we were yielding even a small surplus. Though we had a huge accumulated debt that we were beginning to pay off, our Nation's financial house was put in order.

What has happened in just a few years under Republican leadership is that we have begun now to amass huge additional debts nationally, and there is only one place where they are going to get the funds to pay for the war, to pay for the tax breaks that have been given to the wealthiest in this country and the corporate cowboys that we see now being brought before congressional committees, and that is, our Nation's Social Security trust fund.

Do the Republicans have a plan to stop this raid? No, they do not, and in fact, today, the total raid has run now to over \$235 billion. That averages out to about \$637 for every single American who will qualify for Social Security. When I first came to this floor 4 weeks ago, they dipped into the Social Security trust fund to a raid of \$208 billion, and in just 4 weeks, that has gone up an additional \$27 billion.

The Republicans in this institution, at least their leadership, are in avoidance, hoping to dodge this issue in the fall's election. They will not even allow a debate on Social Security reform because they know that their risky idea of privatization to try to cover up what is really going on with the accumulated trust funds will be exposed for what it is, and that is, a gamble, not a guarantee.

Just look at what has been happening in the stock market, if my colleagues want to know something about gambles. The American people deserve better. Our working families deserve better and our seniors deserve better.

Working families have earned the right, not the privilege, the right to a secure retirement, and Republican leaders must put Social Security first, not dip further and further into the trust fund, violating the very lock box promise they made seven times not to dip into Social Security reserves in order to pay for other things.

The urgency is real and especially pronounced in the wake of the Enron collapse, WorldCom and other corporate scandals. Thousands have already lost their retirement checks in the private sector across this country, and many have been forced to return to work or to extend their career.

In his own case, President Bush yesterday in a White House press conference commented about confusing accounting procedures that were used to mask nearly three-quarters of a million dollars that he yielded from the early sale of stock in a firm on which he had sat, actually an oil company on which he had sat on the board. When the national press asked him how it was possible that he had sold this stock early and yielded those dollars, he said he still had not figured it out completely. That was reported in three different newspapers today.

Let us reflect on that statement for a moment. President Bush, a former corporate director and member of the auditing committee of that corporation, when pressed about possible corporate bookkeeping practices, replies, I still have not figured it out completely.

Should the American people expect that? We should expect more. We deserve more. America needs tough accounting standards for private sector plans, and it needs tough accounting standards for Social Security because these dollars have to be replaced somehow.

So the time has come for financial and political accountability. Republican leaders should be held responsible and they will be in this coming November's election.

WE NEED SMALLER GOVERNMENT

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

Mr. DUNCAN. Mr. Speaker, because of the corporate scandals at WorldCom, Enron and Global Crossing, C-SPAN a few days ago asked people call in on the question of whether they had lost their faith in American corporations.

The problem is that bigger and bigger government has led to and resulted in bigger and bigger businesses controlling or dominating almost every industry or business sector. Almost every major problem we have today has been made worse because liberals over the last many years have made our government at the Federal and now even at the State levels far too big.

Big government, in the end, really helps only extremely big businesses

and the bureaucrats who work for the government. The big giants in every industry have come to the government and have gotten the government contracts, the favorable regulatory rulings, the tax break, the insider sweetheart deals in trade deals and so forth. So the big keep getting bigger and small businesses and small farms go under or struggle to survive, and now even medium-sized businesses even barely hang on.

Despite the most economic leverage of any Nation in the world and the fact that every nation drools to get into our markets, we have not used this economic leverage to help American small- and medium-sized businesses and workers, and instead have helped only big multinational companies.

Liberals always claim they are for the little guy. Yet their policies have hurt the little man in almost every way. For example, big government has driven medical costs almost out of sight.

Another example, liberals expanded the FDA and made it so big and bureaucratic that it now takes an average of over 10 years and over \$850 million to get a drug to market. This is why prescription drugs cost so much. People wonder why and do not realize it is their own government that has done it to them.

Big government liberals and their allies in the environmental movement protest every time anyone wants to cut any trees, dig for any coal, drill for any oil, or produce any natural gas. This has caused many small companies to go out of business and forced them to merge and has driven up prices and destroyed jobs. This has hurt the poor and lower-income and working people most of all.

I am sick and tired of seeing so many American jobs go to other countries. However, when big government taxes and regulates small businesses or small farms out of business, it simply means that the big keep getting bigger. Then the big giants have to go where labor and regulatory costs are the lowest, and they are much more likely to move out of the country, and then our people wonder why we keep losing so many good jobs. Well, it is primarily because of a Federal Government that has grown so big and so bureaucratic that it is simply out of control.

In the Subcommittee on Water Resources and Environment, we recently learned that some 400 pages of proposed EPA regulations would run 40,000 small farmers out of business. We had farmers in our hearing crying because their own government was about to do them in.

I am told that in 1978 we had 157 small coal companies in east Tennessee. Now there are none. All the small- and medium-sized ones were regulated out of existence by Federal mining regulators under intense pressure from environmental special interest groups which get their contributions mainly from extremely big business.

We have just had some 500 square miles of forests burning in several States out West. Two years ago, the previous administration followed policies that caused 7 million acres to burn and over \$10 million in damage.

The head of the Forest Service told the Washington Times that "there might have been 40 to 50 Ponderosa pine trees per acre at one time. Now you've got several hundred per acre."

Yet environmental extremists oppose even any thinning of the trees, no cutting at all, and even oppose removal of dead and dying trees. The Washington Post said the combination of drought and refusal to thin the forests has been deadly and has caused all these fires because there is such a tremendous build-up of fuel on the floors of the forest.

The opposition to cutting the trees has driven many small logging companies out of business and once again has destroyed jobs and caused another industry to be limited primarily to big grants.

When big government liberals make it impossible for small drug companies and small businesses in every industry to survive, it decreases competition and drives up prices. This hurts lower-income people the most.

When big government liberals and wealthy environmental extremists force mom-and-pop mining or logging companies or small farms out of business, it destroys jobs and opportunities not only for loggers and miners and farmers but also their lawyers, accountants, secretaries and salespeople. This is a big part of the reason why so many college graduates cannot find good jobs and have to go to graduate schools and work as waiters and waitresses.

When I was growing up, a poor man could start a gas station. Now, because of all the environmental rules and regulations and red tape, it takes a multimillionaire or a giant corporation to start one.

Mr. Speaker, to sum up, big government liberalism is killing the little guy. Liberals and environmental extremists are the best friends extremely big business has ever had, and it is no wonder we are seeing the major corporate scandals we are reading and hearing about today. Unless and until we downsize our Federal Government, we will continue to see even more.

OMNIBUS RESTORATION AND REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we find ourselves in a dilemma, and I would hope that the dilemma would cause us to recognize that all of us who are responsible for governance and are responsible for the leadership that is important in corporate responsibility cannot take on

any labels. I will say that the importance of what we are doing should not have a label of Republicans or Democrats, but clearly, the label should be that Congress has not acted.

We simply have not done the job. I am not sure if this has anything to do with big government or little government. I would say that it has a lot to do with congressional abdication of their responsibilities and agencies not doing their jobs and regulations not being strong enough, and that is, of course, the problem of corporate non-responsibility.

It is urgent that this Congress acts now. I happen to represent Enron Corporation who is now at this point trying to rebuild itself and remake itself, and I have always said that I wish them well, because I want a strong business doing the business that it was designed to do and providing jobs for the 18th Congressional District. At the same time, we cannot ignore the fact that we have a circumstance where there is a crumbling of investor integrity and investor confidence in our system.

Whether it is Enron that fired 4,000 employees 24 hours after they filed for bankruptcy, while 2 days before they gave \$105 million in retention bonuses to past leadership of that particular corporation, and I recognize that trials and investigations are still going on and that is appropriate, but we do know the facts. That almost 5,000 employees were laid off with no savings, minimal severance pay, left to their own devices and much of that was without any device. Pensioners losing their life savings. A constituent of mine, a small investor, a grandmother, said I lost \$150,000, a lot of money for someone who may be new to the marketplace.

WorldCom, and I hold up a certificate of stock ownership, maybe, Mr. Speaker, this is not exactly a certificate of stock ownership, but it reflects that WorldCom sold just a few weeks ago for \$64 per share and just recently it sold for 7 cents a share, and it was disenrolled or D-enrolled on the NASDAQ stock exchange.

It is time now, Mr. Speaker, for much action to occur, and this week I will be looking forward to introducing the Omnibus Restoration and Reform Act of 2002, dealing with trying to get the focus of not only the Congress but of the American people on one legislative initiative that includes any number of fixes.

Mr. Speaker, I hope that we will pass 25 bills dealing with corporate reform. I would hope that this omnibus bill will just signal that the Congress needs to move. It needs to move because insider trading is still going on.

Pharmaceuticals, oil companies, communications companies, we already know that the communications industry has lost more than 165,000 jobs, second only, I understand, to the auto industry.

What has to be done? I agree with the leader of the other body and the leader

of this body that we must have an investor bill of rights, and I join them in their announcement today and applaud them for their leadership.

I agree with the announcements being made in Wall Street today that we need a stronger SEC.

□ 1730

But after we do all of this, we must have follow-through. The Investor Bill of Rights must have the opportunity to pass, and the bill, or any bills that the President is talking of, must be able to pass.

Mr. Speaker, let me simply say in closing that we need an omnibus corporate reform restoration act to restore the faith of those who invest in our capitalistic system, oversight of the board of directors, and to make criminal the actions of those CEOs who would do criminal acts at the head of their companies.

I hope we will act soon. Congress needs to act soon and the President needs to sign a bill to strengthen our corporate structure.

PRESIDENT'S PLAN ON CURBING CORPORATE GREED

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

Mr. BROWN of Ohio. Mr. Speaker, earlier today President Bush gave a major speech on the administration's plan to curb executive greed and corporate misgovernance in our country. This plan could be a tough sell, considering the President's own record as a businessman and his record of regulating industry.

Shortly after taking office, President Bush made clear how he felt about any kind of government regulation. His first budget proposal contained the elimination of 57 staff positions at the Securities and Exchange Commission, the agency charged with reviewing his corporate financial problems of the 1980s and reviewing all corporate financial reports today. His Treasury Secretary moved immediately to shut down intergovernmental efforts undertaken by the previous administration to monitor offshore tax havens at the heart of the financial maneuvering that led to Enron's collapse.

This President let chemical companies write legislation that dealt with arsenic in the drinking water, let insurance companies write legislation about the privatization of Medicare, let the drug companies write legislation that had to do with prescription drug coverage, let Wall Street write legislation to privatize Social Security, and let the banks write legislation relating to bankruptcy. This laissez-faire antigovernment attitude of the Bush administration also created a permissive environment clearly making companies like Enron, WorldCom, Adelphia, and others believe they could

mislead investors with impunity as long as President Bush was in office.

Even after the Enron scandal was revealed last year, the President proposed a zero-growth budget for the SEC. He supported publicly and aggressively weak pension and accounting reform bills in the House, even though thousands of employees in this country, turning into tens of thousands, hundreds of thousands of employees, are losing their retirements to fraud and mismanagement by the President's friends at Enron and other corporations.

He refused to support legislation that would close the loopholes that allow American companies to go offshore to avoid U.S. taxes. He has declined to support reauthorization for the Superfund tax, requiring corporate polluters to pay for cleanup of the messes they make. Instead, he has chosen to have taxpayers pay to clean that up. To make matters worse, the President's advocated turning Medicare and Social Security over to the private sector.

As evidence of this bias in his political contributions from the insurance industry, the President recently endorsed a Medicare prescription drug plan that would be administered by the health insurance industry. This plan undercuts seniors' purchasing power and enables the drug industry to sustain its outrageous drug prices by permitting the continued abuse and manipulation of drug patent laws.

Why? It just might have had something to do with our committee 2 weeks ago considering the prescription drug bill. The committee chair decided to quit at 5 p.m. so all the Republican members in the committee could troop off to a fund-raiser, a Republican fund-raiser headlined by George Bush, where the chairman of the fund-raiser was the CEO of a prescription drug company in England. That chairman and that company contributed \$250,000 to House and Senate Republicans and to President Bush. Other prescription drug companies contributed \$50,000, \$100,000, and \$250,000, while Congress was considering a prescription drug bill.

No surprise that the next day, when our friends returned to our hearing, that on issue after issue after issue the Republicans voted down the line for drug company interests against seniors' interests.

The President and his administration have a long way to go to convince the American people they are serious about cleaning up corporate abuses in large American business or even enforcing current law.

So as the country considers the President's plan for reversing the current trend of corporate greed and misdeeds, I hope my colleagues will understand that I view his conversion from a proponent of laissez-faire economics in letting corporations run roughshod over government regulations and roughshod over the public, his conversion from that to chief regulator and enforcer of these laws with a healthy degree of skepticism.

A famous civil rights leader years ago said, "Don't tell me what you believe. Tell me what you do, and I will tell you what you believe."

CRISIS ON WALL STREET

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. Mr. Speaker, today President Bush went to Wall Street, and he went to Wall Street because he believes that Wall Street is now in trouble. It is in trouble with investors, it is in trouble with the American people, it is in trouble with the international capital communities; and therefore, the President went to Wall Street.

The President today recognized that we have a crisis and a scandal in the financial markets in the United States; that, rightfully, professional investors, amateur investors, and people who really do not even know how to invest but have a stake in Wall Street through their pension plans have lost their confidence and are starting to think that somebody ought to go to jail.

This did not happen today, it did not happen yesterday, it did not happen last week when the President made up his mind he was going to Wall Street. This has been a crisis for the average American for more than a year. This has been a crisis since Enron and Tyco and many other companies started to falter as their fraudulent bookkeeping schemes started to come to light.

Hundreds of thousands of Americans have had their pensions evaporate as companies disguised their financial health and then immediately declared bankruptcy. Hundreds of thousands of Americans who thought they might be able to retire in the next couple of years now recognize that they are going to have to work the rest of their lives if they are going to get by. This was a crisis for tens of thousands of employees whose jobs evaporated overnight because of the greed of the corporate executives who, while they told employees they could not provide additional health care dollars, they could not provide extra compensation, they could not give to their pensions, were taking hundreds of millions of dollars off the top of the corporation.

This has been a disaster for millions of shareholders across this country and in the rest of the world as they lost value in their portfolios, some of it for their retirement, some of it for their children, some of it for their families, because of the deception, the greed, the dishonesty that was rampant on Wall Street these last couple of years. Yet it took almost 18 months for George Bush to ask what was going on. It took almost 18 months for George Bush to deliver a major speech on this crisis.

The President did not deliver the speech when it was just the American family that was in trouble. He did not

deliver the speech when it was just the workers at Enron or ImClone or Dynergy that were in trouble. When we in California tried to tell him that they were manipulating the energy market, that they were gouging our consumers, that they were gouging the State, that it was all manipulation, they told us there was nothing to talk about, that they were comfortable that the market would work it all out. There was no market. It was manipulation. It was greed. It was dishonesty. It was fraud.

The same was true when he appointed Harvey Pitt as the chairman of the Securities and Exchange Commission, who said that the previous chairman of the Securities and Exchange Commission, Mr. Levitt, had been too hard on American corporations; when he tried to get honesty and transparency in their accounting processes, the industry came to Congress and got them to stall out. So Mr. Pitt said he is coming to be kinder and gentler to these corporations.

That is not what we need. We need a watchdog. We do not need a lapdog. But Mr. Pitt was appointed to be a lapdog. I do not think Mr. Bush can retrain him fast enough to take care of the American investor, the American worker, and the American shareholder. Every week now we get a new revelation. And the interesting thing is that many of the things these corporations were doing may not be against the law.

Merck was taking money that went to the pharmacists and saying it was their revenue. They never saw the money; it never came to them. And they are saying this is generally accepted within accounting principles. Generally accepted to what? To misstate revenues, to misstate earnings? I do not think so. But apparently it is.

That is why we need what Senator SARBANES is presenting to the Senate right now, a strong, independent review board, and not some industry control board that the President has been for, or that Mr. Pitt has been for, controlled by industry, making up the rules for industry for the good of the industry and not for the American people.

An investor today in the American stock market, whom are they to believe? Are they to read the 10K statements? They apparently have been misleading. Are they to read the page that is signed off by the accountant? They have been lying to the public. Are they going to go talk to the attorneys? They have been misleading the public and the boards of directors and others.

Mr. President, we are glad that you finally recognized this is a crisis, but for millions of Americans who have lost their pensions, lost their jobs, and lost their savings, this was a crisis a long time ago.

INTRODUCTION OF MILITARY TRIBUNALS ACT OF 2002

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, today I will be introducing the Military Tribunals Act of 2002 to provide congressional authorization for tribunals to try unlawful combatants against the United States in the war on terrorism.

Article I, section 8 of the Constitution provides that it is the Congress that has the power to constitute tribunals inferior to the Supreme Court to define and punish offenses against the law of nations.

Up until now, there has been no congressional authorization for military tribunals. The formation of these tribunals, thus far, has been performed solely by executive order of the President with clarifying regulations promulgated by the Secretary of Defense.

Some would argue, not implausibly, that despite the clear language of article I, section 8, congressional authorization is not necessary; that as President and commander in chief, he has the authority, all the authority he needs, to regulate the affairs of the military, and this power extends to the adjudication of unlawful combatants. Ultimately, if the Congress fails to act, any adjudications of the military tribunals will be challenged in court on the basis that the tribunals, having been improperly constituted, the sentences cannot stand.

Through this bill, we can remove any legal cloud that would overhang these prosecutions. For one thing the Supreme Court has made abundantly clear is that the power of the executive when it acts in concert with the Congress is at its greatest ebb. But there is another reason, an even more compelling reason, for Congress to act, and that is the separation of powers.

No single branch should have the authority on its own to establish jurisdiction for a tribunal, to determine the charges, to determine indeed what defendants should be brought before that tribunal, to determine process, and to serve as judge, jury and potential executioner. As a former prosecutor, I would not have wanted such unbridled authority, nor do I believe it is appropriate here.

The Military Tribunals Act of 2002 establishes the jurisdiction of these new courts over noncitizens, non-U.S. residents, unlawful combatants, al-Qaeda members, and those working in concert with them to attack the United States. It preserves the right of habeas corpus, and appeal, and the basic rights of due process. It also protects the confidentiality of sources of information and classified information. And it also protects ordinary citizens from being exposed to the dangers of trying these suspects.

Perhaps most important, in the context of a war without clear end, against an enemy without uniform or nation, the bill requires the President to report to Congress on who is detained for how long and on what basis.

□ 1745

Mr. Speaker, in sum, the Military Tribunal Act of 2002 gives the Commander in Chief the power to try unlawful combatants, provides the confidence these judgments will be upheld, establishes clear rules of due process, maintains our check and balances, and permits Congress to effectively oversee the war powers as the Constitution and the preservation of liberty requires.

Separation of powers: Our great nation was founded on the basic principles of liberty and justice for all. And one of the founding principles of our government is a separation of powers, and a system of checks and balances.

We set up our government this way for a reason. The delegates to the Constitutional Convention faced a difficult challenge—to create a strong, cohesive central government, while also ensuring that no individual or small group in the government would become too powerful. They formed a government with three separate branches, each with its own distinct powers.

Without this separation of powers, any one branch of government could have the power to establish a tribunal, decide what charges would be covered and what due process would be afforded, and also serve as judge and jury. The intent of the framers was to avoid these kinds of imbalances of power—to provide checks and balances.

That is why Congress must have a role in setting up military tribunals.

The role of military tribunals: As the United States and its allies continue to engage in armed conflict with al Qaeda and the Taliban, military tribunals provide an appropriate forum to adjudicate the international law of armed conflict. While it may sound incongruous to have a justice system to deal with crimes of war, this process ensures adherence to certain international standards of wartime conduct. In order to garner the support of the community of nations, military trials must provide basic procedural guarantees of fairness, consistent with the international law of armed conflict and the International Covenant on Civil and Political Rights.

Constitutional justification: Congressional authorization is necessary for the establishment of extraordinary tribunals to adjudicate and punish offenses arising from the September 11, 2001 attacks, or future al Qaeda terrorist attacks against the United States, and to provide a clear and unambiguous legal foundation for such trials.

This power is granted by the U.S. Constitution, which gives congress the authority to constitute tribunals, define and punish offenses against the Law of Nations, and make rules concerning captures.

While Congress has authorized the President to use all necessary and appropriate force against those nations, organizations, or persons that he determines to have planned, authorized, committed, or aided the terrorist attacks or harbored such organizations or persons, Congress has yet to expressly authorize the use of military tribunals.

Crafting the bill: In November, 2001, the President issued a military order which said non-U.S. citizens arrested at home or abroad could be tried by military tribunals. In March, 2002, the Department of Defense announced rules for military trials for accused terrorists.

Believing that Congress should play a critical role in authorizing military tribunals, I began discussing this issue with legal organizations, military law experts, and legal scholars. The result of these discussions is the Military Tribunals Act of 2002, which I am introducing today.

Who is covered: My bill will give the President the authority to carry out military tribunals to try individuals who are members of al Qaeda or members of other terrorist organizations knowingly cooperating with or aiding or abetting persons who attack the United States.

Unlawful combatants: The Geneva Conventions limit the ways regular soldiers who surrender or are captured may be treated, but there is a very clear distinction made between lawful enemy combatants (a member of a standing/recognized army), who would not be subject to a tribunal, and unlawful enemy combatants (civilians who take up arms) who would.

Currently, there are more than 500 persons who are being detained at Guantanamo Bay. They have been classified by the Department of Defense as unlawful enemy combatants, and each one could potentially be subject to a military tribunal. But without legislative backing, any military tribunal adjudication of guilt may later be challenged on the basis that the tribunals were not authorized by Congress. Congressional action would make it abundantly clear that military tribunals are an appropriate venue for trying unlawful enemy combatants. Spelling out the requirements for a military tribunal would ensure that sentences, when they are handed down, could be defended from judicial invalidation.

Due process: My bill would ensure that the basic tenets of due process are adhered to by a military tribunal. The tribunal would be independent and impartial. The accused would be presumed innocent until proven guilty, and would only be found guilty if there was proof beyond a reasonable doubt. The accused would be promptly notified of alleged offenses. The proceedings would be made available to relevant parties in other languages as necessary. The accused would have the opportunity to be present at trial. The accused have the opportunity to confront, cross-examine, and offer witnesses. The proceedings would be expeditious. The accused would be afforded all necessary means of defense. A conviction would be based on proof that the individual was responsible for the offense. A conviction could not be upheld on an act that was not an unlawful offense when it was committed. The penalty for an offense would not be greater than it was when the offense was committed. The accused would not be compelled to confess guilt or testify against himself. A convicted person would be informed of remedies and appeals processes. A preliminary proceeding would be held within 30 days of detention to determine whether a trial may be appropriate. The tribunal would be comprised of a military judge and not less than five members. The death penalty would be applied only by unanimous decision. The accused would have access to evidence supporting each alleged offense, except where disclosure of the evidence would cause identifiable harm to the prosecution of military objectives, and would have the opportunity to both obtain and present exculpatory evidence, and to respond to such evidence.

