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 America taxing 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, or their 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
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. Why? Not only do we not, but we will not, come to Congress with a $42 billion tax increase over 10 years, which would be a $4 billion tax increase over 10 years, for 36 million married working couples, it would be a $6 billion tax increase over 10 years.

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 misgovernment 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 these 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 port in a timely manner his 1990 sale of $850,000 worth of stock in a Texas-based energy company just weeks before its sale, 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, required 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 seniors in Texas and around the country lost their retirement benefits because of fraud and mismanagement by the President’s friends and his single major contributor and fundraiser at Enron. And the President endorsed an unfunded bill in an effort to cover the marriage tax penalty. Because if we do not, couples like Jose and Magdalena Castillo, will see a $1,150 tax increase over 10 years. If we do not, 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 dedicated public 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 the deep love he held for his family and friends. Mr. Jaramillo was born in Arroyo Colorado (Red Canyon), New Mexico, a small
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. He said, "I have always been aware of the simple things in life, his family, the sun upon his face, grape juice, chocolate, a country breakfast and, yes, Sunday drives."

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 2367, 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 at Omaha Beach.

In 1944, Mr. 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: Juan, May, Pete Jr., Marli, Rita, Maria Leonella (Nellie), David, Ida May, Pete Jr., Maria Rita, Maria Leonella (Nellie), David, and Lynda. He also had four grand-children: Eddie Jaramillo, Jason Griego, and Billy and Selena Manzanares.

He was a good provider, devoted father, faithful 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.

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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, Halliburton spills oil all over a pristine area, ruining the land and making local residents sick, they do not even have to clean it up. The taxpayer pays 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 the interests of Enron and other corrupt corporations 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 sense, 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 do more than provide oversight.

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. She was in for a real shock when she realized how much she was paying for an insert.

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 Medicare will pay for.

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 a local pharmacy, 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.

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 compare shop. I think 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 pre- empt 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 there would be no available inserts.

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 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 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. He is not only making her work comfortably, but making 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 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 when 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, whose conscience, in my judgment, was ultimately involved. 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 new rules with regard to all those white collar criminals. 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 accounting 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 accountability 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 analysts 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 Oregon (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 about watered down 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. 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 his budget cut, is not a toothless 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 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.
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 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.

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 guard 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 and social confusion, be with the Members of the House of Representatives in all their undertakings today. May the recent celebration 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 the 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.

Adopted: June 26, 2002.

RESOLUTION (DOCKET 2585)

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 expansion of navigation channel up the Oconto River for use by shallow draft craft.

Adopted: June 26, 2002.

Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2586)

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 basin 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 2587)

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 174, 72nd Congress, 2nd Session, and other pertinent reports, to determine the feasibility of providing ecosystem restoration measures in the Lower Willamette River watersheds from the Willamette Locks to confluence of the Willamette River with the Columbia River through the development of a comprehensive restoration strategy 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 2588)

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.

Adopted: June 26, 2002.

Attest: Don Young, Chairman.
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 own grief and sorrow into helping 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 Bob 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 antiaircraft 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 there. 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 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 address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON. Mr. Speaker, on September 11 terrorists took over commercial flights by using only box cutters. No one would have known they could 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 pilot duties.

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 said. 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, Harriet Hay, 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. 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...
Mr. Speaker, Members of the House, I rise 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, “do some type of action against us. We do not need to turn the Department of Defense into the War Department once again.

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.

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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, “do 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 who has to go 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 boards and accountants and 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 fraud. 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 $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,
CORPORATE RESPONSIBILITY

(Mr. UDALL of Colorado asked and was given time 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 the 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 capacity under 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. 5. PROMOTION OF NEW RUNWAYS.

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

"(c) COORDINATED REVIEWS.—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.

"(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 DEADLINES.—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 Secretary to 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.

"(g) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that may 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 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.

"(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 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 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.

(1) 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 operations and aircraft noise impacts from the runway only if the Secretary determines that imposition of the restriction—

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

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

(c) would not adversely affect service to small cities or airports.

§ 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 otherwise available 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.); and

(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 consist of the following—

(1) installation and operation of green barriers on residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of existing green barriers, as required for the building of the green barriers 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 for 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).

§ 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 petition for review must be filed not later than 60 days after the order of the Secretary or the head of any other Federal agency involved or transferred pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Acts, 2001, for the activities described in subsection (a).

(b) Mitigation of aircraft noise. Mitigation measures described in subsection (a) may consist of the following—

(1) installation and operation of green barriers on residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of existing green barriers, as required for the building of the green barriers under local building codes;
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 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 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. 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 precious years of precious funds. According to the report, we have a Federal process mandated by State law and needed to complete the local political process to get project alternatives that the Secretary of the Department determines are reasonable.

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. We are not taking authority and responsibility 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 for too long in the past.

Perhaps the most egregious example or complaint 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 of moving airport projects along to enhance and expand capacity.

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 accommodate future growth.

Dulles or Reagan National Airport, 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 that have been 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 participate in order 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 the 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 name. It has 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 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).

The bill 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 competition 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 Airports 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 projects. New runways were shifted to airports, and not to the environmental 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 any new laws or with 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 yeas vote on H.R. 4481.

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

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for supporting 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. The measure 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 10 years, only six of our Nation's largest airports have managed to complete new runway projects, and we are running out of time. And while we have plans to expand, we must act now to avoid another damaging delay.

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

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 Representives 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 during which such individual is on active duty or, on the basis of the status of death of another person with whom such individual is serving on qualified official extended duty as a member of the uniformed services, of such uniformed service (including any period on account of the status of death of such other person) is not less than 90 days.
"(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 on active duty status 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, except that such term shall not apply to any period in excess of 180 days or for an indefinite period.

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

(iv) SPECIAL RULES RELATING TO ELECTION.—

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

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

(C) EFFECTIVE DATE.—The amendment made by this section shall apply to elections made after the date of the enactment of this paragraph.

(D) CONGRESSIONAL RECORD.—The amendments added to section 75 of title 10, United States Code, by this section shall apply with respect to the death of a member of the uniformed services who dies after September 10, 2001.

"The second feature, Mr. Speaker, is the bill will allow members of the uniformed 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.

Unfounded 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 use 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. Any amendment to 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. M CNULTY. 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 military men and women without delay. The high price they are paying 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 (Mr. HOUGHTON) pointed out, to two areas of need. It provides much-needed relief to many 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 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. The definition 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. This ensures that our money 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 face some of our greatest problems on the front lines. 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 this bill.

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. 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 the 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 safe return 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 unwarranted actions by the government in the entire history of the nation. The tax on the death of a loved one, killed in action by terrorism, should not have to exist. Those families who have suffered grief and sorrow 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 grant 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 28-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.

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, and 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, and 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 had 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.

As we return from the 4th of July recess, I can think of nothing more appropriate or right to do as 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. Geras).

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 clearly. 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 a remuneration for their sacrifice.

The bill before us today is a provision to provide gratuity payments from members of the Armed Forces. We have, as a country, invested so much in our military 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 things 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 American people and, indeed, mankind, 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 justly 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 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 uniform 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, through the Chamber, served in our Armed Forces, came back home, continued to render outstanding service and raise beautiful families to carry on their fine traditions.

Likewise, 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 back.

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 for the Veterans 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 ago and had never received. People like Nick Grimaldo and Joe Mariano, Adam Weasack, Rapallo Colangione, Frank Pusateri, and Sammy DiNoVa; and people like the gentleman from Texas (Mr. Johnson), who just left this Chamber, who served in our Armed Forces, 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." He died the next year for 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 hammers 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?

Mr. Speaker, 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 didn't go home. They went to 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 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 remember 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 eligible for 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. 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, Graduate, Sciences, Mathematics, Engineer, ning, 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 tech- nology 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 49 percent of the United States population, make up only 19 percent of the science, engineering, and technol- ogy 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 scientific and engineering graduates depend- ent on a technically trained workforce.

(8) Reversing the downward enrollment and graduation trends in a number of science and engineering disciplines is imperative to maintaining our Nation’s prosperity, it is also important for our national secu- rity.

(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 insti- tutional support.

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

(11) Faculty experienced in working with undergraduate students report that undergraduate research experiences contribute significantly to student success.

(12) It is estimated that 50 percent of the U.S. workforce is composed of individuals who have completed an undergraduate degree in science, mathematics, engineering, or technology major and to con- tinue their education through graduate study or post-service work experience.

(13) The term “academic unit” means a department, division, institute, school, college, or other subcomponent of an institution of higher education;

(14) The term “community college” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(15) The term “Director” means the Director of the National Science Foundation;

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

(17) 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

(18) The term “Research-grade instrumentation” means a single instrument or a networked system of instruments that enable publication-quality research to be per- formed by one faculty or researcher.

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 basis, to institutions of higher education with physical or information science, mathe- matics, engineering, or technology programs, to consortia through eligible 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, mathe- matics, engineering, and technology. Con- sortia may include participation by eligible non- profit organizations, State or local govern- ments, or private sector companies. An institu- tion 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 no 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 first year of funding contingent upon the Director’s determination that satisfactory progress has been made by the grantee during the first 3 years of the grant period to achieve the increases in the number of students proposed pursuant to subparagraph (E).

(C) Principal Investigator.—For each grant awarded under this section to an insti- tution of higher education, at least 1 principal investigator must be in a position of administrative leadership at the institution or a higher educational institution and a 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 least 1 institution of higher education participating in the consortium, at least 1 of the individ- uals responsible for carrying out activities authorized under subsection (c) at the institution must be in a position of administra- tive 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 competed a grant awarded under this section may apply for a subsequent grant under this section.

SEC. 3. DEFINITIONS. In this Act—
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E) INCREASES.—

(i) INSTITUTIONS OF HIGHER EDUCATION WITH BACCALAUREATE DEGREE PROGRAMS.—An applicant for a grant under this section that is or operates in high-educational programs that awards baccalaureate degrees shall propose in its application specific increases in the number of students who are United States citizens or permanent residents 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 increases in the number of students at the community college who are United States citizens or permanent residents 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. Undergraduate students 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 such institution shall be assessed.

(F) RECORDKEEPING.—Each recipient of a grant under this section shall maintain, and transmit annually to the National Science Foundation, 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) advancement during the first year after degree completion in post–graduate education or career pathways.

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

(i) indicates a plan to build on previous and existing efforts with demonstrated success,

(ii) includes partnerships with high school districts, businesses, or other agencies; and

(iii) indicates a plan to build on previous and existing efforts with demonstrated success.

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

(i) 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;

(ii) projects that expand the capacity of institutions of higher education to incorporate coursework, research, and teaching technologies into the undergraduate learning environment;

(iii) bridge projects that enable students at community colleges and technical institutions to pursue a baccalaureate physical or information science, mathematics, engineering, or technology program, including projects to assist students in obtaining baccalaureate degrees, concentrations, or certifications in science, mathematics, engineering, or technology programs, including those targeted at traditionally underrepresented groups in such disciplines;

(iv) projects including interdisciplinary approaches to increasing the number of students in the physical or information sciences, mathematics, engineering, and technology education;

(v) projects that focus directly on the qualitative or quantitative nature of student learning, including those that encourage—

(A) high-caliber teaching, including enabling faculty to spend additional time teaching and research;

(B) improved student learning, including those that encourage—

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

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

(C) screening and training of teaching assistants;

(vi) projects that—

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

(B) provide part-time employment in industry or provide access to the physical or information sciences, mathematics, engineering, or technology student base or increase retention in these fields;

(C) project to encourage undergraduate research on-campus or off-campus;

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

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

(F) 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 plans pursuant to 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 subsection (d)(2).

(b) 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 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—

(v) $25,000,000 for fiscal year 2003; and

(iv) such sums as may be necessary thereafter.

(i) RELATED PROGRAMS.—The Director shall give consideration to the purpose stated in subsection (b)(1) in 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 support the purpose of expanding previously implemented reforms of undergraduate science, mathematics, engineering, or technology science programs that have 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—
shall ensure, to the extent practicable, that

(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, or technology;

(4) expansion of undergraduate research opportunities beyond a particular laboratory, course, or unit to encourage entire 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 programs;

(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 and post-doctoral fellows to participate in instructional or evaluative activities at primarily undergraduate institutions; and

(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, 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 description of expected institutional support 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 this 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.

(a) 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.

(1) description of the proposed reform effort;

(b) U SES OF FUNDS.

(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 for 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, mathematics, engineering, and technology students, including costs associated with—

(A) stipend support or release time for faculty to develop and conduct instruction and assessment; and

(B) stipend support or release time for faculty to conduct instruction in the development, delivery, and assessment of the faculty development program;

(3) awards support a variety of projects including—

(a) supporting the development, delivery, and assessment of the faculty development program;

(b) stipend support or release time for faculty to conduct instruction in the development, delivery, and assessment of the faculty development program.

(c) ANNUAL MEETING.

(1) the proposed institutional reform a priori;

(d) evidence of institutional support for, and evidence of commitment to, the proposed reform effort, including description of expected institutional support or planned institutional policies and practices regarding faculty hiring, promotion, tenure, and teaching assignment that reward faculty contributions to undergraduate education.

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

(3) awards support a variety of projects including independent investigator-led projects, multidisciplinary projects, and multinstitutional 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 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 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 $8,000,000 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 content:

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

(2) Activities, methodologies, and practices developed under the project.

(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 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, or engineering.

(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) DISCRIMINATION 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 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 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 APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for carrying out the study required by the provisions of 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 non-Federally recognized minority institutions to provide research opportunities, including stipend support to students participating in activities related to projects sponsored by the National Science Foundation and institutions receiving awards under the Undergraduate Program to disseminate information to other community colleges about activities carried out under the Program and about model curricula and teaching methods developed under the Program.

(b) EFFECTIVENESS OF SUPPORTED ACTIVITIES.—The Director shall report to the Congress on the effectiveness of activities supported under the Program.

(c) DISSEMINATION OF EVALUATION RESULTS.—The advisory committee established under paragraph (1) shall report annually to the Director and to the Congress on the findings and recommendations resulting from the reviews and assessments conducted in accordance with paragraph (1).

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

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. 1862(a)) is amended—

(1) by inserting “, and to improve the quality of their core education courses in science and mathematics 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. 1862(a)) 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) include 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-Federally recognized minority institutions, professional societies, and organizations from the academic 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) conforming the Program to the requirements of the National Science Foundation Act of 1992; and

(B) the effectiveness of activities supported under the Program.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

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

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

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

(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 and activities under this section, section 3(c)(1)(B) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C.
Mr. Speaker, I rise in support of the bill incorporated 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 will serve 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. 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 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.
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.

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. This authorizes the 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. The bill also encourages the inclusion of innovative public-private partnerships 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 underrepresented participation 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. LANS), 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 the gentleman from New York (Mr. BOEHLERT), who has done an outstanding job. It has been my high honor 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 colleagues and people of 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.

In the bill, that is 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 Florida (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 graduates, particularly those in science, mathematics, and engineering. We all realize it has declined, but yet the priorities were set there because a vision is there 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 where a vision is there and we look at a vision of where we need to be, and that is preparing students in these areas.

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. It is about making sure that no child, whether it is an adult, is overlooked by this bill because this bill addresses those needs.

Today, we are establishing a program that would accomplish two things. First, the program would award grants to historically-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 baccalaureate 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 been on the Science Committee, and I have been a leader in advances these bills. The authorizing the Technology Talent Act, which I chair, has been an active participant in advancing these challenges. I urge its adoption.

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 that is better trained in math 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 in the global economy, 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 power, 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.

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. 3130) 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 Speaker 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. 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) Torts 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 suppression 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 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 suppression 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 for the fighting of 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 their own personnel available to fight these horrific blazes. This legislation would allow the United States 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 244 personnel in the next couple of weeks. If this occurs, we will most likely deplete our domestic firefighting 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.

Unfortunately, current law exposes foreign fire agencies to unreasonable liability when responding to requests by the United States 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 who are covered under the foreign agencies’ normal insurance policies.

This bill supplies the protection needed in order for foreign fire management agencies to provide firefighting 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 firefighting efforts.

This legislation strives to ensure that we will have the ability to commit more personnel as fire situations escalate. 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 ensure that we have the needed measures in place to suppress 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 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 personnel 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 the individual’s home country 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 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 mitigation works 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 time we met 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 2,000 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 10 to 20 times more forest fires 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; of any one of those committees could have slowed this bill down, could have interfered with the management personnel that our country has.

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 and other members could have insisted that this bill got some additional help, 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 have pointed out, that we actually have had fatalities so far. We have 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 you all in the near future 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.

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 LARRY COMBEST, chairman of the Agriculture Committee, and Congressman JM SENSENBRENNER, chairman of the Judiciary Committee and JEFF FLAKE. Each of these Members and their respective staffs have been 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 have already burned 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 forces. This heightened alert 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 of our 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 are already appealing for assistance. This heightening of preparedness 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.

I want to thank the chairman and ranking member for all their hard work and dedication to ensuring the safety of our firefighters and the safety of all Americans.
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-Chediski 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 personnel 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 protections 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.

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”.

CONGRESSIONAL RECORD — HOUSE
July 9, 2002
H4378
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 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; and

(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.

(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 prescribe 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 have 15 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to review the bill 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 address 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 annually, and I will say that again, $20 billion.

Each year, the Federal Government wastes billions of taxpayer dollars 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 millions, not billions, but 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 does not capture 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 solutions.

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 this legislation.

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 gentlewoman 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
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 large 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 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 extremely unfair burden 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 the rules are applied by the agency 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 discipline the same 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 concerning 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.

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 gentlewoman from Illinois (Ms. SCHAKOWSKY). We are also delighted with his ideas. This is a bipartisan bill.

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

Mr. 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 by day and at night 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 of those present voting) 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; and for other purposes.”

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, where a Jewish cemetery was blown up (2) on March 16, an explosive device was thrown at a Jewish cemetery in Berlin, Germany,
For the support of the House concerning the rise of anti-Semitism, the House received the following resolution:

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-Semitism. The resolution is 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 1948. Anti-Semitic crimes, including the intentional destruction and desecration of synagogues and other Jewish institutions, as well as violent assaults against individuals, are not isolated to any neighborhood or to any particular city or to any particular country of Europe. Rather, outbursts of anti-Semitic violence have been plaguing the entire continent. Our allies of Europe have not done enough to address 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, during the conflict conducted in Belgium, Denmark, France, Germany, and the United Kingdom, reveals that about 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.

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 witnessing 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 engaging in nothing but 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, and both prosecution 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 is that European leaders have engaged in a formal, 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 the actual harm they may have caused to anyone else.

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 to prevent 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 is the in 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 California (Mr. GILMAN), who has been most cooperative in bringing this resolution before us today. But I particularly want to express my personal appreciation 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 assaults on Jews and 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 instantly 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. The heartfelt 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.

Government leaders can and must publicly and quickly condemn anti-Semitic incidents, and they should condemn them for what they are, undiluted anti-Semitism, not merely spillover from the Middle East, as some would have it labeled. This merely obfuscates the issue.

Mr. Speaker, I again commend my good friend and distinguished colleague from New York (Mr. CROWLEY), for bringing this resolution to our attention. I urge all of my colleagues to give it the serious and thoughtful attention it deserves.

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—how a country treats its Jewish citizens. Jews have been persecuted and delegitimized throughout history because of their perceived differences, and we 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 enormous fire. The 50 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 half 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 that European anti-Semitism, while not the Palestinian Authority, for the crisis. The contrariness of their own attitudes anti-Israel sentiment, not anti-Jewish feeling 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 cause. 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—and especially the current leaders 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 violence 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-Semitic 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 of anti-Semitism in Europe, the fact that Israel under former prime minister

Mr. Speaker, I include the Abe Foxman article entitled "Europe's Anti-Israel Excuse" for the RECORD.
Semitism—and condemn the revival of this ancient hatred that had its greatest manifestations on the same continent. They must acknowledge that the anti-Israeli vitriol that 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 are signs that the forces of hate are rearing their head. They are dangerous and we have to put an end to it.

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 his sponsor and all of the strong support of H. Res. 393. I want to issue.

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 56 nations that comprise the OSCE meet to discuss issues of importance. This year the focus was about 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 one 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, situation 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 33 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 I had been Mein Kampf, the year 2001 would be Kristallnacht,” 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 Molotov cocktails against synagogues. “Political correctness is also eroding for others, as tolerance for multi-culturalism gives voice to anti-Semitic 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 were beaten right there in Berlin, 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 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. 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 to 2:30 PM, Monday, 8 July

The Representation of Lower Saxony in der Ministerpraesidenten 10 1017 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, University of Heidelberg.

Representative Christopher H. Smith, Head of United States Delegation to the OSCE-FA 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

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, such as national, racial, or religious discrimination, 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;
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 Kristallnacht. Anti-Semitism, accompanied by, in many cases by, violence, is at its 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 16 per day single day.

As I stated in my introductory remarks 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 violence against Jews. In the United States, Jewish cultural properties have suffered attacks in many places. According to the Anti-Defamation League, there were 644 anti-Semitic attacks in 2021, a 35% increase from the previous year.

So, I am very pleased to yield 6 minutes to the gentleman from New York (Mr. CROWLEY), my good friend, a leader in the House for bringing this important resolution.

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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 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 shared 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 spiked 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 country. 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 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. An 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 for the thought that we need to pass H. Res. 393 and the bill of the gentleman from Michigan (Mr. CONVERSE), 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 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 Europe and 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 will develop 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 actions.

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.

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 could only 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 the issue 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 shadow 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. CARDEN), 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 and 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. Without objection, the gentleman from California (Mr. LANTOS) has the floor.

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 (Mr. LANTOS) is recognized for 3 minutes.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New York.

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

It is literally unbelievable 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 sweep the continent.

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 may 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.

There also is the arch-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. There is a gigantic evil; 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, 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. Synagogues 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 March, there was a drive-by shooting of a kosher butcher shop near Tolouse. 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 worshippers, 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 ceramic talmudic dishes broken.

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 murder of Palestinians.

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.

Having 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 the many that have signaled a rise of anti-Semitism across the European continent.

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.

The question was taken.

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

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

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.

The question was taken.

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

The yeas and nays were ordered.

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

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.
Mr. LANGEVIN. Mr. Speaker, I offer a motion to instruct conferees on H.R. 3295, Help America Vote Act of 2001.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk reads 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 Ohio (Mr. NEY), and the gentleman from Rhode Island (Mr. LANGEVIN), will each be recognized for 30 minutes.

Mr. NEY. 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 Rhode Island (Mr. LANGEVIN) and the gentleman from Michigan (Mr. CONYERS) for their support of this issue and 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 me 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 ballot without assistance, and 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 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 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 country.

In Congress, I have continued to emphasize the importance of voting access. In March 2001, I joined former Secretary of State in Congress 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 to be made 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 voting 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 voters, 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 accessibility 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 make those things 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.

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 so.

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...
Mr. Speaker, in the 20 months since the enactment of the Help America Vote Act, the American people have seen the very best and the worst 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 this, I want to make just a couple of points.

First, I do say that it is my belief that this Congress should provide funding that will enable States to meet the requirements it imposes. That is not only for this issue. It is for other issues. National voting, central database, all the other good provisions that are contained within this bill and many good provisions, frankly, that are also in the Senate bill.

But I always like to mention the monetary side to this, too, because far too often we here in Congress like to enact requirements and put ourselves on the back for all the good we have done while sending the bill to someone else. Now, I say that because I am a creature of the Ohio legislature and the Ohio House and Senate, so it used to be my course of business to complain about Washington, D.C. sending down mandates or something of that nature and then not providing the money.

Now we crafted together has minimum requirements; but they are requirements enforced by Justice, and good requirements are going to ensure that an illegal vote does not cancel out a true vote. People have the right to vote, and we back all of those provisions.

I want to make sure that we always stress that if we are going to impose any requirements on the States, we should provide funds to make it possible for those requirements to be met. My support for this motion and all the language, frankly, contained in the House bill and in the Senate bill dealing with any provision, as I mentioned before, provisional voting, central database, is always going to be conditioned on the fact that we have to have the money.

I know that my colleague, the gentleman from Maryland (Mr. HOYER), agrees with that. We have to continue through this whole process. As we get the language that makes this bill a great bill to send to the President, we have to continue to push also for the money so locals have some help in implementing. Otherwise, it is not going to be implemented in the way that we need it done.

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 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 another places to vote. In my district, for example, we have very few taxis or public transit systems. So sitting 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 that the bill can 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 authorizes funding 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.

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 been vocal 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 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 conference 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 pass the Senate bill and we 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 have spoken earlier 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 distinguished chair 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. This is an American issue. It is 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 be in effect 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 Senate bill 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.

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 Virginia (Mr. SCOTT). This 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. 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 publically and independently. Every polling place required voters with disabilities to vote publically and independently.

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.

Mr. Speaker, I urge all of my colleagues to support this very, very important motion to instruct the 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. 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 person 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.
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 they deserve, for what is what most of us expect for ourselves and our constituents when we go to the polling place. It is also likely that for those 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, 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 that the people 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 mend him and the gentleman from contentious debate. I do want to commend the gentleman from Maryland for his great efforts 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 conferes 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 found 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, 94 percent of polling places examined in the last election were to have 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 the 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 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 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, Republicans, 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.

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.

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.

Mr. LANGEVIN. Mr. Speaker, I yield to the Sergeant at Arms who 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**

**NAYS—2**

**NOT VOTING—22**

Mr. Ackerman. Mr. Speaker, I rise to request a time extension.

So the motion to instruct was agreed to.

Because 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. 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. Res. 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, 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**

**NAYS—0**

**NOT VOTING—21**

Mr. Boren. Mr. Speaker, I rise to request a time extension.

Because the result of the vote was announced as above recorded, a motion to reconsider was laid on the table.
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 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 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 ayes and nays are ordered.

This will be a 5-minute vote.
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 poses 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 Tallahassee. They called it The Bot. I was confirmed just last fall on the resolution 

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.

I have decided not to run for reelection for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker,

I I told this to my constituents in Tallahassee. They called it The Bot.

I was confirmed just last fall 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. 107–559) 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. 107–558) 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.
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 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, 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. It 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.

In my new job, 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 need to go through all 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 other things 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. MEEEK). 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. MEEEK) has served to the people of Florida 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 vamos a un estranho, 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.

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. MEEEK) 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. MEEEK) is a person of great depth, of great intellect, of great ability, who is humble an individually 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 thank 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 those 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
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.

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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 (Ms. MEEK).

I joined this Chamber with her 10 years ago with several other Members from south Florida. Three of us were elected: myself, the gentlewoman from Florida (Mrs. MEEK), and the gentleman from Florida (Mr. DÍAZ-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 feel as though 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 just 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, on the Committee 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 think upon 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 true Member of this body. I think that can be a real privilege to serve with her and I am looking forward to several months more of service as we go through the appropriations cycle.

I wanted to rise 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 express our regret that today we lost a great leader in American history. Ms. MEEK was a leader that touched all of us.

She was a leader 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.

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. 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 America 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 be no guarantee for preventing 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 in income 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. Nor was 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 enforce the law. 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 proposed a zero funding increase for them. He did not talk about what they had been doing 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 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. The SEC director 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 that the firing 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 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, the country club 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 a disaster that 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 fire.

The people of my State have pulled together as they do in times of adversity to address this tragedy. We saved
RAIDING THE SOCIAL SECURITY TRUST FUND

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

Ms. KAPTUR. Mr. Speaker, I rise this evening to continue what has become my weekly clocking of the continuing Republican raid on our Nation’s 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 amassed 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 debt is now to over $235 billion. That averages out to about $837 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 on 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.

**Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.**
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 retirement savings in the private sector. There have been some 30,000 corporate bankruptcies over the last many years have made our government 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.

The big giants have to go where labor is the cheapest and it is primarily because of a Federal Government that has grown so big and so bureaucratic that it is simply out of control.

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 prevent 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 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 is primarily because 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 multi-millionaire 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 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 and 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 they 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.

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 House Committee 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.”
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 saying that 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 sufficiently strong, 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 10th 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 $34 per share. 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 quicker and 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.

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 penalties for corporate 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 use offshore tax shelters 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 for the clean-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, reportedly endorsed a Medicare prescription drug plan that would be administered by the health insurance industry. This plan undercut 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 a 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 taxpayers paid the cleanup bill. The man who made the decision to jettison our prescription drug bill is 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 that anything is being done 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 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’s interest from that to chief regulator and enforcer of these laws with a healthy degree of skepticism.
July 9, 2002

CONGRESSIONAL RECORD—HOUSE

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 Wall Street, 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 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 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 they were holding us hostage, that 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 President who 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 it 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 rein 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. Morally was taking money that went to the pharma pricing it as 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 creature that has been put there 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 gentleman 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 without the normal rules of evidence.

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.
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 an effective, adversarial process to overcome 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.

With this separation of powers, any one branch of government could have the power to establish a tribunal, decide what charges would be brought 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 continues 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 laws 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 suspected of terrorism 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, or who have planned or assisted in 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 charging 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 present their case at trial. The accused have the opportunity to confront, cross-examine, and state evidence of al Qaeda officials or any other evidence on the record, and evidence that 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 his rights to appeal. 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 no 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 the 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 detention of persons 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 creation of an independent appeals corps 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, trial 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. Any detention 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 in the hundreds. 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 a 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 what really matters. What is happening with business today has to be snap, snap and American way top officials like Secretary of the Army Thomas White, Dick Cheney and Mr. Bush himself acquired their

**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 going into business with 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

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 SEC and the Justice Department 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 guy 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:

**SUCCEEDING IN BUSINESS**

(By Paul Krugman)

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business goes bust isn’t necessarily frowned upon.”

Unfortunately, the administration has so far gotten the press to focus on the least important persons of the Bush Administration. Mr. Bush’s previous business dealings: his failure to obey the law by promptly reporting his insider stock sales. It’s true that 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 has focused on the recent lapses that will divert attention from the larger point: Mr. Bush profited personally from aggressive accounting identical to the recent scandals that have shocked the nation.

In 1986, one would have had to consider Mr. Bush a failed businessman. He had run through millions 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 he took $10 million in 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 large profit—an accounting trick identical to one of the main ploys used by Enron a decade later. (Yes, Arthur Andersen accounted for it.) 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 sell 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 well understood 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—probably 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 1988, 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.

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 can’t really be shocked over recent corporate scams. His own company pulled exactly the same tricks, to the considerable benefit. Of course, what really made Mr. Bush a rich man was $1 million out of his proceeds from Harken in the Texas Rangers—a step that is another, equally strange story.

The stark 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 insider dealings, and after his Harken sale, on large-scale corporate welfare. Some people have it easy.

HAS CAPITALISM FAILED AGAIN?

The SPEAKER pro tempore. Under the 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 our 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 inspections to the workplace. And the SEC has been leading the fight to let business just go about its business.

Yet 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. Now, when 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 is often 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 billions of dollars from American 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 moral responsibility.
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 billion-dollar corporation was allowed to make a mess of a trillion-dollar economy. The only conclusion one can draw is that there is something highly illogical, and perhaps unconstitutional, about the current financial system and its regulators.

Is it not the case that the financial system is dominated by a few giant banks, all of which have been bailed out by the government? Is it not the case that the Federal Reserve is controlled by a small group of people who are more interested in maintaining their power than in serving the public? Is it not the case that the government has allowed the financial system to expand beyond its ability to handle such a large amount of capital? Is it not the case that the government has allowed the financial system to expand beyond its ability to handle such a large amount of capital?

One thing that has been ignored by those who want to blame the current financial crisis on the government is the fact that the government has been trying to balance the budget for years. It is true that the government has been running deficits, but these deficits have been necessary to fund the government's operations. It is also true that the government has been trying to reduce the size of the budget, but it is not clear that it has been successful. The government has been trying to balance the budget for years. It is true that the government has been running deficits, but these deficits have been necessary to fund the government's operations. It is also true that the government has been trying to reduce the size of the budget, but it is not clear that it has been successful. The government has been trying to balance the budget for years. It is true that the government has been running deficits, but these deficits have been necessary to fund the government's operations. It is also true that the government has been trying to reduce the size of the budget, but it is not clear that it has been successful. The government has been trying to balance the budget for years. It is true that the government has been running deficits, but these deficits have been necessary to fund the government's operations. It is also true that the government has been trying to reduce the size of the budget, but it is not clear that it has been successful. The government has been trying to balance the budget for years. It is true that the government has been running deficits, but these deficits have been necessary to fund the government's operations. It is also true that the government has been trying to reduce the size of the budget, but it is not clear that it has been successful. The government has been trying to balance the budget for years. It is true that the government has been running deficits, but these deficits have been necessary to fund the government's operations. It is also true that the government has been trying to reduce the size of the budget, but it is not clear that it has been successful.
said on this floor, severely critical of our post-World War changes are never considered. Our leaders are now explaining with political iniquity how to deal with them. Those dangers and what Congress ought to address today, 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 the world today as they were then, and 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 pacifying 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 police states use a combination of 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 very difficult, takes a long time, and entails much suffering. Although dissolutions of the Soviet empire were not 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. Let's 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 planned for and forced for decades 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 my view it is not beyond the capacity of all of us that foreign interventionism is of no benefit to American citizens. Instead, it is a threat to our liberties.

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.

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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 diminishes 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 dictating 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, and fishing, hunting, registering 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 harm one another, especially the uninsured, 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 millions of pages of laws and regulations, which are so confusing they are of no use to anyone. We do not see the guns, but all we know they are there, and we all know we cannot fight city hall, especially if it is Uncle Sam. All records are to be kept on a password 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 informers.

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 businesses establishments are notorious. Rules and regulations from the EPA, the ADA, the SEC, the LRB, OSHA and more terrorize businesses 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 its owners stripped of all their assets. Violation 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 contributions to economic progress, while many of 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 is all theoretical, but the trend toward the authoritarian state will be difficult to reverse. What government gives with one hand 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 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 not only for the 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 control over our personal freedom is that terrorism 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, "Don't you 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 a choice 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.

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 not be for totally for the legal form; 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 most importantly 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 of a policy 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 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 warrantless searches 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 the effectiveness of fear 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 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 an 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 enjoy materialism, and the purveyors of terror are an obvious, 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 and has 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. As it 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 positioned to recognize that just maybe the truth lies in the statements made by the leaders of those who perpetrated 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, along with the military-industrial complex, are sure to remain a deciding influence on our policies.

Besides, even if my assessments prove to be one, 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 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 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.

May there be 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 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 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? 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 sure is.

The public desire exists to rectify these mistakes. That is good, unless instead of changing the role of the CIA and the FBI all the policies 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 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 the 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. 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, 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 immediately to allay dangerous 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 changes being necessary, 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. Providing a 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 anywhere, 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 practicability.

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 of terrorism.
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.

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, ‘‘But not to assume 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 Bagdad.”

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. The current approach of increasing surveillance of the financial transactions of all American citizens and increased security forces is one example. If the plan is to try 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; increased surveillance 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. This federalization of all airline 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 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 to move to special gross revenue through the Congress. Increasing the billions already flowing into foreign aid is now being planned as our intervention overseas to 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 country weakens. When the government sector dominates homeland security, the traditional idea that spending 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 massive expansion 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 to national 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 the 9-11 terrorist underwriting and turf wars prevented the information from being useful. But the basic principle is wrong. City police cannot and should not be expected to try to prevent crimes. This 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. The method by which we enhance the 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 cockpit. 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.

Because of this, in combination with a foreign policy that generates more hatred towards us and multiplies the number of terrorists that seek vengence, I am deeply concerned that Washington’s effort so far has 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 be more than a matter of history.

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 in the rush for 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 independently of the administration. 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 why not use your own energy 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 country 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 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, it comes to dealing with hazardous waste, we, as a Federal Government, have failed to follow through on our commitment. This is a very serious business for most Americans. I, in the State of Oregon, have found that 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 1,290 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 pollution that is public, 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. The corporations 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 that enacted 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 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 the stark choice of either raising the tax, we dramatically reduce our clean up efforts, or we force the taxpayers to pick up the tab from already strained budget...
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. 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 ground and it is real stinking 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. We think the White President or anywhere else in the United States, and yet the President wants to reduce that protection.

I just give my colleague a little common sense. We are not trying 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 that has been 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 the ground and we want to clean incredible 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 the White 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 stop the corporations who dump creosote in the ground after year after year after year, poisoning the atmosphere and the environment, and to 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 link with the White House and it is very 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. BLUMENTHAL. 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 of the bad actors onto 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, 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 Natural Step. We are seeing models of corporate responsibility where 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.

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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. I would encourage you to start controlling these sites and address the environmental damage.

Another critical area that we are addressing is that 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 in the 21st century and that are not reflected 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 financial responsibility.

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 reinstitute that tax. It is the 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, the Bush administration found that the pace of cleanup 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 cleanups.

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 like the tax, and 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 taking away the funds that were set aside for the 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 addressing is 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. 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 fires all across 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. This year, 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, providing us retraining, rethinking, and replanning. 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 to one increasingly dominated by the federal government. 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 the 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 further 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 we have had in the past 30 years 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 wildfire 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 and increased 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, 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 cost us over $20 billion. 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 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 landscape. Much of the Wildfire Act of the Western Hemisphere has just turned their back on their responsibility, creating serious, serious problems. Since 1970s, over 2.5 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, 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 residences. They do not include, for example, 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 taxpaying, costing money to extend services, penalizing the taxpayer, 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 driest year on record. It is worth noting 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 of having fires and 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 site at Fort Collins 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 departmental targets. Last year we have resort 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 weather 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. What we have seen over 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 an incredibly five times our per capita contribution. As Americans we 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 make it easier for them to have assaults on the environment, fill millions, scores of millions, of valleths 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 Buenos Aires, 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, fires, and wildfires, are not going to be worse as a result of our stewardship, but instead would be better.
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 fire crisis of course, the nation's health. I have had 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, eviscerate the health. 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 forest, what we 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 then 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 alternatives. We do have options. We do have a reason. 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. And the most awful thing is not 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 the Colorado, where now we are 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 take and put it against the fire. I say 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 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 manage a system. It is within 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 everything. We need not as 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 environmental community, specifically 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 the fires, if we act early to cut the thinnings. What we can and should do is to remove that kind of underbrush.

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 of the fires we 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 because she was 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 horrendous, 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 I am addressing the 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 deontologic 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 and actually fight out 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 is certainly the position 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 face, 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 subject of today's debate. What is it about 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 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 that 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 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, every Nation for, every Nation that 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 whatever. And we may be hiding in plain sight. We also is 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.

I see that I am joined tonight by the gentleman from Florida (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 horrified 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 horror at that.

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 national security, 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 illegal immigration into our country. It is a fact 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 the information 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, carrying much of this load on his own shoulders.

But I have been especially concerned over the years about the security risks posed by illegal aliens to all of 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 Marxist or a radical Hebraist 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.

Now, 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 have not overstayed their visas to adjust their status. Now, I have been fighting illegal immigration for as long as I have served, in this body; and I believe that those who have not overstayed their visas to come to this country and break our laws. It is an invitation to criminals and terrorists and anyone else who would overstay their visa to come to this country and break our laws. Mr. Speaker, 245(i), as we know, permits people who have overstayed their visas to adjust their status. 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, carrying much of this load on his own shoulders.

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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, 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 were to utilize this loophole if Congress would recognize the status of the gentleman from California (Mr. BERMAN), my good friend and colleague, the two of us debated this issue emphatically stated that it would only be 30,000, he could never imagine more than 30,000 or so people claiming this, 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 legalization or would make the case to get in under 245(i) if 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, 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. 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 more, 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, reiterating 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 have been for the dogged determination of the gentleman from California (Mr. ROHRABACHER).

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 to light, it will be buried, except for the very few parts of the media that have a tendency to support our point of view on this.

Mr. ROHRABACHER. 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, my staff members have 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 from California said, how are we 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) would 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 brought into this idea that it is in some way a positive thing to permit this loophole to exist.

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 has already 11 million cases behind in processing people who have already made their application. Why are we adding their work in processing these applications, and while they are doing it, permitting those 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 horrific 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 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 today, they said that from 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 July 9, 2002
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 through the process of filling out a form and putting 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 and 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. TANCREDI. 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 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 later that now 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 me.

They are concerned about fear. Why? Because that is still pending before this Congress.

Mr. Speaker, we should learn some things when we have studies and census 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 the estimate was going to show up in the report.

According to those figures, we are having about 700,000 a year illegal immigrants enter 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, 19 of the terrorists’ Social Security numbers are, 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 proceeded to use 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 went 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 across our country, but the INS standards must be served at least two sandwiches per meal, which at least one must be nonmeat and one must be meat, and that must be nonporcine, and they must also include one piece of fresh fruit and a dessert item.

The INS 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 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 permit—detainees, I know, 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 detainees 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 details that surrounded the 1986 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 in the last days we had two drove 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 put the cost of 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. The INS has no choice but to enforce these laws, we are sending a signal that we are telling them that not only are we going to enforce these laws, we are sending a signal to effectively, consistently and fairly to effectively, consistently and fairly enforce these laws. When the INS fails to do 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 sent back to their native 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 caught in this 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, they were driving their 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 California (Mr. Rohrabacher), 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 tuberculosis, leukaemia, 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, 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. It 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. 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 here and we 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.

Most of them come 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, the aunts and uncles of the United States pay 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 medical system, that is the free medical treatment that a citizen had to go to Baptist Hospital in Georgia for pointing out the situation 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. Speaker, I would like 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. Rohrabacher) 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 California. 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 commemorated 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 been fighting 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.

Mr. Speaker, I want to thank the Congresswoman from Virginia (Mr. Good). 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 the treatment. 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. But I think 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 have 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. This is absolutely 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.
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 issue 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.

Under clause 2 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.


7767. A letter from the Deputy Secretary, Department of Agriculture, transmitting the Department’s final rule — Guidelines on Phased Retirement (Notice 2002-43) received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7768. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement (DFARS) Case 2000-02027 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: Tax Exemptions (Italy)(DFARS Case 2000-02027) 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: Veterans Employment Emphasis (DFARS Case 97-3314) 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 movement of the Armed Forces and the status of the report containing the results of this evaluation; 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 Energy, transmitting a Final Policy on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on Energy and Commerce.

7775. A letter from the Regulations Coordinator, Department of Energy and Human Services, transmitting the Department’s final rule — Medicaid; Program: Medicaid Managed Care (CMS-2001-F4) (RIN: 0938-AL69) received June 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7776. A letter from the Director, Regulation and Policy Management Staff, Department of Health and Human Services, transmitting the Department’s final rule — State Certification of Mammography Facilities (Docket No. 99N-4578) (RIN: 0919-A989) received June 17, 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: 0919-A989) 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 Apparel Authority 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 (RIN: 1700-AR12) received June 19, 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 Transportation, transmitting the twenty-sixth Semiannual Report to Congress on Audit Follow-Up in compliance with the Independent Reconciliation of Federal Accounts Act; 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 regarding the results 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: 1625-AC52) 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 the Interior’s 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 — Certification of Safety Auditors, Safety Incentives, and Reporting 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.

7788. A letter from the Deputy Administrator, Federal Motor Carrier Safety Administration, transmitting an informational copy of a Report of Building Project Survey for Charlotte, NC, pursuant to 49 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

7789. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of addendum to the General Services Administration’s Fiscal Year 2003 Capital Investment and Leasing Program, pursuant to 49 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 addendum to the General Services Administration’s Fiscal Year 2003 Capital Investment and Leasing Program, pursuant to 49 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.


7793. A letter from the Secretary, Department of Energy, transmitting the semi-annual report regarding programs for the protection, control and accounting of fissile material in the countries of the former Soviet Union, pursuant to Public Law 101-166, section 3131(b) (110 Stat. 617); jointly to the
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Committees on Armed Services and Inter-
national 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 Infra-
structure.

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 Infra-
structure.

7796. A letter from the Chairman, Federal Election Commission, transmitting the Com-
mision’s FY 2003 budget request, pursuant to 2 U.S.C. 437d(a)(1); jointly to the Commit-
tees 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 Resolution 426. Resolution calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund (Rept. 107–586). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 472. Resolution providing for consideration of the bill (H.R. 4838) to amend title 49, United States Code, to estab-
lish a program for Federal flight deck offi-
cers, and for other purposes (Rept. 107–557). Referred to the House Calendar.

Mr. BACON: Committee on Rules. House Resolution 473. Resolution providing for consideration of the bill (H.R. 4846) to au-
thorize the National Weather Service to con-
duct research and development, training, and outreach activities relating to tropical cy-
clone inland forecasting improvement, and for other purposes (Rept. 107–557). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 474. Resolution providing for consideration of the bill (H.R. 2733) to au-
thorize the National Institute of Standards and Technology to work with major manufac-
turing industries on an initiative of standards development and implementation for electronic integration (Rept. 107–599). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 475. Resolution providing for consideration of the bill (H.R. 4867) to pro-
vide for the establishment of investiga-
tive teams to assess building performance and emergency response and evacuation pro-
cedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substan-
tial 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 and numbers were introduced and so re-
curred, as follows:

By Mr. LAFAULCE (for himself, Mr. DIN-
gell, and Mr. GEPPARD): H.R. 5070. A bill to improve quality and transpar-
tency of financial reporting and inde-
pendent audits and accounting services for public companies, to create a Public Com-

By Mr. KENNEDY of Rhode Island (for himself, Mr. SCOTT, Ms. NAPOLITANO, Mr. NORTON, Mr. MCDERMOTT, Mr. FROST, Mr. UDALL–McDONALD, Mrs. MEK of Florida, Mrs. MINK of Hawaii, Mrs. CARSON of Indiana, Mr. SERRANO, Mr. GILMAN, Mr. OWENS, Mrs. EVANS, Mr. PAYNE, Mr. CROWLEY, Mrs. LEE, and Mr. WAX-
MAN): H.R. 5076. A bill to amend part C of the In-
dividuals with Disabilities Education Act to improve early intervention programs for in-
fants and toddlers with disabilities, and for other purposes; to the Committee on Edu-
cation 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, Mr. UDALL–McDONALD, Ms. KAP-
tur, Mr. SERRANO, Ms. MILLINDER–McDONALD, Ms. RIVERS, Mr. OWENS, Mr. FROST, Mr. STARK, Mr. CONVYERS, Mr. HOLT, Mr. LANTOS, Mr. DEUTSCH, Mr. BALDACCI, Ms. LEE, and Mr. DEFazio): H.R. 5079. A bill to increase the number of well-trained mental health service profes-
sionals (including those based in schools) providing clinical mental health care to chil-
dren and adolescents, and for other pur-
poses; 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 Hawai‘i, Mr. BONIOR, Mr. WEXLER, Mr. McGovern, and Mr. POUH): H.R. 5080. A bill to create a Crossroads for the American Revolution National Heriti-
tage Area in the State of New Jersey, and for other purposes; to the Committee on Re-
sources.