Habeas corpus: Finally, the writ of habeas corpus would not be infringed, as it is a critical

tenet of our justice system. Every person should be entitled to a court determination of whether he is imprisoned lawfully and whether or not he should be released from custody. This basic tenet dates back to 1215 when it stood in the Magna Carta as a critical individual right against arbitrary arrest and imprisonment.

Courts have referred to habeas corpus as “the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.” Without judicial review, the police can arrest people without warrants and jail people without trials. U.S. Senator Arlen Specter has noted, “Simply declaring that applying traditional principles of law or rules of evidence is not practical is hardly sufficient. The usual test is whether our national security interests outweigh our due process rights, and the administration has not made the case.”

A careful reading of the President’s military order reveals that “military tribunals shall have exclusive jurisdiction, and the individual shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly . . . in any court of the United States, or any state thereof, any court of any foreign nation, or any international tribunal.”

Appeals process: Another critical protection we must retain in these trials is that of an appeals process. My bill calls for the Secretary of Defense to promptly review convictions by such tribunals to ensure that the procedural requirements of a full and fair hearing have been met. It also calls for the United States Court of Appeals for the Armed Forces established under the Uniform Code of Military Justice to review the proceedings, convictions, and sentences of such tribunals. Finally, the Supreme Court would review the decisions of the United States Court of Appeals for the Armed Forces. This is the most appropriate system of judicial review, especially since the U.S. Court of Appeals for the Armed Forces would not have to appoint special masters or magistrates to do the necessary fact finding.

Public proceedings: We gain the confidence of our citizenry by ensuring that trial proceedings are open to the public. My bill would require trial and appeal proceedings to be accessible to the public, while securing the safety of observers, witnesses, tribunal judges, counsel, and others. Evidence available from an agency of the Federal Government, however, may be kept secret from the public if such evidence would harm the prosecution of military objectives or intelligence sources or methods.

Detention: The bill allows for the Secretary of Defense to detain a person who is subject to a tribunal consistent with the international law of armed conflict. However these detentions would only be authorized while a state of armed conflict continues, or which a prosecution or a post-trial proceeding is ongoing. Under the Military Tribunals Act of 2002, the United States District Court for the District of Columbia would have exclusive jurisdiction to ensure that the requirements for detaining an accused are satisfied.

And while an accused is held, the detainee shall be treated humanely, without any adverse distinction based on race, color, religion, gender, birth, wealth, or any similar criteria. Adequate food, drinking water, shelter, clothing, and medical treatment shall be provided. Finally, a detainee’s right to the free exercise of religion would not be infringed.

Reports to congress: Without protection and reporting requirements in place, persons detained for an indefinite amount of time would have no recourse. Currently in America, the total number of persons detained by both the Department of Justice and the Department of Defense is unknown. In many cases, there is little information, if any, available about who has been detained and why. My bill requires the President to report annually to Congress on the use of the military tribunal authority. Each such report would include information regarding each person subject to, or detained pursuant to, a military tribunal, and each person detained pursuant to any actual or planned act of terrorism, who has not been referred for trial in connection with that act of terrorism to a criminal court or to a military tribunal. With this provision, we can significantly reduce the danger that due process might be evaded by simply failing to bring detainees before a tribunal for trial.

Conclusion: There is some debate about the necessity of Congressional input in the establishment of military tribunals. But there is no doubt that legislative branch input can provide indispensable safeguards, such as an appeal to an independent entity, that the executive branch simply cannot provide on its own. By exercising Congress' role in the process, we will ensure that our justice system remains a beacon for the rest of the world, where due process is protected, and the accused are afforded basic protections.

We are living in an extraordinary time, a difficult time. But we are defined as a nation by how we handle these difficult times. Our government's words and deeds are important, not only for the legal precedents we set, but also for the message we send to our global neighbors. During this, the most significant international crisis of our day, we have an opportunity to show the world the true meaning of justice, liberty, and the freedoms upon which America was founded.

PRESIDENT'S FORTUNE BUILT ON INSIDER TRADING

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

Mr. McDERMOTT. Mr. Speaker, I include for the RECORD an article from yesterday's New York Times by Paul Krugman called "Succeeding in Business."

The reason I do this, we have a lot of Members coming here and talking about what is happening with business and the President, and this article told us what was going to happen today. As we watch the news about what President Bush said, remember this: "George Bush is scheduled to give a speech intended to put him in front of the growing national outrage over corporate malfeasance. He will sternly lecture Wall Street executives about ethics and will doubtless portray himself as a believer in old-fashioned business probity.

"Yet this pose is surreal, given the way top officials like Secretary of the Army Thomas White, Dick Cheney and Mr. Bush himself acquired their

wealth. As Joshua Green says in *The Washington Monthly*, in a must-read article written just before the administration suddenly became such an exponent of corporate ethics: "The new tone that George W. Bush brought to Washington isn't one of integrity, but of permissiveness. In this administration, enriching oneself while one's business goes bust is not necessarily frowned upon."

"Unfortunately, the administration has so far gotten the press to focus on the least important question about Mr. Bush's business dealings: His failure to obey the law by promptly reporting his insider trading. It is true that Mr. Bush's story about that failure has suddenly changed four times, but the administration hopes that a narrow focus on the reporting lapses will divert attention from the larger point: Mr. Bush profited personally from aggressive accounting identical to the recent scams that have shocked the Nation.

"In 1986, one would have had to consider Mr. Bush a failed businessman. He had run through millions of dollars of other people's money, with nothing to show for it but a company losing money and heavily burdened with debt. But he was rescued from his failure when Harken Energy bought his company at an astonishingly high price. There is no question that Harken was basically paying for Mr. Bush's connections.

"Despite these connections, Harken did badly. But for a time it concealed its failure, sustaining its stock price, as it turned out, just long enough for Mr. Bush to sell most of his stake at a large profit, with an accounting trick identical to one of the main ploys used by Enron a decade later."

Mr. Speaker, surprisingly, Arthur Andersen was the accountant. The ploy works this way. Corporate insiders create front corporations that seem independent but are really under their control. This front buys some of the firm's assets at unrealistically high prices, creating a phantom profit that inflates the stock price, allowing the executives to cash in their stock.

That is exactly what happened at Harken. A group of insiders, using money borrowed from Harken itself, paid an exorbitant price for a Harken subsidiary, Aloha Petroleum. That created a \$10 million phantom profit which hid three-quarters of the company's losses in 1989. White House aides have played down the significance of this move saying \$10 million is not very much compared with recent scandals. Indeed, it is a small fraction of the apparent profits Halliburton created through a sudden change in accounting procedures during Dick Cheney's tenure as chief executive. But for Harken's stock price and hence Mr. Bush's personal wealth, this accounting trickery made all the difference. Mr. Bush was on the company's audit committee, as well as on the special restructuring committee.

And back in 1994, another member of both committees, E. Stuart Watson, as-

sured reporters that he and Mr. Bush were constantly made aware of the company's finances. If Mr. Bush did not know about the Aloha maneuver, he was a very negligent director. In any case, Mr. Bush certainly found out what his company had been up to when the Securities and Exchange Commission ordered it to restate its earnings, so he cannot really be shocked over recent corporate scams. His own company pulled exactly the same tricks, to his considerable benefit. Of course what really made Mr. Bush a rich man was the investment of those proceeds from Harken in the Texas Rangers, a step that is another equally strange story.

The point is the contrast between image and reality. Mr. Bush portrays himself as a regular guy, someone ordinary Americans can identify with, but his personal fortune was built on privilege and insider dealings, and after his Harken sale, on large-scale corporate welfare. Some people have it easy.

Mr. Speaker, this is the man who went down there and said we are going to clean this thing up. We are going to have a task force on corporate fraud. The fox went down to the chicken house and said to the other foxes, hey, I know how to run this hen house, and I am going to show you.

This guy, can we expect him really, really, after that story, and this is not me talking, this is a columnist for the New York Times.

Mr. Speaker, most people who watch television tonight will see about 19 seconds of the President saying, I am going to be tough on corporate fraud. They will think it is for real because they will not know the story behind the man, what he really did. That is why I took the time to come down and read this. I feel like an old-fashioned news reader on television. Now everything has to be snap, snap and Americans never learn what is really going on.

This President is running a game on us, and the pensions and investments of people are at risk as long as he refuses to put people on the SEC to stop it.

The article previously referred to is as follows:

[From the New York Times, July 7, 2002]

SUCCEEDING IN BUSINESS

(By Paul Krugman)

George W. Bush is scheduled to give a speech intended to put him in front of the growing national outrage over corporate malfeasance. He will sternly lecture Wall Street executives about ethics and will doubtless portray himself as a believer in old-fashioned business probity.

Yet this pose is surreal, given the way top officials like Secretary of the Army Thomas White, Dick Cheney and Mr. Bush himself acquired their wealth. As Joshua Green says in *The Washington Monthly*, in a must-read article written just before the administration suddenly became such an exponent of corporate ethics: "The 'new tone' that George W. Bush brought to Washington isn't one of integrity, but of permissiveness. . . . In this administration, enriching oneself while one's

business goes bust isn't necessarily frowned upon."

Unfortunately, the administration has so far gotten the press to focus on the least important question about Mr. Bush's business dealings: his failure to obey the law by promptly reporting his insider stock sales. It's true that Mr. Bush's story about that failure has suddenly changed, from "the dog ate my homework" to "my lawyer ate my homework—four times." But the administration hopes that a narrow focus on the reporting lapses will divert attention from the larger point: Mr. Bush profited personally from aggressive accounting identical to the recent scams that have shocked the nation.

In 1986, one would have had to consider Mr. Bush a failed businessman. He had run through millions of dollars of other people's money, with nothing to show for it but a company losing money and heavily burdened with debt. But he was rescued from failure when Harken Energy bought his company at an astonishingly high price. There is no question that Harken was basically paying for Mr. Bush's connections.

Despite these connections, Harken did badly. But for a time it concealed its failure—sustaining its stock price, as it turned out, just long enough for Mr. Bush to sell most of his stake at a large profit—with an accounting trick identical to one of the main ploys used by Enron a decade later. (Yes, Arthur Andersen was the accountant.) As I explained in my previous column, the ploy works as follows: corporate insiders create a front organization that seems independent but is really under their control. This front buys some of the firm's assets at unrealistically high prices, creating a phantom profit that inflates the stock price, allowing the executives to cash in their stock.

That's exactly what happened at Harken. A group of insiders, using money borrowed from Harken itself, paid an exorbitant price for a Harken subsidiary, Aloha Petroleum. That created a \$10 million phantom profit, which hid three-quarters of the company's losses in 1989. White House aides have played down the significance of this maneuver, saying \$10 million isn't much, compared with recent scandals. Indeed, it's a small fraction of the apparent profits Halliburton created through a sudden change in accounting procedures during Dick Cheney's tenure as chief executive. But for Harken's stock price—and hence for Mr. Bush's personal wealth—this accounting trickery made all the difference.

Oh, the Harken's fake profits were several dozen times as large as the Whitewater land deal—though only about one-seventh the cost of the Whitewater investigation.

Mr. Bush was on the company's audit committee, as well as on a special restructuring committee; back in 1994, another member of both committees, E. Stuart Watson, assured reporters that he and Mr. Bush were constantly made aware of the company's finances. If Mr. Bush didn't know about the Aloha maneuver, he was a very negligent director.

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The point is the contrast between image and reality. Mr. Bush portrays himself as a regular guy, someone ordinary Americans can identify with. But his personal fortune was built on privilege and insider dealings—and after his Harken sale, on large-scale corporate welfare. Some people have it easy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After listening to several 5-minute special order speeches, the Chair would remind all Members that, although remarks in debate may include criticism of the President on matters of policy or politics, remarks in debate may not descend to personalities by alluding to unethical behavior on the part of the President.

FOX GUARDING THE CHICKEN COOP

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

Mr. LEWIS of Georgia. Mr. Speaker, I come to the floor tonight dismayed, disillusioned and disappointed. What is happening in corporate America? What has become of our corporate leaders? This is a simple issue of right and wrong, good and evil, how fraud, lying and cheating have become part of our corporate culture. We must ask ourselves, How did this happen? What gave birth to this period of corporate greed and scandal?

It all started with the corporate crusade against big government. Big government was making big business file too many reports. Big government was spending too much time making sure that big business was following the law, so big business asked their friends in Congress to do something about it.

Thanks to Republican attacks against big government, these CEOs and board of directors are acting with little, if any, government regulation. They have been lying to investors, lying to workers, and lying to the Federal Government. And they have been getting away with it.

While corporate America has been making out like bandits, hard-working men and women are losing their jobs, their retirement, and losing their children's college funds. The majority party in the White House has created a climate in which Enron, WorldCom, and Tyco could happen. Instead of having the SEC look over corporate books, Republicans have had the SEC look the other way.

My colleagues, so shall thee sow, so shall thee reap.

But this travesty is not just about Global Crossing, WorldCom, Enron, Martha Stewart, Tyco, and Merck. In fact, it is not just about the world of business. It is bigger than that.

Look at the Republican environmental record. Look at their record on worker safety. Our Interior Department is fighting tooth and nail to drill for oil and dig for coal on our pristine public lands. The EPA is leading the fight for more air pollution. OSHA is making fewer and fewer trips to the workplace. And the SEC has been leading the fight to let business just go about its business.

Time and time again, Republicans have declared that the only regulation is self-regulation or no regulation. Even today, President Bush declared that we must "depend on the conscience of American business leaders."

Republicans have left the fox in charge of the chicken coop; and now they are shocked, they are absolutely shocked to find a fat fox and an empty chicken coop.

Mr. President, actions speak louder than words. Today's moral indignation rings as falsely as an Enron accounting report.

Today, President Bush told the American people that he wanted to hire 100 new staffers at the SEC to make corporations obey the law. President Bush did not tell the American people that just last year he proposed getting rid of 57 SEC workers. This is what the Republicans were doing before the American people started paying attention. This is what the Republicans were doing when no one was watching.

We do not need strong words and empty promises. We need strong regulation and strict enforcement. It is time to get tough on crime, all crime, and not just the folks who cannot afford to make a campaign contribution.

When someone gets caught dealing a thousand dollars' worth of drugs, they lock you up, lock you away, and take almost everything you own. We need the same standards for CEOs who steal millions of dollars from their companies. We need the same standards for corporate leaders who lie, cheat and steal from their employees and their shareholders.

Mr. Speaker, it is time to get serious about corporate crime. It is time to put some teeth back into securities laws and some power back into the SEC. Do not just talk the talk; walk the walk. Pass the laws. Protect the folks who are being dumped on and ripped off. We owe our people no less. It is our mission, our mandate, and our moral obligation, our moral responsibility.

HAS CAPITALISM FAILED AGAIN?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, the question I want to address today is: Has capitalism failed again?

It is now commonplace and politically correct to blame what is referred to as the excesses of capitalism for the economic problems that we face, and especially for the Wall Street fraud that dominates the business news. Politicians are having a field day demagoguing the issue while, of course, failing to address the fraud and deceit found in the budgetary shenanigans of the Federal Government for which they are directly responsible. Instead, it gives the Keynesian crowd that runs

the show a chance to attack free markets and ignore the issue of sound money.

So once again we hear the chant: Capitalism has failed; we need more government controls over the entire financial markets. No one asked why the billions that have been spent and thousand of pages of regulations that have been written since the last attack on capitalism in the 1930s did not prevent the fraud and deception of the Enrons, the WorldComs, and the Global Crossings. That failure surely could not have come from a dearth of regulations.

What is distinctly absent is any mention that all financial bubbles are saturated with excesses in hype, speculation, depth, greed, fraud, gross errors in investment judgment, carelessness on the part of the analysts and investors, huge paper profits, conviction that a new-era economy has arrived, and above all else, pie-in-the-sky expectations.

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When the bubble is inflating, there are no complaints. When it bursts, the blame game begins. This is especially true in the age of victimization and is done on a grand scale. It quickly becomes a philosophic, partisan, class, generational and even a racial issue. While avoiding the real cause, all the fingerpointing makes it difficult to resolve the crisis and further undermines the principles upon which freedom and prosperity rests. Nixon was right once, when he declared we are all Keynesians now. All of Washington is in sync in declaring that too much capitalism has brought us to where we are today. The only decision now before the central planners in Washington is whose special interest will continue to benefit from the coming pretense at reform. The various special interests will be lobbying heavily, like the Wall Street investors, the corporations, the military-industrial complex, the banks, the workers, the unions, the farmers, the politicians and who knows who else, but what is not discussed is the actual cause and perpetration of the excesses now unraveling at a frantic pace. This same response occurred in the 1930s in the United States as our policymakers responded to very similar excesses that developed and collapsed in 1929. Because of the failure to understand the problem then, the Depression was prolonged. These mistakes allowed our current problems to develop to a much greater degree. Like the failure to come to grips with the cause of the 1980s bubble, Japan's economy continued to linger at no-growth and recession level, with their stock market at approximately one fourth of its peak 13 years ago.

If we are not careful, and so far we have not been, we will make the same errors that will prevent the correction needed before economic growth can be resumed.

In the 1930s it was quite popular to condemn the greed of capitalism, the

gold standard, lack of regulation, and no government insurance on bank deposits for the disaster. Businessmen became the scapegoat. Changes were made as a result and the welfare warfare state was institutionalized. Easy credit became the holy grail of monetary policy, especially under Alan Greenspan, the ultimate maestro.

Today, despite the presumed protection from these Government programs built into the system, we find ourselves in a bigger mess than ever before. The bubble is bigger, the boom lasted longer, and the gold price has been deliberately undermined as an economic signal. Monetary inflation continues at a rate never seen before in a frantic effort to prop up stock prices and continue the housing bubble, while avoiding the consequences that inevitably come from easy credit.

This is all done because we are unwilling to acknowledge that current policy is only setting the stage for a huge drop in the value of the dollar. Everyone fears it, but no one wants to deal with it. Out of ignorance as well as disapproval for the natural restraints placed on market excesses that capitalism and sound markets impose, capitalism is not only rejected, it is blamed for all problems we face. If this fallacy is not corrected and capitalism is even further undermined, the prosperity that the free market generates will be destroyed.

Corruption and fraud in the accounting practices of many companies are coming to light. There are those who would have us believe this is an integral part of free market capitalism. If we did have free market capitalism, there would be no guarantees that some fraud would not occur. When it did, it would be dealt with by local law enforcement authorities, not by the politicians in Washington who had their chance to prevent such problems but choose instead to politicize the issue while using the opportunity to promote more Keynesian, useless regulations.

Capitalism should not be condemned since we have not had capitalism. A system of capitalism presumes sound money, not fiat money manipulated by a central bank. Capitalism cherishes voluntary contracts and interest rates that are determined by savings, not credit creation by a central bank. It is not capitalism when the system is plagued with incomprehensible rules regarding mergers, acquisitions, stock sales, wage controls, price controls, protectionism, corporate subsidies, international management of trade, complex and punishing corporate taxes, privileged Government contracts to the military-industrial complex, a foreign policy controlled by corporate interests and overseas investments; central mismanagement of farming, education, medicine, insurance, banking and welfare. This is not capitalism.

To condemn free market capitalism because of anything going on today makes no sense whatsoever. There is

no evidence that capitalism exists today. We are deeply involved in an interventionist, planned economy that allows major benefits to accrue to the politically connected of both political spectrums. One may condemn the fraud in the current system, but it must be called its proper name, Keynesian, inflationism, interventionism, and corporatism.

What is not discussed is that the current crop of bankruptcies reveals that the blatant distortions and lies emanating from years of speculative orgy were predictable.

First, Congress should be investigating the Federal Government's fraud and deception in accounting, reporting future obligations such as Social Security and how the monetary system destroys wealth. Those problems are bigger than anything in the corporate world and are the responsibility of the Congress. Besides, it is the standard set by the Government and the monetary system it operates that are the major contributing causes to all that is wrong on Wall Street today.

When fraud does exist, it is a State matter, not a Federal one, and State authorities can enforce these laws without any help from Congress.

Second, we do know why financial bubbles occur and we know from history that they are routinely associated with speculation, excessive debt, wild promises, greed, lying and cheating. These problems were described by quite a few observers as the problems were developing in the 1990s, but the warnings were ignored, for one reason; everybody was making a killing and no one cared, and those who were reminded of history were reassured by the Fed chairman that, this time, a new economic era had arrived and not to worry. Productivity increases, it was said, could explain it all.

But now we know that is just not so. Speculative bubbles and all that we have been witnessing are a consequence of huge amounts of easy credit, created out of thin air by the Federal Reserve. We have had essentially no savings, which is one of the most significant driving forces in capitalism. The illusion created by low interest rates perpetuates the bubble and all the bad stuff that goes along with it. And that is not a fault of capitalism. We are dealing with a system of inflationism and interventionism that always produces a bubble economy that must end badly.

So far, the assessment made by the administration, the Congress, and the Fed bodes badly for our economic future. All they offer is more of the same, which cannot possibly help. All it will do is drive us closer to national bankruptcy, a sharply lower dollar and a lower standard of living for most Americans, as well as less freedoms for everyone.

This is a bad scenario that need not happen. But preserving our system is impossible if the critics are allowed to blame capitalism and sound monetary

policy is rejected. More spending, more debt, more easy money, more distortion of interest rates, more regulations on everything, more foreign meddling, will soon force us to the very uncomfortable position of deciding the fate of our entire political system.

If we were to choose freedom and capitalism, we would restore our dollar to a commodity or a gold standard. Federal spending would be reduced; income taxes would be lowered and taxes would be removed from savings, dividends and capital gains; regulations would be reduced; special interest subsidies would be stopped and no protectionist measures would be permitted; our foreign policy would change and we would bring our troops home.

We cannot depend on government to restore trust to the markets. Only trustworthy people can do that. Actually, the lack of trust in Wall Street executives is healthy, because it is deserved and prompts caution. The same lack of trust in the politicians, the budgetary process, and the monetary system would serve as a healthy incentive for the reforms in government we need.

Markets regulate better than governments can. Depending on government regulations to protect us significantly contributes to the bubble mentality. These moves would produce the climate for releasing the creative energy necessary to simply serve consumers, which is what capitalism is all about.

The system that inevitably breeds corporate government cronyism that created our currently ongoing disaster would end. Capitalism did not give us this crisis of confidence now existing in the corporate world. The lack of free markets and sound money did. Congress does have a role to play, but it is not proactive. Congress' job is to get out of the way.

IS AMERICA A POLICE STATE

Another subject, Mr. Speaker, I want to address today, is is America a police state? Most Americans believe we live in dangerous times, and I must agree. Today I want to talk about how I see those dangers and what Congress ought to do about them.

Of course, the Monday-morning quarterbacks are now explaining with political overtones what we should have done to prevent the 9/11 tragedy. Unfortunately, in doing so, foreign policy changes are never considered.

I have for more than 2 decades been severely critical of our post-World War II foreign policy. I have perceived it to be not in our best interests and have believed that it presented a serious danger to our security.

For the record, in January of 2000 I said on this floor, "Our commercial interests in foreign policy are no longer separate. As bad as it is that average Americans are forced to subsidize such a system, we additionally are placed in greater danger because of our arrogant policy of bombing nations that do not submit to our wishes. This generates hatred directed toward America and

exposes us to a greater threat of terrorism, since this is the only vehicle our victims can use to retaliate against a powerful military state. The cost in terms of lost liberties and unnecessary exposure to terrorism is difficult to assess, but in time it will become apparent to all of us that foreign interventionism is of no benefit to American citizens. Instead, it is a threat to our liberties."

Again, let me remind you, these were statements I made on the House floor in January of the year 2000. Unfortunately, my greatest fears and warnings have been borne out.

I believe my concerns are as relevant today as they were then. We should move with caution in this post-9/11 period so that we do not make our problems worse overseas while further undermining our liberties at home.

So far, our post-9/11 policies have challenged our rule of law here at home and our efforts against the al Qaeda have essentially come up empty-handed. The best we can tell now, instead of being in one place, the members of the al Qaeda are scattered around the world, with more of them in allied Pakistan than in Afghanistan. Our efforts to find our enemies have put the CIA in 80 different countries. The question that someday we must answer is whether we can catch them faster than we generate them. So far, it appears we are losing.

As evidence mounts that we have achieved little in reducing the terrorist threat, more diversionary tactics will be used. The big one will be to blame Saddam Hussein for everything and initiate a major war against Iraq, which will only generate even more hatred toward America from the Muslim world.

But, Mr. Speaker, my subject today is to discuss whether America is a police state. I am sure the large majority of Americans would answer this in the negative. Most would associate military patrols, martial law and summary executions with a police state, something obviously not present in our everyday activities. However, those knowledgeable with Ruby Ridge, Mount Carmel and other such incidents may have a different opinion.

The principal tool for sustaining a police state, even the most militant, is always economic punishment, by denying such things as jobs or a place to live, levying fines or imprisonment. The military is more often only used in the transition phase to a totalitarian state. Maintenance for long periods is usually accomplished through economic controls on commercial transactions, the use of all property and political dissent. Peaceful control through these efforts can be achieved without storm troopers on our street corners. Terror or fear is used to achieve complacency and obedience, especially when the people are deluded into believing they are still a free people.

□ 1815

The changes, they are assured, will be minimal, short-lived and necessary,

such as those that occur in times of declared war. Under those conditions, most citizens believe that once the war is won, the restrictions on their liberties will be reversed. For the most part, however, after a declared war is over, the return to normalcy is never complete. In an undeclared war, without a precise enemy and, therefore, no precise ending, returning to normalcy can prove illusory.

We have just concluded a century of war, declared and undeclared, while at the same time responding to public outcries for more economic equality. The question as a result of these policies is, are we already living in a police state? If we are, what are we going to do about it? If we are not, we need to know if there is any danger that we are moving in that direction.

Most police states, surprisingly, come about through the democratic process with majority support. During a crisis, the rights of individuals and the minority are more easily trampled, which is more likely to condition a nation to become a police state than a military coup. Promised benefits initially seem to exceed the cost in dollars or lost freedom. When the people face terrorism or great fear from whatever source, the tendency to demand economic and physical security over liberty and self-reliance proves irresistible.

The masses are easily led to believe that security and liberty are mutually exclusive and demand for security far exceeds that for liberty. Once it is discovered that the desire for both economic and physical security that prompted the sacrifice of liberty which inevitably led to the loss of prosperity and no real safety, it is too late. Reversing the trend from authoritarian rule toward a freer society becomes very difficult, takes a long time, and entails much suffering. Although dissolution of the Soviet empire was relatively nonviolent at the end, millions suffered from police suppression and economic deprivation in the decades prior to 1989.

But what about here in the United States? With respect to a police state, where are we and where are we going? Let me make a few observations. Our government already keeps close tabs on just about everything we do and requires official permission for nearly all of our activities. One might take a look at our capital for any evidence of a police state. We see barricades, metal detectors, police, the military at times, dogs, ID badges required for every move, vehicles checked at airports and throughout the capital. People are totally disarmed except for the police and the criminals but, worse yet, surveillance cameras in Washington are everywhere to ensure our safety. The terrorist attacks only provided the cover for the do-gooders who had been planning for a long time before last summer to monitor us for our own good. Cameras are used to spy on our drug habits, on our kids at school, on

subway travelers, and on visitors to every government building or park. There is not much evidence of an open society in Washington, D.C., yet most folks do not complain. Anything goes if it is for government-provided safety and security.

If this huge amount of information and technology is placed in the hands of the government to catch the bad guys, one naturally asks, what is the big deal? But it should be a big deal, because it eliminates the enjoyment of privacy that a free society holds dear. The personal information of law-abiding citizens can be used for reasons other than safety, such as political. Like gun control, people control hurts law-abiding citizens much more than the lawbreakers. Social Security numbers are used to monitor our daily activities. The numbers are given to us at birth and then are needed when we die and for everything in between. This allows government record-keeping of monstrous proportions and accommodates the thugs who would steal others' identities for evil purposes. This invasion of privacy has been compounded by the technology now available to those in government who enjoy monitoring and directing the activity of others. Loss of personal privacy was a major problem a long time before 9-11. Centralized control and regulations are required in a police state.

Community and individual State regulations are not as threatening as the monolith of rules and regulations written by Congress and the Federal bureaucracy. Law and order has been federalized in many ways, and we are moving inexorably in that direction.

Almost all our economic activities depend upon receiving the proper permits from the Federal Government. Transactions involving guns, food, medicine, smoking, drinking, hiring, firing, wages, politically correct speech, land use, fishing, hunting, buying a house, business mergers and acquisitions, selling stocks and bonds, and farming all require approval and strict regulation from our Federal Government. If this is not done properly and in a timely fashion, economic penalties and even imprisonment are likely consequences.

Because government pays for so much of our health care, it is conveniently argued that any habits or risk-taking that could harm one's health are the prerogative of the Federal Government and are to be regulated by explicit rules to keep medical care costs down. This same argument is used to require helmets for riding motorcycles and bikes. Not only do we need a license to drive, but we also need special belts, bags, buzzers, seats, and environmentally-dictated speed limits or a policeman will be pulling us over to levy a fine and he will be carrying a gun, of course.

The States do exactly as they are told by the Federal Government because they are threatened with the loss of tax dollars being returned to their

State, dollars that should never have been taken from them in the first place and sent to Washington, let alone be allowed to be used to extort obedience to a powerful central government. Over 80,000 Federal bureaucrats now carry guns to make us toe the line and to enforce the thousands of laws and tens of thousands of regulations that no one can possibly understand. We do not see the guns, but we all know they are there, and we all know we cannot fight city hall, especially if it is Uncle Sam.

All 18-year-old males must register to be ready for the next undeclared war. If they do not, men with guns will appear and enforce this congressional mandate of involuntary servitude, which was banned by the 13th amendment, but courts do not apply this prohibition to the servitude of draftees or those citizens required to follow the dictates of the IRS, especially the employers of the country who serve as the Federal Government's chief tax collectors and information-gatherers.

Fear is the tool used to intimidate most Americans to comply to the Tax Code by making examples of celebrities. Leona Helmsley and Willie Nelson know how this process works. Economic threats against business establishments are notorious. Rules and regulations from the EPA, the ADA, the SEC, the LRB, OSHA and more terrorize business owners into submission, and those charged accept their own guilt until they can prove themselves innocent. Of course, it turns out it is much more practical to admit guilt and pay the fine. This serves the interests of the authoritarians because it firmly establishes just who is in charge.

An information leak from a government agency like the FDA can make or break a company within minutes. If information is leaked, even inadvertently, a company can be destroyed and individuals involved in the revealing of government-monopolized information can be sent to prison. Each, though economic crimes, are serious offenses in the United States. Violent crimes sometimes evoke more sympathy and fewer penalties. Just look at the O.J. Simpson case as an example.

Efforts to convict Bill Gates and others like him of an economic crime are astounding, considering his contribution to economic progress, while sources used to screen out terrorist elements from our midst are tragically useless. If business people are found guilty of even the suggestion of collusion in the marketplace, huge fines and even imprisonment are likely consequences.

Price-fixing is impossible to achieve in a free market. Under today's laws, talking to or consulting with competitors can be easily construed as price-fixing and involve a serious crime even with proof that the so-called collusion never generated monopoly-controlled prices or was detrimental to consumers. Lawfully circumventing taxes, even sales taxes, can lead to serious

problems if a high profile person can be made an example.

One of the most onerous controls placed on American citizens is the control of speech through politically correct legislation. Derogatory remarks or off-color jokes are justification for firings, demotions, and destruction of political careers. The movement toward designating penalties based on a category to which victims belong rather than the nature of the crime itself has the thought police patrolling the airways and the byways.

Establishing relative rights and special penalties for subjective motivation is a dangerous trend. All our financial activities are subject to legal searches without warrants and without probable cause. Tax collection, drug usage, and possible terrorist activities justify the endless accumulation of information on all Americans. Government control of medicine has prompted the establishment of a national medical data bank. For efficiency reasons, it is said, the government keeps our medical records for our benefit. This, of course, is done with vague and useless promises that this information will always remain confidential, just like all the FBI information in the past. Personal privacy, the sine qua none of liberty, no longer exists in the United States. Ruthless and abusive use of all of this information accumulated by the government is yet to come.

The Patriot Act has given unbelievable power to listen, read, and monitor all of our transactions without a search warrant being issued after affirmation or probable cause. Sneak-and-peak and blanket searches are now becoming more frequent every day. What have we allowed to happen to the Fourth Amendment?

It may be true that the average American does not feel intimidated by the encroachment of the police state. I am sure our citizens are more tolerant of what they see as mere nuisances because they have been deluded into believing all of this government supervision is necessary and helpful and besides, they are living quite comfortably material-wise. However, the reaction will be different once all of this new legislation we are passing comes into full force and the material comforts that soften our concerns for government regulations are decreased. This attitude then will change dramatically, but the trend toward the authoritarian state will be difficult to reverse. What government gives with one hand as it attempts to provide safety and security, it must at the same time take away with two others. When the majority recognizes that the monetary costs and the results of our war against terrorism and personal freedoms are a lot less than promised, it may be too late.

I am sure all of my concerns are unconvincing to the vast majority of Americans who do not only seek, but also demand, they be made safe from any possible attack from anybody, ever. I grant you, this is a reasonable

request. The point is, though, however, there may be a much better way of doing it. We must remember we do not sit around and worry that some Canadian citizen is about to walk into New York and set off a nuclear weapon. We must come to understand the real reason is that there is a difference between the Canadians and all of our many friends and the Islamic radicals. Believe me, we are not the target because we are free and prosperous. The argument made for more government controls here at home and expansionism overseas to combat terrorism is simple and goes like this: If we are not made safe from potential terrorists, property and freedom have no meaning. It is argued that first we must have life and physical and economic security with continued abundances, and then we will talk about freedom.

It reminds me of the time I was soliciting political support from a voter and was boldly put down. "Ron," she said, "I wish you would lay off this freedom stuff. It is all nonsense. We are looking for a representative who will know how to bring home the bacon and help our area, and you are not that person." Believe me, I understand that argument, it is just that I do not agree that it is what should be motivating us here in the Congress. That is not the way it works. Freedom does not preclude security. Making security the highest priority can deny prosperity and still fail to provide the safety we all want.

□ 1830

The Congress would never agree that we are a police state. Most Members, I am sure, would argue for the negative. But we are all obligated to decide in which direction we are going. If we are moving toward a system that enhances individual liberty and justice for all, my concerns about a police state should be reduced or totally ignored; yet if by chance we are moving toward more authoritarian control than is good for us in moving toward a major war in which we should have no part, we should not ignore the dangers.

If current policies are permitting a serious challenge to our institutions that allow for our great abundance and we ignore them, we ignore them at great risk for future generations. That is why the post-9-11 analysis and subsequent legislation are crucial to the survival of those institutions that made America great.

We now are considering a major legislative proposal dealing with this dilemma, the new Department of Homeland Security; and we must decide if it truly serves the interests of America.

Since the new Department is now a foregone conclusion, why should anyone bother to record a dissent? Because it is the responsibility of all of us to speak the truth to the best of our ability; and if there are reservations about what we are doing, we should sound an alarm and warn the people of what is likely to come.

In times of crises, nearly unanimous support for government programs is usual, and the effects are instantaneous. Discovering the errors of our ways and waiting to see the unintended consequences evolve takes time and careful analysis. Reversing the bad effects is slow and tedious and fraught with danger. People would much prefer to hear platitudes than the pessimism of a flawed policy.

Understanding the real reason why we were attacked is crucial to deriving a proper response. I know of no one who does not condemn the attacks of 9-11. Disagreement as to the cause and the proper course of action should be legitimate in a free society such as ours; if not, we are not a free society.

Not only do I condemn the vicious acts of 9-11, but also out of deep philosophical and moral commitment I have pledged never to use any form of aggression to bring about social or economic changes. But I am deeply concerned about what has been done and what we are yet to do in the name of security against the threat of terrorism.

Political propagandizing is used to get all of us to toe the line and be good patriots, supporting every measure suggested by the administration. We are told that preemptive strikes, torture, military tribunals, suspension of habeas corpus, executive orders to wage war, and sacrificing privacy with a weakened fourth amendment are the minimum required to save our country from a threat of terrorism. Who is winning this war, anyway?

To get popular support for these serious violations of our traditional rule of law requires that people be kept in a state of fear. The episode of spreading undue concern about the possibility of a dirty bomb being exploded in Washington without any substantiation of an actual threat is a good example of excessive fear being generated by government officials.

To add insult to injury, when he made this outlandish announcement, our Attorney General was in Moscow. Maybe if our FBI spent more time at home, we would get more for our money we pump into this now-discredited organization. Our FBI should be gathering information here at home, and the thousands of agents overseas should return. We do not need these agents competing overseas and confusing the intelligence apparatus of the CIA or the military.

I am concerned that the excess fear created by the several hundreds of al Qaeda functionaries willing to sacrifice their lives for their demented goals is driving us to do to ourselves what the al Qaeda themselves could never do to us by force. So far, the direction is clear: we are legislating bigger and more intrusive government here at home and allowing our President to pursue much more military adventurism abroad. These pursuits are overwhelmingly supported by Members of Congress, the media, and the so-called

intellectual community, and questioned only by a small number of civil libertarians, anti-imperial antiwar advocates.

The main reason why so many usually level-headed critics of bad policy accept this massive increase in government power is clear. They, for various reasons, believe the official explanation of "why us?" The several hundreds of al Qaeda members we were told hate us because we are rich, free, and we enjoy materialism, and the purveyors of terror are jealous and envious, creating the hatred that drive their cause. They despise our Judeo-Christian values; and this, we are told, is the sole reason they are willing to die for their cause.

For this to be believed, one must also be convinced that the perpetrators lied to the world about why they attacked us. The al Qaeda leaders say they hate us because we support Western puppet regimes in Arab countries for commercial reasons and against the wishes of the populace of those countries. This partnership allows military occupation, the most confrontational being in Saudi Arabia, that offends the sense of pride and violates their religious convictions to have a foreign military power on their holy land. We refuse to consider how we might feel if China's navy occupied the Gulf of Mexico for the purpose of protecting their oil, and had air bases on U.S. territory.

We show extreme bias in support of one side in the 50-plus-year war going on in the Middle East. That is their explanation.

What if the al Qaeda is telling the truth and we ignore it? If we believe only the official line from the administration and proceed to change our whole system and undermine our constitutional rights, we may one day wake up to find that the attacks have increased the numbers of those willing to commit suicide for their cause has grown, our freedoms have diminished, and all this has contributed to making our economic problems worse.

The dollar cost of this war could turn out to be exorbitant, and the efficiency of our markets can become undermined by the compromises placed on our liberties. Sometimes it almost seems that our policies inadvertently are actually based on a desire to make ourselves less free and less prosperous, those conditions that are supposed to have prompted the attacks.

I am convinced we must pay more attention to the real cause of the attacks of last year and challenge the explanation given us. The question that one day must be answered is this: What if we had never placed our troops in Saudi Arabia, and involved ourselves in the Middle East war in an even-handed fashion? Would it have been worth it if this would have prevented 9-11?

If we avoid the truth, we will be far less well off than if we recognize that just maybe the truth lies in the statements made by the leaders of those who perpetuated the atrocities. If they

speak the truth about the real cause, changing our foreign policy from foreign military interventionism around the globe supporting an American empire would make a lot of sense. It could reduce tension, save money, preserve liberty, and preserve our economic system.

This for me is not a reactive position coming out of 9-11, but rather, an argument I have made for decades, claiming that meddling in the affairs of others is dangerous to our security and actually reduces our ability to defend ourselves.

This in no way precludes pursuing those directly responsible for the attacks and dealing with them accordingly, something that we seem to have not yet done. We hear more talk of starting a war in Iraq than in achieving victory over the international outlaws that instigated the attacks on 9-11.

Rather than pursuing war against countries that were not directly responsible for the attacks, we should consider the judicious use of mark and reprisal. I am sure that a more enlightened approach to our foreign policy will prove elusive. Financial interests of our international corporations, oil companies and banks, along with the military-industrial complex, are sure to remain a deciding influence on our policies.

Besides, even if my assessments prove to be true, any shift away from foreign militarism, like bringing our troops home, would now be construed as yielding to the terrorists. It just will not happen. This is a powerful point, and the concern that we might appear to be capitulating is legitimate. Yet, how long should we deny the truth, especially if this denial only makes us more vulnerable? Should we not demand the courage and wisdom of our leaders to do the right thing in spite of the political shortcomings?

President Kennedy faced an even greater threat in October of 1962, and from a much more powerful force. The Soviet-Cuban terrorist threat with nuclear missiles only 90 miles off our shores was wisely defused by Kennedy's capitulating and removing missiles from Turkey on the Soviet border. Kennedy deserved the praise he received for the way he handled this nuclear standoff with the Soviets.

This concession most likely prevented a nuclear exchange and proved that taking a step back from a failed policy is beneficial. Yet how one does so is crucial. The answer is to do it diplomatically. That is what diplomats are supposed to do.

Maybe there is no real desire to remove the excuse for our worldwide imperialism, especially our current new expansion into central Asia, or the domestic violations of our civil liberties. Today's conditions may well be exactly what our world commercial interests want. It is now easy for us to go into the Philippines, Colombia, Pakistan, Afghanistan, or wherever, in pursuit of terrorists. No questions are asked by

the media or the politicians, only cheers. Put in these terms, who can object? We all despise the tactics of the terrorists, so the nature of the response is not to be questioned.

A growing number of Americans are concluding that the threat we now face comes more from a consequence of our foreign policy than because the bad guys envy our freedoms and prosperity.

How many terrorist attacks have been directed toward Switzerland, Australia, Canada, or Sweden? They are also rich and free, and would be easy targets; but the Islamic fundamentalists see no purpose in doing so. There is no purpose in targeting us unless there is a political agenda, which there surely is. To deny that this political agenda exists jeopardizes the security of this country. Pretending something to be true that is not is dangerous.

It is a definite benefit for so many to recognize that our \$40 billion annual investment in intelligence-gathering prior to 9-11 was a failure. Now, a sincere desire exists to rectify these mistakes. That is good, unless instead of changing the role of the CIA and the FBI all the past mistakes are made worse by spending more money and enlarging the bureaucracy to do the very same thing without improvement in their efficiency or a change in their goals. Unfortunately, that is what is likely to happen.

One of the major shortcomings that is led to the 9-11 tragedy was the responsibility for protecting commercial airlines was left to the government: the FAA, the FBI, the CIA, and the INS. They failed. A greater sense of responsibility for the owners to provide security is what is needed. Guns in the cockpit would have most likely prevented most of the deaths that occurred on that fateful day.

But what does our government do? It firmly denies airline pilots the right to defend their planes, and we federalize the security screeners and rely on F-16s to shoot down airliners if they are hijacked. Security screeners, many barely able to speak English, spend endless hours harassing pilots, confiscating dangerous mustache scissors, mauling grandmothers and children, and pestering Al Gore, while doing nothing about the influx of aliens from Middle Eastern countries who are on designated watch lists.

We pump up the military from India and Pakistan, ignore all the warnings about Saudi Arabia, and plan a secret war against Iraq, to make sure no one starts asking, where is Osama bin Laden? We think we know where Saddam Hussein lives, so let us go get him instead.

Since our government bureaucracy failed, why not get rid of it, instead of adding to it? If we had proper respect and understood how private property owners effectively defend themselves, we could apply those rules to the airlines and achieve something worthwhile.

If our immigration policies have failed, when will we defy the politically

correct fanatics and curtail the immigration of those individuals on the highly suspect list? Instead of these changes, all we hear is that the major solution will come by establishing a huge new Federal department, the Department of Homeland Security.

According to all the pundits, we are expected to champion the big government approach; and if we do not jolly well like it, we will be tagged unpatriotic. The fear that permeates our country calls out for something to be done in response to almost daily warnings of the next attack. If it is not a real attack, then it is a theoretical one, one where the bomb could well be only in the minds of a potential terrorist.

Where is all this leading us? Are we moving toward a safer and more secure society? I think not. All the discussions of these proposed plans since 9-11 have been designed to condition the American people to accept major changes in our political system. Some of the changes being made are unnecessary, and others are outright dangerous to our way of life.

There is no need for us to be forced to choose between security and freedom. Giving up freedom does not provide greater security; preserving and better understanding freedom can. Sadly, today, many are anxious to give up freedom in response to real and generated fears.

The plans for a first strike supposedly against a potential foreign government should alarm all Americans. If we do not resist this power the President is assuming, our President, through executive order, can start a war anytime, against anyone he chooses for any reason without congressional approval.

This is a tragic usurpation of the war power by the executive branch from the legislative branch, with Congress being all too accommodating. Removing the power of the executive branch to wage war, as was done through our revolution and the writing of the Constitution, is now being casually sacrificed on the altar of security.