By Mr. FRELINGHUYSEN (for himself, Mr. HOLT, Mr. SASTRY, Mr. FER-
GUSON, Mr. MENG, Mr. LOBIONDO, Mr. PASCRELL, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. ROTHMAN, Ms. ROUSE, and Mr. PAYNE): H.R. 5082. A bill to provide full funding for the payment in lieu of taxes program for the next five fiscal years, to protect local juris-
dictions against the loss of property tax rev-
ues when private lands are acquired by a Federal land management agency, and for other purposes; to the Committee on Re-
sources, 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. NAY, Mr. TAYLOR of Mis-
sissippi, Mr. BACA, and Mr. CARSON of Oklahoma): H.R. 5083. A bill to amend title 38, United States Code, to suspend for five years the au-
thority 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 disabilties, and to provide an increase in the maximum annual rates of pension payable to surviving spouses of vet-
erans of a period of war, and for other pur-
poses; to the Committee on Veterans’ Af-
fairs, 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 provi-
sions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. Udall–McDONALD, Mr. SERRANO, Mr. PASTOR, Mr. GONZALEZ, Mr. BACA, Mr. UNDERWOOD, Ms. VELAZQUEZ, and Mr. MENENDEZ): H.R. 5084. A bill to authorize the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the “Santiago E.
of Georgia, Mr. W AMP, Mr. M URTHA, Mr. MYRICK, and Mrs. CLAYTON.

Texas, Mr. J EFFERSON, Mr. J OHN, Ms. K APPLER, Mr. BLACKWOOD, Mr. DELOUZIER, Mr. HEROLD, Mr. K NOLLHEIM, Mr. LANTOS, Ms. LEE, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. M CNULTY, Mrs. MINK of Hawaii, Mr. P ALLONE, Mr. R OSE-LEHTINEN, 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. WYN (for himself, Ms. GRANGERS, Mr. WEXLER, Mr. WHITEFIELD, Mr. HASTINGS of Florida, Mr. HOUCHTON, Mr. FALOMAVARA, Mr. FITTS, Mr. OXLEY, Mr. BEIRMAN, Mr. SKELTON, Mr. M HERTZBERG, Mr. C RAMER, Mr. DAVIS of Florida, Ms. TAUSSCHER, Mr. BURTON of Indiana, and Mr. BEREUDEL):

H. Con. Res. 437. Concurrent resolution recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, 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. U DALL 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 throughout 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. 47: Mrs. BIGGS, Ms. M C C ARTHY of Missouri, Mr. FAHR of California, Mr. DEAL of Georgia, Mr. W AMP of North Carolina, Mr. RUSH, Ms. CARSON of Indiana, Mr. FORD, and Mr. AKIN.

H.R. 236: Mr. WATT of North Carolina.

H.R. 378: Mr. SCHUMACHER, Mr. CALVET, Ms. MYRICK, and Mrs. CLAYTON.

H.R. 356: Mr. LARSEN of Washington and Mr. HILLARY.

H.R. 423: Mr. DICKS.

H.R. 548: Mr. HILLARY.

H.R. 822: Mr. ROHRABACHER.

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, Ms. GREENWOOD, Mr. CAPUANO, Ms. SOLIS, and Mr. WELKER.

H.R. 1184: Mr. EVANS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. LA TOURETTE, 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. GEE.

H.R. 1405: Ms. DEGETTE.

H.R. 1421: Mr. WU, Mr. KINK, Ms. HARMAN, Mr. UELLMER of California, Mr. STEARNS, Mr. TAI, Mr. MURDOCH, and Mr. STRAUCH.

H.R. 1322: Mr. FATTAH.

H.R. 1556: Mr. EDWARDS.
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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 9, line 21, strike the comma and insert “and.”

Page 12, line 23, strike the comma and all that follows through “program” on line 24.

OFFERED BY: Mr. Horn
AMENDMENT No. 6: Page 5, 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—

(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 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 subsection, 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 the 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 of 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 program 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 realistic and effective requirements, on training allowing 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 tactics.

(v) Deadly force.

(D) Use of protective devices assigned to crewmembers, which 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 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 one instructor for every 12 students.

(C) A requirement that air carriers provide certain training, 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 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:

(1) 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 the persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

(a) provide adequate training in the proper conduct of a cabin search and allow adequate time to perform such a search; and

(b) conduct a predflight security briefing with flight deck and cabin crew, and, when available, Federal air marshals or other authorized law enforcement officials.

(2) LIMITATION ON LIABILITY.—

(A) 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.

(B) 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 AMENDMENT.—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 nonlethal 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 flights.

(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. H臸STETTLER
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 submission of enactment shall be selected and deputized as Federal flight deck officers. Pilots may continue to participate in the program during the 2-year period of the pilot 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 21, strike “250th pilot” and insert the following: “20 percent of all pilots who volunteer to participate in the program within 30 days of the date of enactment of such title shall be selected and deputized as Federal flight deck officers.”
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 accidental discharges)".

Page 5, line 3, before the period insert the following: 

"(j) time required to conduct the search when the pilot leaves the airport to remain following: "

Page 5, line 6, before the period insert the following: 

"(k) background check should be required beyond the negligence of the officer; and "

Page 6, after line 6, insert the following:

"(l) The Secretary shall designate an official in the Transportation Security Administration to be responsible for overseeing the implementation of the training program under this subsection."

Page 11, line 19, before the period insert the following: 

"under chapter 171 of title 28, relation to procedures.

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 shortcomings are 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 during the 2-year period for the pilot program until the suspension is terminated."

Page 15, line 12, insert "(a) IN GENERAL.— " before section.

Page 15, line 22, insert "effective" before "hands-on."

Page 16, line 10, insert "and" before "resistant."

Page 16, line 13, insert "effective and" after "appropriate."

Page 17, line 4, after insert "all that follows through the comma before the semicolon.

Page 17, line 8, strike "amount and" insert "number of."

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 "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 procedures to carry out the program under this section."

"(2) COMMENCEMENT OF PROGRAM.—Begin- "n

Page 19, line 8, strike the comma and all that follows through line 25.

Page 11, strike line 20 and all that follows through line 4 on page 14.

Page 14, line 5, strike "](i)" and insert "](j)".

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OFFERED BY: Mr. Nethercutt

AMENDMENT No. 12: 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 3, strike lines 2 through 9.

Page 9, line 10, strike “(5)” and insert “(4)."

Page 9, line 24, strike the comma and all that follows through "pilot program on line 24."

Page 14, line 5, strike "(i) and insert "]( j)."

OFFERED BY: Mr. Nethercutt

AMENDMENT No. 13: Page 14, line 18, strike the close quotation marks and the period.

Page 14, after line 18 insert the following: 

"H.R. 4492. Federal cockpit officer program—"

"(a) ESTABLISHMENT—The Under Sec- "ratory of Transportation for Security shall "n

Page 19, after line 7, insert the following:

"(3) ISSUES TO BE ADDRESSED.—The pro- "c

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 "pilot program 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. Nethercutt

AMENDMENT No. 13: Page 14, line 18, strike the close quotation marks and the period.
(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.

(1) 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 525 of title 5 but subject to section 80219 of this title, information developed under subparagraph (5)(E) shall not be disclosed.

(6) Notice to Congress.—The Under Secretary shall provide notice to the Committee on Commerce, Science, and Transportation of the Senate after completing the analysis required by paragraph (5)(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. Such equipment shall be at the 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)(i).

(ii) Training to ensure that the officer maintains exclusive control over the officer’s own firearm 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 own firearm.

(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 (1).

(3) Deputization By Other Federal Agency.

(4) Continuation of Program.

(5) Revocation.

(6) Notice to Congress.

(7) Authority to Carry Non-Lethal Weapons.

(B) Compensation.—Pilots participating in the program under this section shall 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.

(8) Authority To Carry Non-Lethal Weapons.

(g) Storage of Firearms.

(A) IN GENERAL.—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 pilots program and explaining the reasons for the decision to terminate and shall provide notice of the decision to Federal cockpit officers and other individuals as necessary.

(A) Continued.—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 require that each rule issued under subsection (b)(3) and, in addition, shall address the following issues:

(1) The use of various technologies by Federal cockpit officers, including smart gun technologies and non-lethal weapons.

(2) The necessity of hardening critical areas, electrical systems, and other vulnerable equipment on aircraft.

(3) 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.

(4) 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 biometric and other technology advancements), the program is still necessary and should be continued or terminated.

(5) Application.

(1) Exemption.—This section shall not apply to carriers operating under part 135 of title 14, Code of Federal Regulations, and to pilots employed by such carriers to the extent that such pilots and carriers are covered by section 135.191 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 flight, pilot(s) by the regulations under which the flight is being conducted, the individual designated as pilot in command.

Page 14, insert before line 23, the following:

"4921. Federal cockpit officer program."

H.R. 4635

OFFERED BY: MRS. TAUSSCH

AMENDMENT NO. 14:

Page 5, line 5, before "between" insert "at airports".
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."
The Senate met at 9:30 a.m. and was called to order by the Honorable Jack Reed, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Thank you, Lord, for the resources You have given to us. You ask us to be good stewards—to invest resources wisely. And we want to do so. But this is hard when others deceive us. We have learned recently how professionals in a few companies took unfair advantage of investors. They lost track of their accountability to truth and their commitment to integrity. As a result, investors lost billions of dollars, tens of thousands of workers lost their jobs, and untold numbers of people lost confidence in the financial markets. Please comfort and help those who were harmed. Bless the many men and women who operate their companies honestly. Help strengthen the integrity of America’s financial system so that people can be better stewards of our resources. And give the Senators wisdom to know how to legislate to preserve an advantage of investors. They lost track of their accountability to truth and their commitment to integrity. As a result, investors lost billions of dollars, tens of thousands of workers lost their jobs, and untold numbers of people lost confidence in the financial markets. Please comfort and help those who were harmed. Bless the many men and women who operate their companies honestly. Help strengthen the integrity of America’s financial system so that people can be better stewards of our resources. And give the Senators wisdom to know how to legislate to preserve an effective financial accounting system for the businesses of America. In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Jack Reed led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:

The Honorable Jack Reed, President pro tempore, Washington, DC, July 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Jack Reed, a Senator from the State of Rhode Island, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mr. Jack Reed thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING MAJORITY LEADER

The Acting President pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. Reid. Mr. President, in a short time there will be a period of morning business until 10:15 today, with times evenly divided, the first half under the control of the Republicans and the second half under the control of the Democrats. At 10:15, the Senate will resume consideration of the accounting reform bill.

I was advised by my junior colleague from Nebraska last evening that he was notified by the Republican leader that this afternoon the Republicans will move to the nuclear waste veto matter which has been hanging around for a while. If that is the case, that will take up most of the afternoon. I am sure, with a 10-hour statutory time available that could go into tomorrow. We have been working since we learned about this yesterday to work something out that would be more definite. We will keep the Senate advised as soon as we know something more.

RESERVATION OF LEADER TIME

The Acting President pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The Acting President pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee.

The Senator from Nebraska.

DISASTER ASSISTANCE FOR AGRICULTURE

Mr. Hagel. Mr. President, I rise this morning to speak about the severe drought gripping much of our Nation. The situation is developing into a national problem, a big problem that can no longer be ignored.

Last week in Nebraska, I met with farmers and livestock producers who have witnessed firsthand the devastation caused by this drought. For many agricultural producers in Nebraska and throughout America, hope is again for this growing season. Their crops are wilted and their pastures are scorched and bare. These producers need assistance. For them, there are no options left. Drought is not just a Nebraska problem; it is a national problem.

According to the National Drought Mitigation Center at the University of Nebraska, about 15 percent of the country experiences drought in a typical year. Today, more than 40 percent of the entire country is suffering from drought. The West is bone dry. “Exceptional” and “extreme” drought, as it is termed by the National Oceanic and Atmospheric Administration, NOAA, has ravaged the Southwest as well as Wyoming, Montana, and parts of Texas. The Southern States, along with sections of New England, such as represented by the distinguished Presiding Officer, and the Mid-Atlantic States are also reeling from drought.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
We are not limited to just an agricultural disaster package. There are other ways in which Washington is helping our agricultural producers this year. Secretary Veneman has been making disaster declarations for counties across the country, which allows eligible agriculture producers to receive emergency low-interest loans. She has approved grazing and haying on Conservation Reserve Program acres throughout the country, including almost 400,000.

Also, I would like to remind my colleagues of an important bill recently introduced by the senior Senator from New Mexico. Senator DOMENICI’s National Drought Preparedness Act S. 2529 would move us away from the costly, ad-hoc, response-oriented approach to droughts to a comprehensive, proactive national drought policy. We need an established program that will allow local, State, and Federal Governments to work together—to coordinate a drought preparedness strategy. Droughts do not happen overnight, and the damage they cause to the economy and environment do not go away with one measurable rainfall. Government cannot bring an end to the drouths or pastures and crops back to life. But we can help our agriculture producers survive, weather this crisis, and prepare for the next growing season. With many of my colleagues in the House and Senate, I am working on an emergency drought disaster package to bring before the Congress.

I urge all of my colleagues to help find a responsible way to get America’s agriculture producers the help they need—as soon as possible.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time do the Republicans have?

The ACTING PRESIDENT pro tempore. The Republicans have 5 minutes 30 seconds.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Will the Presiding Officer advise me if the time of the Republicans has run out?

The ACTING PRESIDENT pro tempore. The time of the Republicans has expired.

Mrs. BOXER. Thank you very much, Mr. President.

What is the order now?

The ACTING PRESIDENT pro tempore. The majority leader or his designee has control of the remaining 20 minutes.

Mrs. BOXER. Thank you very much, Mr. President.

CORPORATE ENVIRONMENTAL RESPONSIBILITY

Mrs. BOXER. Mr. President, I come to the floor today to discuss a matter that is very related to the whole issue of corporate responsibility. Sometimes the people do not connect the issue of the environment with corporate responsibility, but I am going to do that this morning with the Senator from Illinois, as we touch on some of the polluters versus the people of this country who deserve to have protection from environmental hazards. This is a discussion about ideology. It is really a discussion about the checks and balances that there have to be in this country so we can have robust economic growth along with the sense that there will be responsibility and people will be protected.

I have found out, in my long history in politics, that in fact if you are good to the environment and if you care about the health and safety of people, you will have, actually, development of new businesses to deal with pollution and you will have prosperity.

We go back in the environmental movement to the days when rivers in this country were on fire, they had so many hazards in the waterways, such as in Ohio and other places. That is what started the Clean Air Act. We go back to the days when you could literally see the air in some of our big cities turn into smog. This is not a way that the people benefited both from a healthier environment and a robust economy.

So this argument that we should step away and no longer say to corporations that pollute: You have a responsibility to clean up your mess—the fact that this administration seems to take that position is at odds with our history and is at odds with what we ought to be doing ourselves.

On Monday, July 1, a report by the Environmental Protection Agency inspector general was released stating that the EPA has designated 33 sites in 18 States for cuts in financing for the Superfund cleanup program. The reason this administration decided to do this is, frankly, they are depleting the Superfund, which is a fund that is set up via a fee by polluting corporations, and the administration is not interested, at least to now, in making sure the people have that fund, that that fund is not depleted.

The report that was commissioned several months ago by Democrats in....
the House finally did come back. I have to say, as the chair of the Superfund Subcommittee in the Environment Committee, we have been trying to get this information from EPA for several months. We have not been able to get it. I thank my colleagues in the House for speaking up and getting to the bottom of this.

The 33 sites are National Priorities List sites, and they are among the most toxic in the country. So instead of saying, we are going to clean them up, the administration is walking away from them.

What do these sites contain? Let me say, you may want to know this information but you would not want to get near it. The sites contain arsenic. Agent Orange, dioxin, and industrial pesticides.

The report indicates that EPA’s Atlanta regional office staff say there is a bottleneck on new starts for cleanup and that there must be maintenance of cleanup progress. The Dallas office, however, says that states are cutting back by refusing to put the money into enforcement and that those expenditures will not receive $56 million. The Kansas office says they need $100 million. The Denver regional office at EPA says they did not get the $10 million they were to receive.

Here is the point. For an administration that says, trust the people who are working in the field, this administration has turned its back on their regional offices.

One of the excuses the administration can hear this. The NL Industries came forward with a concept that says, trust the people who are working in the field, this administration has turned its back on their regional offices.

One of the reasons why the administration can hear this is that, well, it is true the Clinton sites were cleaned up—I have a chart showing progress that was made under President Clinton. We see, in the last 4 years of his administration, 98, 87, 85, and 87 sites. That is the number of sites that were cleaned up. Under this administration, they told us, when we asked them, they wanted to clean up 75, 65, and 40 sites. Now it is 47, 40, and 40 sites.

We are looking at a terrible diminution in the number of sites cleaned.

One of the things they say is: Well, there are no tough sites left. They were cleaned up by Clinton.

So we did a little research. One of the sites that was cleaned up by the Clinton administration is the Illinois site.

I want to bring this up so my colleague can hear this. The NL Industries Corporation smelter site in Illinois was cleaned up to say that it did clean up any hard sites is ridiculous. The site was used for lead smelting operations from the turn of the century until 1983. It included 100 square blocks and 1,600 residences were affected. Ten percent of the children living near the site had lead levels of lead above 10 micrograms, which is an unsafe level. The responsible parties fought the EPA. We had to go to the Superfund to get the money. It was not a simple site. The cleanup was important for the children. The site was cleaned up.

Why was it cleaned up? Because the Clinton administration used that Superfund, and they were committed to cleaning up the site. I am sure my colleague will attest to the fact that the site is quite different today.

That is the reality. That is why we are on the floor—because this is a great program. It had problems in the early stages, but it wasn’t moving. But by 1992 it really started to move.

It is a sad day when I am here to tell you that this administration is not cleaning up its act.

Mr. DURBIN. Mr. President, if the Senator will yield, I thank the Senator from California for her leadership on this issue. I hope the Senator will bear with me for a moment. I think for those who are following this debate, a little history goes a long way.

There was a time in America, in my home State of Illinois, when people would strip-mine coal. They would literally drag the coal out from just below the surface and leave behind this terrible wasteland that looked like craters on the moon. People started saying: It is not only ugly but the runoff is dangerous, and we ought to require the coal companies to restore the land after they have strip-mined so it can be used for something—so it looks a little bit like it looked when God created it.

That really reflected a kind of change in the national conscience. Which said it isn’t enough to take the land, or take parts of America, blight them, make them toxic and dangerous for someone to make a profit. We said, as we looked around America and found toxic waste and hazardous waste, that is a danger to our environment, to the people living nearby and to the ground water. President Carter—a Democrat—said let us put together a Superfund tax where the corporations, the businesses which are polluting businesses, will pay a tax to pay for the cleanup of the mess left from this industrial work.

The reason we got into this history a little bit is that, as I understand from staff, although it was passed by President Carter—obviously, a Democrat—and a Democratic Congress, a few years later, in 1986, President Ronald Reagan—a Republican—not only reauthorized the same program, but said, yes, corporations around America should be held accountable; they should pay a fee or a tax to clean up the toxic waste sites. It becomes a tax on corporate profits. Not only did this Republican President restore it, but he raised the tax. He said we need more money to do this on a national basis.

Now we had a bipartisan commitment. This concept came from a Democratic President, Jimmy Carter, and a Republican President, Ronald Reagan. They assumed that America would stand behind the concept of corporate responsibility when it came to environmental cleanup.

Now enter President Clinton at a later point. He said to Congress, we need to reauthorize this same law to keep up this program. What he ran into was a Republican Congress, a probusiness Congress, that said: We don’t believe that is the right thing to do any longer. So they wouldn’t reauthorize the Superfund. The collection of about $2 billion or more a year to clean up America started evaporating as the money was being collected to clean up the polluted mess across America. Now we are down to $25 million, or $26 million for all of this mess around America.

When I was back home on the Fourth of July break, I went to two sites in Chicago. I went to one site in the northwest part of Illinois is an industrial graveyard from an operation not many years ago, and 75,000 manufacturing jobs are now gone. I went to the LTV Steel Corporation site, a company that declared bankruptcy just last November. I took a look at the toxic waste, which the Superfund left behind.

I went up to north to Waukegan. For over 20 years, Waukegan has been dealing with mercury and PCBs dumped into Lake Michigan, something we value as part of our national heritage. They are in a position of limbo with a suspended mix of efforts to clean it up. It is within a stone’s throw of Lake Michigan. We pointed out the outboard marine site. Waukegan said this is a site which won’t be cleaned up because the Superfund is not being funded again by the Bush administration. They refused to put the money into environmental cleanup.

That is irresponsible. It is irresponsible not to hold liable the corporations that produce the chemicals that we find over and over again at these sites. If they want to make a profit producing these chemicals, is it unreasonable to suggest they pay a fee so that they can clean up the aftermath of the use of these chemicals which have blighted parts of America?

I say to the Senator from California, as we view this issue, some say: There is a Lake Michigan—something we value as part of our national heritage. But if you look at the history, this has been a bipartisan approach from the start. I ask the Senator from California, who has been our leader on this issue, if she could comment on that.

Mrs. BOXER. Mr. President, I first thank the Senator from Illinois for his eloquence on this subject. Again, this isn’t really a theoretical thing at all. We see the progress that has been made during the last 8 years. It is amazing to look at the difference because there were, frankly, problems with the Superfund Program for a while. They weren’t really doing a good job of it.
Under Carol Browner began a shake-up, and they began to get through all the problems.

Here we are. My friend is right. This is not only important for the environment, and not only bipartisan, as he pointed out. It is really, really, really, very, very, very important in this pro-business situation. When they leave behind a mess such as this, then they go somewhere else and go before the planning commission in some little place in Illinois, or California, or Louisiana, and this big company XYZ wants to come and do some work over here with a plant, what is their record? Now the county supervisor or the planning commission can look back and say: Oh, my God, the XYZ company left a mess in California. The truth is that the company is not going to be welcomed.

To me, it is probusiness to clean up your mess. It is going to help your business. It is, in fact, a part of corporate responsibility. It is our responsibility to make sure that polluters pay.

I want to share a chart with my friend that shows what has happened with this program. In 1986, 82 percent of the cleanup was paid for by industry. Either through responsible parties coming forward and paying for the mess they made, or the Superfund itself—as my friend points out, as opposed to the dollars that are collected from a fee on polluters—only 18 percent had to be made up by the general taxpayers.

By 2003, if the situation continues to deteriorate under this President, 46 percent of the cleanup is going to be paid for by our constituents who had nothing to do with the dumping of those materials. This should fall on the people who made the mess. The polluters should pay. It is part of the Superfund.

As we talk about corporate irresponsibility and as we talk about ways we can put confidence back into the system, we shouldn’t forget that corporate responsibility is reflected in the Superfund Program. It has been reflected. It has been a successful program. That is why it was embraced by many Republicans. That is why I hope it will be again embraced by many, although I am very concerned, frankly, that the bipartisan nature of this is slipping away in this atmosphere today.

I was very proud to have Senator CHAFEE of Rhode Island as the key Republican sponsor of the Superfund legislation.

Mr. DURBIN. If the Senator will yield for one last question, is this not the same basic concept as protecting pensions? If a corporation accepts the responsibility of going into business, hiring people, making a promise that the people who work for them when they retire will have a pension, then that corporation violates its trust and responsibility if it destroys the pension, like the Enron officers cashing in on stock while the pensioners were losing everything they had in their 401(k)s

isn’t this a similar situation where if a business in America says, I want to create a business here and I want to try to make a profit and I am going to hire people to do it, isn’t there kind of a social contract involved here that says: You can pollute the land and walk away? No, as my friend refers, it is part of doing business in America; part of your responsibility as a corporation is to take responsibility for keeping that natural heritage we all respect so much protected.

Eliminating Superfund takes away the ability of corporations to make certain promises to the people they employ and that is part of the contract and if a corporation comes into a community to be a good neighbor and that is part of the deal, then they should have it. That is why it is important sometimes that the Government, the House and Senate, the President, make sure that we get in and restore justice.

Talk about justice, a lot of these sites, the places shown in purple on the chart—are the major polluted sites. They are in every State but North Dakota. My State has the second number. New Jersey has the first. Illinois is up there, unfortunately. There are many States that are affected.

We are talking about walking away from a lot of places when we deplete the Superfund. We are walking away from “polluter pays.”

I thank my friend. There is a definite analogy to be made. He has made it very clearly, as he usually does when we talk about the issue of corporate responsibility.

Today we are concentrating on the WorldComs and Global Crossings and the Enrons and Arthur Andersons and the ImClones. We know those names now. Those names and what is behind those names has propelled us in the Senate to take up the very important Sarbanes bill. The Leahy bill will be added, and the bill will become the Sarbanes-Allen bill because they have been propelled into action because of, as President Bush says, these bad actors.

I think it goes beyond that to the system. There are no checks and balances in that system. If we don’t have a Superfund, I say to the Senator, we have no check and balance on those bad actors who would walk away.

Let me say to my friend, is he familiar with that site I talked about that was cleaned up in Illinois?

Mr. DURBIN. I am. I say to the Senator from California, we have three Superfund sites in the State of Illinois, another 18 that must go on the list, and 6 others we think could be eligible.

Frankly, if the Bush administration’s proposal goes through, it means no Superfund, no money, no cleanup. That means the public health hazard will remain.

Today the President will go to New York to talk about corporate responsibility. He wants to throw the bad actors in jail. That makes sense. The simple fact is, an actress accused of shoplifting in California is facing potentially more prison time than any officer of Enron is facing today. I might say, if the President’s premise, his principle is sound, why do we stop and say it is just when it comes to accounting? If a corporation walks away from its responsibility in terms of cleaning up the environmental mess they have left behind, why aren’t we talking about that as being the kind of misconduct that should not only be condemned but punished?

Instead, the administration has said: We don’t even want to hold them liable for paying for it. No penalty, no crime, they are not even going to be liable for paying for the cleanup.

The Senator from California has made the point so well today: Corporate responsibility goes way beyond accounting. It goes into the handling of pensions. It goes into the environmental responsibility that corporations have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. LANDRIEU). According to the earlier order, morning business is now closed.

PUBLIC COMPANY ACCOUNTING REFORM AND INVESTOR PROTECTION ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2673, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2673) to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company 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 disclosures, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 4741

(Purpose: To provide for criminal prosecution of persons who alter or destroy evidence in Federal investigations or default investors of publicly traded securities, and for other purposes)

Mr. DASCHLE. Madam President, I have an amendment at the desk.
The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DASCHLE], for Mr. LEAHY, for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. CLELAND, Mr. LEVIN, Mr. KENNEDY, Mr. BIDEN, Mr. FEINGOLD, Mr. MILLER, Mr. EDWARDS, Mrs. BOXER, Mr. CORZINE, and Mr. KERRY, proposes an amendment numbered 4174.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DASCHLE. Madam President, on behalf of Senator LEAHY and others, I offer this amendment which is identical to the Corporate and Criminal Fraud Accountability Act, S. 2010, passed unanimously by the Judiciary Committee some time ago.

I view the Leahy amendment as a necessary complement to the Sarbanes bill. In fact, I think of them as two parts of a vital whole—one element guarantees the truth and honesty of corporate accounting. The other is a deterrent. It says that corporate misrepresentation will be forcefully punished with jail time.

We need both. We need to improve oversight and independence of the accounting profession and hold corporate wrongdoers accountable for their actions.

We need to act comprehensively to fulfill our promise to the American people that integrity, honesty, and accountability will be restored to our markets.

Last week Senator LEAHY and I wrote to the President requesting his views on this bill and the Sarbanes accounting reform bill.

Unfortunately, the President has not answered our letter yet. But I hope to hear today—and I think we need to hear today—that he supports and will sign both.

We welcome the President's apparent enthusiasm for reforming our corporate culture, and we look forward to working with him.

The administration needs to understand that the time for half measures has long passed. The American people expect and deserve comprehensive reform.

Combining the Leahy bill and the Sarbanes bill accomplishes just that. The Sarbanes bill revamps the regulatory structure that protects our markets. There will be better rules and a new oversight body to send corporations and accountants a clear message that they must tell the truth on their balance sheets.

The Leahy bill is every bit as vital. Let me summarize a few of its provisions very quickly. The amendment has three aims: punishing criminals; preserving evidence; and protecting victims.

The Leahy amendment punishes criminals by creating a tough new 19-year felony for securities fraud. It provides prosecutors with a new tool that is flexible enough to keep up with the most complex new fraud schemes and tough enough to deter violations on the front end. It also provides a mechanism to raise the fraud sentences that are already on the books.

The amendment also preserves evidence of fraud. It creates new criminal anti-shredding provisions in federal law. As we say in the Arthur Andersen case, even the most straightforward obstruction of justice cases can be difficult to prove under current law.

Senator LEAHY's bill closes the loopholes and makes document destruction in fraud cases an unambiguous crime.

The amendment does not just protect "paper evidence," it also protects valuable testimony from people. For the first time, the Leahy bill creates federal protection for whistleblowers. People like Sherron Watkins of Enron will be protected from reprisal for the first time under federal law. This bill is going to help prosecutors gain important insider testimony on fraud and put a permanent dent in the "corporate code of silence."

Finally, the amendment will protect victims of fraud. By extending the time period during which victims can bring cases to recoup their losses, the Leahy bill removes the reward for those fraud artists who are especially gifted at concealing what they've done for lengthy periods of time.

Cases where victims have lost their entire life savings should be decided on the merits, not based on procedural hurdles that may now be used to throw legitimate victims out of court.

The Leahy bill also prevents fraud artists from declaring bankruptcy to shut out their victims. The amendment would accomplish this by making security fraud debts nondischargeable in bankruptcy.

Again, the Leahy provisions enjoyed broad bipartisan support in the Judiciary Committee when passed unanimously in April. They are needed now more than ever, as the number and magnitude of corporate misstatements continues to pile up and the lost jobs, lost pensions, and ruined lives continue to mount.

We must act to punish criminals, no matter what color their collar. I hope all Senators will support this amendment.

Madam President, the country will be listening intently to what the President says this morning. A crucial test will be whether he explicitly supports—and pledges to sign—the Sarbanes bill with the Leahy legislation attached. We cannot restore confidence in the integrity of our markets with anything else.

Senator LEAHY is on the floor.

Mr. LEAHY. Will the majority leader yield?

Mr. DASCHLE. Yes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I very much appreciate what my good friend, the distinguished majority leader, has said. I also compliment him for his leadership on corporate accountability. Sometime ago, he asked the Chairs of the various committees with possible jurisdiction in this area to get together and craft comprehensive legislation. I recall that meeting very well. I recall the majority leader saying that time is of the essence because Enron, before WorldCom and these other business scandals came forward—expressing his concern that not only is this a blight on the business community, it is a blight on our system of doing things. He also spoke about how terrible it was for those people, not only workers who had their pensions tied up in the fortunes of the companies they are working with and are relying on for truthfulness—what they assumed is the truthfulness—of the accounting statements of those companies, but also many other people who invest, whether it is a farmer in South Dakota or a merchant in a small town in Vermont who is putting savings in and hoping this will be part of his retirement.

The majority leader made it very clear to all of us that we were to set politics aside, we were to set any kind of special interests aside, and we were to bring up the best legislation possible for the people of America. That was what Senator DASCHLE charged us to do, and that is what I am trying to do with this amendment.

We have excellent accounting reform legislation, S. 2673, crafted by Chairman SARBANES and the Senate Banking Committee. I commend Senator SARBANES and the other members of the Banking Committee—for their bipartisan leadership. Senator SARBANES had people on both sides of the aisle come out with this legislation, and I am proud to cosponsor it.

An amendment I add to Senator SARBANES’ legislation, not to detract from it. As he knows, I offered to add a criminal penalty and other provisions that are within the jurisdiction of the Judiciary Committee.

My amendment is cosponsored by Senator MCCAIN and the majority leader, Senators DURBIN, HARKIN, CLELAND, LEVIN, KENNEDY, BIDEN, FEINGOLD, MILLER, EDWARDS, BOXER, CORZINE, KERRY, SCHUMER and BROWNBACK. Our amendment is identical to S. 2010, the Corporate and Criminal Fraud Accountability Act that was reported unanimously by both Republicans and Democrats in the Judiciary Committee on April 25.

Again, following the very clear direction the distinguished majority leader gave us when he said we have to protect the people of this country, we have to make sure corporate America can do its best to help our economy, this would create tough new penalties for securities fraud and would preserve evidence of fraud to make sure there is accountability for crimes that not only cheat investors but rob the markets themselves of the public trust. The markets have stolen the public’s trust.

The PRESIDING OFFICER. The Senator from Vermont yielded to the majority leader.

Mr. LEAHY. Thank you, Mr. Chairman.

The PRESIDING OFFICER. The time expires.

The PRESIDING OFFICER. The Senate will now proceed to the business at hand.
According to press reports, President Bush has changed his mind on corporate reform and may support new penalties for corporate fraud, and I welcome the President’s change of heart. The Corporate and Criminal Fraud Accountability Act creates tough, mandatory penalties for corporate fraud, and Senator Daschle and I have written to the President asking for his support.

The time for watching and hand-wringing is over. We have to take action to start the slow but critical process of restoring confidence in the books of our publicly traded companies.

The collapse of Enron has become a symbol of a corporate culture where greed has been inflated and accountability devalued. Unfortunately, Enron is no longer alone. Joined by Arthur Andersen, Global Crossing, Tyco, Xerox, and, most recently, WorldCom, the misrepresentations about the financial health of our Nation’s largest companies have shaken confidence in our financial markets.

If we do nothing to learn and apply the repeated lessons of the last months, we are only going to compound the problem. That was obviously the basis of the unanimous Judiciary Committee vote when the committee approved S. 2010. Innocent consumers, investors, and employees depend on stock investments for their children’s college funds, for their retirement nest eggs, for savings. Every week brings news of a new financial scandal. Just look at the effect on the stock market. It has been devastating. This has repercussions not just for companies that depend on our capital markets to grow their businesses and our economy, but certainly also for the average American family. More than one in every two Americans invest in our financial markets, and they are watching what we do here. They deserve action.

Those who defraud investors should be held accountable for their crimes. The Leahy-McCain amendment, the Corporate and Criminal Fraud Accountability Act, is all about accountability and transparency—two bedrocks of our market.

The PRESIDING OFFICER. The Chair states that the majority leader has yielded for a question only while the Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I seek recognition in my own right.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The assistant legislative clerk continued reading as follows:

(a) FINANCIAL REPORTS.—

(1) CERTIFICATION OF REPORTS.—

(A) CERTIFICATION OF PERIODIC REPORTS.—Each periodic report containing financial statements filed by an issuer with the Commission pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) or 78o(d)) shall be accompanied by a written statement by the chief executive officer and chief financial officer (or the equivalent thereof) of the issuer.

(B) CERTIFICATION OF FINANCIAL REPORTS BY LABOR ORGANIZATIONS.—

(i) IN GENERAL.—Each financial report filed by a labor organization with the Secretary of Labor pursuant to subsection (b) of section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) shall be accompanied by a written statement by the president and secretary-treasurer (or the equivalent thereof) of the labor organization.

(ii) DEFINITION.—In this subparagraph, the term “labor organization” has the meaning given in section 3 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 402).

(2) CONTENT.—The statement required by paragraph (1) shall certify the appropriate-ness of the financial statements and disclosures contained in the periodic report or financial report, and that those financial statements and disclosures fairly present, in all material respects, the operations and financial condition of the issuer or labor organization.

(3) CONFORMING AMENDMENT.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended, in the matter preceding paragraph (1), by inserting “accompanied by a written statement that describes in section 302(a)(1)(B) of the Public Company Accounting Reform and Investor Protection Act of 2002” after “officers”.

(b) REPORTING REQUIREMENTS.—

(1) FINANCIAL REPORTING FOR LABOR ORGANIZATIONS EQUIVALENT TO REQUIRED REPORTING...
of public companies. — Section 201 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431) is amended by adding at the end the following: "(4) A person who knowingly provides substantial assistance to another person in violation of a provision of section 201(d) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432) who relied upon a false or misleading communication a summary of the possible risks to the same extent as the person to whom such communication is provided."

(3) The recovery and statute of limitation provisions of subsections (b) and (c) of section 18 of the Securities Exchange Act of 1934 (15 U.S.C. 78r) shall apply for purposes of any action arising under subsection (c) or (d) in connection with any provision of section 201(d), the provisions of section 201(d) of the Securities Act of 1933 (15 U.S.C. 77z-1(c)) regarding abusive litigation shall apply."

(3) REGULATIONS.—Not later than 1 year after the date of enactment of this Act the Secretary of Labor, after consultation with the Securities and Exchange Commission, shall promulgate regulations (in accordance with the procedures required for periodic and annual reports of public companies pursuant to sections 12(g), 13, and 15 of the Securities and Exchange Act of 1934 (15 U.S.C. 78l(g), 78m, and 78o)."

"(2) AUTHORITY.—In the case of a violation of an audit requirement under section 201(d) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432) which statement was at the time, and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, shall be liable to any person (not knowing that such statement was false or misleading) who relied upon such statement. A person seeking to enforce such liability may sue at law or in equity in any court of competent jurisdiction.

(2) In any such suit the court may, in its discretion, require an undertaking for the payment of the costs and expenses of the suit, and assess reasonable costs, including reasonable attorneys' fees, against either party litigant."

As one who was a prosecutor, I was surprised to learn that unlike bank fraud, health care fraud, and even bankruptcy fraud, there is no specific Federal crime of securities fraud to protect victims of fraud related to publicly traded companies.

Can you imagine, Madam President, while all this talk has been going on, it turns out there is no specific crime of securities fraud. This bill would create such a felony with a tough 10-year jail sentence.

The amendment provides for a review of the existing sentencing guidelines for fraud cases and for organizational misconduct to make them tougher as well.

The new crimes and enhanced criminal penalties in this bill were worked out among Senators HATCH, SCHUMER, and me, and unanimously supported by the Judiciary Committee, and I thank Senators HATCH and SCHUMER for their support.

The Leahy-McCain amendment also creates two new anti-shredding penalties which set clear requirements for preserving financial audit guides and close loopholes in current anti-shredding laws.

These provisions close loopholes in current laws and set a clear requirement that corporate audit documents must be saved for 5 years. We, incidentally, picked that time period because that is the statute of limitation for most Federal crimes.

These provisions are crucial in preventing recurrences of what happened at Arthur Andersen. These provisions will preserve evidence that helps law enforcement officers and prosecutors focus immediately on the evidence. It takes a few minutes to warm up the shredder, but it can take years for prosecutors and victims to put together a case without key documents.

The amendment protects corporate whistleblowers. Senator GRASSLEY and I worked out these bipartisan measures in the Judiciary Committee. I thank the Senator from Iowa for his assistance and his constant leadership over the years on whistleblower rights.

When sophisticated corporations set up complex fraud schemes, corporate insiders are often the only ones who can disclose what happened and why.

Unfortunately, the Enron case also demonstrates the vulnerability of corporate whistleblowers to retaliation under current law. This is a memo from outside counsel to Enron management. They were afraid there might be a whistleblower. It said:

You also asked that I include in this communication a summary of the possible risks associated with discharging (or constructively discharging) employees who report allegations of improper accounting practices.

Then he goes on to give them the good news:

Texas law does not currently protect corporate whistleblowers. The supreme court has twice declined to create a cause of action for whistleblowers who are discharged...
In other words, if they dare tell about corporate misdeeds, fire them, it is not going to hurt.

After this high-level employee of Enron reported improper accounting practices, the Enron executives were not thinking about firing the accountant, they wanted to fire the whistleblower, their own employee. Why? Because they were pocketing the money. They were getting that money out to their bank accounts as fast as they could, and they didn’t want to pay a fine to say so.

The bipartisan whistleblower protections are supported by the National Whistleblower Center, the Government Accountability Project, and Taxpayers Against Fraud. They call S. 2010 “the single most effective measure possible to prevent further recurrences. . . .”

The measure lengthens the statute of limitation by extending it from the earlier of 1 year from discovery or 3 years from the fraud to 2 years from discovery of the fraud.

Senators Feinstein and Cantwell worked hard to craft a fair compromise on this provision in the Judiciary Committee.

Indeed, the last two SEC Chairmen who were ordered to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

**TAXPAYERS AGAINST FRAUD, Washington, DC.**

**Government Accountability Project, Washington, DC.**

**WASHINGTON STATE, July 5, 2002.**

**DEAR SENATOR LEAHY:**

The Government Accountability Project (GAP) and the Taxpayers Against Fraud (TAF) reaffirm our support for the Leahy Corporate and Criminal Fraud Accountability Act amendment to S. 2673, the Public Company Accounting Reform and Investor Protection Act of 2002.

Initially introduced as S. 2010, the Corporate and Criminal Fraud Accountability Act, was unanimously reported by the Senate Judiciary Committee on March 5, 2002.

This amendment is a landmark proposal. It promises to make whistleblower protection the rule rather than the exception for those challenging corporate and public duty enforced by the Securities and Exchange Commission. It would be the single most effective measure to prevent recurrences of the Enron and WorldCom debacles as well as similar threats to the nation’s financial markets, shareholders and pension holders.

GAP is a nonprofit, nonpartisan public interest law firm dedicated since 1976 to helping whistleblowers, those employees who, through no fault of their own, will be barred from recouping losses.

We make the debt from security law violations nondischargeable in bankruptcy. We protect fraud victims by amending the bankruptcy code to make judgments and settlements based upon security law violations nondischargeable. Corporate leaders should not be allowed to take the money, run, file bankruptcy, and keep from ever paying any securities fraud judgment. The State security regulators strongly support this change. They cannot have one set of rules which say if you steal $500 from a store, you can go to jail. But if you steal $50 million from the corporate boardroom, keep the money. That makes no sense.

Everywhere I went in the State of Vermont last week, people were saying: If I committed an act, if I stole something, if I cash a bad check for $100, I run the risk of going to jail. But what do you do if you get $50 million or $100 million? You are home free.

Criminal conduct deserves criminal penalties. Corporate CEOs who rob their company, who rob the pension funds of their employees, who rob the treasuries of people, who rob the taxpayers, are criminals. They ought to go to jail.

The steel bars, that will give a conscience to some of these people like Kenneth Lay and others who obviously do not have one. This gives prosecutors, the investigators, and victims the tools to hold corporate wrongdoers accountable.

The people who are involved in such massive criminal activity ought to pay. The American people ought to know they will have to pay. If they don’t, there will be a whole lot more fraud.

I ask unanimous consent to have a number of letters printed in the RECORD.

Washington, DC.

**NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATIONS, INC., Washington, DC, July 5, 2002.**

HON. PATRICK LEAHY, Chairman, Senate Committee on the Judiciary.

Dear Senator Leahy:

DEAR SENATOR LEAHY: NASAA supports S. 2673, The Public Company Accounting Reform and Investor Protection Act of 2002, and opposes efforts to weaken its provisions. State securities regulators believe there is tremendous need to retain investor confidence in our securities markets.

Passage of the Leahy amendment, which incorporates S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002, into the accounting reform bill would send a strong deterrent message to potential securities violators by providing prosecutors with new and better tools to punish those who defraud our nation’s investors. Our focus is on Section 4, which would prevent the discharge of certain debts in bankruptcy proceedings. At the present time, the bankruptcy code enables defendants who are guilty of fraud and other securities violations to thwart enforcement of the judgments and other awards that are issued in these cases.

We support passage of the Leahy amendment because it strengthens the ability of regulators and individual investors to prevent the discharge of certain debts and hold defendants financially responsible for violations of securities laws. This issue is of great interest to state securities regulators, and we hope you’ll support it on the Senate floor.

In addition, state securities regulators endorse Title V of S. 2673—Analyst Conflicts of Interest—in its current form and strongly oppose any amendments to this title that would reduce our ability to investigate wrongdoing and take appropriate enforcement actions against security analysts. An amendment drafted by Morgan Stanley was circulated that, we believe, would have prohibited state securities regulators from imposing remedies upon firms that committed fraud, if it involved securities analysts and perhaps even broker-dealers that deal with individual investors. Clearly this approach is il-advised, especially in today’s climate. What message would be sent to Main Street investors if the state’s investor protection and enforcement authority were weakened? (Additional information on this proposal was delivered to your office last week.)

Please vote for passage of S. 2673, for the Leahy amendment, and against any amendments to curtail state securities enforcement actions.

Sincerely,

**JOSEPH P. BORG, NASAA President, Alabama Securities Director.**

**CHRISTINA A. BRUNN, Maine Securities Administrator.**

**JIM MOORMAN, Executive Director, TAF.**

**TOM DEVINE, Legal Director, GAP.**
July 9, 2002

CONGRESSIONAL RECORD—SENATE
S6441

U.S. PUBLIC INTEREST
RESEARCH GROUP;
Washington, DC, April 17, 2002.

No More Enrons—Support S. 10, the Corporate and Criminal Fraud Accountability Act of 2002

DEAR MEMBER OF THE SENATE JUDICIARY COMMITTEE: We are writing on behalf of the U.S. Public Interest Research Groups to urge your strong support for S. 10, the Corporate and Criminal Fraud Accountability Act of 2002, sponsored by Senator Patrick Leahy, when it comes before the Judiciary Committee for markup on Tuesday. This proposal adds important provisions to the civil and criminal law to both detect and stop securities fraud. Please oppose weakening amendments.

S. 10 takes the following important steps to strengthen enforcement and penalties for securities fraud:

- It creates a new felony for the act of defrauding shareholders of publicly traded companies.
- It creates a new felony for destruction of evidence or creation of evidence with intent to obstruct a federal agency or criminal investigation.
- It provides whistleblower protection to employees of publicly traded companies when they act lawfully to disclose information about fraudulent activities within their company.
- It enhances the ability of state attorneys general and the SEC to use civil RICO to enforce existing civil laws, in which employees who disclose Enron-related fraud to the appropriate authorities.
- One of the most notorious loopholes in current whistleblower protection law exists under the securities laws, in which employees who report fraud against stockholders have no protection under federal law. It is...

USACHANGE
truly tragic that employees who are wrongfully discharged merely for reporting violations of law, which may threaten the integrity of pension funds or education-based savings accounts, are denied federal protection.

This point was made abundantly clear by the recently released internal memorandum from attorneys for Enron. According to Enron’s own attorneys, employees who exposed the whistle on Enron’s misconduct were not protected under federal law, and could be subject to termination. Unfortunately, the Enron attorney was correct.

It is imperative that the next time a company like Enron seeks advice from counsel as to whether they can fire an employee, like Sharon Watkins (who merely disclosed potential fraud on shareholders), the answer must be a resounding “no.” That can only happen if the Corporate and Criminal Fraud Accountability Act is enacted into law. Respectfully submitted.