In a free society, and certainly in the constitutional Republic we have been given, it should never be assumed that the President alone can take it upon himself to wage war whenever he pleases. The publicly announced plan to murder Saddam Hussein in the name of our national security draws nary a whimper from Congress. Support is overwhelming, without a thought as to the legality, the morality, the constitutionality, or its practicality.

Murdering Saddam Hussein will surely generate many more fanatics ready to commit their lives to suicide attacks against us. Our CIA attempts to assassinate Castro backfired with the subsequent assassination of our President. Killing Saddam Hussein just for the sake of killing him obviously will increase the threat against us, not diminish it. It makes no sense. But our warriors argue that some day he may build a bomb, some day he might use

it, maybe against us or some unknown target.

This policy further radicalizes the Islamic fundamentalists against us because, from their viewpoint, our policy is driven by Israel, not U.S. security interests.

□ 1845

Planned assassination, a preemptive strike policy without proof of any threat and a vague definition of terrorism may work for us as long as we are king of the hill; but one must assume every other nation will naturally use our definition of policy as justification for dealing with their neighbors. India can justify a first strike against Pakistan, China against India or Taiwan as other examples. This new policy, if carried through, will make the world a lot less safe.

This new doctrine is based on proving a negative which is something impossible to do, especially when we are dealing with a subjective interpretation of plans buried in someone's head. To those who suggest a more restrained approach on Iraq and killing Saddam Hussein, the war hawks retort saying, Prove to me that Saddam Hussein might not do something some day directly harmful to the United States. Since no one can prove this, the war mongers shout, let us march to Baghdad.

We can all agree that aggression should be met with force and that providing national security is an ominous responsibility that falls on the shoulders of Congress. But avoiding useless and unjustifiable wars that threaten our whole system of government and security seems to be the more prudent thing to do.

Since September 11, Congress has responded with a massive barrage of legislation not seen since Roosevelt took over in 1933. Where Roosevelt dealt with trying to provide economic security, today's legislation deals with personal security from any and all imaginable threat at any cost, dollar or freedom loss. These include the PATRIOT Act, which undermines the fourth amendment with the establishment of an overly-broad and dangerous definition of terrorism; the Financial Anti-terrorism Act, which expands the government's surveillance of the financial transactions of all American citizens through the increased power of FinCen and puts back on track the plans to impose "Know our customer" regulations on all Americans.

The airline bail-out bill gave \$15 billion rushed through shortly after September 11. The federalization of all airlines security employees, military tribunals set up by executive orders, undermining the rights of those accused, rights established as far back as 1215. Unlimited retention of suspects without charges being made even when a crime has not been committed, a serious precedent that one day may well be abused. Relaxation of FBI surveillance guidelines of all political activity.

Functioning of the Federal Government authority and essentially monopolizing vaccines and treatment for infectious diseases, permitting massive quarantines and mandates for vaccinations.

Almost all significant legislation since 9-11 has been rushed through in a tone of urgency with reference to the tragedy including the \$190 billion farm bill. Guarantees to all insurance companies are now moving quickly through the Congress. Increasing the billions already flowing into foreign aid is now being planned as our intervention overseas continue to expand.

There is no reason to believe that the massive increase in spending, both domestic and foreign, along with the massive expansion of the size of the Federal Government will slow any time soon. The deficit is exploding as the economy weakens. When the government sector drains the resources needed for capital expansion, it contributes to the loss of confidence needed for growth, allowing the economy to function.

Even without evidence that any good has come from this massive expansion of government power, Congress is in the process of establishing this huge new Department of Homeland Security, hoping miraculously through centralization to make all of these efforts productive and worthwhile. There is no evidence, however, that government bureaucracy and huge funding can solve our Nation's problem. The likelihood is that the unintended consequences of this new proposal will be to diminish our security and do nothing to enhance our security.

Opposing currently proposed legislation and recently passed legislation does not mean that one is complacent about terrorism or homeland security. The truth is that there are alternative solutions to these problems we face without resorting to expanding the size and scope of government at the expense of liberty.

As tempting as it may seem, a government is incapable of preventing crimes. On occasion with luck they might succeed. But the failure to tip us off about 9-11 after spending \$40 billion a year on intelligence-gathering should surprise no one. Governments by nature are very inefficient institutions. We must accept that as fact.

I am sure that our intelligence agency had the information available to head off 9-11, but bureaucratic blundering and turf wars prevented the information from being useful. But the basic principle is wrong. City policeman cannot and should not be expected to try to prevent crimes. This would invite massive intrusions into the everyday activities of every law-abiding citizen. But that is exactly what our recent legislation is doing. It is a wrongheaded approach, no matter how wonderful it may sound. The policemen in the inner cities patrol their beats, but crime is still rampant.

In the rural areas of America, literally millions of citizens are safe and

secure in their homes though miles from any police protection. They are safe because even the advantage of isolation does not entice the burglar to rob a house when he knows a shotgun sits inside the door waiting to be used. But this is a right denied many of our citizens living in the inner city.

The whole idea of government preventing crime is dangerous. To prevent crimes in our homes or businesses, governments would need cameras to spy on every move to check for illegal drug use, wife-beating, child abuse or tax evasion. They would need cameras not only on our streets and in our homes; but our phones, Internet, and travels would need to be constantly monitored just to make sure we are not a terrorist, drug dealer, or tax evader.

This is the assumption used at the airports, rather than using privately owned airlines to profile their passengers to assure the safety for which airline owners ought to assume responsibility. But, of course, this would mean guns in the cockpit. I am certain this approach to safety and security would be far superior to the rules that existed prior to 9-11 and now have been made much worse in the past 9 months.

This method of providing security emphasizes private property ownership and responsibility of the owners to protect that property, but the right to bear arms must be included. The fact that the administration is opposed to guns in the cockpits and the fact that airline owners are more interested in bailouts and insurance protection means that we are just digging a bigger hole for ourselves, ignoring liberty and expanding the government to provide something it is not capable of doing.

Because of this, in combination with a foreign policy that generates more hatred towards us and multiplies the number of terrorists that seek vengeance, I am deeply concerned that Washington's effort so far, sadly, have only made us more vulnerable. I am convinced that the newly proposed Department of Homeland Security will do nothing to make us more secure, but it will make us a lot poorer and less free. If the trend continues, the Department of Homeland Security may well be the vehicle used for a much more ruthless control of the people by some future administration than any of us dreamed. Let us pray that this concern will never materialize.

America is not now a ruthless authoritarian police state, but our concerns ought to be whether we have laid the foundation of a more docile police state. The love of liberty has been so diminished that we tolerate intrusions into our privacy today that would have been abhorred just a few years ago. Tolerance of inconvenience to our liberties is not uncommon when both personal and economic fears persist. The sacrifices being made to our liberties will surely usher in a system of government that will place only those who enjoy being in charge of running other peoples lives.

What then is the answer? Is America a police state? My answer is maybe, not yet. But it is fast approaching. The seeds have been sown and many of our basic protections against tyranny have been and are constantly being undermined. The post-9-11 atmosphere here in Congress has provided ample excuse to concentrate on safety at the expense of liberty, failing to recognize that we cannot have one without the other.

When the government keeps detailed records on every move we make and we either need advanced permission for everything we do or are penalized for not knowing what the rules are, America will be a declared police state. Personal privacy for law-abiding citizens will be a thing of the past. Enforcement of laws against economic and political crimes will exceed that of violent crimes. War will be the prerogative of the administration. Civil liberties will be suspended for suspects and their prosecution will not be carried out by an independent judiciary. In a police state this becomes common practice rather than a rare incident.

Some argue that we already live in a police state and Congress does not have the foggiest notion of what we are dealing with. So forget it and use your energies for your own survival, some advise. And they advise also that the momentum toward the monolithic state cannot be reversed.

Possibly that is true. But I am optimistic that if we do the right thing and do not capitulate to popular fallacies and fancies and the incessant war propaganda, the onslaught of statism can be reversed. To do so, we as a people once again have to dedicate ourselves to establishing the proper role a government plays in a free society. That does not involve the redistribution of wealth through force. It does not mean that government dictates to us the moral and religious standards of the people. It does not allow us to police the world by involving ourselves in every conflict as if it is our responsibility to manage an American world empire. But it does mean government has a proper role in guaranteeing free markets, protecting voluntary and religious choices and guaranteeing private property ownership while punishing those who violate these rules, whether foreign or domestic.

In a free society, the government's job is simply to protect liberty. The people do the rest. Let us not give up a grand experiment that provided so much for so many. Let us reject the police state.

PROTECTING AMERICANS FROM POLLUTION

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, ultimately the Federal Government has

an important responsibility to protect the quality of life for our citizens. My sense is that it is important for us to promote liveable communities where the Federal Government is a partner to help make our families safe, healthy, and more economically secure.

Unfortunately, when it comes to dealing with hazardous waste, we, as a Federal Government, have failed to follow through on our commitment. This is very serious business for most Americans. I, in the State of Oregon, have eleven Superfund sites. One in four Americans live within 4 miles of a Superfund site. Ten million American children live within a short bicycle ride of a Superfund site. These are areas, some 1,200 priority sites around the country, many of which are polluted by hazardous chemicals known to cause cancer, heart disease, kidney failure, birth defects and brain damage.

There has been a very simple principle at work for over 20 years as far as the Federal Government is concerned, and that is that corporations, businesses that have been involved with serious pollution should clean up after themselves. If they are responsible for the environmental damage and the public health threats, they should be held financially accountable for their contaminated sites and should help keep them up.

The law that we put in place in 1980 is based on this "polluter pays" principle. When the companies that are responsible for this pollution and the public health threats are unable to clean up after themselves, then the Federal Government steps in. And that part of that same legislation created the Superfund site, created a Superfund itself, that was to be supplied with money from a special tax on oil and chemical companies who, by and large, have been responsible for much of this pollution.

The money from the tax was placed in a trust fund, the so-called Superfund, and designated for cleaning up polluted sites where the responsible party either could not pay or we were unable to identify them.

Unfortunately, the tax that provides the Environmental Protection Agency with the funds to clean up these abandoned sites expired in 1995. Part of the Gingrich revolution was simply a refusal to reenact the tax, despite the fact that every Congress and every President since its original enactment was supportive of that effort.

Now, originally when they have refused to renew the tax in 1995, it was not an immediate disaster because over the years money had accumulated in the trust fund; and, indeed, at the time of the tax termination there was over \$3.5 billion in 1996. But now that fund has dwindled from \$3.8 billion down to a projected \$28 million next year.

This leaves us with three stark choices. We either reinstate the tax, we dramatically reduce our clean up efforts, or we force the taxpayers to pick up the tab from already strained budg-

ets. The Federal Government now, as we know, is hemorrhaging red ink. We have gone from last year being concerned that we were somehow going to pay off the national debt too quickly, to a point where we are going to be borrowing over a trillion and a half dollars from the Social Security fund.

□ 1900

Sadly, the administration has chosen to abandon the notion of renewing the Superfund tax. It has chosen instead to slash the cleanup funding and to rely for what money will be available from the general fund. This is part of a pattern from this administration that is unsettling.

In its first year, the Bush administration decreased the pace of cleanups by almost 45 percent, from an average of 87 sites per year in President Clinton's second term. It originally projected this year, the administration predicted that it would clean up 65 sites this year, but now that number will be only 40.

Last month, the administration announced that it would be cutting funding for cleanup at 33 sites in 19 States. In addition to zeroing out the funding for these 33 sites altogether, it is severely underfunding sites of existing projects. We have two of them that I am following closely in Oregon, McCormick and Baxter creosote plant in Portland on the banks of the Willamette River, and a site designated Northwest Pipe and Casting Process Company, which is an area that is near a number of well areas and that drains into the Clackamas River which drains into that same Willamette River.

I must say that I am rather frustrated at this attitude we have at this point. During the last presidential election, we had the candidates, both Mr. Bush and Mr. Gore, talking a good fight about being able to be forward protecting on the environment. Now when we have a chance to put it into action, we are not seeing the performance.

It does not have to be that way. When we get a chance to work together, good things can happen. Earlier this Congress was able to work with the administration in a bipartisan fashion to deal with cleanup of brownfields, and we made some significant progress. These are the properties that are idle due to actual or potential contamination by hazardous substances and pollutants, by and large in our urban areas. We have an estimate of almost a half million of these brownfields sites nationally.

We found that by moving to restore the environmental health of these sites it is an effective way to revitalize neighborhoods and in some cases an entire city. It can help communities become more livable in a number of ways. It improves the environment by cleaning up the toxic contaminants and preventing their spread and contamination and potential disease-causing aspects, side effects for individuals. The

cleanup makes the communities healthier and safer, and it targets reinvestments in our city.

By providing redevelopment opportunities where infrastructure is currently in place, it saves taxpayers dollars over greenfield development out in pristine farmlands that would require new roads, utility, water, and would take away open space, productive farmland, wetlands that have other purposes that help stabilize the environment.

We see significant job creation and economic development opportunities provided by brownfield cleanup, and it actually boosts the tax revenues for cities and towns by improving property tax bases. In fact, the EPA estimates that for every dollar of Federal money spent on brownfield cleanup, cities and States produce or leverage almost two-and-a-half dollars in private investment.

Sort of a stark example. We have the opportunity to revitalize communities with investments in brownfields, and we have been able to work on that on a bipartisan basis, what has happened with Superfund, where Democrats, I assure my colleagues, are willing to step forward with progressive, environmentally sensitive Republicans and support the administration to make sure that we take advantage of these opportunities to protect the environment and revitalize the community.

I am pleased to be joined by the gentleman from Washington (Mr. INSLEE), my colleague from the Great Pacific Northwest, from the Seattle area, who has been very active on a whole range of environmental areas. I would be pleased to yield to him to comment, if he would, on corporate responsibility, environmental cleanup and where he sees us going in the months ahead.

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

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I appreciate the gentleman organizing this chance to address this because this is an interesting sort of coming-together of two themes of American values, and one of those values is protect our natural resources for our children, and the other American value is responsibility and accountability and corporate responsibilities which certainly is in the news in a lot of different ways today.

I have come to the floor tonight because I am so concerned that I think the administration is grossly on the wrong track on both these issues on an interesting sort of marriage of two values, where the administration is going absolutely backwards. Clearly we have an environmental challenge in making sure that our Superfund sites remain in operation to clean up these most toxic areas with PCB, DDT, creosote, you name it, in it. So we have got this environmental challenge and cleaning it up is an American value. Americans feel very strongly about cleaning up these sites so that we do not leave water pollution for our children for hundreds and hundreds of years.

But there is another thing Americans feel strongly about, and that is responsibility for one's actions. That is why years ago this Chamber and the Senate adopted a Superfund plan that would make sure that polluters pay, not taxpayers, and Americans have felt for years that polluters who dump this toxic material into the soil ought to be the one, to the extent humanly possible, to pay for the cleanup, instead of John Q. Citizen or Mary Q. Citizen who pay their taxes, and Americans have felt for a long time that it is only right because why should the taxpayer have to pay when the polluter was the one who dumped the crud into the ground? That has been the law up until George W. Bush was elected President of the United States.

Now he wants to change that. He wants to abandon this basic American value of personal responsibility and he wants to shift the cost of that onto the American taxpayer, and I think that is wrong.

I think the continued American value is, one, we ought to continue the Superfund cleanup to get these sites done, and two, that the President is wrong in trying to stop the idea and abandon the idea of polluter pays and now make the rule in America being that the taxpayer pays, and somehow we have got to put it on the general fund for the taxpayer to fund these billions of dollars of cleanup, and I think that that is way out of touch with what Americans want to see happen here, and it is but yet one more, just one more manifestation of how the President's administration unfortunately has acted slavishly to these corporate interests instead of the general interests, and the President who has had a history, as we all know, in the oil and gas industry, cannot seem to break that history to answer the general needs of the public rather than the special needs of the polluting industries.

This is not something that we are asking the President to sort of invent a new science or even a new type of legislation. We are just asking him to take his hands off the existing legislation, which requires polluters to pay for their own problems they created rather than the taxpayer. We are only asking him to do what has been the law for years and years and years and years, and that is why it is most discouraging that the President has seen fit to try to go backwards both on environmental policy and on the concept of personal accountability, and we are going to do everything we can to stop him in his efforts.

In the State of Washington we have a number of Superfund sites. They are at risk with many other Superfund sites of not being funded because of the President's threats, and even if they are funded, we do not think they should be funded by the taxpayer. We think they should be funded by the polluter who dumped the stuff in the ground.

I give my colleagues an example. In Bainbridge Island, where I live, one of

the largest toxic waste sites in the West Coast is a former creosote plant and that for years and years and years the owners dumped creosote into the ground right on Bill Point which is a point just on Eagle Harbor there in Bainbridge Island. It is a beautiful location. Trouble is now it is one of the most toxic area substrata around because it is full of creosote, which is pretty ugly stuff. Sometimes when I go by, I can see it bubble up out of the water, and it is real stinky and black and it is quite toxic. We think that the polluters who put the creosote in the ground should be responsible for that cleanup, which is going to take years and years and years, rather than the taxpayers in the State of Washington or anywhere else in the United States, and yet the President wants to reduce that protection.

I just give my colleague a little comment, too. We are now trying, just to tell him how nasty the stuff is, we are trying a new technology of injecting steam into the ground to try to break up the creosote so it can be pumped out, and it is an experiment, really one of the first or second times it is being tried anywhere in the Nation. We hope it works because if it does not work, we have got to build these walls to essentially have a bathtub to preserve this stuff so it does not keep leaking into Puget Sound and causing terrible things in the food chain, and if we have to do that, we have to pump water out of this literally for eternity.

So this is very expensive and we think the one who put it in ought to be responsible. We think that the President should revisit this issue and stick with the existing view of the polluter being responsible rather than the taxpayer. We hope we are successful in this regard.

Today the President gave a speech about corporate responsibility, and he said that corporations need to be more ethical, more responsible, and if he feels that way, why the heck is he trying to shift the costs off of corporations who dump creosote in the ground year after year after year after year, poisoning the atmosphere and the environment, and try to change that responsibility off the taxpayers? That is not in league with what I sense he was saying today, which is corporations ought to be responsible for their own conduct.

So we will continue in our efforts, and I appreciate this opportunity to join my colleague to talk about this one particular issue that I am very concerned about.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman making that linkage because I think it is important.

There is a lot of talk about corporate responsibility. There is a lot of talk now when the spotlight has been trained on some practices that are having a devastating effect on the pocketbook of Americans across the country, as people are getting their quarterly statements from their individual retirement accounts, their 401(k)s. They

have watched what has happened as the stock market has been hammered by questionable practices that are in turn being reflected in a loss of wealth for Americans.

It is going to make it harder to do business, yet this notion of exercising corporate responsibility is something that could be simply done in terms of an area that would actually add value to every community around the country in terms of reestablishing this principle of polluter pays.

Mr. INSLEE. I may just tell my colleague, we have got a lot of great corporations out there, too, that are being extremely responsible, and those sort of good actors are paying corporate taxes, the ones who are not polluting against the law, and what the President's proposal is doing is shifting the burden for the pollution of the bad actors onto the corporations as well as individual taxpayers. He is shifting the burden for the pollution off the bad actors onto the good corporations that are not polluting. So I mean it is not like just individuals are victims of the President's proposal here. The good corporations that are following environmental laws and taking care of their waste and recycling their products, and thank goodness I have got hundreds of them in my district, Microsoft being one. Why do we have to have Microsoft have to pay for some other corporation that is not following the law, that is dumping this stuff in the ground? So we are defending the corporations who are good neighbors and good community members against the perditions of those who are not, and George Bush is in league with those corporations that want to violate the law and dump this stuff in the ground, and we think that is just absurd and that is the best, most gracious language I can use.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the distinction because in the Northwest we have seen a significant increase in environmental consciousness, worked with programs like The Natural Step. We are seeing models of corporate responsibility where people are trying to reduce their footprint on the landscape, and we are seeing many small- and medium-sized businesses and consulting firms that are emerging that are practicing sustainable business models.

The approach that is being taken here, shifting this onto the general fund, means that instead of identifying sources of pollution historically, it is going to put a greater burden on individuals and corporations who are actually doing an outstanding job. In some cases, it is in effect taxing them twice because they pay their share plus the share of people who are evading responsibilities.

□ 1915

Mr. INSLEE. If I may add, the other thing that is frankly disturbing to a lot of my constituents, is that this is just one more of a litany of these

antienvironmental actions by this administration.

Everybody makes a mistake. We are all human, and we do not expect perfection from the President. But when we look at the number of times that the President, this President, has sided with these special interests to the degradation of clean air and clean water, it really bothers the people I represent. I have lots of them come up to me and say, "Whatever you do, just do not let him continue down this road."

It started with his efforts on arsenic in the water; then it has gone on to issues to gut the roadless area rule where we are trying to protect the last pristine areas in our forest areas; then the President ignores any affirmative action on global warming; and then the President takes this action that we are talking about trying to gut the Superfund sites. That was preceded 2 weeks ago by his efforts to reduce clean air rules.

This is consistent with his actions, unfortunately, with the Securities and Exchange Commission, to date, where he appointed a gentleman, who, though a very nice person, very intelligent, is from the industry he is supposed to be regulating. Mr. Pitt from the SEC is supposed to be regulating the securities industry and the accounting industry, and that is who he represented. As a result, we have had no effective, meaningful reform in the last 6 months of this horrendous predation on American investors. Yet the President has not stood up for American values, he has stood up and allowed the special interests to dominate his administration to the degradation and damage of the American investors.

So this is a consistent pattern where corporations, not all of them, but some of them, who have acted against the laws, have dominated his decision-making. And this is just another example of how an administration has gone off course. We hope he restores that and rethinks through this pattern of his.

With that, I would like to thank the gentleman for an opportunity to join him this evening.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's thoughts and observations and the leadership the gentleman has provided, particularly in chairing for the minority the Subcommittee on Forests and Forest Health of the Committee on Resources. The gentleman has had an opportunity to train a searchlight on some of the practices that those who would not place quite the same premium on the environment would have. The gentleman has also provided leadership in pushing back on the notion of abandoning the roadless rule, where we had, what, almost 2 million comments in support of this important protection.

Mr. INSLEE. Just one more comment, if I may, and I thank the gentleman for his compliments, I always accept those, but 96 percent of the Americans who commented on this

wanted a strong roadless area bill to protect our pristine area, yet what did the President of the United States do? He ignored them.

Now he is trying to back up on this rule to allow clear-cutting and roadless area rules. We are going to fight this. We feel very strongly about it.

And I thank the gentleman.

Mr. BLUMENAUER. I appreciate the gentleman's leadership.

One of the areas we have been focusing on in dealing with Superfund needs to be in the area of hard rock mining. Frankly, there are a number of us who are concerned about the situation that is occurring in our Nation's wilderness areas that have basically been given away to mining interests with virtually no change since that law was enacted in 1872, basically the same as when it was enacted and signed into law by President Ulysses S. Grant.

There are those that argue that hard rock mining is the Nation's number one polluter. They are currently responsible for approximately 70 Superfund sites. Of the 33 sites around the country that the administration sadly is talking about eliminating funding for, two of them were contaminated by hard rock mining companies in Montana. Yet, until recently, there were no requirements that the mining companies pay for the notion of cleaning up after themselves.

That is how companies like W.R. Grace, who have been in the news for years with its notorious activities, were able to walk away from the site without being held responsible. Yet, last month, the administration issued a rule that would make filling our waterways with waste from hard rock mining mountaintop removal legal.

Now, think about this for a moment: giving a grant of authority from the administration to the mining industry to legalize this notion of where they are just stripping away mountaintops and shoving it into streams to gain access to seams of coal.

As if the Superfund law and the Clean Air Act were not enough, we have here a direct opportunity on the part of the administration to overturn important provisions of the Clean Water Act, all of this to protect an extraordinarily destructive mining practice. These companies have already buried over 800 miles of rivers and streams in West Virginia and Kentucky, all with the permission of the Army Corps of Engineers. But until this rule change goes through, it is still illegal for the Corps to allow waste from mining to be dumped in our Nation's waterways.

Why? Why would the administration, instead of changing the Corps' practice to make them obey the law, why have they decided instead to change the law to make these actions legal? Think about the types of harmful fill we are talking about dumping into wildlife habitat and communities' drinking supplies. Hard rock mining waste includes construction and demolition debris. People have found coal ash waste,

old tires, car parts, and discarded appliances. They also often contain particularly dangerous toxic chemicals, such as cyanide, arsenic, and sulfuric acid.

Mr. Speaker, this is serious business. We are approaching the 130th anniversary of the mining law of 1872, as I mentioned, signed into effect by President Ulysses S. Grant, essentially unchanged. We should be talking about how to make this outdated law stronger. We should not be taking an opportunity to roll back provisions of the Clean Water Act that are here to protect public health and the environment.

We are already giving the mining industry public lands and minerals for 19th century recording prices. We are not requiring that these corporations, often foreign-owned, that are extracting this mineral wealth, give a portion of it back in the form of a tax or royalty to American taxpayers to put in our Treasury. And now we are allowing them to blow off the tops of mountains, bulldoze them away to bury rivers and streams.

I would strongly suggest that instead of facilitating this type of behavior, it is important that we provide more corporate responsibility, provide more environmental protection, and we make sure that we are protecting the heritage that God has given this country.

It is frustrating that we have not been able to give people the type of understanding of what is at stake. Remember, as I mentioned earlier, one in four Americans lives within 4 miles of a Superfund site. Now, these sites are hazardous waste, often abandoned warehouses, landfills and mines, and 85 percent of all Superfund sites have contaminated groundwater. Research suggests that there is a markedly increased risk for birth defects when women live close to Superfund sites early in pregnancy.

A few of the hazardous chemicals that people are discovering on these sites include arsenic. We had a great deal of debate earlier in this Congress as the administration proposed rolling back protections on arsenic in the drinking water. Well, that frankly blew up, and the administration did retreat because the public knows arsenic in the drinking water is not a positive development. It is known to cause cancer of the lungs, bladder, and skin. It is also linked to cancer of the liver, kidney, colon, even nasal passages; and to a variety of noncancerous health effects, including heart disease, diabetes, adverse effects to the immune system, lungs, gastrointestinal tract, and thickening and discoloration of the skin.

Lead is another serious area of pollution that can damage almost every organ and system in the human body, especially the immune and reproductive system, and can cause heart disease and kidney damage. It is particularly damaging to the central nervous system, especially for children, where

it is well-known and accepted now that children suffering from exposure to lead can have serious brain damage, decreased IQ scores, slow growth, and cause hearing problems in infants or young children.

We have serious problems with mercury on these Superfund sites that can cause brain and kidney damage and pose a high risk for adverse neurological development of fetuses. These are some of the hazards that we face with over 1,200 toxic waste sites on the Superfund national priority list.

Congress should not be undercutting the polluter-pays principle and walking away from its financial responsibility. Some of these sites have been on the list for more than a decade. Last year, in a report requested by Congress, Resources for the Future calculated that implementing the Superfund program for the current decade is going to cost us from \$14 billion to \$16.5 billion. Now is not the time to walk away from the financing.

I mentioned that it was, I felt, unfortunate that Congress allowed the corporate tax that funded the Superfund to expire in 1995 and that the administration has no plans to work with us to reinstate this tax. It has been that combination of funding that enabled us to clean up more than 800 toxic waste sites in communities across the country. During the last 5 years, we were averaging about 87 sites per year. Last year, in its first year, the Bush administration found that the pace of clean-up was down 45 percent. In 2 years, the administration expects to reduce the pace of cleanups by more than 50 percent more, along with shifting the responsibility for the cleanup.

Now, we have seen, as a consequence, that the administration has gone to the General Fund for \$634 million in 2001. It is proposing \$700 million this next year. When we had the Superfund in place that was funded by the tax, the General Fund only assumed about 18 percent of the program costs. Next year, if the President's proposals are adopted, they will be paying 54 percent of the associated costs, and soon, in the next year or two, the entire cost.

Mr. Speaker, I find that to be unacceptable. We need to not be abandoning the principle of polluter-pays. We ought not to be putting more pressure on the beleaguered General Fund. We ought not to be cutting the pace of Superfund cleanup. After more than 20 years, if anything, we should be redoubling our efforts in providing this revitalization. We have, today, opportunity after opportunity to take a step back and to do what the American public wants us to do, which is more investment in areas that is going to protect the environment.

Another critical area that we are having a great deal of discussion about on the floor of this Congress and in our committees deals with the situation we see in forest fires that have been raging across the West. In recent days, we have had 22 large fires in seven States.

□ 1930

We have had over 300 million acres already burned this year. For comparison purposes, that is more than twice what we have had over the last 10 years on average, and we are only halfway through this fire season. There are approximately 10,000 men and women currently fighting the fires throughout the West. It has been important enough for the President and a number of governors to be involved with touring. We have been watching homes being lost. To date we have had nearly 1,500 homes across the West and over 35,000 residents have been evacuated. I would hope that this would be another area where we might be able to assess what has happened and draw the appropriate environmental conclusions and lessons, particularly since we are facing what is likely to be the worst fire season in memory.

It is important that these catastrophic fires serve as a wake-up call, not senseless recrimination, attacking. In some cases we have even seen people trying to blame this on environmentalists, incredible as it sounds. This is an opportunity for us to reflect on the transformation of our natural systems of forest and even astrospheric chemistry dealing with global warming. We need to have a cultural shift to a more conservative approach, respecting the fragility of these systems and our dependence upon them. We need to stop this curious blame game.

It is not, by any stretch of the imagination, the environmentalists who caused the drought. It is not the environmentalists who have had a policy for the last 50 years of instantly suppressing any fire anywhere so that what we have done is we have stopped the periodic fires that have swept through the forests of the West. We have seen the number of trees and other flammable material expand dramatically, and it has been actually compounded by logging practices that have opened up many of these forests and removed the most mature trees, trees that are the most fire resistant, and leave the tinder behind. And it was interesting 2 years ago when we went through this cycle, we found that the areas that had been the most heavily logged were the ones that had the worst forest fires.

This current fire season will be the worst in the past half century, and I am hopeful that we will be able as a Congress, we will be able as a country to take a step back and face the hard questions about current forest management policies, funding for various wild-fire management programs, and look at the Federal role in protecting State, Federal, and private land and, yes, take a hard look at the land uses that we are permitting and encouraging in this area.

We need to return to ecology 101. Small ground fires that once regulated the vegetation in our great western woods need to be returned to the ecosystem. The brush and small trees that

would burn while older larger trees survive were part of a natural process that made the forest healthier. We need to recognize that a century of aggressive fire suppression has rendered western forests susceptible to these massive conflagrations that cost us billions of dollars annually and that much of the cost and the agony can be attributed to structure protection for homes that are in the forested fringe.

There is a lot of talk these days about the wild land-urban interface. It is a serious question, Mr. Speaker, because we have in this interface between the developed areas on formerly undeveloped forest land, it is putting people in direct contact with what earlier had been a healthy natural phenomenon of wildfires that have just rushed through. We found that people have a difficult time accepting the reality. A recent survey in the Arizona Republic showed that people in this wild land-urban interface have an attitude that, well, they know that it is risky, but I think I will take my chances because it is not that risky. Of course it is not just their chance. They will not bear the costs alone when the worst scenario plays out. Since 1985, wildfires have burned over 10,000 homes.

I see my good friend Mr. TANCREDO from Colorado in the Chamber. My understanding is that there will be a million people in the foreseeable future in Colorado who will be located under current policies in areas that are heavily forested, putting them in harm's way and giving us a very difficult choice about allowing the fires to burn on, risking people's homes and lives, or making some changes to deal with a more rational approach. It is not appropriate for us to continue to put thousands of men and women in harm's way needlessly, and in some cases there are bizarre situations that are a result of human activity on formerly wild forest areas.

We had in Fort Windgate, New Mexico, firefighters having to stay away from certain areas because there were explosions of unexploded ordnance beneath the surface of the public land in areas that had been used for target practice. We had this a couple of years ago in Storm King State Park in New York where firefighters were out fighting a blaze and all of a sudden explosions started to occur. This was a result of shelling from cadets from West Point.

Well, it is not just these unusual situations that deal with unexploded ordnance in military activities. We have to have a comprehensive approach to how we are going to permit activities into the forest land, who is going to bear the risk, what we can do to minimize that in terms of if we are not going to prohibit it outright, to regulate where it is, building materials, what is happening in terms of landscaping. In too much of the West, people have just turned their back on their responsibility, creating serious, serious problems.

Since 1970, over 2.8 million housing units have been constructed along this forest fringe and out into the forest land. The total now is over 5 million dwelling units. If population growth continues at current rates, and we continue to have the ex-urban housing development and we have resort development, there will be an additional 2.4 million housing units in the next 30 years, approaching 9 million in all.

As staggering as these numbers are, they only represent primary residence. They do not include tens of thousands of residences that are second and seasonal and vacation homes, particularly near resort towns. We are seeing the consequences of unplanned growth and development. Some may call it sprawl or dumb growth when it occurs in and around suburban areas; but the facts are we are seeing it leak out in the countryside, and we are going to be penalizing the taxpayer, costing money to extend services, penalizing the taxpayer for fighting fires, for example, where it is going to be exceedingly expensive and difficult to solve in the future.

The final area of concern that I have that I wanted to talk about this evening deals with the way the global climate change has the potential of accelerating and compounding these difficulties. Now the unprecedented drought that we have seen in the West, we have seen in Wyoming, it is the worst in 100 years. We are seeing it throughout the eastern seaboard in places like metropolitan Atlanta where we are not used to thinking about drought conditions.

This is merely a preview of what we can expect if we are going to continue to have the effects of global climate change, as droughts are going to be contributing to concerns about wildfire vulnerability. Unusually dry winters and hot summers increase the likelihood, and we are going to make it more and more difficult to contend with multiple challenges across the country.

I find it ironic that the President will tour the fire sites in Arizona, but really does not have anything in the way of a plan for American leadership when it comes to mounting a plan to deal with global climate change which might forestall or minimize this very serious problem in the future.

It is research from our own federally funded studies that have shown that climate change is going to have a dramatic increase in the areas burned and the number of potentially catastrophic fires, in fact, more than doubling the losses in some regions. And the changes are going to occur despite deployment of fire suppression resources at the highest levels, implying that the change is going to precipitate an increase in both fire suppression costs and economic loss due to just wild fires alone.

And it is not just wild fires that are a concern dealing with the change in greenhouse gasses and global climate. Worldwide, the number of great weath-

er disasters, including fires, in the 1990s was more than five times the number of these disasters for the 1950s. And the damages, the costs that were incurred by governments, by insurance, were more than 10 times as high adjusted for inflation than in the 1950s.

We have seen in the last year of the previous decade 47 events, more than double the average for the 1980s. Well, the United States, with less than 5 percent of the world's population, is playing a huge role in greenhouse gas contributions. We produce approximately five times our per capita contribution.

We as Americans know that we can do better. I sincerely hope that the administration will work with concerned people on both sides of the aisle to not abandon the principle of "polluter pay" and make sure that Superfund cleanup is the priority that the American public wants, to deal with the abuse of the mining industry, hardrock mining in particular, to not make it easier for them to have assaults on the environment, to fill miles of streams and valleys in violation of current law, that instead encourage, indeed mandate, that the industry clean up after itself, that we deal with the current realities of this urban-rural interface that has created such a problem with forest fire protection. And last, but by no means least, that we deal with national leadership for global climate change.

Next month the United States will join with over 100 other nations in the environmental summit in Johannesburg. Mr. Speaker, this would be an excellent opportunity for the United States, if the administration cannot abide by the Kyoto Protocols, which ironically even some large businesses are stepping up and agreeing to meet those targets, at least we are obligated to have our plan, our approach, and it would be a perfect time for the administration to reverse its position, come forward with a leadership approach to make sure that these problems of global climate change, storm events, and wildfires, are not going to be worse as a result of our stewardship, but instead would be better.

□ 1945

ITEMS OF CONCERN TO AMERICA

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I rise tonight to bring to the attention of my colleagues a number of issues. I have listened, as I have been sitting here preparing my notes, to the previous speaker, and there are many concerns that he expresses that I certainly share.

Before I get into the main part of my comments, I do just want to make one statement regarding the issue of wildfires and their cause, the reason

for the severe nature of the fires we are having in my State and the others around the West.

I certainly agree with the gentleman from Oregon (Mr. BLUMENAUER) when he says that what has contributed to this condition in our Nation's forests has been 100 years of fire suppression philosophy. The idea that we had to try to put out every fire that started in our forests has undoubtedly been a wrong-headed approach. We recognize now that fires, of course, can be healthy. I say "can be," because it is not necessarily the case. It is not always the case that every type of fire that you have is a "healthy" phenomenon.

There are certain kinds of fires that are enormously destructive, not just in the terms that we naturally think of when we hear of a wildfire, but there are certainly other aspects of it. So not allowing for a natural process to occur, constantly getting in there and trying to stop all fires, is not good, and I agree.

Now the question becomes one of how to deal with it. Is it to simply ignore the fact that we have forests in the Nation that have accumulated up to 400 tons, 400 tons per acre, of fuels, when the average amount, what we would call a healthy natural forest, is around 10 tons per acre? Is it to simply ignore that, leave it, and say because we do not like the idea that mankind, that governments have attempted to intervene in this process, and that has been problematic, is it to suggest that we have no role to play?

I would state categorically that it is just the opposite. Now that we know what the problem is, now that we have some sense of what has contributed to this enormous problem, then what we need to do as a government and as a public policy is to try to address it, and it is not to ignore it. It is not to pretend that the potential for these catastrophic fires does not exist and to simply walk away from the forests and the management thereof to some other kind of bucolic world in which, after all of the forests in the United States have burned to the ground, in a couple of hundred years they will all be back in a more natural and pristine state. That is essentially what our environmentalist friends are asking us to do.

However, we do have options. We do have alternatives. What we have learned is that you can actually now reduce the catastrophic kind of fires that we are experiencing in the West by management, by enlightened forest management. Part of that is what we call controlled burning, where we go to the area, the Forest Service goes into a particular area and does in fact burn a lot of the underbrush and burn those fuels in an area and in a way that they can contain it so it does not, hopefully, get out of control. It has happened in the past, Los Alamos is a horrible example, but, for the most part, it does not happen that it gets out of control. We have in fact over the years had hundreds, if not thousands, of controlled

burns. They have all worked perfectly well. It does help create a more natural environment.

It also helps stop the spread of catastrophic fires like the one we are having. I have seen it with my own eyes in Colorado, in the forests we are now dealing with, with the firings we are now dealing with, where we have allowed for a controlled burn. The Hayman fire, which is the one that has consumed 150,000 acres, you can actually see where it has come up against what was called the Polhemus burn, which was a controlled burn, come up against that area, and essentially stopped because there was not the fuel to have it continue.

We can manage the forests by controlled burns. We can also manage the forests by thinning, by going in and actually taking out a lot of this underbrush, by cutting down trees, yes, I am saying it, cutting down trees, especially the trees with the small circumference, and a lot of the underbrush that has been so problematic in these fires. We can do this.

There are ways to manage forests, not to stop all fires, but to make the fires that do occur a product of or manifestation of that healthy ecosystem. It is this area, this point of conflict, that we find ourselves in with our friends in the environmental community, especially the more radical elements of that community, who have stopped every single attempt on the part of the government to try and manage the forests, of the Forest Service to try to manage those forests, and, as a matter of fact, were successful in stopping the Forest Service from doing any sort of thinning right in the middle of the area we now call the Hayman fire.

A year-and-a-half ago the Forest Service proposed to go in there and thin parts of that area, to clean out that kind of underbrush. The environmentalist community filed appeals. They worked for a year-and-a-half with them to try to come to some resolution of their concerns. When the Forest Service thought the concerns were met, they went ahead to start the process. What do you think happened? Guess what? The environmentalists went in there and filed the appeal again, stopped the process again. That was a year-and-a-half ago, and, of course, now that issue is moot, irrelevant, because that part of the forest, along with another 150,000 acres, are simply pieces of charcoal.

So we can do a lot to mitigate the disastrous effects of the fire. As for the wildlife wildland-urban interface, that is problematic. We can also control that. There are zoning laws we can adopt and, in many, many cases, have already. It is not the fault of an American who wants to live near a forest or in the forest area. It is not their fault that we have fires or that the fires are catastrophic.

To this point, we have not had a fire in Colorado, of which I am aware, actually, that was started because someone

was living near a forest. I am not saying that has not happened. Nothing I am aware of recently. None of the major fires were started by people who happened to live in or near the forests.

Unfortunately, the two most horrendous fires we have burning or have just brought under control in the United States, one in Colorado and one in Arizona, were started by Forest Service personnel. In Colorado, the lady that started the fire apparently, apparently started the fire, I should say, is a Forest Service employee directly. The gentleman in Arizona who apparently started this fire is someone who is employed by the Forest Service to go in and help the Forest Service fight fires. He is a smoke jumper and he wanted to essentially be employed, so he started this fire thinking I will get the job; I can go in and fight the fire. It got away from him, and 500,000 acres burned down. An area actually now larger than the size of Los Angeles has burned in Arizona.

So this idea that you have got people living on or near the land and therefore we have these big problems, that is really not it. Yes, there are homes that are destroyed, and it is true and horrible, but the people who have chosen to live there take that kind of risk and pay insurance premiums that reflect that, for the most part.

Anyway, I just wanted to talk about that. There are many other issues, but that was not the main purpose of my coming to the floor tonight.

I did want tonight to reflect upon another speaker who had the hour before the gentleman from Oregon, and this was my dear friend and colleague, the gentleman from Texas (Mr. PAUL), a gentleman whom, by the way, I respect enormously and whose opinions and attitudes I believe are incredibly profound and need to be heard. The gentleman from Texas (Mr. PAUL) is a devout libertarian who has in many, many cases and many, many times, I think, been a lone voice for a variety of different causes here and a perspective that is not heard often enough.

Of course, there are certain aspects of his presentation, of his discussion tonight, with which I must disagree, especially in terms of what our responsibility is as a Nation to defend ourselves against the war that we are now involved in and whether or not we can argue about the purpose of the war, I should say the genesis of it. But I do not think we can argue about the fact that we are in one.

The question that I think this House must always deal with, and I commend my colleague, the gentleman from Texas (Mr. PAUL), for being such an articulate defender of the fact or the idea, the philosophy, that we must never surrender individual freedom and liberty in the pursuit of ultimate security. I certainly agree with that, that that is a terribly difficult balance that we are asked to try and maintain here in this Congress. And the issue is to what extent does this government have

a responsibility to actually try to defend itself against the threat that we, I think, that we now face, and what are the measures that we can legitimately take to defend ourselves, considering the nature of our opponent, our enemy.

That is really the ultimate debate we are having. What is the nature of the fight we are in? Is it just against this small band of terrorists who have, as we have been told, hijacked a particular religious philosophy? And, if so, if it is just against a small band? Maybe we can name them al Qaeda. If that is it, if that is our only war, I would agree with my colleague, the gentleman from Texas (Mr. PAUL), that the steps presently taken, the steps we have taken up to this point in time, may have been overreaction, because it is a relatively small group and we can identify who they are by name, we can go after them wherever they are, find them, arrest them, kill them, if that is the only alternative.

But I believe that that is not the nature of the battle or of the enemy that we face. I believe it is much broader than that. I believe it is in fact fundamentalist Islam that we are fighting tonight, today, yesterday, and will be fighting for many years to come. It is something far larger than this small group of people.

Tonight, maybe, during this discussion we will have the opportunity to go through this at greater length, to determine what exactly it is then our Nation should do, if we are faced with that broader, more broadly defined enemy. One of the things I believe we must absolutely do is to work to control our borders.

It is incumbent upon us, it is incumbent upon us because we call ourselves a Nation State, because we believe ourselves to be a sovereign Nation. We claim that, and I believe we are, I believe we are separate and distinct from the other nations of the world.

I believe that becoming an American citizen, for instance, means more and should mean more than simply crossing a line, simply stepping over a boundary. I believe there are all kinds of things that are incumbent upon an individual when they become a citizen of this country, and I believe that there are people in this world, there are, in fact, far too many people in this world, that would destroy this Nation, everything we stand for, everything we believe in, and physically destroy us, not just our philosophy, but all of us living here.

I believe that that is the nature of the fight we are in, and I believe that there are many things we need to do. Among them is to actually secure our own borders. It is to say to the world that we have a right, a responsibility, to defend ourselves. Part of that may be to seek out our enemies in Afghanistan and in Iraq and in the Philippines or wherever they may be hiding. But it is also to defend our own borders from those who would come across for the purpose of doing us harm. And I do not

think we should be condemned for that or called myopic or xenophobic or anti-individual freedom. It is the least that our citizens can expect of us, to defend them, so that they can be free to practice their religion and their political philosophies and their individual ways of life.

□ 2000

I see that I am joined tonight by the gentleman from California (Mr. ROHRABACHER) and another colleague whom I will introduce in just a moment. I am glad that they are here. I will gladly yield to my colleague.

Mr. ROHRABACHER. Mr. Speaker, first and foremost, I would like for the record and for anyone who is observing this presentation this evening, to understand the pivotal role that the gentleman from Colorado (Mr. TANCREDO) is playing in this battle for our Nation's security in terms of the fight against illegal immigration.