Kris J. Kolenik, Executive Director.


DEAR SENATOR: It has come to my attention that the substance of S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002, will be offered as an amendment to S. 2673, the Public Company Accounting Reform and Investor Protection Act of 2002, as early as next week.

I hand in this letter to Senator Leahy from seven Attorneys General written last April in support of the substance of S. 2010, in order to make these views known as you consider this legislation.

If you have any questions or concerns, please feel free to call Blair Tinkle, NAAG’s Legislative Director at 202-326-6258.

Sincerely,

LYNN ROSS, Executive Director.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, Washington, DC, April 17, 2002.

HON. PATRICK LEAHY, Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: We would like to take this opportunity to express our support for your bill, S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002, which is pending before the Senate.

As you know, the proposal would allow state Attorney’s General to seek to enjoin racketeering activities under the federal RICO statute. Such added authority would enhance the ability of Attorneys General to protect their citizens from unlawful activities by organizations both within and outside the borders of our individual states.

In addition, to restore accountability, S. 2010 provides prosecutors new and better tools to effectively prosecute and punish criminals who defraud investors by:

Creating a new, 10-year felony specifically aimed at securities fraud.

Enhancing fraud and obstruction of justice statutes where evidence is destroyed and in fraud cases, where there are many victims or where any victim is financially devastated.

Creating two new document destruction felonies establishing a new felony shedding crime evidence and requiring preservation of audit documents for 5 years.

Creating new protections for corporate whistleblowers.

Finally, the bill protects victims’ rights by:

Protecting securities fraud victims from discharge of their debts in bankruptcy.

Extending the statute of limitations in securities fraud cases.

We appreciate your efforts to enact this important legislation. Please feel free to contact us if we can provide further assistance in this effort.

Sincerely,

Carla J. Stovall, Attorney General of Kansas; Hardypress, Attorney General of Oregon, Chairman, Enron Reform Group; Christine Gregoire, Attorney General of Washington; William H. Sorrell, Attorney General of Vermont; Ms. Edmonds, Attorney General of Oklahoma; President-Elect of NAAG; Thurbert E. Baker, Attorney General of Georgia; Betty D. Montgomery, Attorney General of Alabama; Hon. PATRICK LEAHY, the distinguished majority leader introducing this amendment and yielding to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

MR. MILLER. I was going to send an amendment to the desk but I understand there is one pending. I ask unanimous consent I have up to 8 minutes to discuss this amendment now, which I will send later.

MR. McCONNELL. Reserving the right to object, and I probably will not, I hoped for an opportunity to briefly explain the second-degree amendment that is pending at the desk. If the Senator thinks it might be helpful just to determine the order of discussion, perhaps it is more appropriate to discuss the amendment that is pending over one that might have been pending.

MR. MILLER. The Senator from Kentucky is correct. I like to get in the queue somewhere along the line.

MR. REID. I ask the question of the Senator from Kentucky, How long does the Senator from Kentucky wish to speak?

MR. McCONNELL. I will be happy to wrap up in 5 or 6 minutes. I want to summarize what the amendment is about.

MR. SARBNES. Madam President, I ask unanimous consent the Senator from Kentucky be recognized for 5 minutes to speak to the second-degree amendment that has been offered, that is pending, and that be followed by the Senator from Georgia to speak for 8 minutes.

MR. MURKOWSKI. Madam President, I wonder if I may be recognized after the sequence that has been discussed for about 1 minute.

MR. REID. I object.

The PRESIDING OFFICER. Is there an objection to the original request of the Senator from Maryland?

MR. REID. I do not object to the original 13 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky will proceed.

MR. McCONNELL. I thank my friend from Georgia. I will briefly discuss the second-degree amendment. I expect to vote for the underlying bill, but we ought to, in the name of equity, apply the same principles in the underlying bill we are seeking to apply to corporations to labor unions.

The amendment I sent to the desk requires union financial statements to be audited by an independent accountant using procedures that mirror those of public companies under Federal securities laws. It imposes civil penalties for violations of these new auditing requirements that are imposed on the Security Exchange Act of 1934. Third, it requires that the Union President and Secretary-Treasurer certify the accuracy of financial reports, mirroring a similar requirement for CEOs and CFOs in the Sarbanes bill.

We are debating how to better oversee and enforce the audit requirements for large corporations that were first established under the Securities Act of 1933. It may shock many to learn that labor unions are not even required to have independent audits of the financial statements they file with the Department of Labor—or should I say that they are required to file. Many unions apparently thumb their nose at the requirement. An Office of Labor Management Standards found that 34 percent of all unions filed late financial reports or no reports at all.

If we are serious about protecting the investing public from the financial misadventures of unions, I think we should be equally serious about protecting the day-to-day American worker—the plumbers, the machinists, the longshoremen, and the steelworkers—from the financial fraud of union officials.

One prominent union official recently said that:

Over the coming months you will no doubt hear more about the Enron scandal and the numerous hundreds of thousands of dollars from a worker training fund of the International Association of Ironworkers. And in an eerie parallel to the Enron scandal, the Havey accountants revealed startling information—10 years ago, the then General Counsel for the Ironworkers Union said that if the accounting firm refused to assist in the union scheme to conceal financial mismanagement, the accounting firm should be fired. Sadly, the accounting firm complied. We have all heard of Global Crossing, but has anyone heard of ULLICO? That is the multibillion-dollar insurance company owned primarily by unions and their members’ pension funds that invested $7.6 million in Global Crossing. Apparently, ULLICO directors received a sweetheart investment deal that allowed them to make millions on the sale of stock. The union pension

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Mr. SARBANES. I am sure the Senator from Vermont? Mr. LEAHY. Reserving the right to object, I want to make sure I fully understand. What is the request? The PRESIDING OFFICER. There is no request pending.

Mr. LEAHY. I am sorry. I thought there was a request to lay aside my amendment. The PRESIDING OFFICER. That request has been granted.

Mr. LEAHY. But then my—what is the parliamentary situation with my amendment? Maybe that is the best way to ask it.

The PRESIDING OFFICER. The Senator from Georgia obtained the consent to set aside the pending amendment in order to offer a first-degree amendment.

Mr. LEAHY. I understand.

Mr. SARBANES. Would the call for the regular order at the completion of the statement of the Senator from Georgia, or disposition of his amendment, bring back to the body the Leahy amendment?

The PRESIDING OFFICER. Yes, it would.

Mr. LEAHY. The Senator from Georgia spoke to me earlier. I do not want in any way to interfere with that. I do want to accommodate him. I just wanted to make sure, also for my own schedule, where we stood.

I thank the distinguished Presiding Officer and I thank the distinguished chairman of the committee and of course I thank the distinguished Senator from Georgia.

Mr. MILLER. I thank the Senator from Vermont and the Senator from Texas.

Madam President, there is a good old boy from down in Georgia named Jerry Reed, who went to Nashville several years ago and made it big as a tremendous guitar picker, singer, and songwriter. He had a big hit a while back. Maybe some of you remember it. It was called "She Got the Gold Mine and I Got the Shaft." I thought about that song of Jerry Reed's as I watched what has happened lately on the corporate scene. The big shots of Enron and WorldCom and others, they got the gold mine while the poor employees and the innocent stockholders got the shaft.

If a picture is worth a thousand words, take a look at this gold mine. It was built partly on the backs of those Georgia schoolteachers who, each year, put their hard-earned money into the Georgia teachers' retirement fund. The fund in Georgia lost $78 million from Enron and another $6 million from WorldCom. Think how many monthly contributions by how many schoolteachers represents. And think about those other thousands of employees who have lost their life savings, not even to mention the thousands of employees who have lost their jobs—at least 450 jobs were wiped out in Georgia alone so far—reps.

Yes, a few big shots got the gold mine and a lot of little folks got the shaft.
I am as probusiness as anyone in this body. I yield to no officeholder when it comes to supporting business issues. As Governor and Senator, I have worked to give tax cuts and tax incentives and pay for the training of their employees—to provide a probusiness environment in which the entrepreneurial spirit can thrive and prosper and create jobs. But, folks, there comes a time when so much greed and so many lies become so bad—even if it is only by a few—that something meaningful has to be done. We must act quickly to protect the investor, provide some security for the worker, and restore confidence in the marketplace because, make no mistake about it, today we have a crisis in the integrity of corporate America.

That is why I have worked with Senator SARNES in perfecting his bill, and I strongly support it. I am pleased that it is before us this week. I also commend President Bush for making the strong recommendations he is going to be making in New York.

But I think we need to do at least one other thing, so I have a simple amendment. It is only two short paragraphs in length, but it goes to the very essence of fairness. It simply says that, when the taxman cometh, we all—workers and high-dollar bosses alike—must face him just alike, without any go-betweens or liability firewalls or corporate veils.

That must work. There is a standard tax form called 1040. I know there are more sophisticated ones for big business, but the principle I am getting at is the same. This is what it says:

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief they are true, correct and complete.

And then it is signed here by Joe Sixpack. Joe Sixpack of America signs those kinds of forms. There were more than 14 million of those forms filed in April. If Joe Sixpack is required to sign this oath for his family, why shouldn’t Josephus Chardonnay be required to sign that same oath for his corporation?

So my little amendment simply requires that henceforth the chief executive officer of all publicly owned and publicly traded corporations must sign the corporation’s annual Federal tax return.

Currently, there is an IRS rule that corporations can designate any corporate officer to sign their tax return. That will not get it. Let’s be specific. Let’s put it into law: The CEO is the one who is to sign the tax return and must be accountable for it.

Where I come from it is expected that those being paid “to mind the store” should at least know whether the store is losing or making money.

Harry Truman had a sign on his desk in the Oval Office that said, “The Buck Stops Here.” For Truman, it meant that he was accountable.

He took the blame. He suffered the consequences when things went bad.

For some of today’s CEOs, it is just the opposite. They want no accountability. They shift the blame to others. They hide behind that corporate veil. And, it seems, they rarely if ever pay the consequences.

Their former workers cancel plans for their children to go to college while they sip from champagne flutes in their mansions in Boca and Aspen.

For these CEOs, Truman’s famous sign reads from “The Buck Stops Here” to “The Bucks Go Here.” Our system of collecting taxes will take all steps necessary to ensure that the financial information in the tax return is accurate.

If Joe Sixpack fudges the numbers, he doesn’t get a pass from paying penalties or going to jail. I find it outrageous that the same is not a part of the mind set for those in the corporate culture.

If any CEO is not willing to sign the company tax return—if they are not willing to take steps to satisfy themselves that their corporation is accurately reporting financial information—then those CEOs have no right to the prestige and respect that goes with the position they hold.

What is good for the goose is good for the gander. So I urge my colleagues to simply hold our CEOs to the same standard that we impose upon our average wage earners.

Treat them the same. “Treat ’em” the same. That is the American way. That is what the voters out there want us to do and that is what they expect us to do. “Treat ’em” the same.

And you can take that back home this summer and explain it. Some of these other reforms, I fear, will be more difficult to explain.

“Treat ’em” the same.

I yield to the PRESIDING OFFICER.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURkowski. Madam President, in accordance with the rules of the Senate as set forth in the Nuclear Waste Policy Act, the chairman of the Energy and Natural Resources Committee, Senator BINGaman, introduced S.J. Res. 34 on April 9. The Committee on Energy and Natural Resources held 3 days of hearings. On June 5, the measure was favorably reported to the Senate.

As the ranking member of the Energy and Natural Resources Committee, pursuant to the recommendations of the committee and in accordance with the rules of the Senate as set forth in the Nuclear Waste Policy Act that contemplates Senate action within 90 days of introduction, I now move to proceed to S.J. Res. 31.

Mr. REID. The PRESIDING OFFICER. The Senator from Nevada.
Not wanting to get squeezed down to the end of the session and having it unclear as to how we would proceed, we thought the fair thing to do to both sides was to say on this Tuesday, we would move to proceed to the issue which would be nondebatable unless agreement was worked out to the contrary.

As a result of that being what our intent was, the motion was made, and we have now worked out this unanimous consent agreement which is agreeable to all. There would be debate before the vote, and then there would be a vote on the motion to proceed which would be really, in fact, the vote. So this afternoon somewhere not later than 5:45, or perhaps earlier, as I understand it—Senator REID can maybe comment on this—there would be a vote on the motion to proceed.

While nothing else is precluded, it would be clearly my understanding that it would not be necessary to have a vote on final passage if the motion to proceed is agreed to. Everybody understands that is the vote. We have checked on both sides of the aisle, and this agreement is acceptable. That would be the vote.

Another good thing about this is it allows everybody to know when the critical vote will come. It also means, instead of 10 hours, we will go 4½ hours. There is no demand or desire that we go beyond that. Then we can get back to other business, hopefully, deference-related appropriations bills and the auditing bill and get that work done this week.

That is a fair way to proceed. Everybody is on notice. I am glad to work with the opponents and proponents to come to this agreement.

With that statement, I withdraw my reservation of objection.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, let me echo the comments of the two leaders relative to what we have before us. I would like to point out in the spirit of cooperation, the motion to proceed to the bill or resolution—although not precluded—no one will request a recorded vote.

I will not object at this time. The PRESIDING OFFICER. Is there objection? 

Mr. REID. Madam President, I am my understanding that the unanimous consent request has been accepted; is that right?

The PRESIDING OFFICER. The Chair has asked if there is further objection to the request.

Without objection, it is so ordered. The Senator from Nevada.

ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 today for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side as it will be for a short time. The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ENSIGN. Madam President, I yield time to the Senator from Nevada.

Mr. ENSIGN. Madam President, I start my remarks today by saying a lot of the information that I am going to talk about this morning on this procedural vote—I will be talking more about the substance of the issue this afternoon, but this morning on the procedural vote, a lot of the information has been gathered through hours and hours of research with the Congressional Research Service, with the former Parliamentarian of the Senate, Bob Dove, as well as several conversations with the current Parliamentarian.

I believe strongly this research is accurate and that the precedent we will be setting is a very dangerous precedent.

Today's vote is not just about whether the Senate should allow nuclear waste to be dumped in Nevada. It is also about the authority of the majority leader, and the very meaning of a Senate majority.

According to the rules of the Senate, it is true, any member may offer a motion to proceed to a bill or resolution. In practice, we all know that's not the way it works. The Senate is governed just by rules; it is also governed by traditions. And one of those traditions is that the majority leader—and only the majority leader—can set the Senate's agenda by deciding which legislation will be considered. As Senator BYRD's history of the Senate makes clear, it is the exclusive role of the majority leader to "determine what matters or measures will be scheduled for floor action and when."

That's why these rules notwithstanding—never in the history of the modern Senate has anyone—I repeat, anyone—other than the majority leader or his designee successfully offered a motion to proceed with legislation. It is simply not done.

Why? Because if such a motion prevailed without the majority leader's consent, then his office has been impaired. His ability to control the agenda of the Senate—which is the basis of his power and that of the majority party—would be dealt a devastating blow.

That is why Senators of the majority party have always deferred to the majority leader's authority to set the Senate's agenda—and have voted with him to protect this power even when they disagreed on the substance of the issue at hand. Because they know that if they lose, what is at stake is their very power as the majority party. If any Senator can set the Senate agenda, then all the minority has to do is hijack the Senate agenda is convince a handful of Senators from the majority party to join them on any given issue.

Indeed, that is why, from time to time, the minority has sought to challenge the majority leader's power by offering motions to proceed. As a matter of fact, I believe the current majority leader did so with the minority. He did so because he knew the consequences if he succeeded. And those high stakes were the very reason...
he was unsuccessful—because the majority party has always rallied around its leader.

We call today's vote a procedural vote. But it is in effect, a test of the power of the majority. That is being said is suspect few on the other side of the aisle are jumping to the chance to proclaim the stakes in this vote because they hope, perhaps, that no one will notice—that it will be like a tree falling in the woods. If no one hears, perhaps it will not make a noise.

But this vote will make a loud noise—and will change the way the Senate operates. It will do so because—as of this moment—every Senator knows that even though the Standing rules of the Senate permit any Member can make a motion to proceed, no one has ever done it successfully, save for the majority leader or his designee. After today, if the minority succeeds, it will be a different story. Each Senator will be able to decide how to interpret the results. Will it be OK for any Senator to offer a motion to proceed on any bill or resolution? Or just measures considered under expedited procedures? Or just measures considered under expedited procedures which explicitly state that any member can make a motion to proceed? Take your pick, Madam President. Like beauty, this precedent is in the eye of the beholder. And that's what makes it so dangerous.

Our opponents argue that this is a unique circumstance. They are simply wrong. The procedure in the Nuclear Waste Policy Act is not unique. There are many statutes containing expedited procedures. And 6 expedited procedures in current law, including the Nuclear Waste Policy Act, contain language that explicitly states that “any Member of the Senate” may offer the motion. That language merely restates the rules of the Senate. Still no one has ever successfully done so without the express consent of the majority leader.

There have been times when Congress has determined that is appropriate to override the traditional power of the majority leader to schedule the Senate's agenda, and this is important when this has been the will of Congress, Congress has passed legislation like the National Emergencies Act and the War Powers Act to do so.

The War Powers Act states that, Any joint resolution or bill so reported by the Senate shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

Madam President, unlike the War Powers Resolution, the nuclear Waste Policy Act does not make the resolution the pending business of the Senate. It does not take away the prerogative of the majority leader by making a resolution the pending business without any motion to proceed being required. Had the Senate wished to do so in this case it could have followed the language of the War Powers Resolution, but it did not. Unlike this War Powers provision, there is no provision in the Nuclear Waste Policy Act for Congress to take any action with regard to the Yucca Mountain resolution. The procedure spelled out in the Nuclear Waste Policy Act is not required; it is merely permitted. It is up to the majority leader whether or not to proceed.

Indeed, the Nuclear Waste Policy Act anticipates that a vote on the Yucca Mountain resolution might not occur. That it might be blocked. That is why, if the deadline passes, then the statute giving the State of Nevada a veto will have been carried out. That was part of the 1982 compromise.

The junior Senator from Nevada, from Alaska stated that he does "not know that it really matters very much" who makes the motion to proceed to the Yucca Mountain resolution. Well, I say that it does matter. It matters very much. The majority leader has made clear he opposes proceeding with this legislation. He has staked his reputation and his office on this matter. I—and the people of Nevada—appreciate his courage in doing so.

So let me be clear: any Senator who offers a motion to proceed in this matter is posing a direct challenge to the powers of any majority leader. For the majority leader has put a lot on the line for Nevada, which is why I am standing here today—a Republican Senator—defending the prerogatives of the Democrat majority leader. I am doing so because this issue is the most important matter for the State of Nevada to come before the U.S. Senate. No single issue unites Nevadans—no single issue transcends region, political party, or industry—like our fight against becoming the Nation's nuclear dumping ground.

In conclusion, let me restate how important the precedent we are setting today is if the majority leader is overruled. Every Senator needs to reflect on this vote very carefully because this could literally change the entire way the Senate operates. Many people believe this issue is vitally important. Some of us believe it is wrongheaded, as I do.

Regardless of how one Senator feels on this issue, the procedures of the Senate need to be preserved. The precedent set today will be a dangerous one and the unintended consequences in the future could be very dire. I encourage all my fellow Senators to think long and hard before they vote. It is not just a vote on whether or not to proceed on Yucca Mountain but a vote on violating the rules of the Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. MURkowski. Madam President, I yield myself such time as I may require.

Let me first point out that it has been a long time coming. We have been approximately 20 years on this issue of nuclear waste, and we are moving in an orderly process, but I feel compelled to respond to my good friend from Nevada on the point on which he most eloquently commented relative to the authority of the majority leader in cases of this nature.

I am going to comment on the motion to proceed, and I think what my colleagues need to understand is that despite what has been said, we are proceeding under Senate rules, make no mistake about it. This particular provision was identified under procedures set forth in the Nuclear Waste Policy Act. They were very carefully developed and adopted as part of the rule-making powers of the Senate.

I quote that portion to address the concerns of my friend from Nevada. There are deemed a part of the rules of the Senate.

We are not excluding the rules of the Senate. We are not excluding the authority of the majority leader. This procedure is deemed part of the Senate rules. So I hope we can put to rest the notion that somehow we are violating or circumventing Senate rules.

Some have objected to the provision that allows any Member to make the motion to proceed, but they forget, or perhaps ignore, the history of the provision and how integral it was to the 90-day limit on congressional consideration.

This came before the Senate in 1979 and 1980 when the Senate and House were attempting to resolve this issue, and a provision that was today was considered and passed by the Senate.

Further, it was included in the nuclear waste measure that was introduced in 1981 by then-Chairman Jim McClure of Idaho, who had assumed the chairmanship of the committee. It was also included in legislation offered by Congressman Udall on the House side, and it was included in the substitute amendments that were reported from the Energy Committee and the Environment and Public Works Committee which had joint referral of the legislation.

It was included in the legislation that passed the Senate in April and then was included in the final legislation that was enacted in December of 1982. It was part of the proposal insisted on by Senator Proxmire, Senator Mitchell, and others who wanted a stronger State veto provision. It was, in fact, what made work the compromise suggested by Congressman Joe McKinley, the chairman of the House Rules Committee.

I find it somewhat off the point, if you will, and kind of a diversion that...
some are speaking about violating the integrity of the Senate when we are moving a bill in line with what the Senate had already adopted. Again, I refer to the Nuclear Waste Policy Act and the manner in which this process was considered under the rulemaking powers of the Senate, and indeed in the rule are the words, "...are deemed to be part of the rules of the Senate."

Let me comment briefly on the role of the majority leader. I have the utmost respect for procedure and traditions. As to the role of the majority leader, there should be no misunderstanding that this process does not in any manner detract from his authority or responsibility. By its very terms, this process applies only to the situation of a resolution of approval only under the Nuclear Waste Policy Act and no other situation. So no Member of this body should be misled. This process applies only to the situation of a resolution of approval under the Nuclear Waste Policy Act.

This resolution should not come as any surprise to any Member. All sides have known this was coming since last year. We certainly have not circumvented the procedure. Once the Secretary of Energy made his recommendation to the President, we all took out the calendars and figured out that 90 days would expire sometime before the end of July, specifically July 27. The majority leader was very much aware of this timeframe. Madam President, that day fast approaches.

The chairman of the committee introduced the resolution as required by law, and we had a fairly good idea of exactly when the Senate needed to act. Throughout the process—hearings, full committee consideration, and reporting—the majority leader has been aware of the status of the legislation and the need for the Senate to act, indeed, within the statutory timeframe.

The majority leader has also been aware of the desire of the chairman of the committee and mine as ranking member, together with other Members of the Senate who support the resolution, to find a time that was convenient for him, given his responsibilities to schedule activities on the Senate floor.

The majority leader’s office, in fact, proposed a unanimous consent request almost immediately after we reported the resolution to the floor. We responded, and there have been several attempts to work out a suitable time and schedule as well.

It should not come as a surprise, Madam President. Everyone in the Senate knows what the issue is and what the issue is not. No one is trying to undermine the majority leader. No one is trying to circumvent the Senate rules.

When I brought the nuclear waste legislation to the floor last Congress, I tried to fully accommodate the desires of my colleagues from Nevada, and I certainly intend to see that they have every opportunity to express their concerns today.

I also advise my colleagues again that under the motion to proceed, which is nondebatable, we have agreed to a reasonable debate, 4½ hours. This is something of which I, and others of us who believe this matter should be brought to a head and resolved.

As I indicated, the motion to proceed is nondebatable. We could have relied on the statute, but we have worked out a satisfactory compromise that is fair and equitable. I think the method under which we are proceeding is a fair one, given the circumstances, but I want everyone to understand that we have gone the extra mile to accommodate procedure, the majority leader, each Member, and of course our friends from Nevada.

Provisions in the Nuclear Waste Policy Act are there to allow the leader to decide that he would not make the motion to proceed but allow someone else to do it. I did that this morning by proposing the motion to proceed, and we have now agreed on a procedure.

We have a choice to make. The Senate will tell us very simply whether we should permit the Secretary of Energy to apply for a license to operate a repository at Yucca Mountain.

Madam President, I am going to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Pennsylvania. Who yields time?

Mr. SPECER. Madam President, I inquire of the distinguished manager if I may ask him a question or two. I discussed this with Senator MURKOWSKI.

Mr. MURKOWSKI. I will be happy to respond to my friend from Pennsylvania.

Mr. SPECER. Madam President, I thank the distinguished Senator from Alaska.

The question of concern to this Senator and probably to many others is the issue of safety in transporting this nuclear material. What are the plans in the general sense? That is, how will the material be transported? By truck? By rail? And in a general way, what will the routes be? Will they pass through densely populated areas?

Mr. MURKOWSKI. In response to the Senator from Pennsylvania, under the licensing process, I emphasize the action we are taking today does not address the transportation procedures associated with the transportation system. That would come under the licensing process which takes place at a later time.

All we are authorizing today is the procedure to allow the Secretary to apply for the license. So the licensing process will in great detail examine all parameters associated with transportation safety, the manner in which the waste will be not only transported by rail and by truck, but containers, and the safety of containers. To ensure they can withstand any anticipated exposure associated with derailment or whatever.

What we have in the transportation of nuclear waste is a number of historic examples of moving spent nuclear fuel. We have had about 2,700 shipments in the last 30 years. The distance these have been shipped totals almost 2 million miles. There has not been a single report of radiation activity. Now, in other parts of the world—in Europe—they have shipped over 70,000 tons in the last 25 years. The estimates are 175 shipments to Yucca Mountain will take place over a 24-year period. I have been in contact with my friend at great length relative to the procedure, but I emphasize what we are doing today is giving the administration and the Secretary the authority to proceed with the licensing. The Senate would address the transportation issue.

I am happy to respond to further questions.

Mr. SPECER. Madam President, my next question is, is the Senator from Alaska in a position to respond to what I am about to ask? As I mentioned a few minutes ago, I am aware of the timeframe, and how many shipments there would be to handle the nuclear waste involved in the projection for being a repository of Yucca Mountain?

Mr. MURKOWSKI. That Department estimate is 175 annual shipments to Yucca Mountain.

Mr. SPECER. Over how long a period of time?

Mr. MURKOWSKI. Over 24 years; that is 4,300 shipments. In comparison to 300 million hazardous material shipments that take place annually in the United States today with no notice given because these are military shipments associated with the breakup of reactors, most associated with our nuclear Navy fleet.

That is strict guidelines for the Nuclear Regulatory Commission and the Department of Transportation. In testimony before the Senate Energy Committee, both the NRC and DOT testified they can and will take all precautions necessary for safe and secure transportation. As I am sure the Senator from Pennsylvania is aware, the transportation is in nearly impenetrable casks. For every 1 ton of spent fuel there are 4 tons of protective shielding. The casks have to pass the test to ensure there will be no breach. Tests show they can withstand a 120-mile-per-hour crash into a concrete wall and prolonged exposure to fires at 1,000 degrees.

Some of that will depend, of course, on routing and volume. But 175 shipments is a responsible estimate.

Annual numbers, as I indicated, depend on transportation plans and the combination of truck or train is not yet decided. This will be decided under the licensing process. It is fair to say we will have another opportunity for input on the adequacy of the transportation plan on the licensing process is undertaken. The action of the Senate today will lead to that next step.

Mr. SPECER. Madam President, when I inquire as to the next step, the
Senator from Alaska comments we will have another opportunity to make an inquiry. Will these procedures, if I may inquire of the Senator—

Mr. MURKOWSKI. It is my understanding—

Mr. SPECTER. Let me finish the question.

Having been here for 22 years, having come to the Senate the same day, we can almost communicate without speaking very much. But my question goes to the issue of another vote here. You say we will have another opportunity. Will there be something presented to the Senate where we have an opportunity to vote on our views as to the adequacy of the safety procedures?

Mr. MURKOWSKI. It is my understanding there will not be another opportunity for a vote. The licensing process is a procedure under the Nuclear Regulatory Commission that will examine and certify the safety of the transportation mode, but there will not be another opportunity for a vote.

Under the rules of procedure we have outlined, this is quite explicit. It allows the licensing process to go ahead. The licensing process will determine the adequacy of transportation and safety. We should recognize we have moved nuclear waste, military waste—primarily military waste—throughout the country for many years and have done it successfully. There is no reason to believe we cannot use transportation methods we have and technology we have to move high-level nuclear waste to one site as opposed to leaving it in 131 sites in 34 States.

Clearly, the Yucca Mountain provision which identifies it at one central location and without transportation, obviously, is going to have to stay in the States where it currently is located, which were not designed for a permanent repository.

Mr. SPECTER. Madam President, another question. In the absence of a vote, my question to the Senator from Alaska would be, What congressional oversight is possible? Sometimes licensing procedures are fine and sometimes they are not, but they do not have the assurance which this deliberative body can apply.

So my specific question is, What level of oversight would the Senator from Alaska envisage with the licensing procedures?

Mr. MURKOWSKI. I would like to give my friend from Pennsylvania the comfort that suggests we are the parties in making a determination of safety. We certainly have the obligation of oversight. But the appropriate agencies that have this responsibility are the Department of Energy, the Nuclear Regulatory Commission, and the Department of Transportation.

They have the obligation to address, if you will, transportation procedures, safety, routing, the manner in which casks are stored and safeguarded. It is fair to say that the National Academy of Sciences is a participant in the process as well.

What we have is the very best science, engineering, and technology to address the legitimate concerns of the Senator from Pennsylvania. I personally believe they have the expertise, the experience, and have certainly a record that suggests they have not been the accident. It does not mean there couldn't be, but all the necessary precautions within reason have been taken.

Of course, in comfort to the Senator from Pennsylvania, again, we have legitimate oversight of the agencies I have named and will continue to have and maintain that which I would hope would be sufficient to meet the concerns of the Senator from Pennsylvania.

Mr. SPECTER. My final question relates to the issue as to the precautions in the event, perhaps unlikely, that there would be an accident. What assurances are there, if it should happen, for example, in Russell, KS, my home-town—what could happen in Alaska could happen in the hometown of the Senator from Alaska—

Mr. MURKOWSKI. If I could respond, I would almost make sure the waste would not go through my State or through Russell, KS.

Nonetheless, it is a legitimate question. In the Nuclear Regulatory Commission proceedings there is obviously work in progress where there would be a response procedure associated with any inevitability of an accident at any time. That is part of the responsibility of the Nuclear Regulatory Commission, and they would work, of course, with Federal and State agencies to respond.

It would involve the Department of Transportation and the Department of Energy. These procedures are already established.

Again, recognizing the movement of this waste over a period of time, there would be an increased degree of sophistication because, unlike military waste, which moves with little notice, clearly it would be known when nuclear waste from reactors to the Yucca Mountain site so there would be special escorts, special procedures, and so forth, to safeguard it because it wouldn't be done without the knowledge, obviously, of the public.

What precautions are taken are outlined in the spent fuel transportation procedure, which has been put out by the Department of Energy, Office of Public Affairs. I would be happy to share this.

It is a lengthy list of what precautions the Government has taken in transportation routing. It covers routing, it covers security, it covers tracking, it covers coordination with State officials, as well as State participation. It involves training procedures. It involves what the Government is doing with emergency procedure assistance. It identifies the specific States, proposed routing, casks, and so forth.

For the specific question here by the Chairman, Mr. Mesarve, of the Nuclear Regulatory Commission. It reads as follows:

Federal regulation of spent fuel transportation safety is shared by the U.S. Department of Transportation and the Nuclear Regulatory Commission.

It relates to the transportation of all hazardous materials. It further goes on to say:

For its part, NRC establishes design standards for the casks used to transport licensed spent fuel, reviews and certifies cask designs prior to their use. Further, cask design, fabrication, use and maintenance activities must be conducted under an NRC-approved Quality Assurance Program.

NRC has reviewed and certified a number of package designs.

We believe the safety protection provided by the current transportation regulatory system is well established and they continually examine the transportation safety program.

I think that pretty much addresses the input, the testimony at the hearings by those responsible for oversight.

Mr. SPECTER. Mr. President, I think the Senator from Alaska will yield for those responses.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER (Mr. MILLENER). Who yields time?

Mr. ENSIGN. My final question relates to the issue as to the precautions in the event, perhaps unlikely, that there would be an accident. What assurances are there, if it should happen, for example, in Russell, KS, my home-town—what could happen in Alaska could happen in the hometown of the Senator from Alaska—

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Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. ENSIGN. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. ENSIGN. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. MURKOWSKI. I am happy to yield.

Mr. ENSIGN. While the Senator from Pennsylvania is still here—this was part of the hearing. I think it is something important for us to get cleared up.

The 175 shipments per year the Department of Energy—and you have mentioned this morning that has been a common number that has been tossed around. The piece of paper I have in my hand is page J–11. It is from the final EIS statement. I am sure your staff has a copy of this. This is part of the final EIS statement from the Department of Energy, table J–1, a summary of the estimated number of shipments for the various inventory, national transportation analysis scenario combinations.

They go through the various types of ways that we would ship and the minimums and maximums.

From what I understand, the 175 per year would be if every shipment was in dedicated trains, which the Department of Energy so far has been opposed to because of the expense of dedicated trains.

The other thing is that we have no rail built in Nevada to make possible the rail segment or the rail scenario. You have to have the rail built in Nevada to be able to go from rail to rail, and there is no rail leading to the Nevada Test Site.

The reason I bring this up, and the reason I would like at least to have this on the record as part of the Senate debate is because it is huge amounts
more of shipments, from what I understand, unless it is all dedicated trains. Is that the Senator's understanding?

Mr. MURKOWSKI. I think, in response to my good friend from Nevada, he has understood where we are. The licensing plan will address the legitimate concerns because there is no rail into the area. That is going to come under the licensing plan. But there is a Union Pacific route that is adjacent to the area. It would not be difficult to put a spur in. This was discussed and so forth.

Mr. ENSIGN. It is about 400 miles it has to go. 300-some depending on the route, it may have to go, from the Union Pacific to the Nevada Test Site.

Mr. MURKOWSKI. This line of consideration, while appropriate, is really part of the transportation plan which will come out of the licensing procedure. That is not what we are here for today. We are here to advance the process so the appropriate agencies can address if they are going to issue a license. They might not issue a license. But what we are doing is giving the authority for the administration to proceed to try to obtain a license. That will be from the Department of Transportation from the Nevada Regulatory Commission, and it will be from the Department of Energy. And they will address the questions of how access is provided, whether it be by rail or certainly truck is available as well; we can certainly talk about these things, but these are all proposals that are going to be addressed in due course.

Mr. ENSIGN. Mr. President, if the Senator will continue to yield, the reason I brought it up and the reason I thought the question of the Senator from Pennsylvania was so appropriate is because this stuff that may be proposed is very important, first of all, because the cost of rail is not included in the Nuclear Waste Policy Act. The cost of all the shipments from the Nevada Test Site is not in the budgetary projections.

The second thing is that if a Senator is voting on whether this thing is going through—in other words, if I am a Senator from Pennsylvania, and I have a couple of nuclear powerplants, but I know I have a lot more shipments may be coming through my State—if I think there are only going to be 20 shipments a year through my State versus maybe 1,000 shipments through my State, that may make a difference on how I would vote.

Mr. MURKOWSKI. Mr. President, if I could point out, I do not mind responding to questions, but we are divvining time here. It is important, if the Senator from Nevada wants to speak, it is on his time.

Mr. ENSIGN. That is fine. If Senator Reid has control of the time, it is fine with us.

The PRESIDING OFFICER. The Senator from Alaska controls 116 minutes, and the Senator from Nevada controls 125 minutes.

Mr. MURKOWSKI. Mr. President, I understand that after the Senator from Nevada speaks, the Chair will recognize the Senator from Idaho.

Mr. REID. When the Senator from California is here, I have explained to the Senator from Idaho that she would go first.

Mr. MURKOWSKI. That is fine.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, if the Senator from Alaska would engage, I think it is an important part of our discussion.

The point I was making was that if a Senator were worried about transportation coming through their State—it seems to be one of the biggest issues, and I think it should be one of the biggest issues, if people are thinking about the way they are going to vote on this issue—it is important to know how many shipments, or approximately how many shipments, or the types of shipments that are going to be coming through the State.

As the Senator from Alaska has said, that is going to be determined in the future. But as was pointed out, the only chance for the Senator from Pennsylvania to vote is today. Today is the only chance to vote on whether or not I have 20 shipments coming through my State or whether I may have 100 shipments coming through my State. The numbers can be that different.

Once again, based on table J-1 on page J-11, in the final EIS report, if we have a mostly truck scenario just on one of those proposed actions, we would have 52,000 shipments over the period. But I would have 106 minutes, and I cannot in good conscience do anything more than submit what we have been given as an estimate of the number of shipments. I will not make a determination as to whether that is fact or fiction. That is the best estimate. There is no reason to believe it should not be relatively accurate.

Mr. ENSIGN. Mr. President, reclaiming my time, the Senator said there were the 175 shipments as a statement of fact. He said, as a matter of fact, he is relatively sure of that statement. Because he said he was relatively sure of that statement—

Mr. MURKOWSKI. I think in this interpretation I used the word 'estimate'—an estimate. It is all it can possibly be. It couldn't be anything else other than an estimate because it is has not shipped.

Mr. ENSIGN. Except, according to the EIS—and I don't know whether the Senator from Idaho will address this—on dedicated rail, it is around 175 shipments per year. According to their EIS, they don't use 175. That is only if it is dedicated rail.

Mr. MURKOWSKI. If I may respond to the Senator from Nevada, that may be only dedicated rail. There are other alternatives other than rail.

Mr. ENSIGN. Correct.

Mr. MURKOWSKI. What those might be determined by the licensing process. He said, as a matter of fact, he is relatively sure of that statement. Do we want this waste to stay where it is or do we want to move it to one central repository? You don't get it to a central repository and out of the States unless you move it.

Mr. ENSIGN. Mr. President, I understand my time is up. I think this is an important question which we will have to deal with a little more this afternoon. I yield the floor so the Senator from Nevada may take it.

Mr. REID. Mr. President, the Senator from California is not here. I ask the Senator from Idaho to yield time to the Senator from Alaska.
Mr. MURKOWSKI. Mr. President, might I ask how much time the Senator from Idaho is going to take? Mr. CRAIG. I will consume the remainder of the time.

Mr. MURKOWSKI. I yield the remainder of the time for this morning to the Senator from Alaska.

THE PRESIDING OFFICER. The Senator from Idaho is recognized for 15 minutes.

Mr. CRAIG. Mr. President, already this morning we have seen an example of the kind of record that is attempting to be made in part by the Senator from Nevada who would, first, argue a procedural issue that I and others, including renown Parliamentarians, argue does not exist. Clearly, the Nuclear Waste Policy Act of 1982 established an extraordinary procedure—not a precedent-setting procedure. Parliamentarians have agreed that is the case.

But even today, as the Senator from Alaska did, the Senator from Nevada is making a willing to shape that to accommodate the Senators from Nevada to allow debate on a motion to proceed prior to that vote. Clearly, the majority leader was not engaged on the floor. He already engaged us by saying he would not vote. He has walked away from his responsibility, if in fact it was there. I would argue that it was not there. Any Senator, by an act of Congress and by the law of the United States could have done this.

When we talk about precedent-setting action on the floor of the Senate as it relates to the rules of the Senate, we talk about the normal processes of configuring the schedule. I agree with the junior Senator from Nevada on that statement. This is not a precedent-setting action today. In fact, I think those who have observed it have recognized the kind of flexibility and give and take and the responsibility that this Senate had to take under the 1982 law.

I believe the record will be complete. I do not believe that complete record in any way can or will demonstrate that future Parliamentarians would argue that a precedent has been set. Quite the opposite has happened. The Senate of the United States voted in 1982 to establish a process. Therefore, the Senate collectively spoke. It was clear in its speaking that a motion could be placed. And the reason they did that was that they did not want a single person, a majority leader, Democrat or Republican, blocking the responsibility of the Federal Government as it related to a necessary step in the process of determining whether this Nation would establish a deep geologic, high-level waste nuclear repository. That it was more important than one Senator, in that case the majority leader.

It set in place a time schedule. It even gave the States of Nevada and two Senators are on the floor speaking in behalf of phenomenal power—the power to veto. They have vetoed this. But even in that case, it did not allow a total State prerogative because this is a national issue of very real importance. And that is why we are on the floor today.

We can debate procedure, if we want. But I think that is clear and it has been established, and several Parliamentarians argue on either side of the case.

What is clear is a law, and a law clearly stating and a law being passed by the Congress itself and signed by a President that is very important. It is from that law that we act today. But because, as the Senator from Nevada has spoken, and we believed it most important to accommodate my colleagues from Nevada—as I would want to be accommodated if this were happening in my State—we have given that kind of flexibility inside the law by a unanimous consent. And it is under that action that we are currently debating Senate Joint Resolution 34.

Mr. President, are we doing today? What are we doing today? We are taking another step forward. This action today does not, in itself, establish a deep geologic repository for high-level nuclear waste at Yucca Mountain in Nevada. It says that we, the Senate, agree with the Department of Energy that something has gone forward to determine the minimum standards and capabilities of geology and water tables and all of those kinds of things to meet tremendously high level protocol, and now we hand it forth into the next step, and that is licensure.

The Senator from Pennsylvania is concerned about transportation, as he should be. But the Senator from Alaska responded appropriately. That is part of a very meticulous effort at licensing a facility, how it will be constructed, under what conditions it will be constructed, how the waste will move from the State of Pennsylvania or from the State of Idaho to that facility.

Yes, we have ample oversight capacity and capability, and we ought to exercise it. I serve on the Energy Committee from which this resolution came. I want to make sure the Nuclear Regulatory Commission handles that transportation portion of the licensing well. We also have multiple jurisdictions—the Department of Transportation. Therefore, Environment and Public Works will have some say in overseeing it.

Will there be another action or another vote? No. That is not prescribed within the law. But I also know the State of Nevada is not through either. They will exert phenomenal oversight, as they should, as this process goes forward if—if the Nuclear Regulatory Commission determines that a license is appropriate for this facility under all of these kinds of conditions.

I would suggest that we have also spent $4 billion. And $4 billion is an important figure. It was not our money. It was taxpayers’ money. It was ratepayers’ money from the 39 States that have commercial nuclear reactors operating power-generating facilities who have paid into a fund to take us this far, a fund that continues to grow, and a fund that will, in large part, finance the construction and the operation of this facility.

Now we are taking the next step, the important step. I must tell you, a vote today on a motion to proceed is a vote to take the step or to not step at all. If we do not, we step back 20 years—20 years—into a debate on how to manage high-level nuclear waste with commercial facilities, and temporary repositories filling up with waste as we speak.

Do we say, if we do not speak today, there will be no future for the nuclear industry in this country? Well, we certainly say we have no resolution of how to manage its high-level waste stream, except to leave it in well over 100 facilities spread across 39 States.

Do we want to walk away from that industry today, as we will if we vote down a motion to proceed? Or do we want to take a step forward in a licensing process that says the whole industry can move to, potentially, a future opportunity of even higher volume of high-quality electrical energy—are recognizing that, at least under current and immediate-future technology, the nuclear industry is the right industry to turn to for advanced generation.

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The Senate from Nevada speaks about nuclear waste transportation and the safety of local communities and all Americans. We have a right to do what is responsible to keep it out of our populated areas, to move it in appropriate fashions in less populated ways.

The Senator from Nevada speaks about the Department of Energy's responsibility to address the safety of nuclear waste transportation. He notes that the Department of Energy has had years to develop such a plan, but them have failed to act and failed to organize and responded to a highly regulated, highly controlled, and monitored transportation system.

Those are the realities of where we are today with this industry and where we are today with the volume of nuclear waste, high-level spent fuel nuclear waste that is building up in repositories across the country. It isn't damage that if you do and damned if you don't. It is a responsible and important step to take to move this resolution through to a licensing procedure which will then have full transparency, which will then have the ability of the Senate of the United States and the House to do the kind of oversight necessary to make sure that we can recognize what both Senators from Nevada, who are in the Chamber, need: The best assurance possible, in a zero sum game, if you can get there, that this has been done to the maximum capability of the existing talent of the best we have to offer.

The 10,000-year protocol established all of those kinds of things that meet the standards that are so critically necessary to do what is right and responsible for this country: store our high-level waste in a deep geologic repository; cause the next step to happen; advance the future of the nuclear industry; advance clean electrical energy for our country well into the future.

It is a responsible act that the Senate undertakes today to allow that very kind of thing to happen. I hope this afternoon, when we have an opportunity to vote on the motion to proceed, which, in fact, is a vote on whether we will allow the process to go forward, a majority of the Senate will vote in favor of that motion to proceed.

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RECESS

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APPROVAL OF YUCCA MOUNTAIN REPOSITORY—MOTION TO PROCEED—Continued

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attacks, and how local communities through which the waste would travel would manage the risk. That is why the Conference of Mayors passed a resolution just this past June expressing serious concerns about the issue and urging the Congress to prohibit the transport of waste until all alternatives are considered. It is critical that the DOE's proposal be full. It is important that we have a plan. A zero accident goal would manage the risk. That is why the Department of Energy has elected to force the issue before all concerns can be met first. I will ask for 10 minutes; Senator T. H. Thomas, 10 minutes; Senator Kyl, 10 minutes. I would like to reserve some time for myself, about 20 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I will say quickly that this document about which my friend from Alaska refers is not worth the paper on which it is written. It talks about what happens on trains—they have no trains at Yucca Mountain, 100 miles from any train. This piece of trash—and that is what it is—is typical of what the Department of Energy has done. It is one big lie after another big lie.

As indicated by anyone who looks at it, there are 292 reports that they did not even wait to see what the answers would be. The General Accounting Office said that, not some radical environmental group—the General Accounting Office. So the statements of my friend from Minnesota are directly on point. This means nothing.
Madam President, in keeping with having some degree of preciseness on the floor—I will be happy to yield some time to my friend—I am going to yield 10 minutes in a minute to the Senator from Minnesota and then it is my understanding the Senator from Alaska will yield 10 minutes to the Senator from New Mexico, and following that, I will yield 10 minutes to the Senator from California, Mrs. Boxer, who almost made it here this morning. Then if the Senator from Alaska has somebody to speak, that fine; otherwise, I will yield time to the Presiding Officer, who will be out of the chair at that time, just to give an idea of how we are proceeding.

How much time does the Senator from Minnesota wish before I yield to his colleague?

Mr. Wellstone. I say to the Senator from Nevada, 1 minute.

Mr. Reid. I yield my friend 2 minutes.

Mr. Wellstone. Mr. President, I say to my colleague from Alaska, I have over and over—my position is a somewhat different position than the Senator from Nevada—over and over I have said do not separate Yucca Mountain; put $7 billion into it. Why not lay out a comprehensive plan about how you are going to transport this safely to Yucca Mountain? That has been my issue over and over. I have asked the Department of Energy when will there be such a plan? Two years? Three years? Four years? I think we are now talking about several years in the future.

I want to make it crystal clear to me that to vote for Yucca Mountain without those assurances, without the assurances about how it is going to be done safely, without the input of local communities, without the commitment that people will be trained, without any of those assurances whatsoever, it seems to me to be not responsible. That is my first point.

My second point is to one more time say to my colleague and say to all colleagues, though there are those who would have us believe Yucca Mountain will eliminate Minnesota's nuclear waste, as a matter of fact, according to the draft environmental impact statement by the DOE, we still will have 111 and 344 metric tons of high-level nuclear waste in Minnesota onsite at Monticello and Prairie Island. I yield back to the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. Reid. Madam President, a little simple math: 77,000 tons now exist. They can move at most 3,000 tons to someplace; let's say Yucca Mountain. These reactors produce over 2,000 tons. I repeat, the math is not very much. The big lie has been the fact that they say they are going to have only one repository. They will continue to have 131, plus the mobile Chernobyls that will be all over America on trucks, barges, and trains.

I yield 10 minutes to the Senator from Minnesota.

Mr. Dayton. I thank the Chair. Madam President, I thank my very distinguished colleague from Nevada for granting me time. I join my senior colleague from the State of Minnesota who spoke very eloquently before me. I have come independently to the same conclusion as he that I will vote against designating Yucca Mountain as a national nuclear waste repository at this time.

I do so because there are simply too many unanswered questions, untested designs, and unproven procedures to approve that has such enormous consequences.

Building a safe and secure storage site at Yucca Mountain and then filling it with some 77,000 tons of nuclear waste will take the next 30 to 40 years. That is the rest of my generation's lifetime.

Throughout those three and four decades, the design, the construction, the loading, the unloading, and the safe transportation of over 150,000 pounds of extremely poisonous nuclear waste must all be done perfectly—at least almost perfectly. One accident, one rupture, one attack would have devastating effects on the lives of people today and for so long as one look at a victim of the Chernobyl nuclear accident would confirm.

That is the easy part, those 30 to 40 years. Now those 150,000 pounds or as much as 200,000 pounds of radioactive waste has to be stored, contained, and isolated perfectly—almost perfectly—for thousands of years.

That it must be nearly perfect does not mean it is unattainable or unsustainable, but it does mean that the standards must be very high. The standards of reliability, of proven technology, of public safety must be extraordinarily high. They must be met and maintained with certainty, and that certainty must be guaranteed to the American people.

This project is nowhere near that standard today, not even close. That is why we should not even be considering the approval we are being required to give or to deny today. This is not what the law intended, and I believe wisely so. I was not here in 1982 when the law was passed, but clearly the lawmakers intended, and I believe wisely so, that Congress's final review of this project would be within 90 days, or very shortly before the Department of Energy made its application to the Nuclear Regulatory Commission; in other words, after all the testing and design and evaluation had been completed. Today we can do nothing more, if we are so inclined, to say it looks OK or it does not look OK. A lot more has to be done.

As the Senator from Nevada pointed out correctly, the Department of Energy has still almost 200 tests and assessments remaining that it agreed, itself, with the Nuclear Regulatory Commission would have to be completed before the Department of Energy could even submit an acceptable application for site construction to the Nuclear Regulatory Commission. Just to develop an acceptable application, it has to complete some 200 tests and assessments. Then the Nuclear Regulatory Commission has up to 4 years to review. There is no one else who has the expertise beyond ours and is associated with this project who maintains it is likely to begin to be considered.

Why are we put in a position of acting on it today? Why even consider approving it today?

Given those high standards that are necessary, some of the recent critiques of expert advisory boards and commissions are truly alarming. A January 24 letter of this year to Congress by the U.S. Nuclear Waste Technical Review Board stated:

The Board's view is that the technical basis for DOE's repository performance estimates is weak to moderate at this time.

Weak to moderate is a long way from perfect.

In a September 18, 2001, letter to the Chairman of the U.S. Nuclear Regulatory Commission, the Advisory Committee on Nuclear Waste documented its review of the Department of Energy's performance modeling called TSTA–SR. The committee’s “principal findings are that this system does not lead to a realistic risk-informed result and does not inspire confidence in the TSTA–SR process. In particular, the TSTA–SR reflects the input and results of models and assumptions that are not founded on realistic assessment of the evidence. The consequence is that TSTA–SR does not provide a basis for estimating margins of safety.”

Others who have written and raised similar questions and concerns. I believe we should say no to the Yucca Mountain site today, not to remove it from further consideration but we should not commit ourselves to a decision that will affect the lives of millions of Americans today and for generations and generations to follow based on insufficient evidence, inadequate testing, unproven designs, and untested strategies. In a sense, the Senate would be put in a position to make that attestation today which...
no one could responsibly make about this project, particularly given this level of assurance that the American people deserve.

Finally, as to the citizens of Nevada, they have been remarkably, extraordinarily endured by the two Senators from that State, Senators REID and ENSIGN. We preside in the Senate in inverse proportion to our seniority, which means I—being 100th in seniority—spend as much time presiding as anyone else; I therefore have a chance to observe, and I believe that the tireless pursuit of every Member of this body to discuss and to reason and implement tirelessly the principles of this project, particularly given this hearing record before us justifies a decision, in my view, to terminate the program.

Looking for another site, without allowing the Nuclear Regulatory Commission to consider Yucca Mountain, to consider an application for a license to use Yucca Mountain, is not a realistic course of action. We have spent 20 years; we spent $4 billion looking at Yucca Mountain already. No one has found a technical or scientific reason that makes it unsuitable as yet. We are not going to find a better site next time, but, of course, if the Nuclear Regulatory Commission determines that another site has to be found, then we can take on that task.

The Committee on Energy and Natural Resources, which I chair, of which my colleague from Alaska is the ranking member, carefully considered the arguments against the repository that have been raised by opponents of the project. I am the first to admit that I do not favor just kicking this can down the road and leaving it for someone else to act. In sum, a vote for the motion to proceed and to approve the resolution is a vote to stop the program in its tracks, to leave the waste where it is with no alternative strategy for finding another site, and, frankly, with little or no chance of putting together a political consensus to find another site in the foreseeable future.

Based on these reasons, I urge my colleagues to approve the motion to proceed and to approve the resolution.

Mr. REID. I will yield to my friend from California in a minute, but this is another one of the fallacies of this
whole debate. Isn’t it too bad we have worked on it all this time, and if it doesn’t go through, what are we going to do?

Chairman Markey of the Nuclear Regulatory Commission said less than a month ago that Yucca Mountain were to fail because of congressional action, that does not mean all of a sudden from a policy point of view that the country is at a stalemate and is confronting a nuclear disaster.

Of course he would say that. We have nuclear reactors around the country that are using their facilities to store the waste onsite—safely, in dry cask storage containment. You don’t have all the worries of transportation. It is safer than trying to haul this stuff past our schools and homes. This is an argument that is without foundation. It would not mean the end of the nuclear world at all.

I yield 10 minutes to the Senator from Nevada.

Mr. REID. I am excited to introduce my friend from California, Senator DASCHLE, who will speak on the nuclear waste issue.

Mrs. BOXER. I say to my friend from Nevada, Senator Reid, I am amazed we are debating this issue. I am amazed we are debating this issue. The Department of Energy doesn’t tell us what the final plan is. You know why? It is because of the outcry in the country when that final plan comes forward.

Since 9–11, we have a whole other area of concern and that is taking this waste from all over the country and putting it on trucks or trains and shipping it across this country. It is an absolute disaster waiting to happen. This is a long time ago that it has been cooled for—

Mr. REID. I respond to my friend from California, National Geographic this month has a wonderful article on nuclear waste. Among other things, it confirms what we have known for a long time. The nuclear reactors in America and around the world are 97 percent inefficient. That means you put in a fuel rod in a nuclear reactor and when they take it out, it still has 97 percent of its radioactivity. It has only used 3 percent.

The nuclear reactors are so inefficient they have to take them out of the reactors and put them in water. You cannot take them out of the water for at least 5 years for them to cool down.

Mrs. BOXER. I thank my friend. I think my colleague must have shown this waste to move. We have given the airlines billions of dollars. We are spending so much to make airports safe and here we have this administration, the energy policy this administration came up with. Does the Senator suggest that is probably true?

Mr. REID. I felt so strongly about that issue that I filed an amicus curiae brief joining with the GAO to have him divulge that information. I will bet a significant number of the 261-plus companies met with him to develop the energy policy this administration came up with. Does the Senator suggest that is probably true?

Mrs. BOXER. Given the track record of this administration in terms of its energy policy and the President’s lack of anything very exciting in terms of how we are going to regain the confidence and trust of the people, it is very possible—indeed, probable, in fact—that these companies, or certainly their representatives, met with the Vice President. I will tell you, when that comes out, we will know even more why, even after 9–11, they had this plan.

This is just one area—Sacramento. I want to show you Los Angeles. We are not talking philosophy or ideology. We are talking about the hottest, most dangerous waste known to humankind coming near schools and hospitals in my State and in almost every other State.

Again, the red area is within 1 mile of the route. The yellow area is within 3 miles. The light yellow area is within 5 miles. We have 446 schools within 5 miles of these routes. Is this what we owe those little kids? Is this what we owe them? Are they going to close the school down when they transport this near by? There are 23 hospitals within 5 miles.

I am amazed we are debating this issue. I am amazed we are debating this issue. The Department of Energy doesn’t tell us what the final plan is. You know why? It is because of the outcry in the country when that final plan comes forward.
Attorney General Ashcroft has said we should worry about a “dirty” bomb. And we all do. We already know it has been disruptive. That is a “dirty” bomb. That is material that doesn’t even come close to the danger of this material. I want to give you the facts about what happens in California with the transportation of this waste.

We have 35 million people in our State. Seven million people in California live within 1 mile of the proposed route.

I ask my colleague for 5 more minutes.

Mr. REID. I yield the Senator from California 5 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 more minutes.

Mrs. BOXER. There are 231 hospitals within 1 mile of the proposed route. There are 3,500 schools within 1 mile of the proposed route. Nuclear waste shipments go from Texas over the life of the project, if done by truck, will be 14,000-plus; if done by train, 13,000-plus; 2,040 metric tons of nuclear waste at facilities throughout California now—which means that even with the Yucca Mountain we are going to have nuclear waste, which is also the case with most of our States.

Our Attorney General had a press conference about the potential of a “dirty” bomb. We worry about where the terrorists are going to get this material. This administration has been backing the transportation of the most dangerous nuclear waste and not even mentioning 9/11. It is almost like a Rip Van Winkle situation when it comes to Yucca Mountain. Well, we have done it; we spent the money; and, we have invested it. It does not matter—9/11, or anything else. You could have another terrorist and it would still be here for Yucca Mountain.

Loud special interests are behind this vote. The only way you can come to any other conclusion. I will tell you some of the people who oppose this. I mentioned the PTA. I will give you some more: The Alliance for Nuclear Accountability, American Land Alliance, American Rivers, American Public Health Association, Clean Water Action, Environmental Action Foundation, Environmental Defense, Fellowship of Reconciliation, Friends of the Earth, and the Government Accountability Project. It goes on: League of Conservation Voters, International Association of Fire Fighters.

Do you want to be a fireman and get called to a fire when one of these accidents happens? The Department of Energy has said they know already there are going to be accidents. Is it 100 accidents? They predict that already.

The International Association of Firefighters knows what that could mean to their lives.

What are we fighting for here? I say to my colleagues, this is a moment of truth for every person here.

You could look at the United Church of Christ, United Methodist Church, Wilderness Society, and the Women’s Legislative Lobby in Washington. These are people who have spoken out. I ask unanimous consent to have this entire list printed in the RECORD.

There being no objection, the material was agreed to be printed in the RECORD, as follows:

**Organizations Opposed to the Yucca Mountain Nuclear Waste Dump**


Mrs. BOXER. Madam President, I want to conclude and say I could show you other charts that show the impact on other States. But I have made my point. This nuclear waste is going to go by our children, it is going to go by our families, it is going to go by our children, it is going to go by our homes, and it is going to go by our businesses. And post-9/11 we don’t even have the final plan.

I am proud to stand with my friends from Nevada. I am going to be in this fight if they need me because I believe there are some moments on this floor when you have to step up and realize you are here for a brief time, but decisions we make can come back to haunt us. I hope today people will think about that and vote with my colleague from Nevada.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MUKROWSKI. Madam President, let me joint from two or a couple of facts that perhaps some Members have not reflected upon.

There are no proposed routes. There are only potential routes.

While the Senator from California points out routes around Sacramento or Los Angeles, they have simply taken every major route that has the potential of moving nuclear waste and said this is, in fact, a proposed route.

That is hardly accurate. It is fair to say there is no sanitation route yet. What opponents have done is they have selected every major highway in the U.S. and simply called it “proposed.” That is certainly stretching things to suggest it is going to go by hospitals. It is going to go by schools.

Clearly, there are efforts being made by the responsible agencies. If we create these agencies, we have the oversight. If we do not have the faith in them to do their job—the Department of Transportation, the Department of Energy, the Nuclear Regulatory Commission—are we to micromanage, if you will, when waste has been moving safely across this country for decades, and to suggest that somehow we cannot move it safely?

California is 17-percent dependent on nuclear energy. I am looking at a spreadsheet. Cumulative spent fuel, in California, at the end of the year 2000, was 1,954 metric tons, not including 98 metric tons from the San Onofre Nuclear Reactor. There are 403 metric tons at shutdown reactors, 11 metric tons in dry storage. It is going to stay there unless it is going to be moved somewhere. It has to be moved by a route. It has to be moved safely. Is it going to be moved by train or by highway?

Clearly, we have moved 2,700 shipments in 30 years 1.7 million miles, and with not a single harmful release of radioactive material. We have 70,000 tons of California transported safely over 25 years. So this isn’t something that has just happened.

We have moved high-level nuclear waste across this country. Now we are talking about moving waste out of our jurisdiction. We are talking about doing it responsibly.

Some of these arguments—we have heard the term “red herring.” Well,
Mr. THOMAS. I think about 10 minutes, please.

Mr. MURKOWSKI. I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, this is an issue we have talked about for a good long time. Some of the things I have heard today are quite different than what we have talked about before. Never to anyone is entitled to their own views. I think, as has been mentioned, we ought to remind ourselves what the purpose of this particular vote is about. It is to make it possible for the Secretary to go forward for a license to construct a site at Yucca Mountain. If this fails, then ever since the 1980s, 24 years of work, and $4 billion worth of expenditures will be halted and nothing more will happen.

This is not the final issue to be talked about. This is not the issue of transportation. This is the issue of whether or not to move forward and license the site, which will then provide the opportunity and the necessity of moving on to other issues, such as defining the transportation routes and dealing with the safety of transportation.

I think we ought to keep in mind what we are doing here and that is to authorize them to move forward in licensing the site. The site, of course, is one of the most important issues before us. It has been said a number of times that there are 131 different sites where waste is stored. Not all of those sites will be selected, of course, but many of them will. Those that have been Government used, that are not continuing to be used, will be gone. We will have fewer sites.

I do not hear anyone talking about solving the problem. All I hear about is avoiding coming to a decision. I think we need to ask ourselves which is better in terms of safety: to have it generally in one place or to have 131 different sites? How much security do you think there is in every one of these sites? If you are talking about September 11, you have to talk a little bit about having all these sites. We are trying to consolidate some.

So it has been interesting to hear the kinds of reactions that we have had. The site is there, of course, because Yucca Mountain is 90 miles from the nearest population centers. It is one of the most remote places in the country. The climate is conducive to storage. There are multiple national barriers in order that tunnels can be stored. There is great depth, 2,600 feet deep underneath, an ice sheet. So this is something that has been selected with a very great deal of study from a number of places. This is the one that was decided upon to be the best. So that is where we are.

It is interesting, all we hear about are problems. I think it is up to us to talk about some solutions. I hope we can do that. In fact, I think to say this Energy Department material is not necessary to Energy to ensure, as we have material been studied. Experts have put this information in there.

Some of the information we are hearing lacks a little bit. At the hearings we held, there was a gentleman who had been the previous head of highway safety who was talking about highways. I asked him who he was working for. It turned out he had been paid by the State of Nevada. Talk about people being in support of the idea and causing people to have their positions the way they are.

Let me talk a minute, though, about transportation. Obviously, transportation could very well be going through our State of New York, as the Senator from Alabama points out, those decisions have not been made. Everyone is talking about where it is going to go. That has not been decided. In fact, I have written a letter to the Secretary of Energy to ensure, as we move through this particular decision, that we will move on, then, to an equally difficult decision about transportation, and also to get assurance—which he has assured us—that the Governors and officials in my State of Nevada and the Senator from Alabama points out, those decisions have not been made. Everyone is talking about where it is going to go. That has not been decided.

In any event, we have talked a little bit about the history of transportation. It is very impressive. We have had 30 years of transportation of nuclear waste of various kinds without an incident. We have had that over 1.5 million miles. It is handled safely.

I was surprised. At the hearing, they had a sample of the kinds of containers that spent nuclear material is in. I had no idea, frankly, what it was. But they are in solid pellets, approximately the size of a pencil eraser. And they are secured in multiple layers of metal tubes. They are hard, and they are solid.

Nuclear waste is not fluid. It is not a gas. It will not pour or evaporate. It is in these big, hard vats that are set up for it. Nuclear waste, nuclear fuel does not burn, as a matter of fact. It is not flammable, even if it is engulfed in fire.

Spent nuclear fuel cannot explode. We sort of get the notion that it is going to go up in a big puff. That is not the case. It is transported in strong thick-walled casks, casks that have been dropped from 30 feet in a free fall from helicopters to be tested. And they have a puncture test with a special way to do it. They have flatbed trucks that will have a puncture test at 100-ton concrete wall at 80 miles an hour.

There is safety here. Safety, of course, is a high issue for all of us. No one would suggest it should not be. Most of it will be done by train, not on highways. These are the kind of issues we will have to deal with and we will deal with over a period of time.

We should start, of course, with dealing with the question. We have agreed, in 1982, to take care of this waste, particularly in the commercial uses that have been there. They have been taxed $17 billion to do something with it. What they are doing with it now is not the safest thing that can be done.

I know when you talk about nuclear, everybody swells with pride. None of the States that have nuclear plants says they have no nuclear waste. This is the case. It is transported in strong thick-walled casks, casks that have been dropped from 30 feet in a free fall from helicopters to be tested. And they have a puncture test with a special way to do it. They have flatbed trucks that will have a puncture test at 100-ton concrete wall at 80 miles an hour.

Again, in reference to bringing this up, I think it is to make it possible for the Secretary to go forward for a license to construct a site at Yucca Mountain. If this fails, then ever since the 1980s, 24 years of work, and $4 billion worth of expenditures will be halted and nothing more will happen.

On the other side, it is one of the cleanest kinds of electric generating fuels we can have. I guess if I have been impressed by anything in this discussion, it is that we haven’t really dealt with the problem of how we solve it. What we have talked about, what we hear about almost all the time, is how do we avoid making a decision on an issue that is there, and one that is obviously going to be there until we do something about it, until we follow through on what we agreed to do in 1982 and have not done since, and haven’t heard much about, as a matter of fact. We spent $4 billion in Nevada. We didn’t hear much about that. Fine.

With that, we can agree with this. Support this portion of the total decision that needs to be made, move forward on this site, and then deal with the other issues that come before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will yield to my friend from Michigan in a second. I do want to say, however, that of course the routes Senator Boxer talked about are those proposed by the DOE in their final environmental impact statement. They have said they are not sure this is the final transportation plan they will have, but that is what they have said so far.

Jim Hall, former head of the National Transportation Safety Board, said in testimony: What I find more shocking about the Yucca Mountain project is that DOE has no plan to transport spent nuclear fuel to its proposed repository.

Abraham testified last week that DOE is just beginning to formulate preliminary thoughts about a transportation plan, even though in
the final environmental impact statement they did give us these routes about which Senator BOXER and others have talked.

Puncture tests? Sure, there are puncture tests. We know a shoulder-ferred weapon through one of these canisters of spent fuel rods. We know that. The tests have been proven. We also know they don’t withstand fire. Diesel fuel burns at 1,400 degrees. They have only had these tests go up to 1,200 degrees. If you have a fire and a diesel truck is carrying this, it will breach the container.

The things we are being told simply have no validity. We talk all the time about all this dangerous stuff that has been leaked. Let me tell you about the WIPP facility. The WIPP facility is the waste isolation project in New Mexico. WIPP is the most highly planned nuclear shipment we have ever had. Yet the first shipment went the wrong way, 28 miles the wrong way, and was turned around by the local police department. The DOE satellite tracking system didn’t work. The truck was going 28 miles the wrong way. It turned around. It was 56 miles on a road on which they were not supposed to be.

Eighty percent of all traffic accidents are not as a result of anything going wrong with the equipment; it is human factors. That is what this is all about.

No harmful releases of radiation? That is laughable, Mr. President. There have been accidents, and there have been releases over these 2,700 shipments. Some of those have dealt with pounds of stuff, not tons. On one of these trucks, the canister alone was 10 tons. There have been releases over the years that they have been doing this. The DOE itself says there will be at least 100 accidents. That is in their proposed findings in the environmental impact statement.

I also want to say— and I want to vote against this with goodness in their heart. They are doing the right thing. This is not good for the country.

My friend mentioned France and Germany. They may have hauled a lot of stuff, but they haven’t hauled a lot of stuff lately because it has been stopped in its tracks. Germany has given up trying to haul it because people lie down in the streets and chain themselves to railroad tracks.

I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Miss STABENOW. Mr. President, I thank my colleagues from Nevada for their leadership on this very important issue for all of us. I know my colleagues on both sides of the aisle will join me in saying there is not a more revered Member of this body than our senior Senator from Nevada. I thank him for his leadership, his intelligence, his compassion, and his advocacy on this particular issue as well as many others.

When I was in the Michigan Senate, I helped to lead an effort to stop putting casks along Lake Michigan and our nuclear facilities because of my concern about the waste being along Lake Michigan. I certainly still have that concern. We lost that, and the waste is there.

On first blush, when I was in the House of Representatives, I thought supporting a permanent nuclear storage site at Yucca Mountain was a good idea. I want the waste out of Michigan. There is no question about it. My preference, if we could say, “Beam me up, Scottie,” would be to move the waste out of Michigan.

Unfortunately, by very close examination of the facts and information from the Department of Energy, their current documents, I have come to the conclusion that this proposal not only will maintain existing threats to the Great Lakes but will create new ones, new security risks, new environmental threats, new threats for Michigan families. I am deeply concerned about that and frustrated because fundamentally I want the waste out of Michigan. But I do not want to create more threats in the process.

It goes without saying what the world has changed since September 11. We know that. We hear that all the time from our President. We say that on the floor of the Senate practically every day. The world has changed since September 11.

Since the tragedies in New York and Pennsylvania and the Pentagon, we have administration officials who daily tell us that we are going to see further attacks. On May 19 of this year, the Vice President stated on “Meet the Press” that the prospects of a future terrorist attack against the United States are almost certain and not a matter of if but when. That should be a concern—and I know it is—for all of us. It should in some way be a shadow over every decision we make today in this body for our families, for the families we represent.

On June 10, as we all know—just a month ago—the American people became aware of a plot to potentially detonate a so-called “dirty” bomb which could kill thousands of people and send poisonous nuclear material throughout the air, exposing hundreds of thousands more people to nuclear radiation. This causes me to pause and look at what we are doing in a new light. September 11 and the ongoing war against terrorism has, in fact, put this in a new light for me. I have examined how the nuclear waste from Michigan’s storage sites would be transported across Michigan to Yucca Mountain and, unfortunately, I am very concerned there is not a plan by the Department of Energy to protect those shipments from terrorist attack.

I have asked the questions of our State government. I have asked the questions of our Department of Energy, and I am told, as we have heard over and over again, that the Department is only beginning to look at developing a transportation plan and designating transportation routes. Yet we are asked to decide today on this project without that information.

I am also very concerned the Department has not implemented any additional security requirements for transporting nuclear waste since 9-11 to ensure safety and protect the shipments from terrorist attack. In addition, I am very deeply concerned to find that there is no Government agency that has conducted full-scale physical tests of the casks that would be used to transport high-level nuclear waste to Yucca Mountain.

This is a new day. There are new questions and new tests that need to be taken in light of our current reality as Americans.

I am very concerned today, when I pick up the Washington Post and find that they further reveal that the EPA has been keeping under wraps a February 2002 report that said that they are not fully prepared to handle a large-scale nuclear, biological, or chemical attack. The EPA is the primary agency for providing support to State and local governments in response to a disaster. Nuclear powerplants operate in Michigan, and as nuclear waste will have to be stored in cooling pools, as indicated by my colleagues, on the shores of the Great Lakes for 5 years at a time so they can be cooled before they are transported anywhere. Much of the nuclear waste in Michigan will not be moved to Yucca Mountain that is a pretty big discovery for me. Most of the waste in Michigan will never make it to Yucca Mountain.

I also discovered, Mr. President, in my examination of the Department of Energy’s own documents, that most of the waste stored in Michigan will never make it to Yucca Mountain. That is a pretty big discovery for me. Most of the waste in Michigan will never make it to Yucca Mountain.

I want to talk to that new threat that, unfortunately, is in the environment impact statement the Department released just a few months ago.
which raised a tremendous red flag for me. The Department of Energy’s final environmental impact statement describes barging nuclear waste on the Great Lakes as a transportation option. Now, in fairness, they indicate that while more could be as many as 431 barges, shipment of nuclear waste on Lake Michigan, that is not their preferred option. I am glad that is not their preferred option, but, unfortunately, when writing the Secretary, he would not take it off the table as an option. In fact, he indicated that the Department of Energy “has made no decision on the matter.”

I cannot imagine putting high-level nuclear waste on barges and sending it across Lake Michigan. There is not a plan in the world that I would support to do that. The answer of the Department on this issue is simply not good enough. I cannot support any plan that includes a transportation option that endangers one-fifth of the world’s freshwater supply and the source of drinking water for the entire Great Lakes region.

Mr. President, today’s vote, unfortunately, will be the last time Congress will have a real voice on this issue. We cannot express ourselves as it moves through the regulatory process, but this is the time for us to say, yes, we know enough to move forward or, no, we do not. If we say no, we can ask that more information be given to us, that more tests be done, and that we receive assurances, such as I need, to know that there will not be, under any circumstances, barging on the Great Lakes. We can get that information and then we can proceed again.

This is not the end. We can proceed further—those of us who want more information, more assurances, and want to know that our communities will be safe and the environment will be safe. There is no reason we cannot work on getting those assurances and the plans in place first.

Based on my examination of the Department of Energy’s own documents, as well as further information, I do not believe this administration has a safety plan for transporting waste to Yucca Mountain that protects my citizens, Michigan families, or the Great Lakes. Therefore, I cannot support the Yucca Mountain resolution.

The PRESIDING OFFICER. The time the Senator has expired.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, let me point out that the State of Michigan is currently 18.2 percent dependent on nuclear energy. Currently, as of the State of Michigan, there are 1,627 metric tons of spent fuel of which 58 tons is in shutdown reactors, and 177 tons is in dry storage.

As a consequence of the alternatives we face, the recognition is obvious that if we are not to move this waste, it is going to stay where it is. The nuclear power generation in Michigan consists of four nuclear units: Cook 1 and 2, Fermi 2, and Palisades. As a consequence of the recognition that there are six storage locations covering the 1,623 metric tons, we have to address the reality of how much longer the nuclear plants can continue to operate without a permanent repository. That is what the contemplated vote is all about.

Questions have been raised by Members concerning the routing. Again, I point out the Nuclear Regulatory Commission routes all routes and security plans with States and tribes, including the Department of Transportation, Department of Energy and, of course, the Nuclear Regulatory Commission. For security, armed guards are required from the populated metropolitan areas if they are indeed selected. At the discretion of the Governor of each State, all shipments are required to have 24-hour escorts.

Tracking: The Governor of each State is now involved in advance of spent fuel shipments. These shipments are required to have an escort into the central transportation command facility every 2 hours to ensure that problems do not exist. All shipments are closely coordinated with the Nuclear Regulatory Commission and Federal law enforcement agencies.

As far as training, States and tribes have and will continue to receive Federal support for specific training. On the question of the Government doing with emergency preparedness assistance, since 1950, the Federal Government has had its own experienced teams of emergency responders. Emergency responders receive assistance and training from the Department of Energy, Department of Transportation, FEMA, and others, and are specially trained and prepared to respond to a variety of incidents and accidents, and DOD will continue to provide training to emergency responders. The Department has directly trained over 1,200 responders.

In addition, DOE has trained instructors and have provided training to additional emergency personnel in the State, tribal, and local response groups. Training materials have been distributed.

It is fair to say efforts are made to train local government entities. There is a misconception somehow that if there is an accident, there is likely to be a fire, some kind of an explosion. That is not the case. If, indeed, there is a penetration of a cask, which is extraordinarily unlikely, there will obviously be a fire and the area will be roped off. The material is very heavy. It does not blow around in the wind. Unless you get in and mess with it, why, it can be cleaned up by experienced personnel.

This is not a matter, as some suggest, that if there is a penetration, there is going to be a nuclear explosion of some kind.

Mr. President, I yield the floor and ask how much time is remaining on this side.

The PRESIDING OFFICER. The Senator has 62% minutes remaining.

Mr. MURKOWSKI. I thank the Chair. Mr. REID. Mr. President, I yield 10 minutes to the Senator from Missouri, Mrs. CARNAHAN.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mrs. CARNAHAN. Mr. President, when I speak to people throughout Missouri, security continues to be their primary concern. They are concerned about threats from abroad and about security in their daily lives—job security, health care security, retirement security.

In this day and age, when we are making extraordinary efforts to protect ourselves, people are more fearful than ever about shipments of nuclear waste through their neighborhoods and communities.

In Missouri, this is especially a sensitive issue because of our recent history of nuclear waste shipments. Two summers ago, Governor Graham succeeded in getting a shipment rerouted around Missouri. But last year, the Department of Energy scheduled another shipment to go through Missouri. The route the Government selected went through the most populated areas in the State, through the heavily populated suburbs of St. Louis, straight through Columbia, past Independence, and then on through Kansas City.

The Government’s plan would ship nuclear waste along Interstate 70 and Interstate 670 roads that are in disrepair. Interstate 70 through Missouri is one of the oldest stretches of Federal interstate highway in the Nation. The newest stretch is 37 years old. The oldest stretch is 60 years old. But the original design life was only 20 years.

I-70 is one of the most vital transportation corridors in the Nation. It is in need of more than just basic maintenance. It is in need of total reconstruction.

Everyone who travels over I-70 knows it is in horrible condition. The number and severity of traffic-related accidents along I-70 between Kansas City and St. Louis have grown steadily in recent years and will continue to grow with projected increased in travel. Unless the road is repaired and expanded, conditions will continue to deteriorate, congestion will increase, and transportation costs will rise.

There are two major highways that neither I-70 will remain in poor condition or, as I would prefer, it will undergo massive reconstruction over the next decade. Either way, I-70 should not be the superhighway for nuclear waste.

If Yucca Mountain is built, that is exactly what will happen. Preliminary estimates by the Department of Energy show that within a 25-year period, over 19,000 truck and 4,000 rail shipments of nuclear waste will go through Missouri on their way to Yucca Mountain. That is 19,000 trucks passing through St. Louis, Boone County, Jackson County, and many other counties across the State.
Unfortunately, the manner in which last year’s shipment of nuclear waste through Missouri was conducted does not inspire confidence in the way the Department of Energy handles these shipments. While the State of Missouri and the Department of Energy were negotiating about this shipment, the Department announced that it would not allow waste from a research reactor in Columbia, MO, to be shipped out of State.

The linkage of these two issues was inapposite. While Governor Holden was negotiating safety protocols, the Department was playing politics with nuclear waste.

I intervened to ensure these issues would be handled separately so that the Governor could continue to insist upon proper safety arrangements for the shipment.

After all this, the shipments showed up in St. Louis at rush hour and would have passed through Kansas City during a Royals baseball game. The shipment had to be held at the border for a number of hours.

In my view, we have not focused enough on the transportation issue to approve the Yucca Mountain site at this time. The transportation system has not been thoroughly tested for possible terrorist attack. The final transportation routes have not been selected, and security of the truck and train shipments has not been studied. There are no concrete plans for training emergency responders in local communities along transportation routes. And, as I mentioned, the roads remain in sad repair.

All these issues need to be properly addressed before I will consider voting to approve the Yucca Mountain site. It is more important to make the right decision than it is to make a quick decision.

Every nuclear reactor in the country has spent fuel. These storage facilities will continue to be used even if the repository at Yucca Mountain is built because the spent fuel that comes out of the reactor must cool for approximately 5 years. Most of these facilities will be upgraded and expanded if and when necessary, and in Missouri our single nuclear powerplant will not experience shortage difficulties until 2024. So there is plenty of time to upgrade and further expand its storage facility if necessary.

Before committing to ship tons of nuclear waste through the heartland, I believe we should spend much more time in determining whether we can transport this waste safely and keep these shipments away from our most densely populated communities. I am confident that is what the people of Missouri want.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. CRAPO. Thank you, Mr. President. I thank the Senator from Alaska for his graciousness in yielding me this time.

I rise today to add my voice and my strong, unequivocal support for Senate Joint Resolution 34, a resolution approving the permanent nuclear waste repository at Yucca Mountain, NV, notwithstanding the disapproval of the Governor of Nevada.

Before I get into my main remarks, I wish to talk a moment about my colleagues from Idaho, Senator Larry Craig, who, as a member of the Energy Committee in the Senate, has been tireless in his efforts to make certain that the procedural maneuvers and the substantive debate over this issue moved forward expeditiously and that we address the issues that the law provides so we can make certain the Yucca Mountain facility is able to maneuver forward into the permitting process.

As many of those who have debated today have already stated, this debate is not about whether to open the Yucca Mountain facility so much as it is about allowing the process of permitting to begin to take place. As my colleagues know, this is the required legislative procedure spelled out by the Nuclear Waste Policy Act of 1982.

In 1982, 20 years ago, Congress made the decision we should begin resolving this issue and set forth a series of legislative and other procedures that must be followed to assure that every question—that of national security, safety, of individual State rights, and all the other issues—were adequately addressed. As Yucca opens, this program will play a larger role for DOE and the INEEL.

Because of the history of the INEEL, located near my hometown of Idaho Falls, I have been involved in nuclear issues for many years. I visited Yucca Mountain and I have seen the dry, isolated location President Bush has recommended as the site for our Nation’s permanent repository for spent nuclear fuel and high-level waste.
Right now, across the Nation spent nuclear fuel is stored in temporary facilities near cities, homes, schools, rivers, lakes, and oceans. These temporary storage facilities were never intended for long-term storage, but they have become so dangerous at Yucca Mountain has bent over backwards to do all of the science needed to ensure permanent storage of nuclear waste at Yucca Mountain can be done safely. After spending billions of dollars, our Nation’s best scientists say nuclear waste can be sent to sites around the country, not just Yucca Mountain. No one can dispute the logic that it makes more sense for the environment, for national security, and for our Nation’s energy policy to store spent nuclear fuel in one isolated location in the desert of Nevada instead of leaving it scattered across the country at over 130 temporary facilities.

Some of the opponents of Yucca Mountain say we should not support S.J. Res. 34 and development of Yucca Mountain because we cannot safely transport this material. To these opponents I say we have safely sent thousands of shipments of nuclear waste across the country for decades.

I know other speakers have already repeated the information before. But it is critical to reiterate that in this country we have seen 1.7 million miles of shipments conducted safely without a release of radioactivity. That is over 2,700 shipments. As the Senator from Alaska, in Europe, he has been doing this for two and a half decades, they have had over 70,000 tons of radioactive material safely transported. Compare that record to the risk that we would face if we do not transport it.

For those in favor of stopping the development of Yucca Mountain, the issue of terrorism has been raised. If we have over 131 sites across this country where much of this material is not stored in an underground facility—the risk of terrorism would rise. Even the risk from a hypothetical earthquake would be much greater at the 131 sites if they were left untreated or unresolved than at one central underground location that is safe, secure, and protected.

Whether one is looking at the safety record of transportation or the risk of leaving these facilities with the stored nuclear fuel in them spread throughout the country, the conclusion must be that for our safety, for the environment, and for our national security, we must move toward one underground, safe depository.

There is also an equity issue before the Senate. For decades, energy users across this country who have received their electricity from nuclear power have paid a surcharge on their energy bill to pay the Federal Government to dispose of this waste. The Federal Government faithfully collected these fees and assumed the responsibility under law for developing a nuclear repository. Now after collecting these fees and doing the necessary science, the Federal Government has an obligation to provide for the permanent disposition of spent nuclear fuel.

Development of the repository at Yucca Mountain will greatly enhance our Nation’s energy balance by demonstrating our commitment to nuclear waste created by nuclear power. Today, with our dependence on foreign oil for so much of our energy supply, it is critical we broaden our energy portfolio in this country. When one looks at the various potential locations for sites to nations such as Iraq for oil, when we could expand our reliance on other sources of energy, including nuclear power, one has to recognize the national security implications of this vote today.

Nuclear power should play a greater role in our Nation’s energy portfolio. A path forward for spent nuclear fuel will remove one bottleneck in the nuclear energy fuel cycle. Under the Nuclear Waste Policy Act, the United States has become that because our Nation currently has no place to store our nuclear waste, we have over 131 sites across this country where we have 65,000 metric tons. When Yucca Mountain is supposed to take on 47,000 metric tons, virtually the same as we have today spread out all over the country.

The Senator from Idaho has a very good argument to get the stuff out of his State. He has one of the few good arguments, but everybody else does not: If you have nuclear powerplants in your State, you will have nuclear waste in your State for as long as you have nuclear powerplants operating.

It is not a question of national security. It is going to be safer to have it in one site. But we are still going to have all these other sites, so national security is focused on transportation more than it is anything else.

I thank the Senator for yielding.

Mr. REID. Mr. President, I am going to yield 10 minutes to the Presiding Officer in a second.

Another thing my friend from Alaska said is it is not going to travel through Missouri. This is one of the problems. It is like the “immaculate reception.” One day we will wake up and it is suddenly going to be there. I don’t know, there are no transportation routes, but it will get there because the DOE says it will.

It can only go by train, truck, or barge, and for barge transportation, according to the Nuclear Regulatory Commission, the only tests that have been done are by computer. They have never stuck one of them in the water. It has all been done by computer.

I yield 10 minutes to the Senator from Delaware.

(Mr. REID assumed the chair.)

Mr. CARPER. Mr. President, I thank the majority leader for yielding this time to me.

On the floor this afternoon I see three, maybe four Senators—four of whom I have been privileged to serve with in the House of Representatives, one of whom I have just been privileged to serve with for the last year and a half.

The senior Senator from Nevada knows the great affection I hold for him. He and I were elected to the House of Representatives in 1982. We came to Congress together in 1982. We began our first years in the House of Representatives many mornings working out together in the House gym. I
have had the privilege of knowing his family and watching his kids grow up. For me, and I know for many of us, this important policy decision is also a decision that is intertwined with the respect and admiration we have for our colleagues. I have great respect and admiration for the senior and junior Senator from Nevada.

As some of you know, I spent a fair number of my years in the Navy, 5 years on active duty, another 18 years as a flight officer. Most of that time on airplanes but other times on ships. I have been on ships that are nuclear powered. They included aircraft carriers and submarines. I have known hundreds of people who lived many years of their lives on nuclear-powered vessels. When you have that kind of background, you are maybe more comfortable with nuclear power than those who have not literally lived on a floating nuclear power plant.

I acknowledge there are a lot of people who have legitimate concerns about the various aspects of nuclear power—a few of them have been pretty well vetted here today. One of them is transportation: how to move this nuclear waste through dozens of States and do so safely, especially in an age of terrorism.

There are concerns about the terrorists themselves and whether or not they might strike, either at a site such as Yucca Mountain or at a barge or a railroad or a highway.

Before I served in the Senate a year and a half ago, I served as Governor of Delaware. During those years, I became all the more mindful of the transportation of hazardous waste through my State and alongside my State via the Delaware River and the bay which divides the State of the Presiding Officer and my State. Every day hazardous materials make their way up and down the Delaware River. Through about 1,651-495, which crosses my State and the railroads of my State, the Norfolk Southern and CSX, we have dangerous materials every day traverse throughout Delaware—sometimes hazardous materials, sometimes explosive materials. We have learned to deal with them and deal with them safely. In Europe, they have shown a record over time of being able to transport nuclear waste in a way that is safe as well.

I who are concerned about nuclear power because of the possibility there will be an accident at a nuclear powerplant. I acknowledge those concerns are not illegitimate. The safety record of the nuclear power industry has been better in the last 10 years than probably in all the years before, and it continues to improve.

While I acknowledge, on the one hand, the legitimate concerns about nuclear power being a viable, growing part of the generation of electricity in our country, I want to talk briefly about the virtues, the advantages of nuclear power. We had a great debate on energy policy over the earlier part of this year. We talked about the growing demand, the rise in price of foreign oil, now up 50 percent. We talked about the huge and growing trade deficit we have in this country, over $300 billion last year, maybe $400 billion this year, and a significant part of that is oil imports.

I think we have begun a serious discussion and debate about what to do with respect to air emissions, how we can curtail sulfur dioxide, mercury, carbon dioxide, and nitrogen oxide from powerplants in this country and other sources.

Nuclear power, whether we like it or not, does not create sulfur dioxide emissions. It doesn't create mercury proceeds to the final vote, and that is one that would carry on to the licensing of Yucca Mountain. I said to my colleagues on the Energy Committee a month or so ago, I have agonized with this vote probably as much as any in my memory. On the other hand, what I think is the right thing for my country and trying to treat my dear colleagues the way I would want to be treated. It is a tough call. It is tough for me and I know it is for many of us.

We have two votes. On the first vote, on the motion to proceed, if my vote is needed—and I am going to stand in the well there—if my vote is needed in order to be able to proceed to the final vote, I will vote yes—if my vote is needed.

On the final vote, if the motion to proceed is approved, I will vote yes on the designation of Yucca Mountain.

With that, I think the deputy majority leader for yielding his time to me.

Mr. MURKOWSKI. Mr. President, to respond very briefly, under the agreement, there will be a rollcall vote on the motion to proceed; then the agreement is that there will be a voice vote on the final resolution.

Mr. CARPER. I appreciate that. When we vote, I will be here to vote. When the yeas and nays are asked for, I believe my voice will say yes on that final vote.

Mr. REID. Mr. President, the Senator from Alaska, having served here as long as he has, has certainly on occasion when there has been a voice vote wanted to be listed as voting yes or no. That certainly can be stated in the RECORD. I have done it on a number of occasions myself.

Mr. ENSIGN. I appreciate that. I wish to speak longer. Senator KYL is here. It is my understanding you would like to yield some time to him.

Mr. MURKOWSKI. Mr. President, would you advise me how much time is remaining on our side?

The PRESIDING OFFICER (Mr. CORZINE). The Senator has 50 minutes.

Mr. REID. How about here?

The PRESIDING OFFICER. Forty-five minutes remains for the Senator from Nevada.

Mr. MURKOWSKI. I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President. Let me make a general statement, and also preliminarily comment on the debate that has been conducted by the two Senators from Nevada. They have been tenacious in the representation of their position. I take no pleasure in opposing their position. They are both fine Senators and are extraordinarily good at representing the interests of their constituents in this particular case. I know it is not just a matter of representing the people who have spoken out from the State of Nevada. I have talked to Senator ENSIGN a lot, and he has argued his case with a personal conviction that you don't always see in this body. I commend both of them and make the point that I take no pleasure in opposing them.

I do, however, strongly believe it is time for us to move forward with this process, and the next step in the process is the approval of this legislation. Then there are other things that have to be done, including the Department of Energy action.

I want to make a comment about this issue of the storage of nuclear waste because the Palo Verde nuclear-generating station just west of the city of Phoenix is the biggest in the country. It is a huge, successful, good nuclear-generating station. It stores an awful lot of waste. In fact, I believe, according to the Nuclear Energy Institute, more than 45,000 metric tons of high-level radioactive waste are housed at the 131 sites in 39 States—sites such as Palo Verde.

If we don't use a storage facility such as Yucca Mountain, the problem only gets worse. Each year, about 2,000 more tons of radioactive waste are being added to the total. Senator ENSIGN made the point that even if we have a site such as Yucca Mountain, of course, we are still going to have the other storage sites around the country. That is very true. But I think it begs the question of what we are going to do with the majority of this waste.

It is a little like saying since every Wednesday morning everybody in my
area of Phoenix is going to put their garbage out, and because we keep producing garbage, we should not have a dump to where all of that garbage is taken. It is certainly true that every Wednesday everybody is going to put their garbage out. We produce more garbage than I would like. It is quite clear that we have a force that is affecting storing it on the curb. That doesn’t argue for the proposition that there should not be a central repository where that material is taken and disposed of in a proper way.

The reason we are talking about here. We are going to continue to produce waste. There will have to be a place to temporarily store it at each of these nuclear-generating facilities around the country. But eventually, when it cools off, it is put into these casks and transported to Yucca Mountain. That is where most of the scientists have decided is the right place to put it.

As a matter of fact, the scientific report of the Department of Energy conclude that a repository at Yucca Mountain would protect the public health and safety in accordance with the EPA and NRC guidelines. The Nuclear Regulatory Commission is in support. The Nuclear Waste Technical Review Board is in support. The experts on the National Academy of Sciences panel who recommended the site note that there is “worldwide scientific consensus” for the idea.

I must also add that there is now a new element that is injected into the debate. That is the element of terrorism. We can’t talk about that a lot. I further understand that Yucca Mountain is a remote location. It is 100 miles away from the nearest metropolitan area. It has the highest security—again, because of its general proximity to the Nevada Test Site and Nellis Air Force Range. Those are reasons we think it is important to go ahead with the next step of the process and get this material to Yucca Mountain.

With respect to transportation, we know that there have been a lot of questions raised. But the truth is we have had 45 years of experience and 3,000 successful shipments of used nuclear fuel. That is not exactly the same as this fuel, but we have much better casks now—these steel casks that have been described in detail here on the floor that will be used for the transportation of the material.

There have been no radiation releases, fatalities, or injuries, nor any environmental damage that has occurred as a result of the transportation of this radioactive cargo in the past. I am a little distressed by the fact that people have been scared. I am very disappointed that some people—clearly not those on the floor of the Senate today—but there are some who have really attempted to scare people in individual communities with the notion that somehow there will be some great catastrophe as a result of the transportation of this material. I am not so unlikely as to be something that should not be of concern to us as we move forward with this legislation.