Now, I may or may not agree with the gentleman about the nature of the terrorist threat to the United States; I tend to think that there are many, many Muslims throughout the world who are as much against terrorism as we are, standing right here in this body today, and that they are horrified that the bin Ladens of the world are being presented to the American people and to others as spokesmen for Islam. They are just horrified by this.

But to the degree that there is a threat there, what is important is what the gentleman from Colorado has been doing to make sure that we focus on a major vulnerability of our country, which is the fact that our government is not concerned about the sanctity of our immigration system and the security of our borders, so that the people of the United States of America are being made vulnerable every day in many ways; economically, but also in terms of their own personal safety, as well as the safety of our government and our institutions, by a massive flow of illegal immigration into the United States of America.

The gentleman from Colorado has taken it upon himself to try to mobilize public opinion and mobilize the opinion of Members of this body so that the public, as well as this body, will understand the great risk we are putting ourselves in by not controlling the flow of illegal immigrants into our country. It is a risk that has economic ramifications, which the gentleman from Colorado has time and again talked about, and about how the standard of living of the average working person has been going down; and yet, of course, we have the ownership class in America who seems to be able to take advantage of cheap labor.

We have also heard from the gentleman from Colorado about the criminal elements that are coming into our country; and now the gentleman from Colorado is also warning us about the potential terrorist implications to not having control over our borders.

Now, I have been fighting illegal immigration for as long as I have served, and have been privileged to serve, in this body; and that is why I feel so strongly that the gentleman from Colorado (Mr. TANCREDO) is playing a role that is just indispensable to the security of our country, because he is carrying much of this load on his own shoulders.

But I have been especially concerned over the years about the security risks that illegal aliens pose to our country. We do not need to just make this fundamentalist Muslims, because I happen to believe that there are a lot of fundamentalist Christians and fundamentalist Jews that say crazy things about other people's religions, and there are radicals who would murder people in every faith. We must make sure that we are opposed to any of this type of radicalism, and it should be denied access to the United States of America. If you have a radical Christian or a radical Buddhist or a radical Communist or a radical Hebrew or a radical Muslim, any one of those who are willing to kill other people because of their faith, should not be permitted in the United States of America, period.

Well, since 245(i), which was an amnesty for illegal aliens, was proposed in 1996, I have talked myself hoarse about why this was such a grave matter to our national security. Mr. Speaker, 245(i), as we know, permits people who are in this country illegally not to have to go back to their home countries in order to readjust their status so that they could in some way be here legally. In the past, if someone is here illegally, they have to go back before they can adjust their status.

Well, others in this body have openly scoffed, saying that 245(i) is about, what they claim, is about uniting families, or fairness, or economics, or anything else than what it is.

Mr. Speaker, 245(i), which is an amnesty for those people who are here illegally so they do not have to go home to adjust their status, they can do it here, is an invitation to criminals and terrorists and anyone else who would overstay their visa to come to this country and break our laws. It is an invitation for everyone who comes here on a visa to overstay their visa because, after all, now that they are here in the United States, and they can be adjusted. And while 245(i), which we put into place, was supposedly a limited right of these people who are here illegally to adjust their status, it has had already horrible impacts on the safety of our people.

Now, the 245(i) amnesty for illegal aliens has claimed the first victims that can be officially proven to be the victims of the action of 245(i) by this Congress, and it is a very prominent case. The INS Congressional Relations Office confirmed to my office that the Egyptian gunman who killed two people at the El Al counter in Los Angeles Airport, at LAX, on July 4, was in this country only due to a 245(i) amnesty.

That is that Hesham Mohamed Hadayet, an Egyptian citizen, a man who apparently either was part of a terrorist system which we do not know, he may not have been, but we do know that he lost his composure or perhaps he did it intentionally, but he went to LAX and murdered two people, two innocent people.

Think about this. Mr. Hadayet, and I do not know if that is the way you pronounce his name, who was due to be deported, became a resident of this country due to a 245(i) amnesty. What a travesty.

Now, this is a case that we can document. I would contend that there are probably many other cases in this country where people have been brutalized or murdered or raped or robbed, or that you have someone who imposes a terrorist threat in our country because of this, but this one we can document. If we had deported him, those two people there at LAX, those beautiful young people, may be alive today, would certainly be alive today, and their families and their friends would have been saved this enormous grief.

Estimates from the INS and others are literally several hundred thousand, by the way, in terms of how many illegal aliens have already applied for and received legal permanent status through 245(i). So let us make that clear. Hundreds of thousands of people have received their permanent resident status, even though they were in this country illegally at the time, because of 245(i).

Now I might add just for the record that the gentleman from California (Mr. BERMAN), my good friend and colleague, the two of us debated this issue out. I was claiming at the time that hundreds of thousands of people would seek to utilize this loophole if Congress passed the 245(i) extension. The gentleman from California (Mr. BERMAN) emphatically stated that it would only be 30,000, he could never imagine more than 30,000 or so people claiming this, and this was his official estimate by some, of course, source that either did not know what they were talking about or were intentionally misleading the gentleman from California (Mr. BERMAN).

But I remember him saying, if you have over that many people apply, I will buy you dinner. Well, I say to the gentleman, I am ready for dinner. I am ready for dinner. And I want the gentleman to know that I will not mention over dinner the death of those two poor people at the El Al counter at LAX, because they can be traced right back to that 245(i), and there are not just a few thousand people who applied, there are hundreds of thousands, and it is a gigantic loophole that we do not need to open wider, we need to stop that loophole. We need to plug it so we do not have any more maniacs in our midst who might have been deported; at least they would not have been here. Who knows.

I had a person from the INS tell me that the reason why we want them

here, if they are here illegally, the reason we want them deported back to their home country to check them out is because that is where the records are. That is where all the authorities in those countries know in their country who has been arrested for unstable behavior. Maybe this man was not a Muslim extremist. He may have just been a very disturbed person.

Well, guess what? We do not want a very disturbed person in this country who is here illegally either. And if Congress should pass another extension of 245(i), which is, of course, what we were being pressured to do, and let me add that the vote that they were leading up to, and there is enormous pressure on us to pass 245(i), that vote was supposed to be on what day? 9-11.

If those people would not have flown those planes into the World Trade Center, if those terrorists would not have slaughtered thousands of Americans up there in New York, this body would have been in session and we would have been voting for 245(i) that would permit these types of threats to our security and to the personal safety of our people to remain in the United States. Had Congress passed 245(i), there would probably be, and we estimate, another 300,000 illegal aliens permitted to stay here and to start to legalize their citizenship status and their immigration status.

Mr. TANCREDO. Mr. Speaker, reclaiming my time for just a minute, the gentleman makes a very interesting and, I think, dramatic point here, something I did not know, something that I think a majority of Americans did not know. And I will guarantee my colleagues this: What my colleague has just stated about the status of the gentleman who was here and killed those two people at El Al, that fact, I would be willing to bet anyone dinner and anything else, would never, ever, ever have come out had it not been for the dogged determination of the gentleman from California (Mr. ROHRBACHER).

These are the things that we hear about, but the INS will never admit to. And I hope to see, but I wonder if tomorrow morning we will see on the front page of every newspaper in this country and on every talk show in the country this fact, the fact that my colleague has just pointed out to us; and I will bet again, if it is brought up at all, it will probably be buried, except for the very few parts of the media that have a tendency to support our point of view on this.

Mr. ROHRBACHER. Mr. Speaker, if the gentleman will yield, the gentleman is precisely correct. My staff, when this happened, noticed that there was a discrepancy about why this person was actually in the country after he had been given deportation notices. I talked to them about it and, frankly, several of my staff members worked very diligently to find this information out. Rick Dykema, who is my chief of staff, headed the investigation; and the

INS, although they finally confirmed it this evening, right before I came up here, the INS was being very nebulous and it was like, oh, well, they did not want to admit that this was it.

How many people around the country are going to hear this? As the gentleman says, how many newspapers are going to report that? I am very grateful, and I thank the gentleman very much for noting that it took a lot of hard work for us to do this.

I would just hope that those people who want to extend 245(i) go down and take a look at the blood on the floor of the LAX airport before they do. Take a look at the picture of those poor people who were murdered by this either fanatic or unstable foreigner who was here illegally, whom we could have sent back, but instead, we kept, because our colleagues have bought into this idea that it is in some way a positive thing to permit this loophole to exist.

□ 2015

By the way, if there are another 300,000 people who now the INS has to process because of 245(i), let us remember that the INS is already 3 million cases behind in processing people who already have made their application. Why are we adding to their work in processing these applications, and while they are doing it, permitting these people who are here illegally to stay here in this country?

If there is a backlog of 3 million people, it is going to take them years to work and to try to find or go over everyone's case like this, and now we are just adding more and more people who are able to stay here without the serious background check that they would get if they were sent home because they were here in this country illegally.

With the July 4 attack, we knew that we were in a horrible situation. We must take a look at 245(i) and the entire immigration policy of this country after this attack on July 4, but we should have been doing this after September 11, as well.

Mr. TANCREDO. Mr. Speaker, absolutely. Here is the thing: we are now 10 months past 9-11. We can talk about the errors we have made in the Congress in the past and the errors this government has made in the past in the crazy-quilt patchwork type of immigration policy that we have been dealing with here for years, and we can affix blame there, and rightly so.

But would the gentleman not think that subsequent to 9-11, subsequent to that horrible event, we would have done something to correct this action, to say, okay, we have made mistakes and we recognize it?

But not only have we not done anything significant to correct it, but an interesting article that I came across just the other day said that, since 9-11, we have given out over 50,000 visas to people from countries on the terrorist watch list. This is not just people from

countries that are kind of on the fringe; these are people from the countries on the terrorist watch list. We have given out 50,000 visas since then.

It is still the case that if people live in Saudi Arabia and want to come to the United States they do not have to go see an actual counselor; they can put it in a drop-box. They can get the visa. No one interviews them. This is coming from Saudi Arabia, a country that we already know many people have come from who have done horrible, horrible things to the United States.

Mr. ROHRABACHER. Mr. Speaker, as the gentleman knows, all 19 of those people who flew the planes into our buildings and murdered our people were Saudi citizens. I think there are some people in Saudi Arabia who are friends of the United States and allies of the United States, but we have to take a look at what is going on in Saudi Arabia. We have to protect ourselves, to make sure that we just do not have an open door, because they have not cleaned up their own house. They have not put their own house in order. Thus, they have made it unsafe.

How many other countries are like that?

Mr. TANCREDO. Reclaiming some of my time, I want to say that the gentleman from California (Mr. ROHRABACHER) has been enormously flattering in his description of my efforts, and I sincerely appreciate it. But I also know that long before I came to this Congress, there were people here laboring in this vineyard, and the gentleman is one.

I want to tell the gentleman how much I appreciate what he has done in this area. It is by circumstance and event and whatever that I ended up in the position of being the spokesman for our caucus, but it is only because of work like the gentleman has done and another colleague I will introduce right now that we have the ability to actually bring, I think, some sanity to this discussion. It is because they have been here for some time, and they have been really and truly pressing this issue.

Now, of course, it is on everybody's plate. It is on everybody's top list of things to be concerned about. Why? Only because of horrendous events. They should have been listening to my colleagues a long time ago.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for his leadership, as the gentleman from California (Mr. ROHRABACHER) has already expressed, for leadership on the Immigration Reform Caucus.

I would like to take a few minutes to share more information. I think the information just brought forward by the gentleman from California (Mr. ROHRABACHER) is certainly pertinent to the issue of the 245(i) matter that is still pending before this Congress.

Mr. Speaker, we should learn some things when we have studies and cen-

suses and other reports made, because we spend a lot of money doing this. If we will just look at a few statistics. For example, the latest census of 2000 tells us that approximately 8.7 million people are undocumented illegal aliens living in this country. That is about 1 million more than most people estimated was going to show up in the report.

According to those figures, we are having about 700,000 a year illegal immigrants entering this country. If that translates down to 1,918 per day, 80 per hour, and approximately one per minute, in other words, since 9-11, we are approaching a half a million illegal immigrants who have entered this country and virtually nothing is being done about it.

Let me share some other things. As the gentleman has already alluded to, the 19 terrorists in the 9-11 attack all had Social Security cards, all had Social Security numbers. In fact, 13 of them obtained Social Security cards legally. In that regard, a recent report was issued by the Inspector General of the Social Security Administration in which he said that one in every 12 foreigners receiving new Social Security numbers have done so using false documents. He indicated in his report that preliminary results show that some 100,000 Social Security numbers were wrongly issued to noncitizens in the year 2000.

He goes on to say that even before 9-11, that he had been recommending that the Social Security agency check its records with the INS before issuing Social Security cards, and had received no support and cooperation from Social Security. Since that time, Social Security has agreed with that recommendation, but still is having difficulty coordinating records. We, of course, have tried to pass legislation previously to deal with that issue.

Let me deal with another subject. Speaking of ironic situations, I have discovered in my research and in my talking with local INS agents that one of the reasons we are having difficulty deporting illegals is that a lot of times we do not have any detention facilities to keep them until we can process them for deportation.

One of the major reasons is we cannot use many of our jails where we are housing American citizens for criminal activity. They do not comply with the INS detention standards. The INS has adopted detention standards that do not correspond with the American Correctional Association standards. Now, these are the standards that are used in over 21,000 detention facilities all across our country, but the INS says they are not good enough.

Let me give the gentleman just a few examples. Non-English speaking detainees must be provided with more than just simple access to a set of English language law books. They must also be allowed to have presentations made by outside groups informing them of U.S. immigration laws and

procedures, and the INS encourages these presentations.

What about meals? Detainees under the INS standards must be served at least two hot meals a day. Any sack meal shall contain at least two sandwiches per meal, which at least one must be nonmeat and one must be meat, and that must be nonpork, and they must also include one piece of fresh fruit and a dessert item.

I was recently told that in my hometown in Hall County, Georgia, we could not use the local detention facility which houses all other detainees simply because that facility serves a cold breakfast and a balogna sandwich for lunch, and that was just not good enough for the housing of people who are illegally in this country.

Mr. Speaker, if the gentleman tells me that it is all right to detain our neighbor who has a traffic violation or a bad-check charge, or even our children in the school lunch program who do eat balogna sandwiches and are sometimes served cold breakfasts, and it is not good enough for those who are illegally in this country, but it is good enough for American citizens, let us get real about this.

What about telephone access? We have all heard the proverbial, I am entitled to my telephone call. If one is an illegal alien in this country, let me tell the gentleman what they are entitled to about telephone calls. They cannot, first of all, be placed in a detention facility unless they have unlimited access to telephones; and they cannot be limited, except if they do attempt to limit the time, it can be no less than 20 minutes.

They have also required, the INS has required, their telephone service provider to program the telephone system to permit detainee calls to numbers on the pro bono legal representation list, and permits them to use debit cards to make the calls. Now, that is not the same privileges that are entitled to Americans who are detained in our detention facilities.

They also say that if one is a normal detainee, one has to make all long distance calls, and they have to be collect. Not so if one is an illegal alien. They are entitled to use a debit card. I am told by one that even the detention facility may have to have international telephone access to meet the requirements.

I know that we all recall some of the debates that surrounded the 1996 Immigration Reform Act. We are in the process of looking at that act again, trying to clarify some things. One of the issues was what is a deportable offense. Generally, it was considered to be certain felonies that are of an aggravated nature.

For example, just to have a DUI is not enough to get one deported. Let me read from a letter from a local judge in my hometown. This is what he said:

"Last week I sentenced a gentleman on his fourth DUI committed in the last 2 years. This gentleman is an illegal immigrant. I directed the probation

department to contact INS in an attempt to prevent further violations in Hall County." He goes on to say that that was not enough to get him deported.

He also makes reference to local gang activity. I might just say within the last months we have had two drive-by murders and gang-related activity in my community.

He goes on and summarizes. He says that people who repeatedly drive drunk and are known to be involved in gang activity are allowed to basically run free, with no fear of prosecution, because of the current INS policies. That is a real tragedy and a real shame. It needs to be corrected.

How many DUIs does the gentleman think a person should have who is, first of all, illegally in the country to begin with? One is not enough to get them deported, two is not enough, three is not enough, and in this case he cites an actual case where four DUIs is not enough to get him sent out of this country.

I ask, where is MADD on this issue? Where are those who say that we ought to get tough on drunk driving and the other things that disrupt communities and endanger the safety and lives of our local citizens?

I commend the gentleman, and I will conclude with this comment. It is a comment that was presented to our reform caucus by a senior INS special agent. I think he says it very well when he says this: "The first laws that aliens entering the United States encounter are those laws that the INS is supposed to enforce. When the INS fails to effectively, consistently, and fairly enforce these laws, we are sending a very dangerous message to aliens seeking to enter the United States. In effect, we are telling them that not only can they expect to get away with violating our laws, they can anticipate being rewarded for violating our laws."

I think he says it very well.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman. Although the gentleman did say it very well, it was made even more profound, I think, and more articulate by the gentleman's brilliant analysis. I do sincerely appreciate the gentleman coming down this evening.

The gentleman points out several ironic, would be one way to describe them, or infuriating is another way to describe these situations, these events, these things with which we are now dealing almost daily. It seems to me I confront something like this all the time where we hear something like this and we say, How could this be? This could not really be. For instance, four DUIs, and he cannot be deported?

We have constructed on our Web site a list of things that we call "incredible but true," and Members can go to that Web site, www.house.gov/Tancredo and go to the immigration page on that Web site, and Members will see these.

If they wish, people are able to go to that Web site and sign a petition to the

President of the United States asking him to please augment the forces that we presently have on the border, the Border Patrol people that are so, right now, inundated. They are so overrun, outgunned, outmanned by the people they are trying to keep out of this country that they are in desperate shape. So we are asking the President to actually help us help them by putting military on the border. Members can go there and sign a petition.

I see that my colleague, the gentleman from California (Mr. ROHRABACHER), has something else he wants to say.

□ 2030

Mr. ROHRABACHER. Mr. Speaker, I would just like to reaffirm something we talked about earlier, and this is for people who may have missed the beginning of this Special Order, that due to research from my office, we have discovered that the murderer who may well be a terrorist or may well be just a very disturbed man or may be a cold-blooded murderer who is in this country illegally, managed to stay in this country through the use of the 245(i) process, this is the murderer who killed those people on July 4 at LAX. So we have confirmed officially for the first time at least, these are known victims of the 245(i).

This is outrageous. And hopefully by exposing this, it should wake up some of our colleagues to just how serious it is to not regain control of our borders which are just totally out of control. And, number two, hopefully this will alert our fellow colleagues to the danger of the 245(i) reform, which they call it, which is a gigantic loophole which permits people who should be deported or should not be in this country because they are here illegally, to stay in this country and adjust their status here in the country rather than having to go back to their native country.

Had this man who came from Egypt been forced to return to his country as was the law without 245(i), those two people who were murdered on July 4 at LAX at the El Al counter would be alive today. And this grief that we brought upon their families is the grief that can be brought upon any American family.

We just heard from our colleague of someone having four DUIs. What does that mean? That person was driving, that person was a threat to killing our families on the street. Now, why are we permitting people who are in this country to pose a risk to the safety of our people and the security of our country? This is ridiculous. I would hope that those listening understand just how serious this issue is and demand that Congress act on this, and watch what Congress does, and, again, that people pay attention to people like the gentleman from Colorado (Mr. TANCREDO), who is offering tremendous leadership on this issue and he has taken a lot of personal hits.

I can tell you years ago I was called a racist skinhead for suggesting that

instead of giving hundreds of thousands of dollars to medical benefits to illegal immigrants, that they should be sent home to their own countries for medical benefits. There was one man in my district who received over \$300,000 worth of medical treatment. He had leukemia. Now, I am sorry he had leukemia, but \$300,000? What does that do for the amount of money that we have available to take care of our own people?

Obviously, America has not been taking the steps necessary to secure our own borders. Obviously, the leaders in America are not putting the safety and security and well-being of the American people first. Who is to care about America unless we do?

The gentleman from Colorado (Mr. TANCREDO) has been in the forefront of this type of patriotism, caring about his country and watching out for our people.

I thank the gentleman very much for letting me participate.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for joining us this evening.

The gentleman brought up several interesting points, not the least of which is the cost of illegal immigration, the cost to the country. There are a whole host of ramifications of illegal immigration into the country. People do not like talking about any of them. But there is an enormous economic cost to illegal immigration, and it far outweighs the amount of money that is contributed, quote/unquote, to the American society by the taxes that many of these people pay.

It is true that if they come here and they work and they are working for wages that can be taxed, that is to say they are not working under the counter, just being paid under the table, they will pay some sort of tax, and they pay a tax on the things they buy. But the reality is that for the most part 90-some percent of the people who are here and especially who are here illegally have the lowest-paying jobs. They are low-skilled people who, therefore, of course are employed at a marginal level. They pay relatively little, if anything, number one, in income tax and certainly not all that much even in the sales tax because their purchasing power is relatively low. We do not gain a tremendous amount of revenue from the people who come here and are working illegally. But we do gain a tremendous amount of cost.

Recently Rice University estimated that the undocumented aliens in the United States cost taxpayers \$24 billion every single year. And by the way, in Arizona a Federal judge has just added to that. To go on the list of incredible, but true, things about immigration, let us add this one: right now 175 illegals in Arizona are getting free kidney dialysis treatments, free kidney dialysis. Many of them came across the border to obtain this service.

Now, it was supposed to end on June 30, but Judge Browning has extended

the benefits for five illegals who are "very ill." Now the question we have to ask ourselves, how many people in our own districts, how many people who have been here all their lives, that were born here, grandparents born here, that are citizens of the United States, paid taxes all their lives, how many of them can afford kidney dialysis or have it paid for or that were able to have it paid for by the State? And yet people who can come into this country illegally, take advantage of our system, take advantage of our laws, can receive this treatment? It is not fair. I am sorry for them that they need the treatment. How much can we possibly afford, is the question? How much can we afford? And why should we be doing it for people who are not citizens?

There are a lot of people who would suggest that in reality there is nothing different from being just here physically in this country and being here as a citizen. But I suggest to you that there is an enormous amount of difference, and we should not ignore it.

Another colleague who has joined me this evening, another member of our Immigration Reform Caucus and another member who, long before I came to the Congress, has been laboring in this vineyard and bringing to the attention of the American people concerns about illegal immigration, my colleague from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO). First, I want to thank him for his tireless effort on behalf of reining in the huge problem of illegal immigration in this country. I also want to thank the Congressman from Georgia for pointing out the situation where four drunk driving convictions are insufficient for deportation. I would also like to thank the Congressman from California (Mr. ROHR-ABACHER) for pointing out the background of the killer of the three persons at Los Angeles Airport on July 4. He mentioned one cost and this gentleman has mentioned one cost, and that is the free medical treatment that illegal immigrants impose on the United States.