I urge my colleagues to recognize that at some point something has to be done about security at the very least. There is some safety that has been described in detail here on the floor. There is a safe, scientifically proven location where the material can be stored. The transportation has also been thoroughly considered by the scientific community. A method for transporting it has been developed. Sandia Laboratories, which has done a lot of testing, assures us it would withstand the most extreme accident scenarios.

For all of these reasons, I think it is important for us to move on, get beyond this next step, and allow the DOE now to look at this Yucca Mountain site for licensing.

Again, I commend all of my colleagues for the way in which this debate has been conducted. The debate has been responsible and serious and based upon good science. I commend both the proponents and the opponents for the way they have conducted this debate.

Thank you, Mr. President.

Mr. DODD. Mr. President, today, I am prepared to vote in support of S.J. Res. 31 which approves the site at Yucca Mountain for the development of a repository for spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982, but I do so with great caution.

The vote we cast today does not give carte blanche to move this waste. It is the latest step in a process begun in Congress more than two decades ago. The risks are not insignificant and in the coming months and years many steps must be satisfied and many scientific tests undertaken before a license is issued by the Nuclear Regulatory Commission and a single shipment of waste is moved. In addition, there must be open dialogue among industry, organizations, transportation experts, and government entities at the Federal, State, and local level to determine a safe and workable transportation system. If the ongoing scientific, environmental, or public safety tests are not satisfactory, or a transportation system is deemed unworkable, then the site should not be licensed.

For Congress to stop the process today with no viable, permanent alternative solution on the table is shortsighted and wrong. I recognize the limitations on the amount of waste that Yucca Mountain can accept and the length of time it will take to transport the waste. I further understand that some waste will necessarily remain on site at individual facilities even if Yucca Mountain is licensed, as nuclear reactors continue to operate and generate waste.

But to keep all of the current and future waste on-site at approximately 100 sites in above ground storage for a long period of time is unacceptable. In fact, many facilities will be reaching their storage capacity long before their licenses expire. For these reasons, while we continue to move forward with Yucca Mountain, we must also step up our activity at the current facilities sites around the country. If all systems are to go with Yucca, it will be at least 10 years before any waste is moved.

My record is clear. I have supported nuclear power and the obligation of the Federal Government to take responsibility for nuclear waste. I am one of a handful of current Senators who was here in 1982 to vote on the National Nuclear Waste Policy Act of 1982. I supported that initiative initially in 1987. I supported amendments to the 1982 act which singled out Yucca Mountain to be examined as a nuclear waste repository. However, I have voted against both the idea of interim, above ground storage and directed storage. I am prepared to move forward with the process before the Secretary of Energy formally recommended Yucca Mountain.

No one knows the costs and benefits of nuclear energy more than the residents of my State. Connecticut has two operating nuclear facilities and two permanently shut down facilities that are undergoing decommissioning. Nuclear energy provides more than 45 percent of the electricity generated in Connecticut. Only Vermont, New Hampshire, New Jersey, Illinois and South Carolina have a larger percentage of electricity generated by nuclear power.

It is a fact that while I have supported nuclear power, I have also been one of its most vocal critics when I believed the industry and oversight agencies failed to exercise appropriate controls over the facilities in my State. I have also been a champion of the need for alternative energy sources, including renewables, to meet our growing energy needs and offset our dependence on energy sources that generate waste, pollute our environment and cause public health concerns. I applauded people, including many of my colleagues, who championed in 1987, drive fuel efficient and cleaner burning automobiles, and make personal choices to use alternative energy sources in their daily lives.

We will be judged by future generations on the decisions we make in the coming months and years regarding nuclear waste, but also by the bold choices we make regarding our future energy security and the health and welfare of our planet.

This is not a perfect solution, but a reasonable step if the risks can be managed. I hope that it will be looked upon as such in years to come.
Having said that, while I support the substance of this resolution, I voted against the motion to proceed. As chairman of the Rules Committee, I take the rules of the Senate very seriously. It is my belief that despite what may have been written into the Nuclear Waste Policy Act of 1982 and 1987, I believe it is the fundamental prerogative of the Majority Leader to set the agenda of the Senate. My understanding is that at no time in the recent history of the Senate has that prerogative been violated. Moreover, I fail to see why my colleagues felt the need to violate that prerogative today. There are still more than 2 weeks to bring this matter to the floor under established practices of the Senate. Furthermore, it is worth noting that this matter was brought up by the minority during the middle of a very important debate to address shortcomings and shortcomings in the accounting industry and corporate sector. I want to make sure that my vote on the motion to proceed was not against S.J. Resolution 34, but out of respect for the practices and prerogatives of the Senate. If there had been a recorded vote on S.J. Res. 34, I would have cast a no vote.

Mr. Voinovich. Mr. President, I rise today in support of establishing a permanent nuclear repository at Nevada's Yucca Mountain. Establishing a single site for high-level nuclear waste is the best thing we can do to meet our growing energy needs in an environmentally sound manner, support our domestic economy, and protect our national security.

One of my goals in coming to the Senate was to enact a comprehensive U.S. energy policy that harmonizes our energy and environmental needs. I worked hard with my colleagues on the Energy bill and after 6 weeks of debate, this body finally passed legislation that I believe will go a long way toward meeting our growing energy needs. The bill was to encourage development of domestic energy sources in a balanced way that respects seemingly competing needs, the economy and the environment. These are not competing needs, however. A sustainable environment is critical to a strong economy, and a sustainable economy is critical to providing the funding necessary to improve our environment.

In order to maintain a strong economy, we must produce our energy to keep up with the growing demand. According to the Department of Energy, we need to increase by 30 percent the amount of energy we produce in the United States by 2015 in order to meet our country's demand. To ensure that consumers have access to low-cost, reliable energy, we must make use of every available resource instead of putting all of our eggs in one basket. We need to increase our production of oil, gas, coal, nuclear energy, and renewable energy.

Nuclear energy is an efficient and clean source of energy, yet we face some major impediments that prevent us from taking full advantage of its benefits. During consideration of the energy bill, I offered two amendments to address these problems and promote the growth of nuclear energy. Both amendments were included in the Senate version of the energy bill, and I hope the conferees will keep them in the final version.

Nuclear energy has incredible potential as an efficient and clean source of energy, yet we face some major impediments that prevent us from taking full advantage of its benefits. During consideration of the energy bill, I offered two amendments to address these problems and promote the growth of nuclear energy. Both amendments were included in the Senate version of the energy bill, and I hope the conferees will keep them in the final version.
Mr. ALLARD. In 1982, Congress established of a repository at Yucca Mountain to continue to the next step; it is not the end of the process. The site must still go through a rigorous licensing review, which is expected to last up to five years. Moreover, the NRC still must address a whole host of issues including monitoring and testing programs, quality assurance, personnel training, and certification, emergency planning, and more.

Additionally, the NRC must use standards adopted by the EPA specifically and exclusively for Yucca Mountain. These strict standards provide that an engineered barrier system should be designed to work in combination with natural barriers so that, for 10,000 years, we expect the expected radiation dose to an individual would not exceed 15 millirems total effective dose equivalent per year, and 4 millirems per year for groundwater exposure.

These are exceedingly stringent standards designed to protect the public from any harmful exposure, now or in the future. To illustrate what the numbers mean, let me offer two examples. In Denver, Colorado, due to the high altitude and cosmic radiation from the sun and stars, residents are subject to at least 15 millirems of radiation per year than people who live in my hometown of Cleveland. On average, Americans are exposed to 4 millirems of radiation per year through the naturally occurring radioactive potassium in the 140 pounds of potatoes that an individual eats on average each year.

This rigorous licensing process combined with the full completion of the site is expected to take 10 years. Therefore, unlike most of the attention this matter has received in the media, our action in the Senate will not begin the transportation of nuclear waste to the repository. Instead, this resolution simply affirms the science behind the project and allows the experts to continue to move ahead with their analyses and reviews.

While some people have concerns about the transportation of nuclear waste, in a pursuit to the public realize that nuclear waste has been shipped across our country since 1964 and that it has an amazing track record of safety. During this period, more than 3,000 shipments have traveled 1.7 million miles on roads and railways with only eight minor accidents: no injuries, fatalities, or release of any radiation.

There are two reasons for this success. First, the casks used to store the waste have been tested rigorously under extreme conditions, including being dropped from buildings, hit by trains, and burned at high temperatures.

Second, there are numerous safety measures that federal agencies and state, local, and tribal governments have developed, including satellite positioning, designation of special routes, police escorts, inspections, and emergency response planning.

Over the next 10 years as new scientific discoveries are made, it is likely that new regulations, procedures, and technology will offer further improvements to the safety and security of transporting spent nuclear fuel to Yucca Mountain. And the NRC in conjunction with local and state agencies will continue to examine the safest and most effective means of transport and storage.

Failure to approve this resolution will have serious costs to our economy and national security. The nation has already spent $7 billion over 20 years researching this specific site. The greater cost is the current danger we face across our nation with 311 facilities in 39 states storing more than 90,000 spent nuclear fuel. To put these numbers in perspective, about 160 million Americans live within 75 miles of these sites.

Establishment of a repository at Yucca Mountain would allow all of the nuclear waste to be stored in one place, underground in a remote location. The site is on federal property with restricted access to the land and airspace, and as a further safeguard, the Nellis Air Force Range is nearby. From a national security perspective, one site is easier to defend than many facilities scattered throughout the nation.

The current situation is also costly in terms of capacity. The facilities which currently store this spent fuel are only designed to be used on an interim basis and space is limited. The Energy Department estimates that replacement facilities at each interim site would have to be built every 10 years with major repairs every half century.

Nuclear power is a necessary and sound part of our energy future that makes sense for our environment and our economy. Furthermore, because it protects national security and the safety of all Americans, I urge my colleagues to listen to the science and support this resolution to affirm the President’s recommendation to establish a permanent nuclear repository at Yucca Mountain.

Mr. ALLARD. In 1982, Congress passed the Nuclear Waste Policy Act. In 1987, after being ranked as the site that possessed the best technical and scientific characteristics to serve as a repository, the Nuclear Waste Policy Act was amended to direct the Department of Energy to study Yucca Mountain as a potential storage site.

The Federal Government has spent over 30 years and billions analyzing and studying potential sites and disposal of nuclear waste. This serious investment of money and human capital has led to the clear conclusion that Yucca Mountain is indeed scientifically and technically suitable for deployment.

As a result of this massive effort, on February 14, 2002, Secretary of Energy Spencer Abraham formally recommended to President Bush that the Yucca Mountain site in Nevada be developed as the Nation’s first long-term geologic repository for high-level radioactive waste. I fully support this designation, and I will vote to move forward with the process, allowing the bipartisan regulatory experts at the Nuclear Regulatory Commission to make a final determination of whether to allow storage at the site.

Colorado, and indeed the Nation, has much to gain from the opening of Yucca Mountain. Material that is currently scattered throughout the United States will finally find a safe long-term shelter at Yucca Mountain—isolated in the remote Nevada desert.

Those opposed to opening Yucca continue to argue about the method of disposal. However, the Yucca Mountain Act was amended to direct the Department of Energy to study Yucca Mountain and corroded the seal that possessed the best technical and exclusive for Yucca Mountain program to continue to the next step; it is not the end of the process. The site must still go through a rigorous licensing review, which is expected to last up to five years. Moreover, the NRC still must address a whole host of issues including monitoring and testing programs, quality assurance, personnel training, and certification, emergency planning, and more.

Additionally, the NRC must use standards adopted by the EPA specifically and exclusively for Yucca Mountain. These strict standards provide that an engineered barrier system should be designed to work in combination with natural barriers so that, for 10,000 years, we expect the expected radiation dose to an individual would not exceed 15 millirems total effective dose equivalent per year, and 4 millirems per year for groundwater exposure.

These are exceedingly stringent standards designed to protect the public from any harmful exposure, now or in the future. To illustrate what the numbers mean, let me offer two examples. In Denver, Colorado, due to the high altitude and cosmic radiation from the sun and stars, residents are subject to at least 15 millirems of radiation more per year than people who live in my hometown of Cleveland. On average, Americans are exposed to 4 millirems of radiation per year through the naturally occurring radioactive potassium in the 140 pounds of potatoes that an individual eats on average each year.

This rigorous licensing process combined with the full completion of the site is expected to take 10 years. Therefore, unlike most of the attention this matter has received in the media, our action in the Senate will not begin the transportation of nuclear waste to the repository. Instead, this resolution simply affirms the science behind the project and allows the experts to continue to move ahead with their analyses and reviews.

While some people have concerns about the transportation of nuclear waste, in a pursuit to the public realize that nuclear waste has been shipped across our country since 1964 and that it has an amazing track record of safety.
Mountain, major metropolitan areas in my State will still have only 20 miles between their town limits and a nuclear facility that stores fuel above ground. Without Yucca Mountain, waste being stored at facilities that are safely designed to hold waste for 100 years will suddenly have to wait untold years for a new destination, costing billions of dollars. Without a favorable decision on Yucca Mountain, a facility that is designed to store nuclear material safely for 10,000 years will shut down.

It is important to note that this vote does not mean that Yucca Mountain will open tomorrow. What it does mean, is that the next phase of science can begin in earnest—highly skilled nuclear experts will determine whether the facility merits a license to begin accepting the material. After that, any shipping is subject to strict Nuclear Regulatory Commission and U.S. Department of Transportation guidelines and regulations, and would not begin, if Yucca Mountain is not approved, until 2010.

I support the Yucca Mountain Project, and will continue to be an active participant in the debate. I encourage my fellow colleagues to support the project, and fulfill the requirement of the veto imposed by Congress some 20 years ago.

Mr. DOMENICI. Mr. President, I am pleased that the Senate is preparing to vote on the resolution that would allow continued evaluation of Yucca Mountain’s site for a high-level nuclear waste repository. I compliment Senator BINGMAN on his resolution and on his success in reporting that the vote today is solely on the question of whether the licensing process continues.

I have been very sorry to see the overblown concerns on transportation by those who wish to block further evaluation of Yucca Mountain. Apparently the opponents of Yucca Mountain are so intent on winning this battle that they are rushing to use transportation issues to frighten the American people into abandoning nuclear energy. That would be a colossal mistake for our nation and would seriously undermine national security.

The simple fact is that transportation of nuclear materials is a challenging and risky operation, but it is also an operation that has been extensively studied and engineered for success. In the United States, as well as in other countries, the record for transporting spent fuel is superb. Opponents need to remember that the shipping casks for spent fuel are designed to withstand the most rigorous conditions, and routes will be carefully chosen to further limit risks.

In the United States, since 1960, we have shipped spent fuel about 2700 times and it’s traveled over 1.6 million miles. Sure, there have been a few accidents. But not one of them has ever been released in any of them.

The record at the Waste Isolation Pilot Project is also spectacular. In their 3 years of operations, they have logged about 700 shipments traveling over 1.6 million miles in Europe. Over 70,000 metric tons of spent fuel have been shipped, an amount roughly equal to the total authorized limit for Yucca Mountain.

Furthermore, in any debate about transportation, the simple fact is that route selection and detailed planning will begin at least 5 years before the first shipment and that the total number of shipments in a year will be around 175, a far cry from the 300 million annual shipments of hazardous materials that are currently moving around the country. There will be plenty of time to debate and optimize shipping plans before any spent fuel moves.

In response to the outstanding issues raised by the NRC, I’m sure the Department will continue to analyze the mountain and improve their modeling and simulation. That is certainly important research that I fully support. But I want to note that other research is also vital.

I have spoken on many occasions with my concern that the Nation’s policy of simply treating spent fuel as “waste” deserves careful debate. Spent fuel has immense residual energy content. I am not convinced that we should be making a decision today that future generations will have no interest in this superb energy source.

It is critical that the spent fuel management strategies should be carefully studied and evaluated. Reprocessing and transmutation could not only recover residual energy, but could also reduce the toxicity of the final waste products.

I am pleased that the Department plans for all spent fuel in Yucca Mountain to be fully retrievable for at least 50 years. We may find that these new approaches can even be applied to the spent fuel in Yucca Mountain and they certainly will influence any additional repositories that we may need.

In my view, the Nation is far better served by beginning to move spent fuel into a single worldwide repository than to leave it stored in temporary facilities at 131 sites in 39 States. I support the joint resolution to override the veto of the Governor of Nevada and continue evaluation of Yucca Mountain as the Nation’s future repository.

Mr. HATCH. Mr. President, I rise today to speak regarding the proposed national nuclear waste repository at Yucca Mountain, NV. After serious consideration of this issue over the last several years and after carefully studying the track record of the repository in the United States, I have concluded that I will not stand in the way of sending this waste to a permanent repository at Yucca Mountain. I also understand the reservations expressed by many of my colleagues in this Chamber, and I have certainly taken such considerations into account in making my decision.

Utahns have a right to be skeptical about government promises with respect to the handling of nuclear materials. In Utah, we have had more than our share of victims from government activities relating to atomic testing and the uranium industry. I have met with too many Utahns who are suffering needlessly. These Utahns were my inspiration when I passed the Radiation Exposure Compensation Act through Congress and when I improved this legislation a few years ago. Over the years, the act has provided compensation to thousands of downwind victims.

One of the top considerations in my decision on this issue has been the future of a proposal for a temporary storage site on the Skull Valley Goshute Indian reservation in Utah. Skull Valley has been targeted by a private consortium of nuclear electric generators as a temporary site for nuclear waste en route to Yucca Mountain, NV. I have concluded that if the plan to send high level nuclear waste to Skull Valley is accepted, Skull Valley will likely become the targeted alternative for permanent storage even though it is a private project only.
Mr. CAMPBELL. Mr. President, I rise today to speak on designating Yucca Mountain as the Nation’s waste repository in the State of Nevada.

But before I start, I would like to get a few things clear. First, I don’t oppose nuclear power. Nuclear power is an efficient and clean way to generate electricity. The obvious downside to nuclear power is that its waste is harmful to people. Yet, several States benefit from the relative clean power that nuclear plants generate. Clean air, clean water, and efficient power are significant benefits that some enjoy.

My opposition to designating Yucca Mountain is deeply rooted in my strongly held belief in States’ rights. I believe that States should determine their own destiny—when States elect or choose to benefit from a program or policy, then those States should correspondingly assume the costs, costs that might not only be monetary.

My State of Colorado did not choose to build nuclear power plants. My State of Colorado did not choose to enjoy the benefits that nuclear power offers. Correspondingly, my State of Colorado never chose to assume the responsibility of storing nuclear waste and, therefore, we do not.

Some opponents of storing nuclear waste and enjoy the economic benefits of doing so. My neighbor to the south, New Mexico, for example, chose to store nuclear waste in Carlsbad. The WIPP facility there is a major source of revenue for the community and the State. However, I cannot support or defend such a position. I think that it is widely regarded as a big plus. The State of Nevada, however, unequivocally opposes storing waste at Yucca Mountain. It objects for a variety of reasons. Whereas the State of New Mexico considers storing nuclear waste good for business, the State of Nevada believes that storing nuclear waste at Yucca will kill business. Nevada’s economy relies, perhaps more than any other State in the Nation, on tourism.

I cannot, in good conscience, vote to override a Governor’s veto, when the long-term effect has the potential to destroy that State’s economy. During hearings before the Committee on Energy, my delegation was told that Yucca Mountain makes the risks tolerable. I must say, however, that I am troubled by the possibility, just the possibility, that Nevada’s Governor, Senator to approve Yucca Mountain.

Mr. KERRY. Mr. President, I represent a State with one active nuclear reactor powerplant and a second decommissioned nuclear powerplant, both of which are storing nuclear waste far beyond their initial design limits. I can assure you there is much concern within my State over what the government plans to do with nuclear waste and a sense of urgency to get something done. I cannot in good conscience or with confidence vote to make Yucca Mountain the destination for all of our nuclear waste when a number of studies urge caution and further study to make sure that we are not making a mistake, a mistake that could plague the people of Nevada and potentially more than 40 other States in which we will transport this nuclear waste in the years to come.

In the late-1970s President Carter, himself a nuclear engineer, initiated an Interagency Review Group, IRG, to solve once and for all the high-level nuclear waste problem in the United States. The IRG tasked the Department of Energy with finding the best sites in the country for storing our nuclear waste. At the same time, the Environmental Protection Agency, EPA, and the Nuclear Regulatory Commission, NRC, were tasked with developing criteria for the selection of sites. Then, in 1982, Congress enacted the Nuclear Waste Policy Act, NWPA, which included a commitment to identifying two sites. Between 1982 and today, however, the process was changed. In 1987, Congress amended the NWPA by directing DOE to develop only one site, Yucca Mountain. Yucca Mountain was selected as the only site for purely political reasons.

Over the years, the EPA has lowered standards when they discovered that Yucca Mountain could not meet the existing ones. They abandoned a collective radiation dose limit when it was discovered that the Yucca site could not meet it, and, just last year, the
EPA promulgated final standards for licensing Yucca Mountain that rely on dilution of nuclear waste as opposed to containment. In other words, we changed the standards so that we did not have to change the site. Yucca Mountain was picked, in part, because it is a dry, unpopulated area already owned by the federal government, which used it as a nuclear test site from the 1950s to the early 1990s. The original theory was that, if canisters deteriorated, the material would leach water in the dry ground to carry the radioactive waste to other areas. But that theory has already been thrown as Chlorine-36, a radioactive isotope created during nuclear weapons tests over the Pacific Ocean in the 1950s, was recently discovered 1,000 feet below ground at Yucca Mountain. In just 50 years, that material traveled in the atmosphere to Nevada, was delivered as rain to Yucca Mountain and traveled at least 1,000 feet below the surface—the site where the nuclear waste would be stored. Such rapid movement was completely unexpected and required a revision of models of water flow in the area.

Because of this Chlorine-36, the DOE plans to bury the waste in canisters made of Alloy 22—a new composite metal containing nickel, chromium and molybdenum—and then lined on the inside with stainless steel. Alloy 22 is resistant to corrosion from water, but is a man made substance that has existed for only about 20 years. The DOE has only about 2 years of data on the effects of corrosion on it. Using such limited data, the government is predicting the life expectancy of the canisters 10,000 years into the future. No other nation is planning to use Alloy 22 to bury its nuclear waste, and the material does not exist in nature, so there is no way of naturally predicting how strong it will prove to be. Clearly, further study is needed before reliable predictions can be made.

I am concerned that President Bush approved Yucca Mountain despite the fact that the General Accounting Office back in December of last year, identified more than 200 important scientific and technical questions about Yucca Mountain that remain to be answered. This is especially troubling because Presidential candidate Bush promised back in 2000 that “sound science must precede any decision on the placement of this repository.” And in dealing with nuclear waste, science, not politics, must prevail.”

I am not convinced that the administration has failed to pounce a decision until these questions were substantially substantiated. The GAO prominently warned us that the Yucca Mountain plans meet “uncertainties,” the GAO prominently warned us that the Yucca Mountain plans meet “longevity of engineered waste containers,” and noted “significant work is needed” before the safety of the containers can be substantiated. The GAO also felt that more study needed to be completed before the physical characteristics of the site could be declared suitable for the project. Most notably, the report stated the GAO’s uncertainty on “how the combination of heat, water, and chemical processes caused by the presence of nuclear waste... would affect the flow of water through the repository.” Among the remaining physical uncertainties,” the GAO prominently listed: faulting and fracturing of the

The routes for transporting nuclear waste to Yucca Mountain have not been finalized by DOE. The DOE is currently considering three modes of transportation, rail, truck and barge, but the DOE has not finalized the modes nor the routes. In the Final Environmental Impact Statement, EIS, for the Yucca Mountain project, DOE proposed a set of truck, barge and rail routes. These routes make use of major highways and pass through several of our state’s major metropolitan areas. The EIS for Massachusetts shows that if trucks are used to move the waste, 456 truck trips would originate in the Bay State and another 1,469 trips would transit the state en route to Yucca Mountain. Under the rail scenario, the EIS showed that 39 rail trips would originate in Massachusetts and another 511 would pass through the state en route to Yucca Mountain. In addition, the NRC is responsible for testing the transport containers that will be shipped in. Thus far, all of the NRC tests relied exclusively on computer simulation to test the storage containers against fire and water damage. I think we can all agree that more testing is needed with actual storage containers to ensure the safety of all Americans.

Because of this lack of testing and with real concern for their cities, the Conference of Mayors recently passed a resolution calling on the Federal Government to oppose the Yucca Mountain repository until the serious safety concerns in the transport of nuclear waste were answered. Some of these concerns include the lack of physical testing of the transport casks and the lack of money and knowledge in our cities needed to deal with an accident involving nuclear waste. I believe we would be wise to listen to our mayors.

None of us here today want this waste to be sites. But we need a safe and responsible solution for disposal of the waste we have created. And we urgently need to develop a policy that protects the health and safety of local communities and all Americans. There are too many unanswered questions about the long-term effects of storing the waste at Yucca Mountain and the means by which we transport that waste there, and that is why I am voting no today.

Mr. LIEBERMAN. Mr. President, I vote against the motion to proceed to the consideration of the Yucca Mountain resolution. I have cast this vote for several reasons. First, on procedural grounds, I agree with the majority leader that to consider the issue now would be an unacceptable divergence from Senate practice and procedure. It is the right of the majority leader to schedule the consideration of legislative matters between the executive branch and Congress.

But the biggest problem is the substance of this plan. I don’t believe that the Yucca Mountain site is ready to be approved by the Congress. There is an old saying: “underpromise, overperform.” Unfortunately, the Yucca Mountain nuclear waste storage plan overpromises and underperforms for the people of my State. I have studied this issue carefully, mindful of how important nuclear power is to Connecticut, and of how concerned Connecticut families are about the health and safety effects of storing nuclear waste on site. They are right to be concerned.

I believe the most obvious indication of this fact is the Department of Energy’s plans to apply for a license from the Nuclear Regulatory Commission. Even though the Nuclear Waste Policy Act instructs the Department of Energy to submit an application to the Nuclear Regulatory Commission 90 days after Congress acts, Secretary Abraham has stated that his agency will not submit an application until December 2004 at the earliest. Obviously, the Energy Department is not ready to make their case for this site. Why should we be endorsing the project long before the Department is ready?

From studying the plans for the site, I believe that the site is not suitable. The Energy Department is not ready to submit its application is because, simply, too many unanswered questions remain. In dealing with nuclear waste, we should first do no harm. It is too soon to say conclusively that the Yucca Mountain plans meet that standard. Consider the storage problems. In a December 2001 report to members of Congress, the General Accounting Office wrote of “uncertainties,” the GAO wrote of “uncertainties,” and noted that “significant work is needed” before the safety of the containers can be substantiated. The GAO also felt that more study needed to be completed before the physical characteristics of the site could be declared suitable for the project. Most notably, the report stated the GAO’s uncertainty on “how the combination of heat, water, and chemical processes caused by the presence of nuclear waste... would affect the flow of water through the repository.” Among the remaining physical uncertainties,” the GAO prominently listed: faulting and fracturing of the
We need to deal with this nuclear waste—but no one has demonstrated yet that Yucca Mountain is the answer. With technology advancing every day, perhaps it will be the answer tomorrow. Or perhaps in the future we will find another, much better solution. Until then, this GAO report is better than a highly uncertain and incomplete plan such as this one.

This proposal is simply not yet ready for our consideration. Unfortunately, the Energy Department has stated that it will proceed with the site as if this vote does not go its way. I think that is the wrong approach—the questions I have raised today may be able to be answered satisfactorily with more planning and better technology, and if they are, I would probably support the site. But this proposal is not ready for prime-time, and I am concerned that it will not be responsible to proceed to its consideration at this point.

Mr. JEFFORDS. Mr. President, we are voting today on whether to move forward on development of Yucca Mountain as a permanent disposal site for our Nation’s nuclear waste.

Nuclear power provides emissions-free energy. My State of Vermont, along with 39 other States, relies on nuclear power for a large portion of its electricity generation. It is an important part of our energy mix.

Nonetheless, we must be realistic in dealing with the downsides associated with nuclear power. Over 30 years ago, as Vermont’s Attorney General, I was concerned about the impact of nuclear waste on our environment and the health of Vermonters. As Attorney General, I fought to improve the safety standards at Vermont Yankee by calling for the use of new technology that dramatically reduced airborne radiation. When the industry resisted, I required Vermont Yankee to enter into a court-enforced agreement to use the best available technology to control radiation and to accept State monitoring, protecting the Connecticut River and the people of Vermont. The Atomic Energy Commission later accepted these technologies as industry standards.

Throughout my time in Congress I have continued to work for a comprehensive solution to our nuclear waste problem. Back in 1977, I introduced a bill in the House calling for a comprehensive nuclear waste disposal strategy. I maintained then, as I do now, that finding an effective solution to the waste problem is critical to the future of nuclear power in this country.

So I have been working on this problem for a long time. I have supported the Yucca Mountain proposal in the past, in the belief that it would resolve the problem, and contain both our past and future nuclear waste.

However, the truth is that Yucca Mountain will not provide this solution. It is now clear that Yucca Mountain will only take part of the waste, leaving some, if not most, of the future waste that will be produced sitting along the banks of rivers, beside both our small local communities and our largest population centers. This is not adequate. This is not acceptable. Therefore, despite my past voting record on this issue, I will cast my vote today against the sitting resolution for Yucca Mountain, because it does not finish the job we must do. Unlike my previous understanding, the Yucca site will not provide a sound, permanent, central storage solution to the problem of our nuclear waste disposal. All it does provide it a partial measure, one that can lull us into a false sense of security that the issue is taken care of. It is not.

I understand that Yucca Mountain, if approved today as I assume it will be, will take some of the waste, both from my State and others. That is of course helpful, as far as it goes.

But Americans should not be misled into believing that the Yucca Mountain site will solve America’s waste problem. I would be derelict in my duties were I not to dispel this motion. I do so with my vote today in opposition to the Yucca Mountain proposal, under the most stringent limitations! I do so not because I don’t recognize that Yucca has the potential to provide some relief to storage concerns at Vermont Yankee and other sites. I take this vote instead because we cannot allow it to be viewed as the solution to our nuclear waste storage problem.

We must continue to work with the nuclear industry and with the administration to find a safe and comprehensive solution to this extremely vexing problem. We cannot rest on our laurels for the next 10, 20 or 30 years, only to wake up to expanded nuclear waste piles with nowhere to go.

I trust my vote today will help emphasize this continuing need, and our continuing obligation.

I take this vote only after many long hours of carefully examining the facts of this matter. The truth is, I am more concerned than ever that we are just delaying the problem. Vermonters need to know that under the Yucca ‘solution’ high-level waste is still likely to be stored forever on the banks of the Connecticut River. All Americans need to know similar waste storage problems will still exist on our Nation’s waterways.

Over the years, I have consistently supported a central storage solution for nuclear waste. I continue to believe that it is essential that we find a permanent, central storage site if we are to continue to produce nuclear power.

The current proposal before us is merely a partial, interim step, and must be recognized as such. We must not just blindly continue to produce nuclear power, without a comprehensive and safe solution to the disposal of the waste we produce as a real and
comprehensive solution to nuclear waste disposal.

Mrs. FEINSTEIN. Mr. President, I am voting against this resolution. I support the development of a long-term strategy of storing our Nation's nuclear waste. However, a single storage repository is not the answer to our nuclear waste problem.

I have three major concerns about the proposed Yucca Mountain nuclear waste repository: first, the repository's inadequate storage capacity, second, the environmental risks of storing nuclear waste at the site, and third, the risks of transporting nuclear waste to the site.

Based on these factors, I believe it would be a mistake to bring all of our Nation's nuclear waste to Yucca Mountain. Instead of a single repository, it would be better to develop regional nuclear waste permanent storage facilities which would increase overall storage capacity and reduce risks associated with transporting waste great distances.

Today nuclear waste is stored at 131 facilities in 39 States. These facilities hold nearly 47,500 metric tons of nuclear waste. This amount is growing rapidly. In 30 years, it is estimated that our country will have generated nearly 108,000 metric tons of nuclear waste.

The Yucca Mountain repository, as I understand it, is authorized to hold only 70,000 metric tons. So at our current rate of nuclear waste production, we will have generated this amount by the earliest estimated date of the repository's opening in 2010. In fact, we may generate the full 70,000 metric tons of nuclear waste before the site ever opens.

What is the point of creating a storage site that will be filled to capacity before it even opens?

I am very concerned about the environmental risks surrounding the site. DOE was supposed to recommend or reject the Yucca Mountain repository with geologic considerations to be the primary criteria. I find it disturbing that the suitability of the Yucca Mountain repository has instead focused on container material.

These titanium waste containers are DOE's principal method of providing safety and security of the nuclear waste and repository and ensuring the protection of surrounding areas.

Yet how can we be so confident in our support of such containers when we don't know about their longevity and durability?

The Nuclear Waste Technical Review Board, which was established by Congress specifically to ensure that a repository adequately protects the public health and the environment and it has voiced similar concerns. Last year, the board termed the technical basis for DOE's repository performance estimates as "weak to moderate."

As a result, the NWTRB has limited confidence in current performance estimates generated by the DOE's performance assessment model. The board has found that high temperatures in the DOE's repository design increase uncertainties and decrease confidence in the performance of these metal storage containers.

According to Dr. Jared Cohon, the chairman of the board, "gaps in data and basic understanding cause important uncertainties in the concepts and assumptions on which the DOE's performance estimates are based."

The durability of these titanium storage containers is still unknown. Scientists have found that the first container failures could occur after 10,000 years, although one board member said it was "hopeless" to know how long the container would last, given just a few years of research. Perhaps failure could occur much sooner.

In comparison, Uranium 235, the basic fuel used by nuclear reactors, has a half-life of 704 million years.

It would be simply irresponsible for us to bury such hazardous nuclear waste when we don't have a good idea about how long the containers could hold up.

One of the most significant problems found at the site is the amount of subsurface water present under Yucca Mountain. Water promotes corrosion and movement of radioactive material and its presence in a repository is a serious drawback. As the titanium casks erode over time, we could face a potential disaster as this water becomes contaminated and flows into the water table.

California counties have expressed their rightful concerns of subsurface water at Yucca Mountain surfacing at populated areas downstream of the site.

For instance, Inyo County in California, with a population of 17,945, lies downstream of the proposed repository. Contaminated water could very easily spread from the repository directly into their towns and homes.

Death Valley, one of our Nation's ecological and environmental treasures, is also only about 20 miles from the repository. Water contaminated with nuclear waste could destroy one of the jewels of our National Park System.

DOE refutes the idea of possible harm of water contamination based on the titanium casks the Department has proposed to store the nuclear waste.

Yet in March of 2001, the NWTRB wrote to DOE expressing its concern that critical data on flow processes around Yucca Mountain remain poorly understood and should be further studied.

The board has criticized the lack of critical corrosion data on the titanium casks, questioning whether the flow processes around Yucca Mountain, DOE's principal method of providing safety and security by decreasing the number of storage sites, the transportation of nuclear waste to the site would actually create thousands of moving targets.

In order to move the Nation's nuclear waste to the Yucca Mountain repository, DOE would have to transport thousands of metric tons of nuclear waste across the country and those shipments would take decades just to move the waste that has already been generated.

Keep in mind that nuclear power provides a quarter of our Nation's energy needs and we generate hundreds of spent nuclear fuel rods each day and nearly 2,200 metric tons of nuclear waste each year.

If we had a way to magically move all of the nuclear waste to Yucca Mountain, it might be safer to have a single repository. However, this is not the case and the transportation of nuclear waste poses unnecessary risks for accidents and attacks.

According to DOE, it would take an estimated 24 years for the full 70,000 metric tons of nuclear waste to be transported to Yucca Mountain.

DOE has not yet determined exactly how this nuclear waste would be transported. The Department estimates that it would take over 33,000 trips by truck over the proposed 24-year time period. If the nuclear waste traveled by train, that scenario would involve an estimated 10,700 rail shipments.

The site is scheduled to open in 2010 according to DOE's earliest predictions and at the end of all shipments in 2034, there would still be: nearly 42,000 metric tons of commercial nuclear waste stored in 63 nuclear power plant sites in 31 States; and about 7,000 metric tons of DOE generated waste stored in 4 states.

This is why I believe a single repository is not capable of meeting our long-term nuclear waste storage needs. Such shipments present unnecessary risks to our neighboring states and the transportation of hazardous materials from New England to Nevada.

As a result of this plan, significant amounts of nuclear waste will undoubtedly move through or near populated urban areas, potentially jeopardizing the safety of millions of Americans.

And commercial spent nuclear fuel from nuclear power reactors would comprise about 90 percent of the waste shipped to the repository. DOE has acknowledged that this waste is "usually intensely radioactive."

According to DOE's Final Environmental Impact Statement, (FEIS)
more than 123 million people currently live in 706 counties traversed by DOE’s proposed highway routes and 106 million live in counties along DOE’s proposed rail routes.

Using potential truck and rail transportation routes identified by DOE, the Environmental Working Group, a national environmental research organization, estimated that waste shipments to the Yucca Mountain repository could pass within a mile or less of 14,510 schools, 933 hospitals and the homes of 38.5 million people.

When the distance from routes is expanded to 5 miles, waste shipments could pass 36,228 schools, 1,831 hospitals and the homes of 109 million people.

Preliminary routes in Southern California state waste from the Diablo Canyon powerplant to be shipped about 200 miles on a barge to Port Hueneme in suburban Ventura County just north of Los Angeles, which is the route that California’s five busiest ports and the nation’s biggest export site for citrus.

These shipments pose potential threats to some of the most densely populated areas in the U.S.

Additionally, routine radiation from shipping casks poses a significant health threat to workers handling such shipments.

In the most extreme example, motor carrier safety inspectors could receive cumulative doses large enough to increase their risk of cancer death by 10 percent or more and their risk of other serious health effects by 40 percent or more.

According to the Nevada Agency for Nuclear Projects, public perception of transportation risks could also result in economic costs to those communities along shipping routes. Even without an accident or incident, property values along shipping routes could decline by 3 percent or more. In the event of an accident, residential property values along shipping routes could decline between 8 percent and 34 percent, depending on the severity of the accident.

DOE takes great pride in its record of safe transportation of hazardous materials for over more than 30 years. During that time, there have been only eight accidents and none of them resulted in the harmful release of radioactive material.

However, during that time period, we were moving fewer than 100 shipments per year.

Over the next 24 years, there would be an estimated 2,200 shipments per year heading to the Yucca Mountain repository alone. There would also be more than 10,700 cross-country shipments occurring at an average of 450 per year.

This enormous increase in shipments would greatly increase potential accidents.

According to the National Highway Traffic Safety Administration, 457,000 large trucks were involved in traffic crashes in the year 2000 alone.

According to the FEIS, a very severe highway or rail accident could release radioactive materials from a shipping container, resulting in radiation exposure to members of the public and latent cancer fatalities among the exposed population.

The July 2001 Baltimore rail tunnel fire has been cited as an example of the dangers of shipping nuclear waste by train.

The fire burned for 3 days with temperatures as high as 1500 degrees Fahrenheit. A single rail cask in such an accident could have released enough radioactive material to contaminate an area of 32 square miles.

In addition to the harm inflicting surrounding populations, the FEIS estimates the clean-up costs of such an accident could potentially reach $10 billion.

Failure to clean up the contamination of such an accident could cause 4,000 to 28,000 cancer deaths over the next 50 years. Between 200 and 1,400 latent cancer fatalities would be expected from exposures during the first year.

A successful terrorist attack using high energy explosives could result in similar destruction and damage.

The FEIS concedes that a high-energy explosive device could rupture the wall of a truck cask, leading to the dispersal of contaminants into the environment. A single blast resulting in 90 percent penetration of a truck cask could lead to 300 to 1,800 cancer fatalities. Full perforation of a cask could cause 3,000 to 18,000 cancer fatalities. Cleanup and recovery costs of such an incident would exceed $10 billion.

These threats should be taken very seriously and this assessment furthers my belief that the long and complex transportation of nuclear waste to a single site is a threat to our national security.

Based on these concerns, I do not believe that Yucca Mountain is the answer to our current nuclear waste security or our long-term nuclear waste storage problem.

According to Dr. Victor Gillinsky, a former Commissioner of the Nuclear Regulatory Commission, Yucca Mountain is not needed to continue, or even expand, nuclear power use. There is ample opportunity to expand existing, NRC-approved, on-site storage. As he testified before the Senate Energy Committee: the important thing now is to recognize that there is no immediate crisis, that there is time to do this and to do a good job and responsible job in terms of safety and security, and to do it at a much lower cost to taxpayers than Yucca Mountain represents.

I believe a regional system will provide us with both immediate and long-term results. Immediate in the sense that we can explore expanding storage at current NRC-approved sites. Long-term in the sense that it will produce a system of regional permanent storage capacity that meets long-term nuclear waste storage needs.

I cannot support a site that does not have the capacity to meet our Nation’s long-term waste storage needs and poses serious risks to our environment and national security. A system of regional storage repositories could eliminate these risks and provide the adequate and safe permanent storage of nuclear waste than our country needs.

Mr. AKAKA. Mr. President, I rise today in opposition to House Joint Resolution 87, the Yucca Mountain resolution, to approve the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

Since the advent of nuclear power nearly 50 years ago, we have been concerned about the problem of waste generated by the production of electricity. Today we are considering a decisive step towards a solution to the dilemma of high-level nuclear waste as mandated by the act. But the path forward is not risk-free.

There are problems associated with the siting. The General Accounting Office has raised serious questions regarding the seismology, stability of the repository, and long-term effects of heat, water and chemical processes in and around the waste containers.

I am concerned about dangers posed by transporting thousands of tons, and thousands of shipments, of high-level nuclear waste through 43 States. Each truck could potentially carry more long-lived radioactivity than released at Hiroshima. I am sympathetic to those States that face the risk of transportation-related accidents or terrorist attacks. Because of our experience in the Pacific with nuclear testing and resulting exposure to radioactivity, I urge caution when dealing with high-level radioactive material.

We have similar transport problems on the world’s sea lanes. Last week, Japan returned a shipment of mixed plutonium-uranium oxide fuel, MOX, to the United Kingdom because it was sent to Japan with falsified safety data and without proper safety checks. The safety and security of nuclear waste, whether transported on the highways or the high seas, should be of great concern to Americans. During my tenure in the Senate, I have closely monitored the safety and security of shipments of MOX from Europe to Japan for nuclear power purposes. On numerous occasions I have voiced concerns with the transportation and associated security measures for the shipments of nuclear material in the Pacific. Recent warnings and alarm over the threat of procurement and use of nuclear materials for crude explosive devices known as “dirty bombs” heightens the need to be vigilant and careful in the transport of nuclear material.

I am not convinced that the plan proposed by the administration has addressed all of these risks. Clearly, we cannot walk away from the nuclear waste dilemma, and the nation must address this intractable problem. We need a scientific rather than a political
solution. In a new approach, Congress should not pre-select a site but provide a process that leads to a scientifically sound solution. I will oppose the motion to proceed, as I am not convinced that this is the best path forward.

Mr. President. The advent of nuclear power more than 50 years ago brought with it both great promise and great responsibility. Our ability to harness the power of the atom has paid substantial dividends for our society. This issue has also left us with the formidable challenge of safely storing the byproducts of nuclear power generation. This is a challenge our Nation must meet so that future generations are not endangered by today's nuclear waste.

Presently, all of the spent fuel from nuclear power plants and research reactors throughout the country remains on-site at each reactor. None of these facilities was designed to safely store that waste on a permanent basis, and leaving this temporary storage area around the Nation poses both a security threat and an environmental hazard. In Illinois, nearly half of our electricity is generated from nuclear power. Our State contains seven nuclear reactors, two nuclear research reactors, and more commercial nuclear waste than any other State.

We need to find a safe and permanent way to store this material, and such a storage site has not been proposed at Yucca Mountain in Nevada. I have been opposed to Yucca Mountain, which is located 90 miles from Las Vegas on Federal land at the remote Nevada nuclear test site. The waste would be stored more than 600 feet underground but more than 500 feet above the water table, sealed in steel containers placed under a titanium shield. A security force at the Nevada test site is in place to protect the area, and the airspace around Yucca Mountain is already restricted.

When this issue has come before Congress in the past, I have opposed efforts to move waste to a temporary facility at Yucca Mountain before there was a scientific determination of whether waste could be safely stored there on a permanent basis. I had no interest in moving this waste to a temporary place, only to move it again when a permanent repository is finally determined. I also opposed earlier measures that would have mandated dangerously low standards for environmental protection at the site.

Recently, however, I have been encouraged by the fact that the Environmental Protection Agency has established radiation and groundwater contamination standards for the Yucca Mountain storage site. These standards were derived from recommendations by experts at the National Academy of Sciences and were developed after extensive public comment and scientific analysis. All of these standards greatly exceed the levels debated in the two previous bills I opposed. Under three bills Congress considered in the past on this issue, the EPA would have been required to issue a single standard limiting the lifetime risk of premature cancer death to 1 in 1,000, or .001. The current EPA standard assumes a risk of 8.5 in 1,000,000, or .0000085. Furthermore, these bills would have prohibited a standard for groundwater at Yucca Mountain before there was a comprehensive safety program for nuclear waste. If the Department of Energy is able to move forward with a licensing application for Yucca Mountain, the Nuclear Regulatory Commission will be charged with making sure that the Department can meet all of the EPA's standards. If it cannot prove this, the Yucca Mountain project cannot move forward.

No site will ever be perfect for the storage of high-level nuclear waste, but I believe the studies which have already been conducted and the Nuclear Regulatory Commission review still to come provide sufficient assurances that Yucca Mountain is the most appropriate site available and should be used as the permanent national nuclear waste repository.

I am still concerned, however, with the movement of thousands of tons of nuclear waste across the country to Nevada. According to the U.S. Department of Energy, Illinois would rank seventh in truck shipments in what is called the “mostly truck scenario.” The same Energy Department analysis concludes that Illinois would rank sixth in rail shipments in the “mostly rail scenario.” This waste has been shipped through Illinois and other states in the past, approving Yucca Mountain would initiate the largest waste shipping campaign in the history of our country, both in terms of the number of shipments and the amount of miles traveled for high level nuclear waste.

Unless we scrutinize safety factors and security risks, the large-scale transportation of radioactive materials has the potential to cause a host of serious challenges to cities and communities along shipping routes. The U.S. Conference of Mayors has expressed concerns about the transportation plan, and I am submitting for the RECORD a letter sent to President Bush on this matter, signed by Mayor Richard M. Daley of Chicago and 17 other mayors. This issue is all the more important in light of the terrorist threats we are likely to face in the years ahead.

Illinois is home to one of the busiest transportation corridors in the Nation, putting our State squarely at the intersection of the nuclear crossroads. With the safety of Illinoisans at stake, finding the safest way to move nuclear waste to a location where it poses the least risk is imperative.

That is why I am introducing legislation in the Senate that would direct the Federal Government to develop a comprehensive safety program for nuclear waste transportation. This legislation would require the waste containment casks to be tested to ensure they could withstand intense fires, high-speed collisions and other threats that may occur during transport. My bill also would require States to be consulted on the selection of transportation routes and would require a 2-week advance notification of waste shipments. I also would require that nuclear waste be transported through dedicated trains and establish a minimum number of trained escorts to accompany each nuclear waste convoy.

I am looking forward to working with my colleagues who share my interest in this legislation.

Congress should move forward with making Yucca Mountain the central repository for our Nation’s nuclear waste. It is, I am convinced, the best solution to a complicated problem we have debated for decades. But before shipments to Yucca Mountain begin, we need to establish a transportation plan to ensure the safety and security of the communities that lie in the path of those shipments, and we must begin this work today.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. CONFERENCE OF MAYORS, February 23, 2002

Hon. GEORGE W. BUSH, The White House, Washington, DC.

DEAR MR. PRESIDENT: Your approval of Yucca Mountain in Nevada as a nuclear waste repository was a monumental decision in the history of the project. Quite literally, it is the culmination of over 50 years of scientific research and analysis. Since the Atomic Energy Act was passed in 1954, the federal government has been searching for methods to dispose of spent nuclear fuel and high-level radioactive waste.

As a single largest federal government project in the history of the United States, we acknowledge that the Yucca Mountain project has detractors and supporters. Regardless of the final decision, we have serious concerns about the transportation of spent nuclear fuel from reactors all over the country to Yucca Mountain or any other repository.

So far, the preliminary estimates that have been released call for up to 10 shipments of nuclear fuel each day for close to 40 years. These shipments will travel through America’s cities past our schools, homes and places of business.

In 1996, the United States Conference of Mayors adopted policy on the transportation of radioactive waste that calls for the federal government to fund training and equipment that will be needed by emergency responders along transportation routes, to upgrade medical facilities which would treat victims of transportation accidents, to upgrade highways and railroad or highway bypasses to ensure safe transportation corridors. It also calls on the Nuclear Regulatory Commission to certify shipping transportation containers after a public process that includes both physical testing and computer modeling to ensure that the containers can withstand severe accidents.

As mayors, we are encouraged by the Department of Energy (DOE) has not yet fully researched the methods for the transportation of nuclear waste. A recent incident this year illustrates our concern. The Baltimore Tunnel fire. Five days passed before fire fighters could gain access to the blaze...
and control the flames. Several studies have been done to determine the environmental impact if that train had been carrying spent nuclear fuel—and the results have been disturbing.

Given the long-term nature of the Yucca project, it seems only natural that the DOE would include transportation analysis and an environmental impact statement in the final repository. We respectfully request that the Office of the President of the United States initiate one.

As the mayors of potentially affected cities, we urge you to continue your dedication to public safety and homeland security by supporting a thorough study on nuclear waste transportation to the final repository.

We look forward to working with you on this very important issue.

Sincerely,

Ms. SNOWE. Mr. President, I rise today in support of S.J. Res. 34, a joint resolution approving the site at Yucca Mountain, NV, for the development of a repository for the disposal of spent nuclear fuel and high-level radioactive waste, pursuant to the Nuclear Waste Policy Act of 1982.

As we are aware, under current law, Energy Secretary Abraham recommended the Yucca Mountain geologic repository for the Nation’s spent nuclear fuel and high-level radioactive waste to the President on February 14, 2002, and the President then recommended the site to Congress the next day. Under law, on April 8, Nevada Governor Guinn exercised his right to veto the Yucca Mountain project. This veto will block further development of the site unless the Congress acts by passing an approval resolution that is signed by the President by July 27.

In 1982, legislation was crafted in response to the need to dispose of the Nation’s spent nuclear fuel and high-level radioactive waste that has been collecting since the growth of the nuclear power industry started in the 1950s. The waste is now being stored in various ways in 131 locations across the country.

The Nuclear Waste Policy Act of 1982, the NWPA, called for disposal of this spent nuclear fuel in a repository in a deep geologic formation that would not be disturbed for thousands of years. An office was established in the Department of Energy to develop such a storage repository, the costs of which would be covered by a fee on nuclear-generated electricity and paid into the Nuclear Waste Fund.

My experience with the storage of the Nation’s high-level nuclear waste covers the entire 20 year lifetime of the NWPA. In the 99th Congress, I introduced a bill in the House, H.R. 4664, with 23 other Representatives to amend the NWPA. The bill called for the disposal of high-level radioactive waste and spent nuclear fuel in a single national repository. At that time, the NWPA called for two repositories, one in the vicinity of the Waste Isolation Pilot Plant and also a cosponsor of H.R. 4668, the Broyhill bill that removed the requirement of a second repository for the disposal of spent nuclear fuel.

Our successes came in the next Congress, the 100th Congress, when language I developed with then Representative Mo Udall was ultimately included in the fiscal year 1998 Concurrent Budget Resolution that went on to be signed into law as Public Law 100-203. The language called for the establishment of one national repository. Language was also added at that time that established Yucca Mountain as the only site to be considered for the repository.

Through all of those years, and especially since 9/11, I have continued to believe that the Nation’s spent nuclear fuel could be more safely stored at one secure federally guarded facility than at temporary storage facilities all around the country. It would also be less expensive to State governments, which have already taken on the responsibility of dealing with the storage of low-level radioactive waste within their borders.

I do not believe that leaving the spent fuel at commercial and DOE sites for 10,000 years while having each site take the necessary security precautions and insurance upgrades is the best approach, especially as the DOE itself has predicted that leaving the spent fuel stored on all of the numerous sites throughout the country would result in a radioactive material release, contamination of soil, surface water, and groundwater.

In Maine, we have a nuclear plant being decommissioned—Maine Yankee—that has been waiting for the Federal Government to take the waste that it should have taken by law by 1998, but has still failed to do so since no facility is ready to store the waste. In fact, Maine Yankee is seeking $120 million through a lawsuit against DOE because the Federal Government has not lived up to their part of the bargain.

The nuclear power plant stopped operating in 1997, but 1,434 spent fuel assemblies still sit at the site waiting for a permanent Federal solution. The company has now spent about $60 million to build a dry cask storage facility and will spend at least $4 million per year to operate it. This is not a unique case as there are a total of 26 power plants no longer in operation that also have waste waiting to be shipped. By 2006, 60 reactors will run out of original storage space, with 76 running out by 2010.

Even after we pass this resolution and the President signs it, the repository will still need to meet the strict requirements of the Nuclear Regulatory Commission to be licensed, and if the Yucca Mountain site receives approval, it will not even be ready to accept spent fuel before 2010 at the earliest. We simply cannot wait any longer.

I understand that concerns have been raised about the transportation of the spent fuel—and these should be raised and the public should be assured that security plans are in place for safe transportation. We do, however, have a decade to assure that the waste will be safely and securely shipped to the Yucca Mountain site from all parts of the country. Indeed, history tells us that accidents, mishaps, and radiation was released. In the next decade, we can expect even greater safety of shipments through improved technology.

I was pleased to support Senator BRIGHTMAN’S amendment to the recently passed Senate energy bill that calls for a National Academy of Sciences study on how DOE chooses spent nuclear fuel transportation routes, and to do risk assessments of the potential impact if that train had been carrying spent nuclear fuel over 1.7 million miles by highways and railroads since 1964. Eight accidents have occurred, four of which had fuel leaking or shipping containers being damaged. It would clarify the transportation issue even more for the public and I urge the conferees to keep this provision in the conference report.

The Federal Government has already spent $2 billion on the Yucca Mountain site, and will ultimately spend about $50 billion more up to the time when the site is expected to reach capacity and is closed in 2019. We must move forward responsibly to once and for all solve and secure our Nation’s highly radioactive spent fuel and nuclear waste at a single national location or, as the DOE has projected, the cost will climb to the trillions of dollars. We can neither afford this or afford to wait any longer.

Mr. GRASSLEY. Mr. President, in 1982, Congress required the Federal Government to find a permanent repository for the disposal of spent nuclear fuel. Now, 20 years later, we are finally taking the necessary action to move ahead with this plan.

Yucca Mountain was recently designated as a suitable site for development as the Nation’s permanent repository, with over 24 years of Federal research and scientific evaluation. The Secretary of Energy, after thoroughly examining the relevant scientific and technical materials, concluded that the site is scientifically and technically suitable for construction of a repository. Now, it is up to Congress to ensure that we provide a safe, permanent storage facility.

In this time of heightened terrorist threats, it is absolutely necessary that the Government provide safe and secure permanent storage for our spent nuclear fuel. Currently, spent nuclear fuel and high-level radioactive waste is stored at 131 sites in 39 States.

We can no longer afford to continue storing nuclear waste in temporary sites that are often located near densely populated areas and water supplies. It seems only logical to want to safeguard public health and safety by storing nuclear waste at a site that...
would be highly guarded against any terrorist activity.

Even in my home State of Iowa, spent nuclear fuel from the Duane Arnold plant is stored just outside of Cedar Rapids near the town of Palo. Like too many other facilities in the United States, the plant is being forced to construct temporary storage because of the Federal Government’s lack of action on a permanent facility. And, just 10 miles from the Iowa border, at a plant that ceased operation in 1987, sits 42 tons of nuclear waste in a waterpool that is designed for temporary storage during operation, not permanent storage. It’s for these reasons that it is crucial the Senate move forward in designating Yucca Mountain as a permanent storage facility. Storing nuclear waste at Yucca Mountain would protect public safety, health, and the Nation’s security.

Opponents continue to raise questions about safety, the transportation of this material to Nevada. For over 30 years, there have been 2,700 shipments of spent nuclear fuel without a single release of radioactive material harmful to the public or the environment. It is important to remember that these spent fuel units are safely stored at over 100 temporary sites across the Nation, shipments of spent fuel will cross the country whether or not Yucca Mountain is approved.

Secretary Abraham has assured that the Department of Energy will develop a transportation plan and work with State and tribal governments regarding shipments to Yucca Mountain. Iowa’s Governor, Tom Vilsack, has also shared with me his support for designating Yucca Mountain, based on the outstanding record of safely transporting nuclear material. Given Iowa’s geographic position across major transportation routes, Governor Vilsack relayed that Iowa has consistently met its responsibilities in this regard.

Lastly, those who oppose the transportation of the waste across the country because it could be a terrorist target have clearly disregarded the fact that spent fuel in secure transits to a permanent repository is far less of a target than the spent fuel scattered across the country at over 100 temporary, stationary sites.

With over 2,000 tons of spent nuclear fuel in Iowa or on its borders, it’s imperative that the Senate take the necessary action today to finally begin the process of developing a permanent repository. To protect our national security, enhance our energy security, and ensure the safety of the public, we must proceed with implementation and move ahead on this project.

I request that a copy of Governor Vilsack’s letter to me dated May 8, 2002, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

STATE OF IOWA,
OFFICE OF THE GOVERNOR,
Des Moines, May 8, 2002.

Hon. CHARLES E. GRASSLEY,
U.S. Senator, Hart Senate Office Bldg., Washing-nton, DC.

I am writing to encourage your support for the recent decision to go forward with development Yucca Mountain as a permanent repository for our nation’s used commercial nuclear fuel and defense nuclear fuel and defense nuclear waste. The State of Neva-
dada has exercised its right to object to the decision. As a result, it is now your responsi-
bility, as a member of Congress, to evaluate, considering the national interest, the decision and affirm its wisdom.

In 1982 Congress established our nation’s policy on managing used commercial nuclear fuel and defense waste, i.e., interim storage by commercial reactor operators at their sites and permanent storage at one or more national, geologic repositories by the Fed-
eral government. Further, Congress provided for the collection of a fee, levied on custo-
mers of electricity generated by nuclear power plants, to be paid into the Federal Treasury and appropriated by Congress for the study and development of a permanent repository. In 1987, Congress, acting to focus the U.S. Department of Energy’s efforts, in-
structed the DOE to study the site at Yucca Mountain, Nevada. The DOE acting in accordance with Congress’ instructions, studied the Yucca Moun-
tain site and determined in 2001 that this site has satisfied the scientific wisdom that led to focusing on the Yucca Mountain site in 1987. We should now move on to the next phase of ac-
tivities and begin the process of licensing, li-
censing, construction and operation of a per-
manent repository. This is with the full un-
derstanding that the licensing and operation of Yucca Mountain will require the detailed scrutiny and additional questioning by the U.S. Nuclear Regulatory Commission which is charged by law to decide whether or not to issue a license to the DOE before a single bundle of used nuclear fuel can move to Yucca Mountain.

Used nuclear fuel is currently stored at commercial reactor sites within and on the borders of the state of Iowa. While this stor-
age has been and continues to be accom-
plished responsibly, these facilities were never intended as sites for permanent stor-
age and are operated on the presumption that the Federal government will go forward with its responsibility for a permanent repository. These same reactor sites provide nearly 23% of Iowa’s electric energy.

Customers have paid into the federal fund for the purposes of developing a repository. Study is but a single step towards the final end of developing a useful facility. With the completion of that study there is a “light at the end of the tunnel” for those same cus-
tomers who are bearing the expense of the interim storage within or on the borders of our state.

Congress, in 1982, when it enacted the pol-
cy of a national repository, recognized that used nuclear fuel and defense nuclear waste must be transferred to a permanent repository. His-
tory provides us an outstanding record of transportation of nuclear material. The state of Iowa, with its geographical position along major transportation routes, has consis-
tently met its responsibilities in this re-
gard. The same 1982 act provides for federal support to states to insure that the safety record of future transportation is equally good, if not better.

The decision to move forward on Yucca Mountain and the subsequent objection by Nevada should be back to Con-
gress to fulfill the national policy it estab-
lished in 1982: providing a permanent Federal repository for used nuclear fuel and defense nuclear waste. Science affirms the wisdom of Congress’ decision in 1987 to focus on Yucca Mountain. Customers and our nuclear reac-
tor operators have provided money and in-
terim storage while waiting for a permanent repository.

It is now time for Congress to stand behind its original decision and vote to move forward with Yucca Mountain. I ask for your support on this important issue.

Sincerely,

THOMAS J. VILSACK,
Governor.

Mr. KOHL. Mr. President, today the long struggle to find a permanent re-
pository for nuclear waste came one step closer to completion. The Senate has decided to over rule Nevada’s ob-
jection to storing nuclear waste at Yucca Mountain with a strong major-
ity. This is a victory I supported, but not one I can be happy about because it forced me to vote against my leader-
ship.

I supported moving the waste to Yucca Mountain for three main rea-
sons. First, the opening of Yucca Mountain means that Wisconsin will have one less site storing nuclear waste as the Dairyland Power Cooperative’s decommissioned reactor will finally be able to get rid of the waste stored at the former reactor site. This site has been proven safe after 20 years of study by the Department of Energy and the National Academy of Sciences. Third, the electricity rate payers of Wisconsin have paid more than $250 million over the years for this site and the Federal Government should fulfill its side of the bargain by providing the repository it promised.

I still have concerns regarding transpor-
tation of the waste through our popula-
tion centers. This is a high stakes situation and every effort needs to be made to choose the best routes, prepare the local emergency response plans, and work to keep the casks in which the waste will be moved. However, the industry’s record of thousands of shipments of nuclear waste around the country and around the world without an accidental release or explosion leaves me that these concerns will be adequately ad-
dressed.

I understand the concerns some of my colleagues have on the safety of the Yucca Mountain site. What we are ask-
ing science to do by proving that this site will be safe for tens of thousands of years is unheard of, and may well be beyond our current capabilities. But this site, on the Nevada Nuclear Test Site, is certainly safer than leaving this waste at 132 sites nationwide. Sites scattered around the country that were never designed to be a permanent solu-
tion. This mountain has been carefully studied and will continue to be closely monitored. We will move the waste from Yucca Mountain but will watch it closely for generations to come.

Burying our waste problems for fu-
ture generations to deal with is not something we should be proud of. I hope the Congress and the administra-
tion will continue to fund nuclear re-
search that will investigate ways to
neutralize this waste. The repository at Yucca Mountain doesn’t have to be the last word on nuclear waste, and I hope we can do better in the future.

Mr. FEINGOLD. Mr. President, I want to share my views on the Yucca Mountain resolution. Specifically, I want to review the issues that I have considered in examining this legislation that have led me to vote against the motion to proceed to this measure. In so doing, I believe that Yucca Mountain ultimately may be the appropriate place to permanently store our country’s nuclear waste, the Senate is considering proceeding to this resolution today without having addressed concerns: the Congress has not ensured that the Yucca Mountain site is of sufficient size to house our country’s nuclear waste and the Congress does not yet know the Administration’s plans for ensuring that the transportation of waste to that site is safe and secure. In addition, considering this premature resolution does nothing to get the waste to Yucca Mountain more quickly because the Federal Government must complete a number of remaining regulatory steps and build the site.

Let me first express my grave concern about the process by which this resolution has been brought to the floor. The Nuclear Waste Policy Act of 1982, amended in 1987, establishes a process for the Federal Government to designate a site for a permanent repository for civilian nuclear waste. In February 2002, this process culminated in a Presidential decision for a repository at Yucca Mountain, NV. On April 8, 2002, the State of Nevada exercised its authority under the law to disapprove the site. As a result of this State disapproval, the site may be approved for a repository siting approval, which we are now considering, becomes law.

The Nuclear Waste Policy Act also establishes an expedited procedure for congressional consideration of the Yucca Mountain resolution. The purpose of an expedited procedure is to facilitate the ability of Congress to dispose of the matter specified in a timely and definitive way. To this end, it establishes a means for Congress to take up, and complete action on, the resolution of approval or disapproval within a limited period of time. I am concerned that we are taking this action today and we are still several years away from a decision on Yucca Mountain.

The Nuclear Regulatory Commission is still several years away from issuing a construction license for Yucca, there is no transportation plan, and the transportation containers to be used for waste transport to a permanent storage site have also not been approved by the Nuclear Regulatory Commission. Thus, while Yucca may be the right site, this is the wrong time to have Congress “approve” the site while so many regulatory questions are yet unanswered.

I have always felt that we should be certain that Yucca is the final site before we proceed with final Congressional approval. For those of us who represent states that are grappling with nuclear waste storage questions, the short time frame mandated in law for the consideration of this resolution has actually served to analyze its full effects on behalf of our constituents. The issues raised by this resolution are serious policy issues. The Bush Administration knows the resolution approval process is designed by law and has statutorily defined deadlines for Congressional consideration. The Administration should not have jumped the gun and set the clock in motion while there is still a possibility that Yucca might not receive final siting approval in the regulatory process.

During my time in the Senate, I have consistently said that I would prefer that once nuclear waste leaves the State, it leaves permanently. Wisconsin’s interim storage facility, which was removed from our State and stored in a permanent geologic repository out of State so that it has no chance of coming back to Wisconsin, I opposed nuclear waste legislation in the last Congress that sought to build large scale interim storage at Yucca Mountain. If the storage site was ready and would have jeopardized consideration of the permanent site. This resolution commits the Federal Government, at least for the near term, to build one such large scale permanent repository.

I have heard concerns, however, from some constituents that this resolution purports to provide an interim fix to the country’s nuclear waste problem. I realize that this action is not the final say on Yucca Mountain and that we have many more steps to go before any site is built, but Yucca Mountain cannot serve its national purpose if we cannot get the waste there safely or if it is too small to hold the waste. We should have addressed these important considerations before proceeding to this resolution.

Mr. LEVIN. Mr. President, I am supporting the Yucca Mountain Resolution today because we need to take the next step in resolving the problem of nuclear waste in this country. It makes more sense to store the nation’s high level nuclear waste in a single place than it does to leave it at 131 sites spread all around the country, many close to significant population centers.
and all located on bodies of water, including the Great Lakes and major river systems. I do not feel that it is environmentally responsible to allow spent nuclear fuel to sit indefinitely in temporary facilities on the shores of the Great Lakes. We set up a procedure 20 years ago to deal with this problem, and we should use it.

I have heard from citizens all over Michigan on both sides of this issue. The Michigan Municipal League, the Michigan Board of Representatives, and over 75 counties and communities have contacted me to express their support for the effort to establish a permanent repository at Yucca Mountain. This resolution will permit the Department of Energy to submit an application to the Nuclear Regulatory Commission so that the Commission can determine whether established regulatory requirements for the protection of public health, safety, and the environment have been satisfied. The Nuclear Waste Policy Act, which was passed 20 years ago, did not leave it up to Congress to decide whether or not Yucca Mountain is a suitable location for our nuclear waste. Rather, it left this decision up to the Nuclear Regulatory Commission. If this resolution is approved, a license application will be submitted by the Department of Energy for Yucca Mountain and over the next several years, the Nuclear Regulatory Commission will go through all of the scientific and environmental data and look at the design of the repository to make sure that it can meet environmental and safety standards. This will be done by scientists and technical experts.

I share the concerns of many people regarding the storage and shipment of nuclear waste. Terrorism and transportation issues need to be thoroughly addressed in the licensing process. Transportation plans will be developed in a staged process over time and all plans will go public with opportunities for input from the States and local communities. The actual transportation routes are a long way from being determined. Further, the Department of Energy assures us that there are no plans to use barges to transport waste, and I will oppose any effort to do so.

Since 1983, the people of Michigan have committed more than $400 million to the Nuclear Waste Fund for environmental cleanup, and that they have received. The Palisades nuclear power plant near South Haven has a total of 432 spent fuel assemblies stored in 18 dry casks located on site. An additional 649 spent fuel assemblies remain in the spent fuel pool and will ultimately be transferred to dry casks. The Big Rock Point nuclear plant near Charlevoix retains all of its spent fuel in a pool inside the containment building. The plant is permanently shut down and is in the process of being decommisioned. Unfortunately, last year, the plant’s 441 spent fuel bundles will be loaded into 7 dry casks and stored on site. These casks are designed to be an interim measure. They are not a permanent solution. Each nuclear plant site in the U.S. has become a de facto spent fuel storage facility. It would be more efficient and more secure to move all of the spent fuel to one central facility where it can be managed. Further, in the case of Big Rock Point located near Charlevoix, the plant and equipment will be completely removed from the property within the next few years. All that will remain will be the spent fuel, sitting on the banks of a peninsula about one-half mile from the lake. Re-use of the property cannot be accommodated until the spent fuel is removed.

Finally, a permanent repository is also important to support the cleanup of contamination and waste generated by the cold war production of nuclear weapons and materials for these weapons. Currently the Department of Energy is treating high level waste materials, stabilizing them and getting them ready for transportation. The idea is that the waste can ultimately be shipped to a permanent repository. Moving the treated and stabilized waste is particularly key to the cleanup of sites such as the Savannah River Site in South Carolina and the Hanford Site in Richland, WA.

If this resolution does not become law, the only alternative for getting waste out of these many temporary storage sites into a permanent site will be terminated, which would move us in the wrong direction. Leaving the nuclear waste at temporary sites and leaving this decision to future generations is not the responsible thing to do and is not a solution to this problem.

In supporting this resolution, I am supporting an open and rigorous process for answering the concerns raised by so many. Only through this process will we be able to protect the health of the people and the environment. Michigan voters and I, once my first days in the U.S. Senate, have expressed strong concerns about nuclear power. The claims made in the 1970s that nuclear power was going to bring our country cheap, reliable and clean energy have turned out—as many warned at the time—to be far from the truth. While electricity from nuclear power has been reliable, it is neither cheap nor clean. The waste from these plants is an enormous and undisputed environmental concern, and it is far from environmentally clean.

After all these years of coasting on these false promises about nuclear power, the bill has come due. Today we have 29 years of nuclear waste in Vermont in the form of spent fuel in temporary storage on the banks of the Connecticut River, and we cannot ignore that it needs to be managed. Part of that management, especially since September 11 and all of our heightened security since then, is to better secure nuclear material. The waste can be transported to a safer location. And part of that management is to create that safer location, officially designating Yucca Mountain as the single, high-security site for the bulk of our nuclear waste that is now dispersed across our country.

While I know that some waste will always be located on-site at operating nuclear plants, we must locate the bulk of the waste at a single, secure site. Governor Dean and the Vermont Public Service Department have consistently called on me to support the repository, and today I again respect the wishes and long-term interests of my Vermont constituents.

The vote in the Senate today was about establishing a single national repository for tons of hazardous nuclear waste. I voted in favor. But the question of how nuclear material is safely transported to the Yucca Mountain repositorylsi brings up a new set of difficult decisions that Congress has yet to face. For the past several months, I have expressed my strong concerns about prematurely transporting nuclear waste to the Yucca Mountain site before Congress has yet to address three key questions:

- Has Congress failed to fully inform Congress about security improvements envisioned for shipping nuclear waste.
- Has failed to respond to repeated questions from the American people and their local communities, and that is unacceptable.
- Vermonters, in the tradition that has so distinguished our State, have actively studied the issues involved in the Yucca Mountain debate. They have shared their views and suggestions with me, on both sides of this issue, and I deeply appreciate their counsel. The approval of Yucca as a repository is one issue that has taken years for Congress to debate and address. This vote does not end the federal government’s obligation, by any means. I believe the administration must answer the concerns raised by many Americans in many States about nuclear waste transportation security before any material moves across the country and through hundreds of large cities and small towns. Until then, I do not feel that the Yucca Mountain site is truly operational—we must focus our energy on ensuring that all nuclear waste is secured in the safest, strongest on-site storage facilities possible.

Mr. PRESIDING OFFICER, who yields time?

Mr. MURKOWSKI. Mr. President, I thank the Senator from Arizona. The Senator from Idaho I think would require some 15 minutes.

Mr. REID. Mr. President, I say to my friend, the Senator from Idaho spoke to me and indicated he would like to go now. Senator ENSIGN and I have to be
here, and you have to be here. He doesn’t have to be here all the time.

Mr. MURKOWSKI. I am sure he is relieved to hear that, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, thank you.

I thank my colleague for allowing me some additional time to visit with you about what is probably one of the most important environmental votes we will have this session in both the short-term and the long-term perspective of good government policy dealing with the waste stream of our nuclear era and hopefully dealing with it in a way that allows us to move forward to new reactor design.

Ultimately, ensuring America it will continue to have a nuclear industry will provide the quality of electrical power on which our country will so depend in an environmentally sound way is really an underlying premise of this debate.

Before I discuss that a little more, I thought I would add to the RECORD an interesting fact about precedent. I know my colleague from Nevada is concerned about that as it relates to the procedures developed by Senator Moakley, the chairman of the House Committee on Rules. By the term of the statute, those rules that set forth in the Nuclear Waste Policy Act of 1982 will be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Excerpt from the RECORD of July 8, 1957)

Mr. KNOWLAND. Mr. President, I am about to make is to enable the Senate of the United States to perform its legislative function to consider, debate, and vote upon some additional time to visit with you about what is probably one of the most critical issues up before the Senate, so that we may be able to proceed to the consideration of this important bill.

I feel certain that the Members of this body are both reasonable and fair, if the opponents of the proposed legislation will argue the merits of their case on the bill itself and on the amendments when the bill is before us. I believe that we who favor the Senate’s functioning as a legislative body will not be unfair in our judgments or unreasonable in our actions.

The mere fact that a majority may favor bringing this bill up for consideration will not cause us to depart from a procedure of parliamentary conduct that we would consider equitable if applied to us if we were in the minority on this or any similar measure.

Again I appeal to my colleagues to permit the Senate as a part of a coordinate branch of the Government of the United States, to function under section 1, article I of the Constitution, which reads as follows:

"All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Mr. President, I move that the Senate now proceed to the consideration of Calendar No. 485, H.R. 6127.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

Mr. DOUGLAS. Mr. President, what the Senator from California has moved is merely that the Senate proceed to consider the civil rights bill. He is not, at this time, moving its passage. He is simply trying to bring the issue up before the Senate, so that we may then have the chance to discuss and to vote on it.

If the motion of the Senator from California prevails, then, and only then, will it be given precedence over any other bills, and eventually put forward by Congressman Joe Moakley, the chairman of the House Committee on Rules.

No damage was done to the Senate in 1967, and it was that precedent that found its way into the 1962 act. Failure to not proceed to and not approve the resolution will not, obviously, in my opinion, advance the issue at hand.

Having said that, I ask unanimous consent that the RECORD of July 8, 1967, be printed in the RECORD.

I hope that within this week the Senate of the United States will be allowed to vote on the motion to proceed to the consideration of this important bill.

What we are trying to do is to make effective in the life of the country the constitutional rights of all citizens—regardless of race and color—primarily the right to vote. As we all know, this right is guaranteed by the 15th amendment in the following words:

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

“The Congress shall have the power to enforce this article by appropriate legislation.”

Now, does Congress have the power to enforce this article by appropriate legislation? But what we got through that fight was probably one of the most critical excerpts of history.

The result was announced—yeas 71, nays 18, as follows:

Mr. DREKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPFL], are absent because of illness.

The Senator from North Dakota [Mr. YOUNG], is detained on official business.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Kansas [Mr. SCHOEPFL] would each vote ay under unanimous consent.

The result was announced—yeas 71, nays 18, as follows:
So this really was the hand-in-glove scenario. Do not suggest that one goes without the other at all because they were licensed not for permanence but for temporary status while the Federal Government moved through that time of establishing a permanent repository. In that context, when we talk about the 70,000 ton cap at Yucca Mountain as a statutory limitation, it may be statistically inapplicable. We do not know what the physical capability of Yucca Mountain beyond 70,000 tons would be. It could be increased over time 30 years out if, in fact, all of the geology and everything else met the standards that the scientists, through the licensing process, had established. Twenty years from now, 30 years from now, I will not be here. I doubt that the junior Senator from Nevada will be here. But on another day and in another place, and if that science meets those standards and it is strong and stable, and the world's perspective has shifted, then, remember, we are dealing with a statutory cap, not a physical limitation, as it relates to Yucca Mountain.

The reason the statutory cap was put in place originally was because we were looking at other repository locations in Vermont, in Washington State, and other places at the time. That is why there was a cap put in place. I know Senator Cantwell and Jindal and Wellstone have talked about the limitations and, therefore, the argument that temporary repositories would still have material in them. Remember, of course, any of us who legislate know that a statutory cap is one that could be changed if the politics and/or the science would argue a change were there to do so. Let us not, in any way, fall prey to that argument of limitation.

In that context, let me suggest that there has been an agreement, in part, tied to the geology of Yucca Mountain. I cannot tell you that I was there at the beginning, but I was there during the legislative time when we were looking at a variety of locations for repositories. I had examined them all as a legislator. I read all of the preliminary geologic surveys. It was determined at that time, in the mid-1980s, that Yucca Mountain was, by far, the site that appeared to be the most desirable other than, if you will, the large granite deposits in Vermont. Granite has a unique shielding capability, and it is possible to assume that you could put repositories deep into the granite of Vermont and it would be an ideal situation. But our country did not go there. Our country decided not to go there because of the importance of the world. And oh, by the way, the U.S. Geological Survey agrees with us. The Governor of Nevada.

Based on these factors, the Energy Secretary Abraham has asserted that Yucca Mountain is geologically stable and experiences sufficient to prevent the seepage of radionuclides. The committee agreed with Secretary Abraham’s conclusion that the consideration of manmade barriers is needed. The Governor claims that DOE’s computer models are unable to accurately predict emission rates for
The Yucca Mountain project is already 12 years behind schedule. The DOE's inability to file an application within 90 days is unfortunate but not a violation of the statute. The provision is a directory, and not a mandatory requirement.

In other words, like the science, we have met the standards but we want to achieve a clearer level.

In that regard, as it relates to the law and as it relates to an application to the Nuclear Regulatory Commission, we have met suitability as we now work to determine the other issues that will become a part of the licensing process of the Nuclear Regulatory Commission.

The Presidenting Officer. The Senator's time has expired.

Mr. REID. Mr. President, I have spoken with the distinguished Senator from Alaska. We both have limited amounts of time to give, but we decided the Senator from Nevada would be given 15 minutes; following that the Senator from Nevada would be given 15 minutes; following that I would speak and/or the majority leader. That should take all of our time.

I yield 15 minutes to the Senator from Nevada.

The Presidenting Officer. The Senator from Nevada.

Mr. ENSIGN. Mr. President, Nevada's slogan is "Welcome to Las Vegas." It is on our State flag. It reflects the firmness of purpose and the willingness to fight for what is right that is so much a part of what characterizes Nevada. This is as true today as it was when our State entered the Union during the Civil War. When it comes to Yucca Mountain, we intend to fight. Nevada's other motto is "all for our country." This is proudly displayed on our State seal. Nevadans have always been for our country. The ore taken from Nevada's topography has paid for every obligation ever obligated by which we preserved the Union during the Civil War, and Nevada has hosted aboveground nuclear testing at the Nevada Test Site, the result being a weapon of such mass destruction that it swiftly brought the end to the World War II conflict.

Too many innocent people in Nevada and Utah died from horrible cancer-related disease from the radiation fallout. So when it comes to our national defense, Nevada has always proudly stood tall for our country.

Yucca Mountain is not needed for our defense and goes way beyond patriotic duty.

I want to address the transportation issue. There is some truth to it. Once again, because we don't know the exact routes, but these are the best routes we have to go on.

The Department of Energy and the nuclear industry wants Americans to believe that taking tens of thousands of tons of transuranic waste, removing it from reactor sites around the country, and putting it on trains and trucks and barges now and moving it through cities and towns and waterways across America so it can be buried on an earthquake fault line in southern Nevada is a good idea. It is not.

According to the Department of Energy, 50,000 to 100,000 truck shipments, 10,000 to 20,000 rail shipments, and 1,600 to 3,000 ship voyages would be required to transport high-level nuclear waste to Yucca Mountain.

The Government is trying to convince us that this project is going to be safe; as a matter of fact, they say more than safe. The Government would have us believe that getting this waste to Yucca Mountain is the key to keeping our children safe from radioactive waste that is going to be dangerous for tens of thousands of years.

Anyone who believes the argument that this dangerous waste can be transported without incident only needs to look at what happened last July in the Baltimore Tunnel when a CSX freight train carrying hazardous waste derailed and set fires that burned for days. The casks have been studied at about 1,475 degrees using computer modeling—casks similar to that. The Baltimore Tunnel fire burned at about 1,500 degrees for days, which is way beyond what these casks have been put through at least in the laboratories. Imagine a similar incident to that which happened in Baltimore, except this time if it is radioactive waste.
Forget an accident. What about a terrorist attack? People have talked today about the record of shipping nuclear waste across Europe and the United States. But post-September 11, we are in a different world. We need to think in terms of the terrorist threat. Nuclear waste is safe to transport, and we know that. But it is also another story when it comes to our metropolitan areas.

At this time, we cannot be sure they are being made even more secure, although we all know they are. However, we do need to be certain of this. The nuclear waste will be shipped across major metropolitan areas in the United States.

Indeed, the most senior al-Qaida leader in the United States, Hamza al-Harchi, called for blowing up trains and cars in the United States. The Senator from Michigan talked about, in the Great Lakes, one of these nuclear waste canisters on one of the trucks, trains, or barges, as the Senator from Michigan said. Congress is doing the hard work for them.

Every truckload of nuclear waste going to Yucca Mountain on our highways through our towns and cities is a potential “dirty” bomb. All the terrorists have to do is breach one of these canisters on one of the trucks, trains, or barges, as the Senator from Michigan mentioned. The computer simulation is for 30 minutes at 1,475 degrees Fahrenheit. The temperature in the Baltimore Tunnel fire read 1,500 degrees, and it burned for days. The NRC stated that it is doing a top-to-bottom review and that it has reviewed the Baltimore Tunnel fire—to review the security requirements, including a review of the transportation casks’ vulnerabilities to terrorism. Let’s make sure these casks are properly tested before Congress votes on Yucca Mountain.

I want to talk about the Government’s big lie. Not only is the Government’s plan dangerous for America, it also won’t solve the problem. The Government’s big lie is that we Americans have a choice to have one central nuclear waste storage site at Yucca Mountain or to have waste stored at the reactor sites around America. We talked about it earlier today. That sounds as if it is an easy choice except that it is not.

Even if, by some luck, waste is shipped safely across the country to Yucca Mountain, there will continue to be nuclear waste stored at all operating reactor sites. You see, even if we have a choice and it is a binary choice, it is not done magically, as one of the Senators talked about today—like our garbage is picked up, we simply, all at once, pick it up and take it to the dump. It is not done that way with nuclear waste. Therefore, we will continue to have spent fuel stored at each and every operating reactor in the country. That is because nuclear waste is highly radioactive, thermally hot, and must be kept at reactor sites at water-filled cooling ponds for at least 5 to 10 years. The only way spent fuel storage can be eliminated from a reactor location is to shut down the reactor and wait many years to ship the material after that.

I don’t think that option of closing down figures into the nuclear industry’s long-range plan. We will have 65,000 metric tons of commercial nuclear waste by the time Yucca Mountain is scheduled to open. We produce about 2,000 metric tons of nuclear waste per year. The DOE plans to ship about 3,000 tons. Just do the math. We won’t get rid of the nuclear waste backlog in the country for nearly a century—even if, as somebody talked about, there will continue to be spent fuel at Yucca Mountain, which would obviously be politically a very difficult thing to do—excuse me. Yucca Mountain will be filled long before then—as we see on the chart, in 2036.

I think it is important to understand this because the DOE and the Secretary of Energy have been saying that it is safer to have this fuel all shipped to one place. This is today. We have 45,000 tons of spent nuclear high-level radioactive waste around the country. In 2010, when Yucca Mountain is scheduled to open, we will have 65,000 tons. If we start shipping about 3,000 tons a year, by 2036, when Yucca Mountain is full, we will still have virtually the same as what we have today. So we really have not accomplished too much.

If we don’t have Yucca Mountain, it will be way up, but there is not a lot of difference. It is a management thing, not a security risk.

The other thing is after Yucca Mountain is full, we start producing more of it, and we get out to 2056, we can see what happens. So Yucca Mountain doesn’t really solve the problems people say it is going to solve.

Moving waste to Yucca Mountain will just create one additional large storage facility. To do that, the cost will be tens of thousands of shipments of deadly radioactive waste on the Nation’s highways and railroads and waterways day after day, month after month. Obviously, it will never end.

I want to talk briefly about the history of the process. This is really Washington power politics. The reason I talk about this is because we are going to get to the cost of Yucca Mountain in a moment.

In 1982, the Nuclear Waste Policy Act gave the Energy Department until 1998 to open a permanent underground geologic repository of the Panamint formation in Nevada. The State of Nevada, which would be suitable. Basically, they just decided on politics that Nevada would get this.

The site originally was for geology. They said: We are going to house this waste underground, and it is going to protect us. Over the years, they found that the geology would not protect us. So what they had to do was build in manmade protections, and that drove the costs up significantly.

Prior to 1987 when they said they were going to study one site, the original cost estimate was $24 billion. In 1985 the cost estimate went to $27 billion, and in 1987 it was $38 billion. They were studying three sites. They said: We cannot do that; we will just study one site.

Now they are studying one site. The cost in 1995 was $37 billion, in 1998 the cost was $46 billion, and in 2001 the cost is $58 billion. That is the equivalent of all 12 aircraft carriers for the United States combined. As a matter of fact, that is more than in today’s dollars the cost of the Panama Canal, the World Trade Center, and Hoover Dam all combined.

That does not include building a rail site to Yucca Mountain which, according to the DOE, is going to be needed. So there’s a boondoggle, and we do not need to do it.

The PRESIDING OFFICER. The Senator’s time has expired.
Mr. ENSIGN. I ask unanimous consent for 5 more minutes.

Mr. MURKOWSKI. On the time of Senator REID.

Mr. ENSIGN. Yes.

Mr. MURKOWSKI. I have no objection, Mr. President.

Mr. ENSIGN. Mr. President, according to the NRC Chairman, people have said: Do we have to do this right now? According to the NRC Chairman, we do have the capacity to store these materials safely for decades to come—NRC Chairman Richard Meserve.

There has been a lot made of one of the Senators talking about what do we do with this waste if we do not transport it, and I wish to conclude my remarks by giving people an answer. If not Yucca Mountain, then what?

Onsite dry cask storage is good for at least 100 years. We know that. These canisters are safe for at least 100 years, according to the Department of Energy. It costs $1 billion to $5 billion to store it onsite, and that includes all of the costs associated with storing it onsite—$1 billion to $5 billion instead of $60 billion plus. It is going to be at least $60 billion, make no mistake about it.

Every year, we have been taking the cost up by over $10 billion in the estimates. Where is the cost going to go from here? We know this situation is going to be too expensive. What we need to do is keep the waste onsite. It is a lot cheaper.

There is promising science. There is pyroprocessing. There is what is called accelerator technology transmutation. These are fancy scientific words. The bottom line is they are modern recycling of nuclear waste or partially spent nuclear fuel rods. We are recycling everything we can in this country. We need to continue to invest in recycling technology.

For those who are supporters of nuclear power, I am, recycling will make nuclear power more viable in the future, I believe, because if we have solved the waste problem, instead of burying it in the ground where it is too expensive and waste partially spent nuclear fuel rods, if we invest in recycling technology, we will have a permanent energy supply for generation after generation of Americans.

If one believes in nuclear power, let's make it less costly and let's invest in the recycling technology and keep it onsite without the risks of transportation.

I wish to make one other point before I close. The senior Senator from Idaho talked about 1957. We are talking about a procedural motion. He talked about 1957 when somebody offered a resolution to proceed, and I have been saying all day we are violating Senate tradition today.

He said that in 1957, somebody in the minority offered a motion to proceed and the debate took a week. At the end of the week, that motion to proceed actually was voted for by a vote of 70-something to 28. While that vote is accurate, what he is inaccurate about is the majority leader supported the vote. What we have said is no motion to proceed has ever come to the Senate floor successfully over the objections of the majority leader, and that statement is still true, even with the 1957 precedent.

We think this still sets a very dangerous precedent on Senate tradition if this vote goes forward today.

Lastly, I wish to thank a few people in my State. There was one phenaomenal job of fighting this fight for the people of the State of Nevada and I believe for Americans in general. First, the senior Senator from Nevada, the assistant majority leader. No one has worked more tirelessly on this issue than he has. His staff has done an incredible job, as has my staff. I am thankful for the yeoman work of our Gov. Kenny Guinn and other elected officials, both Republican and Democrat, in our State who have tirelessly fought this issue.

If we lose this vote, I am committed to the belief that one day, years from now, leaders will look back on what the Senate did today and simply say: What were we thinking?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. MURKOWSKI. I will take such time as I need.

Mr. President, it is fair to reflect on where we are. Today the Senate is going to decide whether the secret of Energy should be allowed to make an application to the Nuclear Regulatory Commission for the use of Yucca Mountain as a repository for spent nuclear fuel and high-level waste. That is the only issue before this body.

The Senator from Nevada—I repeat, is not—deciding whether science and engineering are sufficient for the Yucca Mountain site to be operated safely and in compliance with EPA and other agency regulations. That is really the job of the Nuclear Regulatory Commission.

We have had a lot of discussion. Some of the discussion is associated with fear. I have looked for a synonym for red herring. I do not know if fluorine-containing is as close as we are going to get. In any event, we have to deal with this in a responsible manner.

Let me share with my colleagues what some of the public opinionmakers have said. I quote from the New York Times. This is July 9, "A Critical Vote on Nuclear Waste." It says:

Any Senator tempted to vote against the resolution must recognize the severe consequences. A nay vote or a failure to vote means Yucca Mountain is effectively dead and the nation must start anew to look for a disposal solution. A yes vote means simply that the project can proceed to the next step, a formal licensing application to the Nuclear Regulatory Commission, which will spend years analyzing all aspects of the repository to see if it warrants a license to operate.

Mr. President, I ask unanimous consent that this New York Times article, "A Critical Vote on Nuclear Waste," and a Chicago Tribune article, "Crossroads of Nuclear Waste Storage," dated July 9 both be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the New York Times, July 9, 2002)

A CRITICAL VOTE ON NUCLEAR WASTE

The Senate is facing a momentous vote this week that will determine whether a plan to bury nuclear waste at Yucca Mountain in Nevada moves to the next stage of regulatory scrutiny or dies prematurely. Any legislative delay now will be likely to terminate the project, and that must not be allowed to happen.

In recent weeks the critics of Yucca Mountain have grown increasingly alarmist in an effort to stampede any wavering senators. They claim that Yucca has fatal flaws that make it unsafe. But those are precisely the issues that will be examined in excruciating detail by the Nuclear Regulatory Commission if a formal licensing application is allowed to move forward. The critics also fret over the possibility of catastrophic accidents while the fuel transported from reactor sites to Yucca. Any settlement that mentions such shipments have gone off without any incident in this country and in Europe for the past three decades—in quantities that actually exceed the amount that would be shipped to Yucca.

The Senate finds itself in this pivotal spot because the statute that designated Yucca Mountain as the sole candidate for a disposal site set up a tight timetable of necessary approvals. The state of Nevada vetoed the project, as was its right, thereby throwing the decision back to Congress. The House has already voted, by a Trumping margin, to go forward. But unless the Senate also votes to override Nevada by late this month, the designation of Yucca as the candidate repository will expire.

Unfortunately, the Senate Democratic leadership is working against the proposal. Harry Reid, the majority whip, who hails from Nevada, is adamantly opposed to storage in his state. Tom Daschle, the majority leader, opposes the project and is refusing to schedule a Yucca Mountain vote. Fortunately, the Nuclear Waste Policy Act allows any senator to request that the Yucca resolution be brought to the floor for time-limited debate and a vote, a step that Republicans say they will take as early as this week, possibly even today.

Any senator tempted to vote against the resolution must recognize the severe consequences. A nay vote or a failure to vote means Yucca Mountain is effectively dead and the nation must start anew to look for a disposal solution. A yes vote means simply that the project can proceed to the next step, a formal licensing application to the Nuclear Regulatory Commission, which will spend years analyzing all aspects of the repository to see if it warrants a license to operate.
The advent of nuclear power more than 50 years ago brought with it both great promise and great responsibility. Our ability to harness the power of the atom has paid substantial dividends for our society, but it has also left us with the formidable challenge of safely storing the byproducts of nuclear power generation. This challenge is one we cannot meet so that future generations are not endangered by today’s nuclear waste.

Presently, all of the spent fuel from nuclear research and research reactors throughout the country remains on-site at each reactor. None of these facilities was designed to safely store waste that is a permanent, and leaving spent fuel in temporary storage around the nation poses both a security threat and an environmental hazard.