I was just reading a letter from another Member of Congress in a Dear Colleague about a cost of a million dollars for treating immigrants in the State of Florida. In Patrick County, an illegal immigrant ran a citizen off the road in an automobile accident. That citizen had to go to Baptist Hospital in North Carolina, was in a coma, and the young man is still not recovered. And this treatment of him has been going on and that is a tangent cost. It is not a direct cost, but it has long surpassed the resources of that family.

I also wanted to talk this evening a few minutes about the need for troops on our borders. This past week we celebrated Independence Day. And I think one of the best birthday presents this Nation could have would be secure borders. With secure borders we could

greatly reduce or stop terrorism. We could greatly reduce or stop illegal immigration. And with secure borders we could greatly reduce or stop the illegal drug traffic. And I know that several of us with the gentleman's leadership have urged the administration to deploy the military on our borders; and we stand committed towards that end, either administratively or through legislation. In particular, the southern and northern borders of the United States are porous.

Canada and Mexico are still not doing an adequate job of screening the immigrant traffic and cargo in and out of their countries. Aside from obviously being dangerous to the welfare of citizens in this country, the porousness of our borders adds an unacceptable burden on our already overworked border patrol.

The Immigration and Naturalization Service is struggling to meet the demands of new threats, and it is in urgent need of the support of our military. Congress is working to give the administration greater authority to use the military on our borders. As the gentleman noted, the House adopted an amendment to the defense authorization bill that would allow the Department of Justice, if requested by the INS or the Customs Service, to utilize troops on our borders. This legislation would allow the direct involvement of the military in assisting Customs and our border patrol in preventing the coming into this country of terrorists, drug traffickers, and illegal aliens.

If we really want to make our homeland secure, we have got to do more than reorganize homeland security. That is a good positive step. And we have taken other good and positive steps, but to have our borders secure we need troops; and that will have a three-fold purpose of stopping illegal drugs, stopping illegal immigration, and stopping terrorists. And, again, I want to thank the gentleman for his tireless efforts on behalf of this.

Mr. TANCREDO. Mr. Speaker, I sincerely appreciate it.

The gentleman from Virginia (Mr. GOODE) has been also enormously helpful as a member of our committee and a person to whom I turn often for advice and consultation. It is important I think that we should point out that it was the amendments of the gentleman from Virginia (Mr. GOODE) to the defense authorization bill that did, in fact, provide, if it is passed by the other body, signed into law, it will provide the President with that authorization. And I sincerely hope that it is retained by the Senate.

This would not be the first time we have passed that resolution, and every time we have done so in the past the Senate has chosen to simply ignore it. This is, I hope, a change as a result of all of the events of the last several months. The last 10 months really would help the Members of the other body understand the need for doing this and certainly would help the President also.

Mr. Speaker, again, I want to just say that there has been an enormous amount of talk about the need to protect the United States from future terrorist attacks. Unfortunately, there has not been enough action, certainly far more talk than action. Since 9-11, we are absolutely not one bit safer today in this country. Our borders are not one bit more secure than they were at the time that the terrorists flew the planes into the buildings here in the United States and killed 3,000 of our citizens. That is an unacceptable position to be in for the Members of this body. For the administration to ignore the security of our borders as one aspect of this war that we are fighting, is irresponsible to say the least. And all I can hope is that they will heed the advice of the colleagues that joined me tonight, especially the President, in putting troops on the borders, that is the number one thing, and the rest of the Members of this body to tighten up our immigration policy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a family illness.

Mr. HOLT (at the request of Mr. GEPHARDT) for today on account of a family emergency.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today on account of a typhoon in Guam.

Mr. WALSH (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:

Mrs. THURMAN, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:

Mr. JONES of North Carolina, for 5 minutes, today and July 10.

Mr. DUNCAN, for 5 minutes, today and July 10.

Ms. ROS-LEHTINEN for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2594. 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.

□ 2045

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 10, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7765. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Lamb Promotion, Research, and Information Program: Rules and Regulations [No. LS-02-05] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7766. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Work Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and Food Stamp Provisions of the Balanced Budget Act 1997 (RIN: 0584-AC45) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7767. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William P. Tangney, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7768. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Tax Exemptions (Italy)[DFARS Case 2000-D027] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7769. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding-Switzerland [DFARS Case 2001-D019] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7770. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding-Switzerland [DFARS Case 2001-D019] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7771. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the ongoing evaluation of all test programs for transportation of household goods for members of the Armed Forces and the status of the report containing the results of this evaluation; to the Committee on Armed Services.

7772. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country End Products [DFARS Case 2000-D302] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7773. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

7774. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Burn Model Systems (BMS) Projects, a Burn Data Center (BDC), and for a Traumatic Brain Injury Model Systems (TBIMS) Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

7775. A letter from the Acting Administrator Energy Information Administration, Department of Energy, transmitting the Department's report entitled, "Uranium Industry Annual 2001," pursuant to 42 U.S.C. 2296b-5; to the Committee on Energy and Commerce.

7776. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Medicaid Managed Care [CMS-2001-F4] (RIN: 0938-AL83) received June 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7777. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — State Certification of Mammography Facilities [Docket No. 99N-4578] (RIN: 0910-AB98) received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7778. A letter from the Secretary, Department of Commerce, transmitting the fourth annual report mandated by the International AntiBribery and Fair Competition Act of 1998; to the Committee on International Relations.

7779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs: Amendment to the List of Proscribed Destinations — received June 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7780. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Rules Governing Availability of Information — received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7781. A letter from the Secretary, Department of Education, transmitting the twenty-sixth Semiannual Report to Congress on Audit Follow-Up in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 app.; to the Committee on Government Reform.

7782. A letter from the Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations, pursuant to 5 app.; to the Committee on Government Reform.

7783. A letter from the Secretary/Chief Administrative Officer, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7784. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System: Delay of Effective Date (RIN: 1024-AC82) received June 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7785. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft bill to provide authority to the Secretary of the Interior to grant easements or rights-of-way for energy-related projects on the Outer Continental Shelf (OCS); to the Committee on Resources.

7786. A letter from the Deputy Secretary, Department of Commerce, transmitting a copy of the administration's draft bill entitled, "United States Patent and Trademark Office Reauthorization Act, Fiscal Year 2003" together with a sectional analysis and a statement of purpose and need; to the Committee on the Judiciary.

7787. A letter from the Regulations Officer, Department of Transportation, transmitting the Department's final rule — Administration of Engineering and Design Related Services Contracts [FHWA Docket No. FHWA-98-4350] (RIN: 2125-AE45) received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7788. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Certification of Safety Auditors, Safety Investigators, and Safety Inspectors; Delay of Effective Date [Docket No. FMCSA-2001-11060] (RIN: 2126-AA64) received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7789. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Charlotte, NC, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

7790. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of additional lease prospectuses that support the General Services Administration's Fiscal Year 2003 Capital Investment and Leasing Program, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

7791. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Phased Retirement [Notice 2002-43] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7792. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments (RIN: 0960-AF31) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7793. A letter from the Secretary, Department of Energy, transmitting the semi-annual report regarding programs for the protection, control and accounting of fissile materials in the countries of the former Soviet Union, pursuant to Public Law 104-106, section 3131(b) (110 Stat. 617); jointly to the

Committees on Armed Services and International Relations.

7794. A letter from the Board Members, Railroad Retirement Board, transmitting the 2002 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

7795. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

7796. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2003 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. House Concurrent Resolution 425. Resolution calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund (Rept. 107-556). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 472. Resolution providing for consideration of the bill (H.R. 4635) to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes (Rept. 107-557). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 473. Resolution providing for consideration of the bill (H.R. 2486) to authorize the National Weather Service to conduct research and development, training, and outreach activities relating to tropical cyclone inland forecasting improvement, and for other purposes (Rept. 107-558). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 474. Resolution providing for consideration of the bill (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 (Rept. 107-559). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 475. Resolution providing for consideration of the bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life (Rept. 107-560). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LAFALCE (for himself, Mr. DINGELL, and Mr. GEPHARDT):

H.R. 5070. A bill to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Com-

pany Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. CONYERS, and Mr. FRANK):

H.R. 5071. A bill to authorize the President to establish military tribunals to try the terrorists responsible for the September 11, 2001 attacks against the United States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself and Mr. BOEHNER):

H.R. 5072. A bill to make technical amendments to the Higher Education Act of 1965 incorporating the results of the Fed Up Initiative; to the Committee on Education and the Workforce.

By Mr. BACA (for himself, Mr. SERRANO, Mr. OWENS, Mr. MCGOVERN, Mr. RODRIGUEZ, Mr. UNDERWOOD, Mr. PASTOR, and Mr. LEACH):

H.R. 5073. A bill to enhance the security and efficiency of the immigration, visa, border patrol, and naturalization functions of the United States Government; to the Committee on the Judiciary.

By Mr. BARCIA (for himself, Mr. UDALL of Colorado, Mr. HALL of Texas, Mr. WEINER, Mr. HONDA, Ms. RIVERS, Mr. LARSON of Connecticut, Mr. ISRAEL, Mr. MATHESON, Ms. WOOLSEY, Mr. BACA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, and Ms. LOFGREN):

H.R. 5074. A bill to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Science.

By Mr. CANTOR (for himself, Mr. BUCHER, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, Mr. MORAN of Virginia, and Mr. SCHROCK):

H.R. 5075. A bill to ensure continuity for the design of the 5-cent coin, establish the Coin Design Advisory Committee, and for other purposes; to the Committee on Financial Services.

By Mr. KENNEDY of Rhode Island (for himself, Mr. SCOTT, Mrs. NAPOLITANO, Ms. NORTON, Mr. MCDERMOTT, Mr. FROST, Ms. MILLENDER-MCDONALD, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. SERRANO, Mr. GILMAN, Mr. OWENS, Mrs. DAVIS of California, Mr. PAYNE, Mr. CROWLEY, Ms. LEE, and Mr. WAXMAN):

H.R. 5076. A bill to amend part C of the Individuals with Disabilities Education Act to improve early intervention programs for infants and toddlers with disabilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Rhode Island:

H.R. 5077. A bill to amend the Public Health Service Act with respect to mental health services for elderly individuals; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself, Ms. ROS-LEHTINEN, Ms. KAPTUR, Mr. SERRANO, Ms. MILLENDER-MCDONALD, Ms. RIVERS, Mr. OWENS,

Mr. FROST, Mr. STARK, Mr. CONYERS, Mr. HOLT, Mr. LANTOS, Mr. DEUTSCH, Mr. BALDACCIO, Ms. LEE, and Mr. DEFazio):

H.R. 5078. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. LYNCH, Mr. BROWN of Ohio, Mrs. MINK of Hawaii, Mr. BONIOR, Mr. WEXLER, Mr. MCGOVERN, Mr. FORD, Ms. MCKINNEY, Mr. HINCHEY, Mrs. DAVIS of California, Mr. HALL of Ohio, Mr. SANDERS, Ms. SOLIS, Mr. KILDEE, and Mr. ENGEL):

H.R. 5079. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN (for himself, Mr. HOLT, Mr. SAXTON, Mr. FERGUSON, Mr. MENENDEZ, Mr. ANDREWS, Mr. LOBIONDO, Mr. PASCRELL, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. ROTHMAN, Mrs. ROUKEMA, and Mr. PAYNE):

H.R. 5080. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Mr. RADANOVICH (for himself, Mr. CANNON, Mr. HASTINGS of Washington, Mr. JONES of North Carolina, Mr. OTTER, Mr. SIMPSON, and Mr. WALDEN of Oregon):

H.R. 5081. A bill to provide full funding for the payment in lieu of taxes program for the next five fiscal years, to protect local jurisdictions against the loss of property tax revenues when private lands are acquired by a Federal land management agency, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mr. BERRY, Mr. NEY, Mr. TAYLOR of Mississippi, Mr. BACA, and Mr. CARSON of Oklahoma):

H.R. 5082. A bill to amend title 38, United States Code, to suspend for five years the authority of the Secretary of Veterans Affairs to increase the copayment amount in effect for medication furnished by the Secretary on an outpatient basis for the treatment of non-service-connected disabilities and to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. PASTOR, Mr. GONZALEZ, Mr. BACA, Mr. UNDERWOOD, Ms. VELAZQUEZ, and Mr. MENENDEZ):

H.R. 5083. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E.

Campos United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. BLUMENAUER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. CROWLEY, Mr. DOYLE, Ms. ESHOO, Mr. FOSSELLA, Mr. GILMAN, Mr. HINCHAY, Mr. KNOLLENBERG, Mr. LANTOS, Ms. LEE, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MINK of Hawaii, Mr. PALLONE, Ms. ROSLEHTINEN, Ms. ROYBAL-ALLARD, and Ms. WATERS):

H. Con. Res. 436. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. WYNN (for himself, Ms. GRANGER, Mr. WEXLER, Mr. WHITFIELD, Mr. HASTINGS of Florida, Mr. HOUGHTON, Mr. FALCOMA, Mr. PITTS, Mr. OXLEY, Mr. BERMAN, Mr. SKELTON, Mr. NETHERCUTT, Mr. CRAMER, Mr. DAVIS of Florida, Mrs. TAUSCHER, Mr. BURTON of Indiana, and Mr. BEREUTER):

H. Con. Res. 437. Concurrent resolution recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, for its commitment of forces and assistance to Operation Enduring Freedom and subsequent missions in Afghanistan, and for initiating important economic reforms to build a stable and prosperous economy in Turkey; to the Committee on International Relations.

By Mr. UDALL of New Mexico:

H. Res. 476. A resolution expressing the sense of the House of Representatives regarding several individuals who are being held as prisoners of conscience by the Chinese Government for their involvement in efforts to end the Chinese occupation of Tibet; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mrs. BIGGERT, Ms. MCCARTHY of Missouri, Mr. FARR of California, Mr. DEAL of Georgia, Mr. WAMP, Mr. MURTHA, Mr. RUSH, Ms. CARSON of Indiana, Mr. FORD, and Mr. AKIN.

H.R. 250: Mr. WATT of North Carolina.

H.R. 267: Mr. SCHROCK, Mr. CALVERT, Mrs. MYRICK, and Mrs. CLAYTON.

H.R. 356: Mr. LARSEN of Washington and Mr. HILLEARY.

H.R. 425: Mr. DICKS.

H.R. 548: Mr. HILLEARY.

H.R. 822: Mr. ROHRBACHER.

H.R. 953: Mr. WAXMAN.

H.R. 967: Mr. REYNOLDS.

H.R. 1073: Mr. SCOTT.

H.R. 1090: Mr. LYNCH, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. GREENWOOD, Mr. CAPUANO, Ms. SOLIS, and Mr. WELLER.

H.R. 1184: Mr. EVANS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. LATOURETTE, Mr. OBEY, Mr. REYES, Mr. SMITH of Washington, Mr. CROWLEY, Mr. SHIMKUS, Mr. DOYLE, Mr. PALLONE, Mr. BORSKI, Mr. WEXLER, Mr. MASCARA, and Mr. LEWIS of Georgia.

H.R. 1198: Mr. WAXMAN and Mr. GEKAS.

H.R. 1405: Ms. DEGETTE.

H.R. 1421: Mr. WU, Mr. KIRK, Ms. HARMAN, Mr. UDALL of New Mexico, and Mr. STEARNS.

H.R. 1522: Mr. FATTAH.

H.R. 1556: Mr. EDWARDS.

H.R. 1596: Mrs. NORTHUP.

H.R. 1598: Mr. HALL of Ohio.

H.R. 1774: Mr. WOLF.

H.R. 1862: Mr. KINGSTON and Mr. ISRAEL.

H.R. 1943: Mr. TURNER.

H.R. 1956: Mr. ABERCROMBIE.

H.R. 1983: Mrs. NORTHUP.

H.R. 2035: Mr. CONYERS.

H.R. 2290: Mr. TIBERI.

H.R. 2349: Mr. HOYER, Ms. HARMAN, Mr. STRICKLAND, Mr. KANJORSKI, and Mr. MATHE-SON.

H.R. 2483: Mr. KIND.

H.R. 2550: Mr. DAVIS of Illinois.

H.R. 2702: Mrs. THURMAN and Mr. SCOTT.

H.R. 3183: Mr. GEKAS, Mr. LAHOOD, and Ms. RIVERS.

H.R. 3238: Mr. HASTINGS of Florida.

H.R. 3337: Mr. STENHOLM.

H.R. 3491: Mr. BARR of Georgia, Mr. BACA, and Mr. KENNEDY of Minnesota.

H.R. 3626: Mr. ANDREWS.

H.R. 3831: Mr. TERRY, Mr. SOUDER, Mr. KIND, and Ms. ROSLEHTINEN.

H.R. 3834: Mr. PASCRELL.

H.R. 3884: Mr. FILNER, Mr. THOMPSON of California, Ms. LOFGREN, and Mr. CROWLEY.

H.R. 3912: Mr. LEWIS of Georgia.

H.R. 3973: Mr. RILEY.

H.R. 3974: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COYNE, and Ms. MILLENDER-MCDONALD.

H.R. 4014: Mr. ENGEL, Mr. JENKINS, Mr. BALDACCI, and Ms. HARMAN.

H.R. 4039: Mr. PASCRELL.

H.R. 4100: Mr. SERRANO, Ms. MILLENDER-MCDONALD, and Mr. KLECZKA.

H.R. 4483: Mr. CHAMBLISS, Mr. GEKAS, and Mr. SMITH of New Jersey.

H.R. 4620: Mr. DUNCAN, Mr. JONES of North Carolina, and Mr. GILCREST.

H.R. 4643: Mr. LYNCH.

H.R. 4644: Mrs. CLAYTON, Mr. CLYBURN, Ms. SLAUGHTER, and Mr. FOLEY.

H.R. 4665: Mr. BRADY of Pennsylvania, Mr. HORN, Mr. WOLF, Mr. LATOURETTE, Mr. CROWLEY, Ms. LEE, and Mr. MCDERMOTT.

H.R. 4683: Mr. GILMAN and Mr. WEXLER.

H.R. 4693: Mr. BONILLA, Mr. LATHAM, and Mr. BAIRD.

H.R. 4720: Mr. STENHOLM.

H.R. 4729: Mr. KENNEDY of Rhode Island.

H.R. 4730: Mr. FATTAH, Mr. STARK, Mr. BONIOR, and Mr. SNYDER.

H.R. 4760: Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FROST.

H.R. 4778: Mr. STRICKLAND.

H.R. 4793: Mr. ACKERMAN, Mr. WYNN, Mr. HALL of Texas, Ms. RIVERS, and Mr. GORDON.

H.R. 4803: Mr. BROWN of Ohio, Ms. NORTON, Ms. BROWN of Florida, and Mr. FALCOMA.

H.R. 4832: Ms. SLAUGHTER.

H.R. 4833: Ms. SLAUGHTER and Mr. CROWLEY.

H.R. 4839: Mr. PASCRELL.

H.R. 4840: Mr. THUNE.

H.R. 4852: Mr. FOLEY.

H.R. 4865: Mr. TOM DAVIS of Virginia and Mr. VISLOSKEY.

H.R. 4887: Mr. CARSON of Oklahoma.

H.R. 4888: Mr. BALDACCI and Mr. CROWLEY.

H.R. 4895: Mr. COOKSEY.

H.R. 4922: Ms. MCKINNEY.

H.R. 4937: Mr. FORD, Mr. BARRETT, Mrs. MINK of Hawaii, Ms. DELAURO, and Ms. LEE.

H.R. 4939: Mr. DOYLE.

H.R. 4951: Mrs. DAVIS of California, Ms. CARSON of Indiana, Mr. LYNCH, Ms. LEE, Mr. PHELPS, Mrs. MINK of Hawaii, and Mr. SANDERS.

H.R. 4965: Mr. BOOZMAN, Mr. LUCAS of Kentucky, Mr. HOSTETTLER, and Mr. HAYWORTH.

H.R. 4972: Mr. BALDACCI.

H.R. 5001: Mr. LYNCH, Mr. HASTINGS of Florida, and Ms. LEE.

H.R. 5033: Mr. PETRI, Mr. HASTERT, Mrs. BONO, Mr. HASTINGS of Washington, Mr. ISSA,

Mr. TIAHRT, Mr. WELDON of Florida, and Mr. SESSIONS.

H.R. 5035: Mr. ETHERIDGE.

H.R. 5047: Mr. CAPUANO.

H.J. Res. 81: Mr. LAHOOD, Mr. CANNON, and Mr. GOODLATTE.

H.J. Res. 98: Mrs. MINK of Hawaii.

H. Con. Res. 197: Mr. JEFF MILLER of Florida and Mr. UDALL of New Mexico.

H. Con. Res. 238: Mrs. CAPITO.

H. Con. Res. 320: Ms. ROSLEHTINEN.

H. Con. Res. 352: Mrs. CUBIN.

H. Con. Res. 362: Mr. DAVIS of Illinois and Mr. UNDERWOOD.

H. Con. Res. 380: Mr. CLYBURN.

H. Con. Res. 408: Mrs. DAVIS of California, Mr. TOWNS, Mr. MCHUGH, and Mr. SERRANO.

H. Con. Res. 409: Mr. CONYERS, Mrs. MORELLA, and Mr. OSBORNE.

H. Con. Res. 423: Mr. PENCE.

H. Con. Res. 429: Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. FATTAH, Mrs. CLAYTON, Mr. INSLEE, and Mr. SCOTT.

H. Res. 295: Mr. PHELPS.

H. Res. 393: Mr. HONDA, Mr. KLECZKA, Mrs. TAUSCHER, and Mr. ISAKSON.

H. Res. 410: Ms. SLAUGHTER.

H. Res. 469: Mr. ACKERMAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4635

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT No. 2: Page 8, line 8, strike "may" and insert "shall".

Page 8, line 10, strike "a" and insert "any".

Page 9, strike lines 3 through 9.

Page 9, line 10, strike "(5)" and insert "(4)".

H.R. 4635

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT No. 3: Page 12, strike line 3 and all that follows through line 21 on page 13, and insert the following:

"(2) RISK-BENEFIT DETERMINATION DECISION.—Before the last day of such 2-year period, the President, in consultation with the Under Secretary, shall determine whether the security benefits of the Federal flight deck officer pilot program outweigh the risks of the program.

"(3) TERMINATION OF PILOT PROGRAM.—If the President, in consultation with the Under Secretary, determines under paragraph (2) that the risks outweigh the benefits, the President shall sign a certification ordering the Under Secretary to publish a notice in the Federal Register terminating the pilot program and explaining the reasons for the decision to terminate. The Under Secretary shall publish such notice and shall provide adequate notice of the decision to Federal flight deck officers and other individuals as necessary.