Everyone agrees that we need to find a safe and permanent way to store this material and such a storage site has been proposed at Yucca Mountain, which is located 90 miles from Las Vegas on federal land at the remote Nevada nuclear test site. The waste would be stored in stainless steel canisters that are buried more than 500 feet above the water table, sealed in steel containers placed under a titanium shield. A security force at the Nevada Test Site is responsible to protect the area, and the airspace around Yucca Mountain is already restricted.

When this issue has come before Congress in the past, I have opposed efforts to move waste to a temporary facility at Yucca Mountain before there was a scientific determination of whether waste could be safely stored on a permanent basis. I have opposed earlier measures that would have mandated dangerously low standards for environmental protection at the site.

Recently, however, I have been encouraged by the fact that the Environmental Protection Agency has successfully established radiation and groundwater contamination standards for the Yucca Mountain storage site. These standards were derived from recommendations by experts at the national academy of Sciences and were developed after appropriate public comment and scientific analysis. All of these standards greatly exceed the standards debated by Congress in the two previous bills I opposed.

No site will ever be perfect for the storage of high-level nuclear waste. But I believe the studies, which have already been conducted, and the Nuclear Regulatory Commission review still to come provide sufficient assurances that Yucca Mountain is the most appropriate site available and should be used as the national permanent nuclear waste repository. Therefore, I have decided to support the Yucca Mountain resolution, which would make that facility the national nuclear waste repository.

I am still concerned, however, with the movement of thousands of tons of nuclear waste across the country to Nevada. According to the U.S. Department of Energy, Illinois would rank seventh in truck shipments under what is called the “mostly truck scenario.” The same Energy Department analysis contained reports that Yucca Mountain would be the largest waste shipping campaign in the history of our country—both in terms of the number of shipments and the amount of miles traveled for high-level nuclear waste.

Unless we scrutinize safety factors and security risks, the large-scale transportation of radioactive materials has the potential to cause a host of serious challenges to cities and communities along shipping routes. This issue is all the more important in light of the terrorist threats we are likely to face in the years ahead.

In Illinois, nearly half of our electricity is generated from nuclear power. Our state contains seven nuclear power plants, two nuclear research reactors and more commercial nuclear waste than any other state. In addition, we are home to one of the busiest transportation corridors in the nation, putting our state squarely at the intersection of the nuclear crossroads. With the safety of Illinois at stake, finding the safest way to move nuclear waste is where it poses the least risk is imperative.

Congress must insist on a comprehensive safety program for nuclear waste transportation. We must require the waste containment casks to be tested to ensure they could withstand intense fires, high-speed collisions and other threats that may occur during transport. It is also essential that states be consulted on the selection of transportation routes and are given longer advance notification of such routes. Other measures that need to be addressed include banning inland waterway shipments of nuclear waste, requiring dedicated trains and establishing a minimum number of railroad miles to accompany each nuclear waste convoy.

We should move forward with making Yucca Mountain the central repository for our nation’s nuclear waste, but we must not forget that the site can only serve its national purpose if the waste is transported safely. Before shipments to Yucca Mountain begin, we should establish a transportation plan to ensure the safety and security of the communities that lie in the path of those shipments—and we must begin that work today.

Mr. MURKOWSKI. Mr. President, I will refer to a couple of other articles. A Seattle Times editorial, Sunday, June 2:

If the Senate does not follow the House lead, the Energy Department must start over. The agency must look again at other finalists—Deaf Smith County, Texas, or Washington’s own Hanford Nuclear Reservation. I refer to the Oregonian, Sunday, June 8:

If Yucca Mountain is blocked, nuclear waste could sit forever in temporary, poorly planned sites all across this country, including the Trojan nuclear powerplant, Yucca Mountain is clearly the best option available.

From the Washington Post, April 30: Congress should override Nevada Governor Kenny Guinn’s veto and allow work on Yucca Mountain to proceed.

But while years of investigation have not answered all of the questions, neither have they produced adequate reason to stop the project in its tracks.

And April 21, the New York Times:

There is no question that the transportation issues will need to be explored in great depth. But the appropriate place for these issues to be addressed is in a painstaking regulatory proceeding before the NRC.

And not before a rushed Congress debate. So everyone understands, we are authorizing the licensing process in the next step, and the question of whether we will ever be able, if we prevail on this vote, to proceed with a licensing process. That is all.

We had a lot of discussion, and I am inclined to think we have probably spent 20 years or so moving this process along relative to the disposition of the waste. People sometimes have different visions of what Yucca Mountain is all about.

This is a picture of Yucca Mountain. Yucca Mountain has environmental attributes that would contribute to the safe disposal of high-level waste: Remote location with the nearest metropolitan area about 100 miles away, high security because of the proximity to the Nevada Test Site and the Nellis Air Force range, arid climate, deep water table, isolated hydrologic basin without flow into rivers or oceans and multiple natural barriers.

This is Yucca Mountain; this is the site of the tunnel. I have been there. It is in existence. And $4 billion of taxpayers’ money has been expended.

It is in potential sites. There was what this location involves. This is a picture of the test site area. For the last 40 years, we have been using this area as a test site for nuclear bombs and various nuclear weapons. It is an area that has layers of radioactive material associated with it. For all practical purposes, in spite of the fact we hate to admit we do this, we put certain areas off limits. This is one because of the high levels of radioactivity, unexploded munitions, and so forth. Yucca Mountain is included in this area.

While we have looked for other places, it is fair to say one of the conditions was this area had been set aside for a nuclear test site.

Now, another chart shows tests in other States. As we look at the disposition, we should go back and look at events leading to the selection of Yucca Mountain for a study. There were a lot of sites. There was the Hanford site in Washington and Yucca Mountain in Nevada. In Utah, there was Davis Canyon and Lavender Canyon. In Texas was the Deaf Smith County site and the Swisher site and a number of other sites in Texas. We made a cut. We cut from nine sites and left Hanford. We left Yucca Mountain, Davis Canyon, Texas and Mississippi. Three sites were Presidential approved: Washington, Nevada, and Texas. In 1986, there was one site left. It was selected. That was Yucca Mountain. Congress passed the NWPA, as amended, mandating only the Yucca Mountain site for the detailed site characterization.

This has been done. We have expended the money. We went through a process. If we do not take care of Yucca Mountain today, what are we going to do with the rest of the sites? It will be Texas, Utah, Washington, Mississippi. We will go through this process—perhaps Vermont. They have a lot of marble stabilization out there. The point is, we would be derelict in our duty from the obligation we have today.

The transportation systems we have heard so much about. This chart shows...
the existing transportation routes to WIPP, a low-level isolation pilot plant associated with the Livermore Laboratories and others in New Mexico.

I have been there. It is in the salt caverns. You go down in the huge caverns where you store this low-level waste. It is interesting to see the routing, what States are affected and which are not. We move wastes from various laboratories. These are low-level transuranic wastes that move across Highway No. 80 and so forth. Clearly, they go in and out.

For those arguing the merits of Missouri and waste going through Missouri, the waste leaves Missouri. I am not suggesting there is a final plan associated with it. This is where we have been moving the waste so far. It is low-level waste. We do not know where the various agencies are going to make these decisions and those agencies—the Nuclear Regulatory Commission, the Department of Energy, and the Department of Defense—will bear the responsibility of determining what routes are taken.

We have moved almost 3,000 shipments of spent fuel. This is high-level waste moved between 1964 and 2000. We moved 87 million miles, and we have had zero radiation releases. Low level to WIPP is 900 shipments, and almost 900,000 miles. We have 3,892 shipments and moved them over 2.6 million miles with zero harmful radiation.

Now the importance of nuclear energy and a source of electricity: 51 percent is coal, natural gas is 16 percent, oil is 2.9 percent, hydro is 7.2 percent, miscellaneous is 2.2, nuclear is 20 percent.

There are those who would like to see the nuclear industry choke on its own waste and simply go away. That is an impractical reality. It does not flow. If we are talking about reducing emissions or talking about global warming, clearly the nuclear industry in this country has to maintain its prominence. We have not had any new nuclear plants come online in 20 years. Clearly, nuclear energy plays a major role. It is emission free. The problem is the problem we have in the Senate today, and that is addressing the disposal of the waste.

It is important to recognize where these plants are located: the State of Washington, California, Texas, and on to this clearly, there are a number of nuclear plants producing 20 percent of our electricity. This chart shows the States.

It is important to note the rationale that Congress developed to address the disposal of this waste. That is those that use nuclear power would pay a special assessment into a fund that currently has about $17 billion; $11 billion came from the ratepayer. The Federal Government takes that money and agreed to take the waste. They agreed in a contractual commitment in 1988 to take the waste. They did not take the waste because they were not ready. They are in violation of a contract.

The litigation associated with this breach of the contractual commitments is estimated to be somewhere between $40 and $70 billion. That is a hit to the U.S. taxpayer.

The reality is that these ratepayers in Washington paid $90 million; in Arizona, $337 million; in Texas, $334 million; in South Carolina, $876 million; in Pennsylvania, $1 billion; in Maine, $67 million. These are the fees the ratepayers have paid to the Government to take the waste. We have that obligation. The obligation is well-versed in contractual law. We have an obligation to perform if we enter into a contract. We failed to do that.

The taxpayer bears the burden even though the ratepayers have paid to the Federal Government under the terms of the contract. There you have the responsibility associated with the issue: If this is a Government bailout, will this come to the Appropriations Committee for appropriations? No, the ratepayer is doing that. Should the nuclear industry choke on its own responsibilities? Let’s look at it State by State. Here is New York. New York is 23 percent dependent on nuclear energy; 18 percent coal; gas, 28 percent and so forth.

They have operating reactors, six, and as a consequence, they have a significant portion of waste in their State. The waste is on the small charts. It is important to reflect on what happens to the waste that is in your State if, indeed, Yucca Mountain does not receive the approval of this body.

We find that there are 2.378 metric tons of nuclear fuel stored in New York. Do you want that fuel moved? That is a question.

The next chart is Connecticut. Connecticut has 45 percent dependence on nuclear energy. Again, the waste stored in that State is 1,500 tons. That is not going to move unless we pass this legislation.

Illinois is almost 50 percent dependent on nuclear energy. They have 5,800 tons of waste, high-level waste. I can go through the other charts: California, 17 percent dependent; Maryland, 27 percent dependent; Massachusetts, I think 14 percent dependent; New Jersey, 49 percent dependent; and Washington State is relatively insignificant at 8 percent.

Nevertheless, the point I want to make here is that nuclear energy is important, the energy development in these States and the waste is piling up, and it is significant.

Madam President, how much time is remaining on our side?

The PRESIDING OFFICER (Mrs. Clinton). The Senator has 11 minutes remaining.

Mr. MURKOWSKI. How much time does the Senator from Oklahoma need? I am going to use most of the remaining time, but if he would like 5 minutes? Why don’t you take 4 minutes, and you will probably get 5.

Mr. INHOFE. I thank the Senator for giving me a little bit of time. I believe it is necessary.

A number of people have asked me why it is that I support nuclear energy when my home State does not have any nuclear power. My response is that nuclear energy directly benefits every Oklahoman even though not a single kilowatt of energy is produced from nuclear power. Oklahomans benefit from nuclear energy in the form of decreased power bills and increased national and economic security.

Currently, nuclear power represents 20 percent of our Nation’s electricity generation. As an integral part of the U.S. energy mix, nuclear energy is a secure energy source that the nation can depend on. Unlike some other energy sources, nuclear energy is not subject to unreliable weather or climate conditions, unpredictable cost fluctuations, or dependence on foreign suppliers.

However, the lack of storage space for nuclear waste is now threatening the existence of nuclear power. If the nation does not have any nuclear power plants, if nuclear power goes off line, it would cause an economic crisis in Oklahoma. The reason is simple. If you take 20 percent of the power supply off line, other States’ demands of Oklahoma’s power would increase, thus creating a smaller supply of energy, and a corresponding increase in the cost of energy for Oklahomans. The days of utility rates in Oklahoma being 19 percent below the national average power rate would be over.

Higher energy prices affect everyone. However, when the price of energy rises that means the less fortunate in our society must make a decision between paying for the heat and paying for other essential needs. In a recent study on Public Opinion on Poverty, it was reported that one-quarter of Americans report having problems paying for several basic necessities. In this study, currently 23 percent have difficulty in paying their utilities. That is almost one out of every four Americans. I will not support attacks on our energy supply, which hurt the poor in Oklahoma and around the Nation, in the name of an environmental crusade.

In the mid-1980s, I traveled around the country with President Reagan’s energy Secretary, Don Hodel, to bring attention to the need for measures to decrease our Nation’s energy dependence. Additionally, in January 1998, I elicited virtual consensus from the members of the Joint Chiefs of Staff that energy security was a too-often-overlooked aspect of our national security needs. Additionally, in just the month before my Department of Defense Paul Wolfowitz said that U.S. dependency on foreign energy “is a serious strategic issue. . . . My sense
is that (our) dependency is projected to grow, not to decline.

It is essential for a strong Navy.

The fact is we are at war right now. Every American is benefiting from the war on terrorism. Our subs are nuclear. Our aircraft are nuclear. Any time we send American ships to a different part of the world, whether to keep the peace or defeat an aggressor they head there powered by nuclear fuel. Where does that spent fuel go? Right where it should go: back, after Jose Padilla, A.K.A. "The Black Widow," to known storage sites, many are cold war—are scattered around the United States. There is enough of it to make into MOX fuel or another form. Yes, there are some people who act as if transporting nuclear fuel will be a new thing for America. The fact is we've seen more than 3,000 shipments of it over the past 40 years. In all those years we've never had to move spent fuel from one site to another to use that knowledge to threaten our way of life. A vote for Yucca Mountain will make that hard for them.

Yucca Mountain is so important. That is why we need a central underground disposal site, where spent fuel can be more safely and efficiently monitored. And so, friends, I urge my colleagues to vote yes on Yucca Mountain. We caught one terrorist. We can't catch them all. They will come through our airports. They will dock in our major ports. They will go through customs without a hitch because they possess not plutonium but plutonium know-how. That is right. It is transported right now. It's stored on the surface. So what happens if we fail to set up a permanent repository? We create what Secretary Abraham calls uncertainty regarding the "continued capability of our naval operations." A strong Navy fuels our ability to remain a world power. And we need a safe way to handle what is fueling our Navy.

The cold war is over. To those of us who grew up in a time when we had bomb shelters in our backyards, nothing would be more welcome than seeing us dismantle weapons we no longer need. Every time I read about the plans for turning plutonium into "mixed-oxide" or MOX fuel, I see the last determination to resist Soviet domination.

But whether surplus plutonium is made into MOX fuel or another form, waste is still left over. And it must go to a permanent repository. And that is where Yucca Mountain is needed. How can we urge other countries to get rid of their nuclear weapons if they don't see us doing it? We are now turning swords into plowshares by helping Russia convert its surplus weapons material into fuel for American reactors. Even the by-products of this fuel, once used, will need a repository. Yucca Mountain will provide a safe place for the materials in weapons no longer pointed at our enemies. And it will be a powerful example to the world that we no longer need weapons pointed at us.

Maybe a few years back we could not conceive of terrorists making bombs out of planes and striking at the very heart of America. We can now. Make no mistake. They are out there and in our country. Yes, it is good that we are racing to put neutron flux detectors and gamma ray detectors at all our airports. But terrorists don't need to bring radioactive contents. And don't forget: The Yucca Mountain project was accepted to receive used nuclear fuel from foreign research reactors under a non-proliferation pact. They come in from Europe and Latin America. They are brought by train to South Carolina. And we're going to do that until 2006-22,743 separate used fuel assemblies. This is something we know how to do. Because we have done it. And we have done it exceptionally well.

Will we avoid transporting waste if we don't pass Yucca Mountain? Absolutely not. A lot of sites are reaching their limits for keeping used nuclear fuel on location. 40 of them will need additional storage in the next 8 years. But they don't have the space for it. How will that waste go to go? Secretary Abraham put his finger on the issue when he testified last February. "Our real choice is not between transportation or not transporting used fuel, but between transporting it with as much planning and safety as possible, or transporting it with such organization as the moment might invite."

To keep that waste in 39 States is to keep it at 131 locations never designed for permanent disposal. Never intended to manage this waste indefinitely. Clearly, an additional 20 years of waste disposal of this waste requires it be transported somewhere.

Furthermore, as skillful as America is at transporting hazardous materials, we are not the only people in the world who do that. We have been doing it since 1966 about as much material as we want to send to Yucca Mountain. We don't have a monopoly. We have to move this waste at a rate far faster than we've moved it in the past. And we have to move it safely, whether by sea or by land. We have to keep the environment, zero release of radioactivity, and zero fatalities.

We have seen 1.7 million miles of these shipments without any release of radioactive contents. And don't forget: The shipment of waste would be creating thousands of "mobile Chernobyls." I have already discussed, our Nation's safety record with regard to the shipment of nuclear materials. However, I must mention that, until the Yucca Mountain project is licensed by the Nuclear Regulatory Commission, which is about 10 years off, the Departments of Energy and Transportation will not designate shipping routes for nuclear waste to Yucca Mountain. If anyone implies that they know the routes, they are not telling the truth because the decision makers of those routes will not consider routes for many years.

As ranking member of the Transportation, Infrastructure, and Nuclear Safety Subcommittee, I am looking forward to my key role in working with the various federal agencies to ensure the safe transportation of our commercial and military nuclear waste.

Make no mistake. A vote against Yucca Mountain is a vote against nuclear power, and, thus, a vote to hurt our energy, economic, and national security.

I thank the Senator from Alaska for giving me a few minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent there be 10 minutes additional time equally divided between Senator MURkowski and the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I believe we have a Senator from the majority coming over. But I will take—how much time may I ask is remaining on our side, Madam President? The PRESIDING OFFICER. There remain two minutes.

Mr. MURKOWSKI. I would like to take 10 minutes and reserve the remainder of my time.

America handles the problem of nuclear waste is a victory for local control. State and local governments can select alternate routes if they oppose those proposed by DOE and 11 States have done just that. As they should. Meanwhile, Federal and State and local authorities have worked together. Worked with training. Worked on contingency plans. Worked on mutual assistance agreements. Worked as partners. As we should. Building on our Nation's fine records, as the ranking member of the Transportation, Infrastructure, and Nuclear Safety Subcommittee, I look forward to working with the various Federal agencies to ensure the proper federal role in providing security for nuclear waste shipments. As a former mayor of Tulsa, I will also keep in mind the critical role that State and local governments must play in this process.

In an attempt to misinform and frighten the public, extreme environmentalists, like those who have been arguing that the shipment of waste would be creating thousands of "mobile Chernobyls," I have already discussed our Nation's safety record with regard to the shipment of nuclear materials. However, I must mention that, until the Yucca Mountain project is licensed by the Nuclear Regulatory Commission, which is about 10 years off, the Departments of Energy and Transportation will not designate shipping routes for nuclear waste to Yucca Mountain. If anyone implies that they know the routes, they are not telling the truth because the decision makers of those routes will not consider routes for many years.

As ranking member of the Transportation, Infrastructure, and Nuclear Safety Subcommittee, I am looking forward to my key role in working with the various federal agencies to ensure the safe transportation of our commercial and military nuclear waste.
As I indicated a few moments ago, there is only one issue before the Senate, and that is the reality that we are about to vote to determine whether science and engineering are sufficient for the Yucca Mountain site to be operated safely in compliance with EPA and other regulations in pursuing a license by the Department of Energy. That is the question.

The ultimate transportation and other matters are going to be determined by the Nuclear Regulatory Commission, which is a very competent group. But the Senate is not now deciding whether or how spent fuel will be transported to a site if it is licensed and constructed.

As I indicated, the Department of Transportation, the Secretary of Energy, the Nuclear Regulatory Commission, will proceed and that will take some time.

What we have today is basically two choices: We could follow the recommendations of the Secretary of Energy and the President of the United States—the U.S. House of Representatives has done its job, and the Senate Committee on Energy and Natural Resources—and allow the Secretary of Energy to proceed and apply for a license or we can abandon some 20 years of work, over $7 billion invested in science, in engineering, and the peer-reviewed conclusions of responsible scientists within and outside Government, and then what do we do? We begin the task all over at the expense of the taxpayers.

That is where we are. There is no middle ground and no way to duck the issue or duck the responsibility. As we say in Alaska, it is time to fish or cut bait.

The Nuclear Waste Policy Act was deliberately and carefully crafted to ensure that both the Senate and the House would deal with the issue.

The House met its obligation by an overwhelming vote of 396 to 117. The House and the President's decision and voted to allow the Secretary of Energy to proceed with the license application. The Committee on Energy and Natural Resources held 3 full days of hearings to examine all aspects of this issue, including a full day where we welcomed the State of Nevada to select its witnesses who would appear in opposition to the resolution. The committee carefully reviewed each and every argument raised by the State of Nevada in the Governor's message or by the State representatives.

I commend the report to the attention of my colleagues. We have that report before us. Here it is. In a careful and methodical manner, this particular report before the Nuclear Regulatory Commission.

What are the consequences if we fail to act? On the other hand, there are many serious consequences if we do not approve the resolution. The immediate consequence is set forth in the Nuclear Waste Policy Act. Section 115(b) is explicit. If the resolution is not approved within 90 days—the 90-day period for congressional review—such site shall be disapproved. The magic date is July 27. If this is not approved by that date, the site shall be disapproved.

Further, it does not say that the decision is postponed or the decision is simply put off for some reason to be reevaluated at a later time. It is explicitly and without qualification says “such site shall be disapproved.”

There are consequences of that disapproval, and those consequences are serious. At a minimum, Congress will need to reconsider the previous sites—Hanford in Washington, Deaf Smith County, TX—giving serious consideration by using the Hanford Reservation as an interim site to meet our contractual obligations to the utilities and to deal with the waste in the best way.

We have a significant amount of defense waste already at Hanford. Instead of moving material from Hanford, we might have to consider moving additional material there for the foreseeable future.

Should Congress not act and we start this process over, my guess is we will have to go back to where we were in 1982 when there was serious consideration of granite formations in the Michipicoten Peninsula, and elsewhere; salt caverns in Mississippi and Louisiana; granite in Vermont, and so forth. Some have suggested that we use Federal reservations as interim sites, as has been proposed in the past. With the transportation scenario, that will be far more complex than that which has been considered to date—perhaps simply leaving the spent fuel onsite in Vermont, Illinois, Maryland, California, or elsewhere.

Let there be no mistake. Because of the statutory time constraints and the directives in the law, a vote against the motion to proceed is a vote to direct the Secretary of Energy to cease all further work at Yucca Mountain and close the office until Congress decides otherwise.

I hope my colleagues will look around in the Chamber because only Nevada—only Nevada—will not be in the next round.

There is an implication to the taxpayer because we have the nuclear waste. Aside from taking Nevada off the table, there are other unavoidable and unpleasant consequences of failure to face up to our responsibilities. Members may not recall, but the cost of permanent storage of spent fuel is totally financed by ratepayers who use the energy. The fee is collected by the utilities and every one of our constituents who have nuclear energy as part of their energy mix have been paying that fee for the past 15 years for storage. These costs do not—let me repeat—do not come out of the General Treasury. They come from ratepayers that use nuclear energy. These ratepayers are in virtually every State in the Union, including States that do not have nuclear powerplants. Those ratepayers and the States that either have nuclear powerplants or whose citizens pay for the use of nuclear power have a contractual obligation to pay into the Nuclear Waste Fund to pay for the use of nuclear energy within our electric power mix.

For those of you who experienced shortages on the west coast last year,
think where this Nation would be and what we would be in for if we had to shut off 20 percent of our electric power simply because we could not agree on a solution to the waste problem.

If you don’t know how much of the electric power in this country comes from nuclear, I have gone through the numbers: Connecticut, 40 percent; Illinois, 50 percent; California, 17 percent; Vermont, 67 percent; New York, 23 percent; Maryland, 28 percent; Michigan, 18 percent; and, Georgia, 27 percent. How much of your power is in those States that need to get out? It is thousands and thousands of metric tons.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. MUKRUSKI. I believe I have 1 minute. I will conclude. I see the majority leader is seeking recognition. I want to respect the traditions of the Senate.

I will conclude with the reality that the issue before us is clear. All one has to do is read the commission reports. The Committee on Energy and Natural Resources performed the review, as we would expect. We carefully considered every objection raised by the State of Nevada. We conducted 3 days of hearings and the issue in an open business meeting and favorably reported on a bipartisan basis. We filed a comprehensive report that discusses every argument raised by the State of Nevada, and why the argument is not persuasive or not relevant to the issue before the Senate.

I commend my colleagues, Senator ENSIGN and Senator REN, I understand why the Senators from Nevada oppose the resolution, but I cannot understand why anyone else would.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I will use the remainder of my time to make the statement I am about to make.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, we should not be having this vote today.

There are still far too many questions about the wisdom and safety of creating a national nuclear waste dump at Yucca Mountain for anyone to be able to cast an informed, responsible vote on this matter. But we are here.

We are here because the Bush administration and some of its allies in Congress—and in the energy industry—are determined to exploit unique rules that were written 20 years ago and apply only to this bill.

I can’t help but think how ironic it is that less than a week after America celebrated the genius of our Founders, who intended this Senate to be the world’s most deliberative body, we are being forced to vote on a matter of such grave importance before we can have an informed, honest debate.

Even more troubling than the break this vote represents with our past, is the threat it poses to America’s future. Let us be very clear: The claim that science supports building a national nuclear waste dump at Yucca Mountain is simply not true. The truth is, leading independent scientists have raised troubling questions about the scientific basis for the Department of Energy’s recommendation regarding Yucca Mountain.

A recent letter to Congress from the independent Nuclear Waste Technical Review Board contains a warning we should all pay great heed to. It warns that ‘‘Yucca Mountain’s geological basis for storage, DOE’s repository design is weak to moderate at this time.’’

Think about that. We are being asked to overturn a Governor’s veto—and risk public health and safety—by approving a plan of ‘‘weak to moderate’’ technical design. That is an extraordinary position for the administration to take.

The General Accounting Office, Congress’s independent watchdog agency, has also raised serious questions about Yucca Mountain. Eight months ago, the GAO released a report that questioned Secretary Abraham’s recommendation to the President to move ahead on Yucca Mountain despite the—quote—‘‘additional technical work remains to be done’’ on the safety and feasibility of the project. The GAO report noted that more than 200 unresolved technical issues identified by the Nuclear Regulatory Commission remain to be addressed. Furthermore, it noted that even the Department of Energy’s own contractor doesn’t think those issues will be resolved in time to meet the 2010 deadline. In fact, it will probably be years before we know definitively whether it is safe to store nuclear waste at Yucca Mountain.

So why are we having this vote today?

We are being forced to decide this issue prematurely—without sufficient scientific proof—because this administration is doing the bidding of special interests that simply want to make the deadly waste they have generated somebody else’s problem.

That is wrong. We ought to make this decision on the basis of sound science, not pressure from the energy industry.

Two weeks ago, a mild earthquake shook Yucca Mountain. What would happen to nuclear waste buried beneath that area? Will the next earthquake hit? And we know there will be another. Will the radioactive waste leak? Will it contaminate the soil? The groundwater? We don’t know.

The decision we make will have consequences that will last for tens of thousands of years. We owe it to the American people—and to future generations of Americans who haven’t been born yet—to wait until we have real answers. Yucca Mountain is less than 75 miles from Las Vegas, the fastest-growing metro area in the country.

But it is not just Nevadans who are potentially in harm’s way. Serious questions have also been raised not only about the safety of burying nuclear waste at Yucca Mountain, but also about the safety of getting the toxic materials to Yucca Mountain.

We are talking about transporting roughly 70,000 metric tons of deadly waste from 39 States across our Nation’s highways, railways, and waterways to Yucca Mountain. No one knows exactly what routes the waste would take. But, based on the routes the DOE used in its environmental impact statement, there could be 14,000 to 20,000 million people within 1 mile of a proposed nuclear waste transfer route.

This is extremely dangerous material: High-level radioactive waste. According to the non-partisan Environmental Working Group: Each rail car carrying nuclear waste, for instance, contains 240 times as much long-lived radiation as was released by the Hiroshima bomb. A person standing 3 feet from an unshielded nuclear waste cask would receive a lethal dose of radiation in 2 minutes.

The administration has warned us repeatedly that terrorists may hijack trucks and strike at trains. We also know that there are security problems with many of our States shipping nuclear waste on trucks and trains and barges. We may very well be creating hundreds, even thousands, of rolling ‘‘dirty’’ bombs. What sense does that make?

Even if we are fortunate enough to avoid terrorist attacks on shipments of radioactive waste bound for Yucca Mountain, there is a serious risk of accidents in transit, which would put Americans at risk of exposure to high-level radioactive waste as well. Almost a year ago exactly, a train derailment in a Maryland incident caused a tunnel fire that burned for days. Temperatures in that tunnel exceeded 1,000 degrees.

How much radiation would have been released to the environment had nuclear waste been on that train? How many people might have died?

There is so much we don’t know about this ill-conceived project. But there is one thing we do know: Contrary to what the special interests claim, even if the Senate votes today to override Governor Guinn’s veto, creating a national nuclear dump in Nevada will not solve America’s nuclear waste storage problem. That is because the site is not only big enough to produce far more nuclear waste than can be buried at Yucca Mountain. So beware if you are thinking of voting for this proposal. This time, the nuclear waste may be passing through your State. Next time, your State may be where the special interests want to bury their radioactive trash.

If we let them do it this time—without sufficient scientific proof that it is safe—think how much easier it will be the next time.

During his campaign, President Bush promised Americans that if he were elected, he would support regulations
I am still dumbfounded to hear people express concerns about how it can be moved, how it can be stored. Senator MURkowski and a bipartisan delegation took a look 10 years ago at how Sweden, France, and the Japanese have dealt with this problem. Yet in America we have to come to grips with our future needs and how we are going to deal with the problem.

We should not overexaggerate what this decision today will do. The Senate today will decide very simply whether the Department of Energy shall be permitted to apply for a license to operate a repository at Yucca Mountain. It is not the end of the process. It is the very beginning. I know from experience we are going to look at this issue every year, congressionally, as we should, because funds will have to be used as we go through the process. Senators from across the country are going to want to know what is happening, how it is going. This is just to begin the important part of the process.

We should not abandon all these years of effort. That is what would happen. If we don’t pass this motion to proceed, vote yes on it, I don’t know how we go forward. We will have wasted years and billions of dollars in research and effort.

In addition, there is a tremendous problem with the exposure the Government would have as a result. If we don’t go forward, or the Federal Government could be millions of dollars in liability for breach of contractual obligations. Remember this: If we don’t proceed, a lot of companies are going to start entering into private contracts. They will start making arrangements for other types of repositories, probably not as safe, not as well thought out, not based on as much science, and also still having to be moved. When you look at various States and where their nuclear waste is stored, you see that something is going to happen. Having a repository that we have studied so much and that will be so secure is better than the alternative of the liability to which we would be exposed and what then would begin to happen all over the country.

We should not jeopardize our only realistic means of meeting global climate concerns by cutting back 20 percent of clean electric power that is supplied by nuclear power. As a matter of fact, I am hoping we will have some more nuclear reactors activated in the Tennessee Valley Authority region.

Clearly, there is a way that could be done, and there are some nearly completed reactors that could be put back on line. It would help us with our energy needs as we move toward an ever-growing economy. If you are going to have economic growth, you have to have power. I have just visited some other countries where they have seen real growth. One of the concerns they have—a country such as Ireland—is that growth. They have new companies, but they are struggling to keep up with meeting the power needs that go with the economic growth.

If we don’t proceed, do we go back to the beginning? Do we debate again the repository siting and reexamine all the feasibilities of other sites such as the Hanford Reservation or the Michigan Peninsula? Where would it be? What would we do?

Also, we would have to consider existing Federal reservations such as Hanford and Savannah River. The complications that would be caused and the delays in the proposed process, not agreeing to the motion to proceed today are almost incomprehensible.

There has been a lot of discussion about transportation, moving this waste around the country. How can we deal with it? Certainly, getting this waste moved to a single repository where we could have very strong security is much better than what we have now with all of these sites in 39 States that are sitting there reaching their limits and exposed. It would be much easier certainly to guarantee the security in a single place.

I have also taken the time to look at how this transportation is handled. These moving devices are very secure. You wouldn’t believe all the effort that goes into making sure they won’t be exposed to any kind of accident. To my knowledge, there has never been one that has caused a problem.

When you look at what we have done to paint this dire picture of what might happen, the truth is, the picture of what will happen if we don’t take this action now, after all this time, all this money, all this effort, all this science—I don’t know where we go from here. It all boils down to this vote for 39 States, including my State. If not now, when in the world are we going to do it? If not now, if not in this Congress? And if not in this place, where? There are a lot of Senators who would have to begin to be very nervous about a whole reevaluation process and what it would mean to their States.

I understand the Senators from Nevada. They have made a valiant effort. They feel so strongly about it. I understand that. But I think the Senate is committed to working with them to make sure that as we move forward, it is based on good science and also that we do it in the most secure fashion.

Let me again urge that we vote yes and that we do it within the next few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. RIEID. Madam President, the Senator from Nevada talked about courage. I yield 5 minutes to one of the most courageous legislators we have had. She showed that courage in the House of Representatives and now in the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise today in opposition to the motion...
to proceed to the Yucca Mountain resolution authorizing DOE to move forward with the siting of a national nuclear waste repository at Yucca Mountain, Nevada.

Washington State is home to the Hanford Nuclear Reservation, the most contaminated site in this country. My constituents have a very keen interest in the development of a comprehensive, scientifically-driven national nuclear waste policy. Unfortunately, I don’t believe that the Yucca Mountain policy, represents the needs of Washington State. As far as I can tell, it is neither a comprehensive solution to the fact that we have 54 million gallons of tank waste now stored at Hanford, nor was the decision to recommend the site at Yucca Mountain driven by a preponderance of scientific evidence.

This proposal, as billed, is supposed to be a long-term, comprehensive solution for our nation’s nuclear waste, yet it would leave as much as 87 percent of the high-level nuclear tank waste in my State. That is right. Under the Department of Energy’s plan, as outlined in its Environmental Impact Statement, only 13 percent of the waste from Washington State’s underground tanks would move to Yucca Mountain. Only 19 percent of all of Hanford’s defense-related waste would move. And that’s to say nothing about the increase in the total amount of commercial nuclear waste within our borders.

There are capacity issues, as is admitted in the EIS. Yucca Mountain will, by statute, only be able to take up to 70,000 megawatts of heavy metal. And by the time the Yucca Mountain proposed site is open, Washington State will already have 150-percent more commercial nuclear waste than we have today. So where is the waste in Washington going to go?

The Seattle PI recently ran an editorial, “Yucca Mountain Must Meet Rigorous Standards,” that talked about how we had created a monster in the environment of waste in this country and asked what we are going to do about it. I ask unanimous consent to print that in the RECORD.

There being no objection, the editorial ordered to be printed in the RECORD as follows:

[From the Seattle Post-Intelligencer, July 8, 2002]

YUCCA MOUNTAIN MUST MEET RIGOROUS STANDARDS

This country, in the 20th century, has created a monster that likely will live for hundreds of thousands of years. Long, long after we are gone, Americans will look back at the summer of 2002 to see how carefully we tamed the monster.

So imagine the pressure on the U.S. Senate to decide whether to embalm a monster by embalming the Yucca Mountain in Nevada the permanent repository for this nation’s most dangerous nuclear waste.

Maybe Yucca Mountain should become the final resting place for this radioactive Frankenstein. But Americans, and especially citizens of Washington state, should be very sure that the site meets the highest standards for effectiveness and safety before it is officially designated.

Washington state’s Hanford Nuclear Reservation, remember, was very close to being chosen for this ugliest of graveyards. We didn’t want it any more than the citizens of Nevada do.

Washington state has done its share for the country in producing and enduring these dangerous wastes and waiting for bureaucrats and judges to authorize the environmental threat with which we’ve been saddled.

Washington was able to escape doing even more to rid the world of the nuclear-waste monster.

So this state cannot be party to sacrificing the health and safety of our citizens and its residents for the sake of wanting to get rid of the wastes piled up within our borders.

We owe Nevada—even more, probably, than other states do.

Washington doesn’t necessarily need to join Nevada in opposing the repository. But we and our congressional delegation should be involved. We should insist that the Department of Energy, the Environmental Protection Agency and the Nuclear Regulatory Commission make certain that this repository is as safe as we want it to be if the waste were coming to Hanford.

The repository is supposed to separate high-level nuclear waste from the human race for 10 centuries. We’ve spent $7 billion studying Yucca Mountain, and for several years, it’s been the only place under consideration. This has put a lot of heat on the EPA, DOE and the NRC to lower or change standards to make sure the Nevada site makes the grade.

That just adds to the need for the Senate to be cautious about signing on to this plan. It can’t be Yucca Mountain for the sake of getting something—anything—done about nuclear waste. Expedient is not good enough when the consequences for thousands and thousands of years.

There can be no certainty when the timeline is unimaginably long and the material unimaginably ugly.

Ms. CANTWELL. Why doesn’t the “trust us” answer work for us when it comes to nuclear waste—when it comes to trusting the Department of Energy? Washington State has had to fight and battle hard. By some estimates, we have already spent some $55 billion on Hanford cleanup—without producing a single log of vitrified waste from those underground tanks that are leaking in my State. We will also spend another $50 billion, according to estimates, to finish the job, and we are banking on the development of new technologies that have never been used in projects of this magnitude. Meanwhile, we are spending an average of about $3.1 million per day on this effort.

Since starting this project, we have had lots of stops and starts. In 1958, we tried converting our nuclear tank waste to ceramic forms. We tried again later in the 1980s, to turn the tank waste into grout. That plan didn’t work, and it was abandoned.

Then, in 1998, DOE tried to privatize the construction of the vitrification plant. That didn’t work either. After a series of cost overruns, DOE fired the contractor and we moved on to the next phase.

So even in Washington State know how hard this process can be. That is why we have a tri-party agreement with the Federal Government and our State agencies to make sure the Department of Energy lives up to its responsibilities. But these are complex problems. So the fact that DOE hasn’t answered all the questions about Yucca Mountain on the technical side and on the environmental side before proceeding means one thing: Why do we have to execute today? Why do we have to move forward today?

Even the GAO, in its recent report, says that there was no way that the questions left to be answered at Yucca Mountain could be answered in the timeframe that the original Nuclear Waste Policy Act envisioned. So, basically, we are saying we will approve this site without conclusively addressing some 203, I believe, different technical questions that are still out there.

As the GAO stated in its December 2001 report:

On the basis of information we reviewed, DOE will not be able to submit an acceptable application to the NRC within the express statutory time frames.

The GAO also criticized the lack of reliable cost estimates for Yucca Mountain. How much will American taxpayers spend on this proposal, with so many outstanding technical uncertainties? No one really knows, but likely over $100 billion. That’s why this proposal is opposed by so many taxpayer groups.

Madam President, my State, more than any, wants a real solution to our nation’s nuclear waste problem. But more than anywhere else, my State also knows that that these solutions are based on sound science and technology, and that the people deserve real answers and not a plan that will do little to nothing for moving waste out of our State. So when the DOE leaves so many questions unanswered and rushes to judgment, I am skeptical.

To quote another article in the Seattle Post-Intelligencer, “Cart before horse at Yucca,” it said:

Been there, heard those empty promises about new technologies. Enough of that—over the past 50 years. That approach hasn’t produced a disposal solution so far, and there’s no reason to rely on that failed strategy now.

We need more specific answers on every aspect of the Yucca Mountain plan—on transportation, technology, and most importantly, from the State of Washington: Where is the rest of the 87 percent of our tank waste going to go? The Yucca Mountain proposal fails to provide that answer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I yield 1 minute to the Senator from Missouri, Senator CARNASH.

The PRESIDING OFFICER. Senator from Missouri is recognized.

Mrs. CARNASH. Madam President, for the RECORD, I want to correct the statement made earlier regarding the shipment of nuclear waste or spent fuel through Missouri.

The Senator from Alaska stated that “there is no proposed existing transportation route that will be taking the
waste through Missouri.” He also said that “there is no logic to suggest that there would be movement of waste through the State of Missouri.” These are simply untrue statements.

In fact, a shipment of foreign research spent fuel was shipped through Missouri on I-70 in June 2001. The Department of Energy has three highway routes selected for cross-country shipments of this spent fuel that we take back from foreign countries. I held a hearing here. I got it from the Department of Energy. Two of the three routes go directly across Missouri. This map—not the one used on the floor by the Senator from Alaska—is a much better predictor for the potential routes for the spent fuel that will be shipped cross-country to Yucca Mountain because it is currently used for very similar nuclear waste.

These are the facts. I wanted the Record to be clear for the people of Missouri.

Mr. REID. Mr. President, how much time does the Senator from Nevada have remaining?

The PRESIDING OFFICER. Twenty minutes.

Mr. REID. Madam President, I know there are people in the audience all around here who are being paid lots of money. They are coming here to see what is going to happen. They are being paid lots of money. They drive here in limousines and have Gucci shoes and nice suits. It is interesting to know that in the places where they work, Washington and New York, they have editorials supporting this bad situation, trying to ship Yucca Mountain waste on our highways, railways, and our waterways.

In this morning’s paper, it says the Senate should pass the Yucca Mountain bill now. This is part of the unending stream of money. That is what this is all about—money, lots of money. It is money to run newspaper ads; unlimited vacations to Las Vegas to look at Yucca Mountain for 2 hours and spend three days being wined and dined in Las Vegas; unlimited dollars to send representatives to Capitol Hill. I know how this works. The State of Nevada had a few dollars and we wanted to hire a lobbyist, but we could not find one. They were all hired by the Nuclear Energy Institute. We could not hire them. They had conflicts of interest. We here, just like everybody, feel good about it; you are perpetrating a travesty on the people of this country.

We know that the information in this ad from the Washington Post are myths. The law requires Senate action. That is not true, as has been indicated by the majority leader and everybody else. It is not true. The chairman of the Nuclear Regulatory Commission said less than a month ago that if it didn’t go forward now, no big deal, it is safe where it is.

Well, this argument that Yucca needs to happen is a big crock of potato soup. The fact of the matter is that the General Accounting Office said there is 292 scientific investigative reports that are not completed.

Those independent scientists and analysts include the Nuclear Waste Technical Review Board, General Accounting Office, a former NRC commissioner, and other independent scientists.

Let’s look at some of the myths of this ad:

It is right for the environment. Now, that is a joke. It is right for the environment? Every environmental group in America opposes Yucca Mountain. There’s your answer. The transportation of it scares them. The Senator from Oklahoma came and said “why are they scaring people?” Let’s think about this a minute. The proposed route that goes through Oklahoma was just the scene of a horrible accident, where a barge hit a bridge and 13 people were knocked into the water and it killed 13 people.

I don’t think that is scaring people. I think it is a scary fact. So it is good for the environment? That has to be a laugh. Environmental group in America opposes this. “It has bipartisan support”? The PTA, the national Parent Teachers Association, opposes this. The National Education Association and the Farm Bureau, because of the water situation, oppose this, along with the U.S. Conference of Mayors. As is already in the Record from the Senator from California, hundreds of environmental groups and other organizations in America oppose this.

Is it right for the environment? Afraid not. “Is it right for consumers”? Joan Claybrook, who spent hours out in the reception room earlier today, is the epitome of what consumers are about in America, and her group opposes it.

Right for consumers? If this boondoggle goes through, it will cost the American taxpayers approximately $100 billion. The Department of Energy itself acknowledges they will spend $69 billion, but they low-ball everything. They go on to say:

Some of my colleagues have said the Nuclear Waste Technical Review Board really has not said how bad this is. They have said it as clearly as one can. An important conclusion in the board’s January letter is:

When DOE’s technical and scientific work is taken as a whole the Board’s view is that the technical basis for the DOE’s repository performance is weak to moderate.

They go on to say:

When DOE’s technical and scientific work is taken as a whole the Board’s view is that the technical basis for the DOE’s repository performance is weak to moderate.

They are going to wind up with more nuclear waste than when they started.

This is the big lie, that they are going to get rid of the nuclear waste all around the country and have one place where there is nuclear waste. That is simply not true. It will not happen. They are going to wind up with more nuclear waste.

A simple statement of fact: They can move at the most 3,000 tons a year. They will generate more than 2,000 tons a year, and they have 46,000 tons stored, and Yucca can only hold 77,000 tons. It does not take a mathematician to figure out that we are not going to get rid of the nuclear waste stored where it is.

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They go on to say:

While no individual technical or scientific factor has been identified that would automatically eliminate Yucca Mountain from consideration at this point, the Board has lost confidence generated by DOE’s performance market.

We are in the midst of a crisis in this country. The stock market has plummeted. People have lost confidence in corporate America. Today, we should be working to fix those problems, not another disaster for the American people to help out big corporations. That is what this is about. Corporate America is driving this decision.
That is really too bad, Madam President. It is really too bad.

I extend my appreciation publicly to my friend from Nevada. Senator Ensign has worked very hard on this. He has done good work. Senator Ensign has done an outstanding job talking with the people of the minority. I am very happy with the work he has done. I publicly congratulate him for the work he has done.

I have been tremendously impressed with the fact he has not in any way backed off, even though some say it is unpopular for him to oppose the President of the United States.

Let me read a poem by Robert Frost to close this debate:

Two roads diverged in a yellow wood, And sorry I could not travel both And be one traveller, long I stood And looked down one as far as I could To where it bent in the undergrowth;

Then took the other, as just as fair. And having perhaps the better claim, Because it was grassy and wanted wear; Though as for that the passing there Had worn them really about the same, And both that morning equally lay. In leaves no step had trodden black.

And looked down one as far as I could And sorry I could not travel both To where it bent in the undergrowth Promise to travel both.

Senator from North Carolina (Mr. HELMS) would vote no. Senator from Nevada. Senator Ensign is my friend from Nevada. Senator Ensign is the ranking member of the committee, Senator Murray, he and I have had a lot of battles on the Senate floor. I have the greatest respect for him. He has been a gentleman and always fair to me, and although we disagree on policy issues, I cannot say enough about what being the type of legislator I think we should have.

I urge my colleagues one more time to take the road less travelled and protect people in the country, their states and Nevada.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. NICKLES. I announce that the motion was not agreed to. The motion to lay on the table was agreed to.

Mr. REID. I move reconsider the vote. The motion to lay on the table was agreed to.

Mr. CRAIG, Madam President, I move to reconsider the vote.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question occurs on passage of the resolution.