"(4) CONTINUATION OF PROGRAM.—If the President, in consultation with the Under Secretary, determines under paragraph (2) that the benefits outweigh the risks, the President shall sign a certification ordering the Under Secretary to publish a notice in the Federal Register announcing the continuation of the program. The Under Secretary shall publish such notice, continue the program in accordance with this section, and may increase the number of Federal flight deck officers participating in the program.

H.R. 4635

OFFERED BY: MR. CUNNINGHAM

AMENDMENT No. 4: Page 9, line 6, strike "2 percent" and insert "25 percent".

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 5: Page 3, lines 8 and 9, strike "selecting, training," and insert "training".

Page 3, line 9, after "pilots" insert "who are qualified to be Federal flight deck officers".

Page 3, line 10, strike the semicolon and all that follows through "first" on line 17.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike "(5)" and insert "(4)". Page 12, line 21, strike the comma and insert "and".

Page 12, line 23, strike the comma and all that follows through "program" on line 24.

H.R. 4635

OFFERED BY: MR. HORN

AMENDMENT NO. 6: Page 15, strike line 12 and all that follows through line 4 on page 18 and insert the following:

(a) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Subsections (a) and (b) of section 44918 of title 49, United States Code, are amended to read as follows—

“(a) IN GENERAL.—

“(1) REQUIREMENTS FOR AIR CARRIERS.—

“(A) PRESCRIPTION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism Act, the Under Secretary of Transportation for Security shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions.

“(B) CONSULTATION.—In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

“(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—

“(A) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this subparagraph, the Under Secretary shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration.

“(B) DUTIES.—The Division shall develop and administer the requirements described in this section.

“(C) DIRECTOR.—

“(i) APPOINTMENT.—The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary.

“(ii) SOLICITATION OF RECOMMENDATIONS.—In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation.

“(iii) BACKGROUND.—The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force.

“(D) REGIONAL TRAINING SUPERVISORS.—Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.

“(b) PROGRAM ELEMENTS.—

“(1) IN GENERAL.—The requirements prescribed under subsection (a) shall provide competence, and ensure retention of skills, in self-defense training that incorporates classroom and situational training that contains the following elements:

“(A) Determination of the seriousness of any occurrence.

“(B) Crew communication and coordination.

“(C) Appropriate responses to defend oneself, including hands on training, with reasonable and effective requirements on time allotment providing competence and ensuring retention of skills in the following levels of self-defense:

“(i) Awareness, deterrence, and avoidance.

“(ii) Verbalization.

“(iii) Empty hand control.

“(iv) Intermediate weapons and self-defense techniques.

“(v) Deadly force.

“(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator of the Federal Aviation Administration or Under Secretary).

“(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

“(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

“(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

“(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

“(A) A certification program for the instructors who will provide the training described in paragraph (1).

“(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

“(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after the requirements are prescribed under subsection (a).

“(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

“(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

“(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

“(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism Act.

“(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck.”

(b) RULEMAKING; LIABILITY.—Section 44918 of such title is further amended by adding at the end the following:

“(f) RULEMAKING AUTHORITY.—Notwithstanding section 44903(i) (relating to authority to arm flight deck crew with less than-lethal weapons), not later than 180 days after the date of enactment of the Arming Pilots Against Terrorism Act, the Under Secretary, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

“(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

“(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

“(g) LIMITATION ON LIABILITY.—

“(1) AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought

in a Federal or State court arising out of the acts or omissions of the air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

“(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.”

(c) CONFORMING AMENDMENTS.—Section 44918 of such title is further amended—

(1) in subsection (c)—

(A) by striking "issues the guidance" and inserting "prescribes the requirements";

(B) by striking "that guidance" and inserting "those requirements"; and

(C) by striking "guidance" the third place it appears; and

(2) in subsection (e) by striking "guidance issued" and inserting "requirements prescribed".

(d) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a non-lethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary shall transmit to Congress a report on the study.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 7: Page 5, strike lines 18 through 21.

Page 5, line 22, strike "(5)" and insert "(4)".

Page 6, line 1, strike "(6)" and insert "(5)".

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 8: Page 9, strike lines 3 through 9 and insert the following:

“(4) TIME LIMITS.—Not later than 180 days after the date of the enactment of this section, 20 percent of all pilots who volunteer to participate in the program within 30 days of such date of enactment shall be trained and deputized as Federal flight deck officers. Pilots may continue to participate in the program during the 2-year period of the pilot program. By the last day of such 2-year period, at least 80 percent of all pilots who volunteer to participate in the program must be trained and deputized as Federal flight deck officers.

Page 11, line 24, strike "250th pilot" and insert the following: "last pilot of the 20 percent of all pilots who volunteer to participate in the program within 30 days of such date of enactment of this Act".

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 9: Page 11, after line 19, insert the following:

“(i) LIMITATION ON AUTHORITY OF AIR CARRIERS.—No air carrier shall prohibit or in any way refuse or discourage a pilot employed by the air carrier from becoming a Federal flight deck officer under this section. No air carrier shall—

“(1) prohibit a Federal flight deck officer from piloting an aircraft operated by the air carrier, or

“(2) terminate the employment of a Federal flight deck officer,

solely on the basis of his or her volunteering for or participating in the program under this section.

Page 11, line 20, strike "(i)" and insert "(j)".

Page 14, line 5, strike "(j)" and insert "(k)".

H.R. 4635

OFFERED BY: MR. MICA

AMENDMENT NO. 10: Page 4, line 8, strike "Analyze" and insert "An analysis of".

Page 4, line 9, after "discharge" insert "(including an accidental discharge)".

Page 5, line 3, before the period insert the following: "including whether an additional background check should be required beyond that required by section 44936(a)(1)".

Page 5, line 6, before the period insert the following: "focusing particularly on whether such security would be enhanced by requiring storage of the firearm at the airport when the pilot leaves the airport to remain overnight away from the pilot's base airport."

Page 6, after line 6, insert the following:

(7) MINIMIZATION OF RISK.—If the Under Secretary determines as a result of the analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft as a result of the discharge of a firearm, the Under Secretary shall take such actions as may be necessary to minimize that risk."

Page 11, line 19, before the period insert the following: "under chapter 171 of title 28, relating to tort claims procedure."

Page 11, after line 19 insert the following: "(i) PROCEDURES FOLLOWING ACCIDENTAL DISCHARGES.—

"(1) IN GENERAL.—If an accidental discharge of a firearm under the pilot program results in the injury or death of a passenger or crew member on an aircraft, the Under Secretary—

"(A) shall revoke the deputization of the Federal flight deck officer responsible for that firearm if the Under Secretary determines that the discharge was attributable to the negligence of the officer; and

"(B) if the Under Secretary determines that a shortcoming in standards, training, or procedures was responsible for the accidental discharge, the Under Secretary may temporarily suspend the program until the shortcoming is corrected.

"(2) AFFECT OF SUSPENSION.—A temporary suspension of the pilot program under paragraph (1) suspends the running of the 2-year period for the pilot program until the suspension is terminated."

Page 11, line 20, strike "(i)" and insert "(j)".

Page 13, line 6, strike "proposed".

Page 14, line 4, after the period insert the following: "The report shall include a description of all the incidents in which a gun is discharged, including accidental discharges, on an aircraft of an air carrier after the date of enactment of this section."

Page 14, line 5, strike "(j)" and insert "(k)".

Page 15, line 12, insert "(a) IN GENERAL.—" before "Section".

Page 15, line 22, insert "effective" before "hands-on".

Page 16, line 10, insert "subdue and" before "restrain".

Page 16, line 13, insert "and effective" after "appropriate".

Page 17, line 4, insert "including the duty time required to conduct the search" before the semicolon.

Page 17, line 8, strike "amount" and insert "number or hours"

Page 17, line 9, insert "and" after the semicolon.

Page 17, line 13, strike the semicolon and all that follows through line 17 and insert a period.

Page 17, line 19, strike "In developing" and insert the following:

"(A) CONSULTATION.—In developing

Page 17, line 23, strike "employees of air carriers," and insert "the provider of self-defense training for Federal air marshals, flight attendants, labor organizations representing flight attendants,".

Page 17, line 25, strike the closing quotation marks and ";" and".

Page 17, after line 25, insert the following:

"(B) DESIGNATION OF OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for overseeing the implementation of the training program under this subsection.

"(C) NECESSARY RESOURCES AND KNOWLEDGE.—The Under Secretary shall ensure that employees of the Administration responsible for monitoring the training program have the necessary resources and knowledge.;" and

Page 18, after line 4, insert the following:

(b) ENHANCE SECURITY MEASURES.—Section 109(a) of the Aviation and Transportation Security Act (49 U.S.C. 114 note; 115 Stat. 613-614) is amended by adding at the end the following:

"(9) Require that air carriers provide flight attendants with a discreet, hands-free, wireless method of communicating with the pilots."

(c) BENEFITS AND RISKS OF PROVIDING FLIGHT ATTENDANTS WITH NONLETHAL WEAPONS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to evaluate the benefits and risks of providing flight attendants with nonlethal weapons to aide in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary shall transmit to Congress a report on the results of the study.

Page 19, after line 7, insert the following:

SEC. 5. AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.

Section 44903(i) of title 49, United States Code (as redesignated by section 6 of this Act) is amended by adding at the end the following:

"(3) REQUEST OF AIR CARRIERS TO USE LESS-THAN-LETHAL WEAPONS.—If, after the date of enactment of this paragraph, the Under Secretary receives a request from an air carrier for authorization to allow pilots of the air carrier to carry less-than-lethal weapons, the Under Secretary shall respond to that request within 90 days."

Page 19, line 8, strike "5" and insert "6".

H.R. 4635

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 11: Page 2, line 12, strike "pilot".

Page 3, lines 8 and 9, strike "selecting, training," and insert "training".

Page 3, line 9, after "pilots" insert "who are qualified to be Federal flight deck officers".

Page 3, line 10, strike the semicolon and all that follows through "first" on line 17.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike "(5)" and insert "(4)".

Page 9, line 24, strike the comma and all that follows through the comma on line 25.

Page 11, strike line 20 and all that follows through line 4 on page 14.

Page 12, line 21, strike the comma and insert "and".

Page 12, line 23, strike the comma and all that follows through "program" on line 24.

Page 14, line 5, strike "(j)" and insert "(i)".

H.R. 4635

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 12: Page 2, line 12, strike "pilot".

Page 9, strike lines 3 through 9.

Page 9, line 10, strike "(5)" and insert "(4)".

Page 9, line 24, strike the comma and all that follows through the comma on line 25.

Page 11, strike line 20 and all that follows through line 4 on page 14.

Page 14, line 5, strike "(j)" and insert "(i)".

H.R. 4635

OFFERED BY: MR. STEARNS

AMENDMENT NO. 13: Page 14, line 18, strike the close quotation marks and the period.

Page 14, insert after line 18 the following:

"§ 44922. Federal cockpit officer program

"(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish a pilot program to deputize volunteer pilots of air carriers providing air transportation or intrastate air transportation as Federal law enforcement officers to defend the flight decks of aircraft of such air carriers against acts of criminal violence or air piracy. Such officers shall be known as 'Federal cockpit officers'.

"(b) PROCEDURAL REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 2 months after the date of enactment of this section, the Under Secretary shall establish procedural requirements to carry out the program under this section.

"(2) COMMENCEMENT OF PROGRAM.—Beginning 2 months after the date of enactment of this section, the Under Secretary shall begin the process of selecting, training, and deputizing pilots as Federal cockpit officers under the program; except that, if the procedures required under paragraph (1) are not established before the last day of such 2-month period, the Under Secretary shall not begin the process of selecting, training, and deputizing pilots until the date on which the procedures are established or the last day of the 4-month period beginning on such date of enactment, whichever occurs first.

"(3) ISSUES TO BE ADDRESSED.—The procedural requirements established under paragraph (1) shall address the following issues:

"(A) The type of non-lethal weapon to be used by a Federal cockpit officer.

"(B) The standards and training needed to qualify and requalify as a Federal cockpit officer.

"(C) The placement of the non-lethal weapon of a Federal cockpit officer on board the aircraft to ensure both its security and its ease of retrieval in an emergency.

"(D) Analyze the risk of catastrophic failure of an aircraft as a result of the discharge of a non-lethal weapon to be used in the program into the avionics, electrical systems, or other sensitive areas of the aircraft.

"(E) The division of responsibility between pilots in the event of an act of criminal violence or air piracy if only one pilot is a Federal cockpit officer and if both pilots are Federal cockpit officers.

"(F) Procedures for ensuring that the non-lethal weapon of a Federal cockpit officer does not leave the cockpit if there is a disturbance in the passenger cabin of the aircraft or if the pilot leaves the cockpit for personal reasons.

"(G) Interaction between a Federal cockpit officer and a Federal air marshal on board the aircraft.

"(H) The process for selection of pilots to participate in the program based on their fitness to participate in the program.

"(I) Storage and transportation of non-lethal weapons between flights, including international flights, to ensure the security of the weapons.

"(J) Methods for ensuring that security personnel will be able to identify whether a pilot is authorized to carry a non-lethal weapon under the program.

“(K) Methods for ensuring that pilots (including Federal cockpit officers) will be able to identify whether a passenger is a law enforcement officer who is authorized to carry a firearm aboard the aircraft.

“(L) Any other issues that the Under Secretary considers necessary.

“(4) PREFERENCE.—In selecting pilots to participate in the program, the Under Secretary shall give preference to pilots who are former military or law enforcement personnel.

“(5) CLASSIFIED INFORMATION.—Notwithstanding section 552 of title 5 but subject to section 40119 of this title, information developed under paragraph (3)(E) shall not be disclosed.

“(6) NOTICE TO CONGRESS.—The Under Secretary shall provide notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate after completing the analysis required by paragraph (3)(E).

“(c) TRAINING, SUPERVISION, AND EQUIPMENT.—

“(1) IN GENERAL.—The Under Secretary shall provide the training, supervision, and equipment necessary for a pilot to be a Federal cockpit officer under this section at no expense to the pilot or the air carrier employing the pilot.

“(2) TRAINING.—

“(A) ELEMENTS.—The training of a Federal cockpit officer shall include, at a minimum, the following elements:

“(i) Training to ensure that the officer achieves the level of proficiency with a non-lethal weapon required under subparagraph (C)(1).

“(ii) Training to ensure that the officer maintains exclusive control over the officer's non-lethal weapon at all times, including training in defensive maneuvers.

“(iii) Training to assist the officer in determining when it is appropriate to use the officer's non-lethal weapon.

“(B) TRAINING IN USE OF NON-LETHAL WEAPONS.—

“(i) STANDARD.—In order to be deputized as a Federal cockpit officer, a pilot must achieve a level of proficiency with a non-lethal weapon that is required by the Under Secretary.

“(ii) CONDUCT OF TRAINING.—The training of a Federal cockpit officer in the use of a non-lethal weapon may be conducted by the Under Secretary or by a training facility approved by the Under Secretary.

“(iii) REQUALIFICATION.—The Under Secretary shall require a Federal cockpit officer to requalify to carry a non-lethal weapon under the program. Such requalification shall occur quarterly or at an interval required by a rule issued under subsection (i).

“(d) DEPUTIZATION.—

“(1) IN GENERAL.—The Under Secretary may deputize, as a Federal cockpit officer under this section, a pilot who submits to the Under Secretary a request to be such an officer and whom the Under Secretary determines is qualified to be such an officer.

“(2) QUALIFICATION.—A pilot is qualified to be a Federal cockpit officer under this section if—

“(A) the pilot is employed by an air carrier;

“(B) the Under Secretary determines that the pilot meets the standards established by the Under Secretary for being such an officer; and

“(C) the Under Secretary determines that the pilot has completed the training required by the Under Secretary.

“(3) DEPUTIZATION BY OTHER FEDERAL AGENCIES.—The Under Secretary may request another Federal agency to deputize, as Federal cockpit officers under this section, those pi-

lots that the Under Secretary determines are qualified to be such officers.

“(4) MAXIMUM NUMBER.—The maximum number of pilots that may be deputized under the pilot program as Federal cockpit officers may not exceed 1 percent of the total number of pilots that are employed by air carriers engaged in air transportation or intrastate transportation on the date of enactment of this section.

“(5) REVOCATION.—The Under Secretary may revoke the deputization of a pilot as a Federal cockpit officer if the Under Secretary finds that the pilot is no longer qualified to be such an officer.

“(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal cockpit officer. The Federal Government and air carriers shall not be obligated to compensate a pilot for participating in the program or for the pilot's training or qualification and requalification to carry non-lethal weapons under the program.

“(f) AUTHORITY TO CARRY NON-LETHAL WEAPONS.—

“(1) IN GENERAL.—The Under Secretary shall authorize, while the program under this section is in effect, a Federal cockpit officer to carry a non-lethal weapon while engaged in providing air transportation or intrastate air transportation. Notwithstanding subsection (c)(1), the officer may purchase a non-lethal weapon and carry that weapon aboard an aircraft of which the officer is the pilot in accordance with this section if the weapon is of a type that may be used under the program.

“(2) PREEMPTION.—Notwithstanding any other provision of Federal or State law, a Federal cockpit officer, whenever necessary to participate in the program, may carry a non-lethal weapon in any State and from one State to another State.

“(3) CARRYING NON-LETHAL WEAPONS OUTSIDE UNITED STATES.—In consultation with the Secretary of State, the Under Secretary may take such action as may be necessary to ensure that a Federal cockpit officer may carry a non-lethal weapon in a foreign country whenever necessary to participate in the program.

“(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), the Under Secretary shall prescribe the standards and circumstances under which a Federal cockpit officer may use, while the program under this section is in effect, force against an individual in the defense of the flight deck of an aircraft in air transportation or intrastate air transportation.

“(h) LIMITATION ON LIABILITY.—

“(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of a Federal cockpit officer's use of or failure to use a non-lethal weapon.

“(2) LIABILITY OF FEDERAL COCKPIT OFFICERS.—A Federal cockpit officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending the flight deck of an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

“(3) LIABILITY OF FEDERAL GOVERNMENT.—For purposes of an action against the United States with respect to an act or omission of a Federal cockpit officer, the officer shall be treated as an employee of the Federal Government.

“(i) DURATION OF PROGRAM.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the pilot program established under this section shall be in effect for a period of 2 years beginning on the

date that the 250th pilot is deputized as a Federal cockpit officer under this section.

“(2) RISK-BENEFIT DETERMINATION DECISION.—Before the last day of such 2-year period, the Under Secretary shall determine whether the security benefits of the Federal cockpit officer pilot program outweigh the risks of the program.

“(3) TERMINATION OF PILOT PROGRAM.—If the Under Secretary determines under paragraph (2) that the risks outweigh the benefits, the Under Secretary shall publish a notice in the Federal Register terminating the pilot program and explaining the reasons for the decision to terminate and shall provide adequate notice of the decision to Federal cockpit officers and other individuals as necessary.

“(4) CONTINUATION OF PROGRAM.—

“(A) IN GENERAL.—If the Under Secretary determines under paragraph (2) that the benefits outweigh the risks, the Under Secretary shall publish a notice in the Federal Register announcing the continuation of the program, shall continue the program in accordance with this section, and may increase the number of Federal cockpit officers participating in the program.

“(B) NOTICE OF PROPOSED RULEMAKING.—Not later than 60 days after the date of publication of a notice continuing the program, the Under Secretary shall issue a notice of proposed rulemaking to provide for continuation of the program. In conducting the proposed rulemaking, the Under Secretary shall readdress each of the issues to be addressed under subsection (b)(3) and, in addition, shall address the following issues:

“(i) The use of various technologies by Federal cockpit officers, including smart gun technologies and nonlethal weapons.

“(ii) The necessity of hardening critical avionics, electrical systems, and other vulnerable equipment on aircraft.

“(iii) The standards and circumstances under which a Federal cockpit officer may use force against an individual in defense of the flight deck of an aircraft.

“(5) REEVALUATION.—Not later than 3 years after the date of publication of a notice continuing the program, the Under Secretary shall reevaluate the program and shall report to Congress on whether, in light of additional security measures that have been implemented (such as reinforced doors and universal employee biometric identification), the program is still necessary and should be continued or terminated.

“(j) APPLICABILITY.—

“(1) EXEMPTION.—This section shall not apply to air carriers operating under part 135 of title 14, Code of Federal Regulations, and to pilots employed by such carriers to the extent that such carriers and pilots are covered by section 135.119 of such title or any successor to such section.

“(2) PILOT DEFINED.—The term ‘pilot’ means an individual who has final authority and responsibility for the operation and safety of the flight or, if more than 1 pilot is required for the operation of the aircraft or by the regulations under which the flight is being conducted, the individual designated as second in command.”

Page 14, insert before line 23, the following: “44921. Federal cockpit officer program.”.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 14: Page 5, line 5, before “between” insert “at airports”.

Page 10, after line 18 insert the following:

“(g) STORAGE OF FIREARMS.—The Under Secretary shall require that firearms carried by Federal flight deck officers in the program be stored in airports between flights and shall determine and designate the most secure locations for the storage of such firearms.”.

Redesignate subsequent subsections accordingly.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 15: Page 6, after line 6, insert the following:

“(7) SUSPENSION OF PROGRAM.—If the Under Secretary determines as a result of an analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft from the discharge of a firearm, the Under Secretary may suspend the program until such actions as may be necessary to minimize such risk are taken.”.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 16: Page 11, strike line 1 and all that follows through “OFFICERS.—” on lines 7 and 8.

Page 11, strike lines 15 through 19.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 17: Page 12, line 15, after the period insert the following: “If an accidental discharge of a firearm under the pilot program results in injury or death of a passenger or crew member of a flight, the Under Secretary may terminate the pilot program by publishing in the Federal Register a notice of such termination and providing adequate notice of the decision to terminate to Federal flight deck officers and other individuals as necessary.”.

H.R. 4635

OFFERED BY: MR. THUNE

AMENDMENT NO. 18: Page 8, line 8, strike “may” and insert “shall”.

Page 8, line 10, strike “a” and insert “any”.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike “(5)” and insert “(4)”.

H.R. 4635

OFFERED BY: MR. TOWNS

AMENDMENT NO. 19: Page 4, line 12, after the period, insert the following: “The analysis shall include an assessment of the potential risks of an accidental or intentional discharge of a firearm by a licensed Federal flight deck officer on an aircraft.”.

Page 14, line 4, after the period, insert the following: “The report shall include a description of any incidence involving the accidental or intentional discharge of a firearm by a Federal flight deck officer on an aircraft.”.