The joint resolution (H.J. Res. 87) was passed.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent S.J. Res. 34 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am concerned that many geological and technical questions associated with the Yucca Mountain plan have yet to be answered. We must ensure the safe keeping of this waste material for 10,000 years—a period of time longer than the written history of mankind. Therefore, there must be certainty that the Yucca Mountain site ensures safety and protection of the environment and the safety of citizens. At this point, such certainty does not exist.

What we do not yet know about Yucca Mountain and its suitability as a long-term repository gives me great concern. For instance, how safe is it to house such a great volume of nuclear waste at a site that lies along a natural fault line? Can a facility be built to withstand a major earthquake? There have not been sufficient answers to these and other questions. Many scientific studies have reached the same conclusion, namely that more research is needed before moving forward with the Yucca Mountain site. Despite the incomplete scientific study of Yucca Mountain and the state of Nevada’s steadfast opposition to the project, the nuclear energy industry and other parties are said to have pressured the Secretary of Energy to recommend that Yucca Mountain is a suitable site for the repository.

Mr. CRAIG. Madam President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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If Yucca Mountain is designated the primary repository for high-level nuclear waste, transportation of this hazardous material throughout the country will increase significantly. However, to date, the Department of Energy has not decided upon any plan on how to transport the material to the repository. It is another in a long line of uncertainty surrounding the Yucca Mountain proposal. How will the material be moved? By train? By barge? What kind of security will be involved? The answers are not single answer to any of these questions. Congress needs those answers before signing off on this plan.

We need a long-term solution to the problem of securing nuclear waste, and Yucca Mountain may ultimately prove to be a scientifically sound solution. But before we make a final decision on a repository which must have a 10,000-year life span, we must have absolute certainty of the suitability of Yucca Mountain. Uncertainty of the suitability for thousands of years to come depends on our prudence and careful deliberation.

With these concerns in mind, I voted against this proposal.

Mr. MURKOWSKI. Madam President, let me recognize the action by the Senate and thank those who participated in the debate, and Senator REID, Senator ENSIGN. I certainly understand and appreciate the position they have taken. I thought the discussion and presentation throughout the debate was certainly evidence of their concern for the State of Nevada.

On the other hand, this has been with us for a long time, 20 years. I think the Senate has acted responsibly today.

Let me thank certain staff members who have done a great deal of work. I will be very brief: Colleen Deegan, Jennifer Owen, Brian Malnak, Josh Bowlen, Macy Bell, Jim Belme, our chart man, Joe Brenckle; and on the majority: Sam Fowler, Bob Simon, and of course Senator BINGAMAN.

Many others worked so diligently. We want to thank those in the industry who assisted in bringing this matter to the attention of all Members, encouraging that we act in a prudent manner, with dispatch. I most appreciate the two leaders who are recognizing that we can take the time today to dispose of this matter.

I yield the floor.

The PRESIDING OFFICER. The PRESIDING OFFICER. What is the will of the Senate?

Mr. SARBANES. Parliamentary inquiry: What is the pending business?

PUBLIC COMPANY ACCOUNTING REFORM AND INVESTOR PROTECTION ACT OF 2002—Continued

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2673) to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company 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 oversight, and for other purposes.

Mr. SARBANES. What is now pending before the Senate?

The PRESIDING OFFICER. The Miller amendment, No. 4176.

Mr. SARBANES. I ask for the regular order.

Mr. GRAMM. May we have order, Madam President?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I call for the regular order.

AMENDMENT NO. 4175

The PRESIDING OFFICER. The amendment is now pending. The Senator from Massachusetts.

Mr. LEAHY. Will the Senator yield for a question? We are on, am I correct, the Leahy amendment which was pending to it the McConnell amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I understand it, the matter before the Senate now is the McConnell amendment; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Madam President, this amendment of the Senator from Kentucky is what we call around here and everywhere a poison pill amendment intended to prevent serious action on corporate accountability. Just as there is a fear that a stoppage of the campaign finance reform with similar amendments, now they are trying to block action to make executives accountable. The lack of corporate responsibility in the United States has undermined the credibility of our markets and devastated the retirement savings of millions of Americans.

This widespread abuse of corporate power has jeopardized our Nation’s economic recovery and hurt the legitimacy of our fundamental institutions. We must not call for the obstructionism of Senate Republicans. Instead, we must heed the call of the American people and insist on bold action this week to ensure that corporations are made accountable and that workers and investors are protected against these abuses.

The Leahy amendment, which my Republican colleagues seek to block, was unanimously approved by the Judiciary Committee in April. It lengthens the statute of limitations for victims of security fraud.

Finally, the bill directs the U.S. Sentencing Commission to review criminal penalties for obstruction of justice and corporate fraud.

Today, Americans are outraged by the endless corporate scandals, and Congress must act to hold corporate crooks fully accountable and to restore confidence in our markets.

The McConnell amendment of the Senator from Massachusetts is the first step toward that goal. Senator MCCONNELL’s amendment would put America’s workers in double jeopardy. The amendment puts new requirements on workers’ representatives, despite the fact that these officials currently face disclosure and reporting requirements which surpass those of public companies.

This amendment would subject small local unions with annual receipts of only $200,000, which are already subject to labor reporting requirements, to the same SEC reporting requirements as large public companies which typically have resources in the millions.

The reality is that union finances are already more heavily regulated than those of most public companies. The Department of Labor under current law can investigate and audit union financial records at any time, including during the current audits. There is no comparable requirement for public companies today.

There are many other examples of current labor laws requiring much stricter disclosure by unions than the SEC requires of publicly traded companies. Unions have to list every employee who receives more than $10,000, but the SEC does not require this of companies. Unions have to provide more detailed information regarding their loans than do public companies. The SEC requires that unions have to provide more detailed lists of their investment today than do public companies under the SEC requirements today.

The list goes on and on and on.

For over 40 years under labor laws, union officials have been required to certify the annual financial reporting of their unions under penalty of perjury.

The McConnell amendment certification requirement ignores the safeguards that already exist under our labor laws. Union officials are already subject to criminal penalties, which include jail time for willfully failing to
file reports, or knowingly making false statements, or willfully concealing documents. Union officials who violate these provisions are subject to jail time as well as substantial fines.

It is misguided to apply SEC requirements which are designed for publicly traded companies to nonprofit groups such as unions. Even the Department of Labor recognizes this.

Don Todd, Deputy Assistant Secretary in charge of the Department’s Union Reporting Office, wrote last August regarding SEC requirements that the Department of Labor does not have the expertise to provide more than a very general overview of this complex area of law. Why in the world would we want to force the labor unions to comply with SEC filing requirements when the relevant oversight agency doesn’t understand this area of the law?

The concern is that the Republicans fear corporate responsibility. They know the American people are outraged by the endless series of corporate scandals that are hurting workers, retirees, and our economic recovery. They admit the scope of corporate corruption and the urgency of criminal penalties for corrupt executives proposed by Senator LEAHY, the Republicans are seeking to poison the well. If we allow this, the American people will never forgive us for passing up this unique opportunity to bring accountability to corporate executives. Corporate criminals must be made to pay for their misdeeds.

I urge my colleagues to vote against the McConnell amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, first of all, let me point out something. Senator MCCONNELL’s amendment changes nothing in the Leahy amendment. The adoption of Senator McCONNELL’s amendment does nothing to change the Leahy amendment. I understand that Senator McCONNELL tomorrow is going to come over and speak at great length about the Leahy amendment. I would like to simply outline what is in the amendment. But I don’t want anyone to be deceived as to what the amendment is about.

The amendment has nothing to do with the Leahy amendment in terms of its adoption in any way delaying or changing the Leahy amendment.

The Senator from Kentucky has proposed a simple proposition that I believe is unanswerable logically. That proposition is we are going to put penalties on filing false reports by corporations, and we are going to in the process send people to prison for it. I support that provision. I think there are probably 100 Members of the Senate who are 100 percent of part of Senator LEAHY’s amendment.

The Senator from Kentucky simply asks the question: Why don’t we require that labor unions, when they submit financial statements once a year, have them audited by CPAs? Second, why don’t we have them sign those reports and be accountable for their accuracy?

I am sure that people who do not want unions subject to transparency and accountability are going to say: Well, this is an effort to circumvent requirements on corporate America. Nothing could be further from the truth. This amendment does not strike the Leahy amendment. It simply adds a simple provision to it that applies parallel standards to unions.

Senator KENNEDY says this neglects existing law. The point is that the existing law is not very strong. Many unions don’t even make these reports. You could argue on the corporate side that we already have a body of law; why are we writing new laws? We are writing new laws because we need stronger and better laws. We have a bipartisan consensus that we do it.

Also, Senator KENNEDY says the veracity of these reports should follow under another jurisdiction. We are talking about accounting. We are talking about accuracy in reporting. We are talking about accountability. Surely union members, in reading a report, should have the same confidence that it is valid, that a certified public accountant who is subject to high ethical standards written under law, and that the president of the unions certifies it, and that the president is going to be held accountable if it doesn’t meet the standards we are setting.

Let me just summarize, since we are going to undo the Leahy amendment tomorrow, by saying:

No. 1, this amendment does not change the Leahy amendment. If you are for the Leahy amendment, that is fine.

No. 2, it seems to me it is perfectly reasonable. You might be for it, and you might be against it, but you can’t say it has anything to do with trying to undo the Leahy amendment.

It seems to me if you are against it, you have to explain why unions should not be required to meet high standards in filing reports.

I haven’t spoken on the Leahy amendment. It is my understanding we are going to be debating it tomorrow. I wouldn’t even submit this amendment to which I object. Unfortu- nately, it is a very important part of the Leahy amendment. I urge my colleagues to vote against the McConnell amendment.

There is only one part of the Leahy amendment to which I object. Unfortunately, it is a very important part of the Leahy amendment. I would move that we simply accept the Leahy amendment except for this small but important provision.

I remind my colleagues that in 1995, on a bipartisan basis, we adopted the Private Securities Litigation Reform Act, legislation that basically amended securities laws to deal with the whole issue of predatory strike suits where one law firm was filing 80 percent of the lawsuits against corporate America and we had a reform of corporate liability. That bill was adopted on a bipartisan vote. It is the only bill that we override President Clinton’s veto on in 8 years. I think it is an important provision.

One of the reforms was to set statute of limitations requirements that basically paralleled the securities acts from the 1930s. What we said is, if you want to file a lawsuit, you have to do it within a year. If you don’t know when the violation occurred there was a violation or within 3 years of when the violation occurred.

The whole point of statute of limitations is, that beyond some point it is very difficult to maintain records. You do not know what happened. People’s memories fade. People die. This was part of this important reform.

The Leahy amendment effectively throws out the 1-year and the 3-year statute of limitations and adopts a 5-year statute of limitations. Now he claims it is a 2-year and 5-year, but the 2 year applies only if you can prove that the person who filed the lawsuit knew that the violation occurred outside of the 2 years. I would assert that is virtually impossible to prove.

It is interesting, in statute of limitations, where you are saying you have to act on a timely basis because people do not have knowledge after periods of time expire, under this, you have to have knowledge that they knew, which I think is a standard that could not possibly work. No one really believes it could work.

So the reality is, we are striking the 1-year and the 3-year statute of limitations in the securities litigation reform bill and we are substituting a 5-year statute of limitations for it. That is a provision that I oppose. Every other part of the Leahy amendment I support. I personally would be willing to see it accepted by unanimous consent save that one provision in the bill. I think it is an important provision.

But I want people to know, as we go into the debate, that my support for
the McConnell amendment has nothing to do with the Leahy amendment; it simply has to do with having been convinced that there is logic to the McConnell position.

If we are trying to get transparency in financial reporting, if we are trying to hold people accountable, if we want honest numbers, it seems to me the logical place would be to start with Government, which we have not done. But the second point, it seems to me, is to apply the same standard to business and to labor. That is what McConnell has done.

Tomorrow we will have the debate on it, but I wanted to outline what the amendment did and did not do and my position on the Leahy amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I am prompted to enter this debate by the comments of my colleague from Texas. You cannot evaluate the parallelism of the McConnell amendment without evaluating the requirements that are now imposed upon labor unions in the Labor-Management Reporting and Disclosure Act of 1959. The argument that this is logical is only if you drop out of the picture or the context the fact that the unions are now under extensive reporting requirements in the law, requirements that significantly exceed, in many respects, anything that is required of corporations.

Now, the Department of Labor has the authority to conduct audits of labor unions.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. SARBANES. Yes.

Mr. KENNEDY. According to the statute, it can conduct those audits randomly, as I understand. Does the Senator agree with me that these audits can be done randomly? According to the statute, it says right here, in section 601(a):

> "The Secretary shall have power when he believes it necessary in order to determine whether any person has violated . . . any provision of (the legislation) . . . to make an investigation and in connection therewith . . . ."

And they may enter such places to inspect such records and accounts in connection therewith.

Does the current underlying legislation permit the SEC to conduct random auditing of public entities?

Mr. SARBANES. The auditing is done by the independent public accountants.

Mr. KENNEDY. The point I am making is, at the current time, the Department of Labor can conduct an independent audit at any particular time on any occasion, according to the Labor-Management Reporting and Disclosure Act.

Beyond that, it has the provision:

> "Every labor organization shall file annually with the Secretary a financial report signed by its president and treasurer or corresponding principal officers containing the following information: . . . ."

And it lists all of that information. It already exists.

Mr. SARBANES. Will the Senator yield on that point?

Mr. KENNEDY. Yes.

Mr. SARBANES. The Senator from Kentucky says they are not filing these reports. What are the Secretary of Labor and the Department of Labor doing, because they have the power to make them file their reports. In fact, they can impose penalties, as I understand it, including not only fines but also imprisonment for the failure of union officials to meet the requirements under the statute.

My dear colleague from Texas says, well, look, this thing is on all fours. This is what we are doing to the corporations. And all the McConnell amendment does is it does it to the unions. Now, who could be against that?

But let’s look at what is already being done to the unions. Let’s look at the requirements under which they already have to function. Let’s look at the powers that the Department of Labor and the Secretary of Labor have with respect to this matter.

Mr. GRAMM. Will the Senator yield?

Mr. SARBANES. Yes.

Mr. GRAMM. You can make the same argument the SEC has the power to audit any company in America today. Any exchange they are a member of has the power to audit them today. We are saying we need better, stronger, more powerful laws. We need better reporting. People need better information.

All the Senator from Kentucky is saying is, why don’t we apply the same thing to the reports that are filed by labor unions.

Mr. SARBANES. Will the Senator yield?

Mr. GRAMM. Yes. You have the floor.

Mr. SARBANES. Has the Senator examined, with any care, the reporting requirements and the other matters that govern labor union reporting under the Labor-Management Reporting and Disclosure Act?

Mr. GRAMM. Only to the degree that I can say that all the arguments that are being made, saying we do not need to improve reporting, are arguments that someone could make with regard to corporate America. They are already subject to random audits by the SEC. They are already subject to random audits by exchanges. I am not making that argument because I do not believe it.

Mr. SARBANES. What about the requirement on unions that they list the employees whose total of salaries and other disbursements exceed $10,000, including position, gross salary, allowances, and disbursements? What about that requirement that has imposed on the unions to make that kind of disclosure? Where is a comparable disclosure in that regard with respect to corporations?

Mr. GRAMM. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. GRAMM. I say, if the Senator wanted to offer an amendment to impose that, he certainly could. And I will stop asking him to yield, but let me make this point.

Mr. SARBANES. To impose it on corporations, you support that?

Mr. GRAMM. But the point I am making is, we are talking about two things. One thing that you have to have is a CPA do the audit, and, two, the president of the union and the president of the company has to sign the report. They are liable if they knowingly are misleading people.

Those are the only two things the McConnell amendment does.

I just can’t see what is wrong with it and why it doesn’t make sense. Not that there is anything wrong with that part of the Leahy amendment; I support that part of the Leahy amendment. I just don’t understand why this does violence to organized labor. It seems to me it makes perfectly good sense.

Mr. SARBANES. I simply say that a statutory structure has been worked out for labor which is quite extensive and exceeds in many respects anything that applies to corporations. You can’t make a judgment about whether you should do anything additional to the unions until you examine carefully what is already required from them under the existing statutory scheme. That is not happening here.

Mr. DODD. Will my colleague yield for a question?

Mr. SARBANES. I yield.

Mr. DODD. It occurs to me as well, in this bill, we are not requiring for all businesses these requirements. These are for businesses that have to file with the SEC.

Mr. SARBANES. That is right, which is a limited universe.

Mr. DODD. It is a limited universe. My point is, we are not talking about the majority of businesses that conduct business for profit. We excluded the overwhelming majority of businesses that are private entities that have no filing requirements with the SEC. Our colleague from Wyoming felt very strongly about this point, that we only deal with public companies, the 16,000 public companies.

Let me ask my colleague this question: Is a labor union a for-profit business or are they a different kind of an entity? I have always understood a labor union was not a business and therefore to require of the labor union that which we require of a for-profit company that is required to file with the SEC seems to be mixing apples and oranges. There is no parallelism here at all.

Mr. SARBANES. The Senator is absolutely correct. The unions ought to have reporting requirements and they ought to file.

Mr. DODD. Correct.

Mr. SARBANES. Those have been put into law. There are extensive authorities in the Secretary of Labor and the
Department with respect to the unions—quite extensive authorities, I might add. We have established one statutory framework to control the reporting requirements and disclosure on the part of unions, which is a completely separate drive that we are trying to address in this legislation.

The Senator is absolutely right. It is in a sense apples and oranges. You are dealing with two different universes, and we have established two different statutory frameworks within which to address that.

Mr. DODD. If the Senator from Texas were interested in creating a sense of uniformity, I could see him offering an amendment—I wouldn't agree with it—which would require that all businesses that are conducting their operations for profit be subjected to an accounting standard that was equal. Again, my friend from Wyoming would strenuously object to such an amendment. I would remind them that because of the reason that smaller companies just could not possibly afford the costs associated with that. But to suggest somehow that a nonprofit organization ought to be subjected to the same rules as a for-profit public company where shareholders and so forth are involved is stretching logic.

I appreciate my colleague yielding.

Mr. SARBANES. It is obvious that one of the distinctions we sought to make in the underlying bill that is before us is that when a company becomes public, you then have an investor interest that has to be protected. Otherwise, manipulation destroys investor confidence and affects the confidence in our capital markets. That is the issue we are confronting now and the impact it is having on the economy.

That was the universe we tried to deal with in this legislation. We were very clear in the legislation that does not apply to most businesses in America and doesn’t apply to most accountants in America, since most of them don’t audit public companies.

Mr. GRAMM. Will the Senator yield to Mr. DAYTON, the Senator from Texas?

Mr. GRAMM. I remind my colleagues that in some 40 States in the Union, you can’t work unless you are a member of a union. If unions are not public organizations, when you have mandatory requirements, I can’t work in Maryland in an area that is unionized without either joining the union or paying union dues. To suggest that unions are somehow private when you have mandatory membership I think won’t hold water.

Mr. SARBANES. If the Senator would yield, you don’t have mandatory membership. You may have a requirement that you pay a union fee, but the union then has an obligation, if you are in a union shop, to represent you in the collective bargaining efforts and with grievances, and so forth and so on. So the union has to, in effect, provide you a service for the fact that you get charged that fee.

Mr. GRAMM. I am not saying you are not getting anything for it. I am just saying that it is mandatory, and I don’t see how you cannot say that unions are public.

Secondly, why do we require CPAs to do audits of companies? We can’t audit every company in America. We don’t have enough resources. So you try to get a system where the auditor has some sort of duty for helping in enforcing the standards. I don’t see why you wouldn’t have CPAs required to do the audits of unions.

I was handed this by Senator McCONNELL’s staff. I am sorry he had an appointment tonight, but the OLMS, which does the compliance audits, did a high of 1,583 audits in 1984. Last year, that was only 238. So I don’t know why you wouldn’t want a union that has mandatory membership to have its reports done by CPAs who we are holding to a higher standard in this bill. That is all I am saying.

Mr. SARBANES. What is the explanation by the Department of Labor for this rather stunning drop in the number of audits? Was it from 1,500 to 200 in 1 year’s time?

Mr. GRAMM. It is from 1984 to 2001. I would say on that issue, if the Senator will yield, that the President’s 2003 budget asked for an additional $3.4 million for 40 full-time positions. It is not getting the money needed to do it. But if you audit the money for them to have it.

Mr. SARBANES. That is the way to go at this problem; otherwise, it seems to me that the Department of Labor needs to do the job that it has been charged to do. I think that is what those figures amply demonstrate.

I am gratified that the administration’s budget is seeking more money in order to meet these responsibilities, but that is where it ought to be done. My final point—and I appreciate the generosity of the chairman—it seems to me the most fundamental requirement is if you are going to make a public report and you have mandatory membership so you are a public institution, you ought to have a certified public accountant do that report and sign that they have done it.

We have decided—I think it is one of the best things in our bill; whatever bill is adopted will have it—to require the OLMS to do audits or perhaps audit. I don’t know why you wouldn’t want the head of the union to sign these reports.

Mr. SARBANES. Would the Senator support a provision that required all companies with annual receipts of $200,000 or more to meet all of these auditing requirements?

Mr. GRAMM. I would if the companies were companies that people had to do business with. If we had anything equivalent in the marketplace to a provision that said you have to buy from this company or you can’t buy them, which in essence we do in States that don’t have right-to-work laws; we say that you have to pay the union dues in order to work—you don’t have to join, but you have to pay the dues—I think when you have that mandatory element, having to report publicly is logical.

Mr. SARBANES. They do have to report publicly. They are now required to report publicly under the legislation that governs reporting and disclosure. The Senator is speaking as though there are no such requirements.

Mr. GRAMM. I would if the rank-and-file union members in my State would vote on this, there would
be an overwhelming vote for it. I don't even know why we are debating this. This is sort of a no-brainer, in my opinion. But my opinion may not be the majority opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I agree with the Senator from Texas, this is a no-brainer amendment because I cannot quite understand why we would be establishing a standard here for labor unions. It reminds me of when I was raising my kids and my wife and I had to give one of our children medicine that they didn't want. My daughter would say: I would feel a lot better if my brother had to take it, too. That is what we are having here—businesses faced with corporate corruption. Frankly, we have people on the Senate floor saying, as painful as it is for us to make more disclosures, we would feel better if you could also hurt the labor unions. Is that what this is about—to try to find a parity of pain between business and labor? I didn't think so.

The point made by the Senator from Maryland is that labor unions already face extraordinary reporting requirements in a law that has been in place for 43 years—requirements not made of many businesses. In the McConnell-Gramm amendment, it suggests that if your labor union has receipts of $200,000 a year, they are going to add a new burden to the labor unions—even beyond this 43-year-old law.

I listened closely as the Senator from Maryland explained the bill before us. He has worked closely with the Senator from Wyoming to make sure it just applies to public corporations, where there is public investment in stockholders and where there is an item of public trust involved. That is understandable.

So I would stand before the Members here and say, if you really believe in transparency and disclosure, you ought to apply these requirements to every business in America, many people would say that is an onerous and unnecessary burden; it goes beyond the issue of public trust; now you are going after every business, large and small. That is what the McConnell-Gramm amendment does when it comes to labor unions. They say if a labor union has receipts of $200,000, they have a brand new set of requirements. The Senator from Texas says these unions are public institutions, they should not be treated as if they are private. Well, they are not. They are subject to the SEC filing. If it is a large organization. They certainly have receipts beyond $200,000. I don't hear the suggestion that associations and organizations like the Boy Scouts of America, or the American Legion—I don't want Federalist Society should have more transparency and disclosure and, therefore, should be subject to SEC filings. Nobody brought that up. Is that part of the problem in America, the lack of confidence in our economy? Not at all. The problem relates to corporations and businesses that have gone too far and lied to the stockholders and the American people. If we get off the track here and decide we are going to go after labor unions or labor organizations, we have missed the point. I think this amendment misses the point.

Let me also say that the McConnell-Gramm amendment holds labor unions to standards to which not even businesses are being held. In 1995, I happened to be a Member of the House when the so-called Newt Gingrich "Contract on America" came through. One of the things that was included was turned out to be a precursor to what we are going through today in what was known then as securities litigation reform. We basically said we think some of these plaintiff lawyers, class action lawyers, have gone too far and therefore we are going to protect many corporations from liability when it comes to securities transactions. I was 1 of 99 in the House of Representatives who voted against that bill and wanted to sustain President Clinton's veto. We did not prevail. We lost in the House and in the Senate.

It really, sadly, set the stage for where we are today. Another watchdog was gone. Corporations such as Enron and WorldCom didn't have to worry about somebody bringing an action against them for securities misdeeds.

One of the things that was included in the 1995 law was to take away liability for aiding and abetting, in terms of bringing an action involving corporate fraud. We exempted a whole category of people who, up until that time, had been liable for aiding and abetting fraud. We said in the name of securities litigation reform, we would exempt this category of individuals.

Senator McConnell comes up with this amendment and says: We want to reinstate that aiding and abetting liability, not for businesses, but we want to put it on labor unions. What is wrong with this picture? We are not imposing it on corporations despite all the scandals we have read about; instead, we are going to impose this new obligation on labor unions.

I am afraid, frankly, that is not a matter of public policy, it is a matter of corruption. If I would take a look at how many labor unions could be liable for this audit that is required. There are 70 national and international unions, but the McConnell-Gramm amendment would apply to 5,000 different unions, large and small, across America. It goes way too far.

The amendment certification requirements are also redundant. For more than 40 years, union officers have been required to sign annual financial reports, under penalty of perjury, attesting that the report's information accurately describes the union's financial condition and operations. That is a pretty reasonable standard for labor unions under current law.

We are trying to impose similar standards on corporations so when they file their accounting audit statements, someone puts their name on it and accepts responsibility for the truth and accuracy of the statement.

Frankly, I think Senator McConnell and Senator Gramm have this totally wrong side down. The problem is the other place—the corporate corruption, the lack of confidence in the economy, which even the President spoke about today—have nothing to do with labor unions. They really have to do with corporations that have an obligation to the public.

I believe the vast majority of businesses and corporations in America are run by honest people, working hard to make a profit to provide goods, services, and jobs to make America a better place. I do believe that. But there are some who have violated the public trust. The underlying bill addresses that. To bring in an argument now about imposing new obligations on labor unions not only misses the point completely as to why we are here this evening but misses the point about why we are facing this crisis in America.

I stand in opposition to the McConnell-Gramm amendment, and I hope all
MORNING BUSINESS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Members allowed to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 12, 2001 in Huntington, NY. A man, who was drunk, tried to run over a Pakistani woman in the parking lot of a shopping mall, according to police. The man then followed the woman into the mall and threatened to kill her for ‘destroying my area’.

I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

RESTORATION AND REDEDICATION OF THE GEORGETOWN CIRCLE

Mr. CARPER. Mr. President, today I recognize the rededication of ‘The Circle’ in Georgetown, DE scheduled for July 19. It started as an effort and hard work of the citizens of Georgetown, this historic site has been restored to its original splendor. The Circle was established in 1791 by an act of the General Assembly. Subsequently, the town of Georgetown was laid out around the Circle. While Delawareans knew of its historic and cultural significance, it was confirmed nationally in 1973 when The Circle was placed on the National Register of Historic Places.

Georgetown has long been famous for Return Day, a celebration that takes place every 2 years, 2 days after the state’s general election. With the campaign behind them, voters and candidate’s return to the Circle to enjoy parades, listen to music, and literally “bury a hatchet.” We talk a lot in my State about working together, about putting aside partisan differences to cross party lines to get things done. This celebration at the Circle embodies that effort and commitment.

Over the years, the Circle fell to a state of disrepair. Once a place of great compassion and determination. He is also, I am proud to say, a trusted friend and confidante.

HONORING WALTER JOHNSON

Mrs. BOXER. Mr. President, I would like to take this opportunity to direct the Senate’s attention to the life and achievements of Walter Johnson. Walter is the Secretary-Treasurer of the San Francisco Labor Council, a position he has held since 1985. He is a man of great compassion and determination. He is also, I am proud to say, a trusted friend and confidante.

On July 18, 2002, Walter is being honored by the San Mateo Central Labor Council for his lifetime of service. He certainly deserves it. He has been a leader in the Bay Area labor movement since the 1950s. He got his start with the Department Store Employees Union Local 1100 while working as a salesperson at Sears. Once in the union, it did not take him long to work his way up to be president and eventually secretary-treasurer, the top post.

Over the years, Walter has never wavered in his commitment to advancing the interests of working men and women and the larger community. He truly believes in social justice and equal rights. As the head of an organization comprised of 125 unions and 175,000 workers, he lives his beliefs every day.

When it comes to the lives and livelihoods of those he represents, he never lets elected officials forget that we work for the people, not the other way around. While this may make him an occasional irritant, it also makes him a constant inspiration.

Walter Johnson is the very embodiment of the labor movement in San Francisco and the Bay Area. If it seems like he has been there for years, it is because he has. Over the course of a half century, he has put people first. It is high time he sat still long enough to let those he has helped return the favor.
HONORING UNIVERSITY OF SOUTH CAROLINA, CLEMSON FOR MEN'S CHAMPIONSHIP BASEBALL TEAMS

Mr. HOLLINGS. Mr. President, last month as sports fans around the world focused their attention on soccer, the student athletes of South Carolina reminded us why baseball is America's game.

Both the University of South Carolina and Clemson University played in the final rounds for the national title. While the Tigers from Texas have the bragging rights to the trophy, I can say this: the South Carolina teams had their most successful seasons ever and engaged in a rivalry that will long be remembered in my state.

This year, my alma mater Gamecocks won a record 57 games, in what was supposed to have been a rebuilding year. In the last three years they have had more wins than any team in the nation. In the tournament, they beat their bitter rival Clemson twice, thus making it to the final game for the first time since Jerry Ford was President. For Clemson it was a heartbreaking finish to an incredible run. For two more of the Tigers this season they had been ranked number one in the polls. They won 54 games, the most in their history, including winning 10 games against top 10 teams.

And although baseball is a team sport, this Senator cannot overlook one player in particular: Clemson shortstop Khalil Greene. He was named national player of the year. Hitting .470, he may have had the greatest season any Clemson player in any sport has ever had. His season reminds me of when I was a very young fan, in 1930, and Babe Ruth earned $80,000 and was asked why did he make more money than President Hoover, and he replied, "I had a better year than he did." In his professional life, Mr. Greene will probably have better years than any United States Senator, including our Hall of Famer, Senator BUNNING. I congratulate Mr. Greene, University of South Carolina Coach Ray Tanner, and Clemson coach Jack Leggett. And I salute all the players who on the field showed us what great athletes they are, and who made this season the best ever for South Carolina baseball fans.

MESSAGE FROM THE HOUSE

At 11:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H. R. 2693. An act to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H. R. 3389. An act to authorize the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington.

MEASURES REFERRED

The following bill was read the first and the second time by unanimous consent, and referred as indicated:

H. R. 4696. An act to direct the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and the second time by unanimous consent, and placed on the calendar:

H. R. 2693. An act to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H. R. 3389. An act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–791. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to a rule entitled "Allowing Eligible Schools to Apply for Preliminary Enrollment in the Student and Exchange Visitor Information System (SEVIS)" (RIN15–AG55) received on July 2, 2002; to the Committee on Judiciary.

EC–792. A communication from the Assistant Secretary, Indian Affairs, Division of Transportation, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Law and Order on Indian Reservations" (RIN1076-AE33) received on June 27, 2002; to the Committee on Indian Affairs.

EC–793. A communication from the Assistant Secretary, Indian Affairs, Division of Transportation, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations on the Outer Continental Shelf-Suspension of Operations for Exploration Under Salt Sheets" (RIN1010–AC92) received on July 3, 2002; to the Committee on Energy and Natural Resources.

EXECUTIVES MESSAGES REFERRED

As in executive session Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.
Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia, Ukraine, Norway, and Cayman Islands; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. THOMPSON): S. 2713. A bill to amend title 28, United States Code, to make certain modifications to the judicial disciplinary procedures, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. KENNEDY, and Mr. SCHUMER): S. 2714. A bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Finance.

EC–7704. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the report of a rule entitled “Critical Skills Retention Bonus for Submarine Warfare Officers (112X) and Surface Warfare Officers (111X); to the Committee on Armed Services.

EC–7715. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a notice regarding Critical Skills Retention Bonus for Submarine Warfare Officers (112X) and Surface Warfare Officers (111X); to the Committee on Armed Services.

EC–7716. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–7717. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments: S. 414: A bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital national technology program, and for other purposes. (Rept. No. 107–207).

By Mr. LEVIN, from the Committee on Armed Services, with amendments: S. 2506: An original bill to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 107–206).

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Governmental Affairs and placed on the executive calendar pursuant to the order of January 5, 2001:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

J. Russell George, of Virginia, to be Inspector General, Corporation for National and Community Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred, as indicated:

By Mrs. CLINTON (for herself and Mr. DURDEN): S. 2710. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the health insurance expenses of small business; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. CAMPBELL): S. 2711. A bill to reauthorize and improve programs relating to Native Americans; to the Committee on Indian Affairs.

At the request of Mrs. F. EINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 654. At the request of Mr. TORRICELLI, the name of the Senator from New Jersey (Mr. CLELAND) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 699. At the request of Mr. JOHNSON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 699, a bill to provide for substantial reductions in the price of pre-cription drugs for medicare beneficiaries.

S. 862. At the request of Mrs. FEINSTEIN, the name of the Senator from New York...
(Mr. SCHUMER) was added as a cosponsor of S. 862, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 866
At the request of Mr. BARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 869, a bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

S. 870
At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 897, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 1590
At the request of Mr. DAYTON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1590, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1394
At the request of Mr. ENZIGN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1655
At the request of Mr. BIDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1918
At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1918, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1898
At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1898, a bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities.

S. 2010
At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Florida (Mr. NELSON), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 2085
At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2085, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2188
At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2188, a bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act.

S. 2225
At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2225, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2232
At the request of Mr. ROCKEFELLER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2249
At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2249, a bill to amend the Public Health Service Act to establish a grant program regarding eating disorders, and for other purposes.

S. 2328
At the request of Mr. BARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2328, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce perinatal, labor, and birth as a consequence of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality.

S. 2394
At the request of Mrs. CLINTON, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2394, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients.

S. 2395
At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2395, a bill to prevent and punish counterfeiting and copyright piracy, and for other purposes.

S. 2480
At the request of Mr. LEAHY, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2558
At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2558, a bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2562
At the request of Mr. REED, the name of the Senator from Georgia (Mr. MILER) was added as a cosponsor of S. 2562, a bill to expand and research regarding inflammatory bowel disease, and for other purposes.

S. 2611
At the request of Mr. REID, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2636
At the request of Mr. TORRICELLI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2636, a bill to ensure that the Secretary of the Army treats recreation benefits the same as hurricane and storm damage reduction benefits and environmental protection and restoration.

S. 2663
At the request of Mr. BREAUX, the name of the Senator from Texas (Mrs. HUTCHINSON) was added as a cosponsor of S. 2663, a bill to permit the designation of Israeli-Turkish qualifying industrial zones.
be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress as-
sembled, That—

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITION.
(a) SHORT TITLE.—This Act may be cited as the ‘‘Afghanistan Freedom Support Act of 2002’’.

(b) TABLE OF CONTENTS.—The table of con-
tenst for this Act is as follows:

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(c) DEFINITIONS.—In this Act, the term ‘‘Government of Afghanistan’’ includes—

(1) the government of any political subdivision of Afghanistan;

(2) any agency or instrumentality of the Government of Afghanistan;

(3) any arrangement for Afghanistan as it moves toward a return to con-

(4) the United States should support the objectives agreed to on Decem-

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2712

SEC. 101. DECLARATION OF POLICY.
Congress makes the following declarations:
(1) The United States and the international community should support efforts that ad-

(2) The United States, in particular, should to provide comprehensive pension pro-

(3) At the request of Mr. MILLER, the name of the Senator from Oregon (Mr. DURBIN) was added as a cosponsor of S. Res. 258, a resolution designating October 10, 2002, as ‘‘Put the Brakes on Fatalities Day.’’

(4) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 266, a resolution designating August 18, 2002, to raise awareness of international terrorism.

(5) At the request of Mr. SMITH of New Hampshire, the name of the Senator from Iowa (Mr. HARKIN) and the Sen-

(6) At the request of Mr. LANDRIEU, the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 258, a resolution urging Saudi Arabia to dissolve its ‘‘martyrs’’ fund and to refuse to support terrorism in any way.

(7) At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. HAGEL) was added as a cosponsor of S. Res. 266, a resolution designating August 18, 2002, to raise awareness of international terrorism.

(8) At the request of Mr. LUGAR, the name of the Senator from Indiana (Mrs. LANDRIEU), the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that a temporary special program should receive maximum flexibility in designing, coordinating, and administering efforts with respect to assistance for Afghanistan and that a temporary special program of such assistance should be established for this purpose.

(9) At the request of Mr. KENNEDY, the name of the Senator from Alabama (Mr. SMITH) was added as a cosponsor of S. Res. 258.

(10) At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SMITH) was added as a cosponsor of S. Con. Res. 94.

(11) At the request of Mr. JAGGER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 258.

(12) At the request of Mr. LANDRIEU, the name of the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 258, a resolution urging Saudi Arabia to dissolve its ‘‘martyrs’’ fund and to refuse to support terrorism in any way.

(13) At the request of Mr. MURRAY, the name of the Senator from Massachusetts (Mr. HAGEL) was added as a cosponsor of S. Res. 258.

(14) At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(15) At the request of Mr. SOWDEN, the name of the Senator from North Dakota (Mr. SOWDEN) was added as a cosponsor of S. Res. 258.

(16) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(17) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(18) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(19) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(20) At the request of Mr. MURRAY, the name of the Senator from Massachusetts (Mr. HAGEL) was added as a cosponsor of S. Res. 258.

(21) At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(22) At the request of Mr. MURRAY, the name of the Senator from Massachusetts (Mr. HAGEL) was added as a cosponsor of S. Res. 258.

(23) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(24) At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(25) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

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(27) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

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(29) At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(30) At the request of Mr. MURRAY, the name of the Senator from Massachusetts (Mr. HAGEL) was added as a cosponsor of S. Res. 258.

(31) At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.

(32) At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. ROBERTS) was added as a cosponsor of S. Res. 258.
carry out its responsibilities for legal advo-
cacy, education, vocational training, and
women's health programs.

SEC. 101. PRINCIPLES OF ASSISTANCE.
The following principles should guide the provision of assistance authorized by this title:

(1) TERRORISM AND NARCOTICS CONTROL.—Assistance should be designed to reduce the likelihood of harm to United States and other allied forces in Afghanistan and the region, the likelihood of additional acts of international terrorism emanating from Af-
ghanistan, and the cultivation, production, trafficking, and use of illicit narcotics in Af-
ghanistan.

(2) ROLE OF WOMEN.—Assistance should in-
crease the participation of women at the na-
tional, regional, and local levels in Afghan-
istan, wherever feasible, by enhancing the role of women in decisionmaking processes, as well as by providing support for programs that aim to expand economic and edu-
cational opportunities and programs for women and educational and health pro-
grams for girls.

(3) AFGHAN OWNERSHIP.—Assistance should build upon Afghan traditions and practices. The strong tradition of community responsi-
bility and self-reliance in Afghanistan should be built upon to increase the capacity of the Afghan people and institutions to par-
ticipate in the reconstruction of Afghan-
istan.

(4) STABILITY.—Assistance should encour-
ger the restoration of security in Afghan-
istan. The unfolding of international, national and man-made—to institutions and infra-
structure make it imperative that there be close coordination and collaboration among donors. The United States should endeavor to assert its leadership to have the efforts of international donors help achieve the pur-
poses established by this title.

SEC. 102. AUTHORITY TO PROVIDE ASSISTANCE.
(a) IN GENERAL.—The President is author-
ized to provide assistance for Afghanistan for the following activities:

(1) URGENT HUMANITARIAN NEEDS.—To as-
sist in meeting the urgent humanitarian needs of a population numbering in the tens of millions. Accordingly, assistance should be made available for a contribution to the United Nations Drug Control Program for the purpose of carrying out activities described in subparagraph (A). Amounts made available under the preceding sentence are in addition to amounts otherwise available for such pur-
poses.

(b) FOR EDUCATIONAL NEEDS.—To assist in the development of the capacity of the United States to support the development and ex-
ansion of democratic and market-based insti-
tutions, including assistance as—

(i) support for international organizations that provide civil advisers to the Govern-
ment of Afghanistan;

(ii) support for an educated citizenry through improved access to basic education, with particular emphasis on basic education for children who are orphans, with particular emphasis on basic education for children;

(iii) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(iv) programs to enable the Government of Afghanistan to develop curricula that incorporates relevant information such as landmine awareness, food security and ag-

cultural education, human rights aware-
ness, particularly child soldiers.

(c) FOR THE DESTRUCTION AND DISARMAMENT OF ARMS AND ARMED CONFLICT.—To assist in the destruction and disarmament of arms and armed conflict, including assistance for—

(i) programs to reconstitute the delivery of arms, including assistance for—

(A) military training and equipment; and

(B) for each of the fiscal years 2002 through 2005, $15,000,000 of the amount made available under this subsection;

(ii) programs to support the activities of international organizations to promote the rule of law in Af-
ghanistan;

(iii) programs to support the expanded participation of women and members of all ethnic groups in government at national, re-
gional, and local levels, including assistance for national, regional, and local elections and political party development;

(iv) support for the forces of the United Nations High Commissary for Drug Control, and to other border control enti-
ties in Afghanistan and the region relating to illicit narcotics interdiction and relating to precursor chemical controls and interdic-
tion to help disrupt heroin production in Af-
ghanistan and the region;

(v) continue the annual opium crop survey and strategic studies on opium crop planting and farming in Afghanistan; and

(vi) support for the activities of the United Nations Drug Control Program to support the development and ex-
ansion of democratic and market-based insti-
tutions, including assistance as—

(A) support for international organizations that provide civil advisers to the Govern-
ment of Afghanistan;

(B) for each of the fiscal years 2002 through 2005, $15,000,000 of the amount made available under this subsection;

(C) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(D) programs to enable the Government of Afghanistan to develop curricula that incorporates relevant information such as landmine awareness, food security and ag-

cultural education, human rights aware-
ness, particularly child soldiers.

(d) FOR THE RECONSTRUCTION OF BASIC INFRASTRUCTURE.—To assist the agriculture sector in Afghanistan by implementing, and supporting basic urban

infrastructure, and supporting basic urban

services; and

(e) TO REDUCE THE INCENTIVES TO COOPERATE WITH TERRORISM AND NARCOTICS CONTROL.—To assistance to recipient countries to reduce the incen-
tives to cooperate with terrorist organizations and their activities, including assistance for—

(i) programs to enable the Government of Afghanistan to meet the needs of the people of Afghanistan through, among other things, support for the development and ex-
ansion of democratic and market-based insti-
tions, including assistance as—

(A) support for international organizations that provide civil advisers to the Govern-
ment of Afghanistan;

(B) for each of the fiscal years 2002 through 2005, $15,000,000 of the amount made available under this subsection;

(C) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(D) programs to enable the Government of Afghanistan to develop curricula that incorporates relevant information such as landmine awareness, food security and ag-

cultural education, human rights aware-
ness, particularly child soldiers.

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tives to cooperate with terrorist organizations and their activities, including assistance for—

(i) programs to enable the Government of Afghanistan to meet the needs of the people of Afghanistan through, among other things, support for the development and ex-
ansion of democratic and market-based insti-
tions, including assistance as—

(A) support for international organizations that provide civil advisers to the Govern-
ment of Afghanistan;

(B) for each of the fiscal years 2002 through 2005, $15,000,000 of the amount made available under this subsection;

(C) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(D) programs to enable the Government of Afghanistan to develop curricula that incorporates relevant information such as landmine awareness, food security and ag-

cultural education, human rights aware-
ness, particularly child soldiers.
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(xii) support for establishment of a central bank and central budgeting authority.

(2) For each of the fiscal years 2003 through 2005, not less than $10,000,000 of the amount made available for construction of Kabul and other major cities shall be used for the purpose of carrying out a traditional Afghan assembly or ‘Loya Jirga’ and for support for national and local elections and political party development under subsection (A)(x).

(2) MARKET ECONOMY.—To support the establishment of a market economy, the establishment of private financial institutions, the adoption of policies to promote foreign direct investment, the development of a basic transportation infrastructure, and the development of trade and other commercial links with countries in the region and with the United States, including policies to—

(A) encourage the return of Afghan citizens or nationals living abroad who have marketable and business-related skills;

(B) establish financial institutions, including credit unions, cooperatives, and other entities providing microenterprise credits and other income-generation programs for the poor, with particular emphasis on women;

(C) facilitate expanded trade with countries in the region;

(D) promote and foster respect for basic worker rights and protections against exploitation of child labor; and

(E) provide financing programs for the reconstruction of Kabul and other major cities in Afghanistan.

(2) LIMITATION.—(a) IN GENERAL.—The President may waive the application of paragraph (1) if the President determines and certifies to Congress that it is important to the national interest of the United States to do so.

(b) CERTIFICATION.—A certification transmitted to Congress under subparagraph (A) shall include a written explanation of the basis for the determination of the President to waive the application of paragraph (1).

SEC. 105. COORDINATION OF ASSISTANCE.

(a) IN GENERAL.—The President is strongly urged to designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to address especially Afghan interests for assistance programs authorized by this title; and

(2) in the awarding of contracts and grants to implement activities authorized under this title, encourage the participation of such Afghan-Americans (including organizations employing a significant number of such Afghan-Americans).

(b) DONATIONS OF MANUFACTURING EQUIPMENT, USE OF LAND GRANT COLLEGES AND UNIVERSITIES.—In providing assistance authorized by this title, the President, to the maximum extent possible—

(1) encourage the donation of appropriate excess or obsolete manufacturing and related equipment by United States businesses (including small businesses) for the reconstruction of Afghanistan; and

(2) utilize research conducted by United States land grant colleges and universities to train and develop the technical professions within those institutions, particularly in the areas of agriculture and rural development.

(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to a Federal department or agency to carry out this title for a fiscal year shall be used by the department or agency for administrative expenses in connection with such assistance.

(d) MONITORING.—

(1) COMPROLLER GENERAL.—The Comptroller General of the United States shall monitor the provision of assistance under this title.

(2) INSPECTOR GENERAL OF USAID.—(A) IN GENERAL.—The Inspector General of the United States Agency for International Development shall monitor and report on the activities of organizations receiving assistance under this title.

(B) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraphs (1) and (2) and under Public Law 105–338 may include the supply of defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to eligible foreign countries and eligible international organizations.

(e) The assistance authorized under subparagraph (B) shall be used for directly supporting the activities described in section 202.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) TYPES OF ASSISTANCE.—

(1) IN GENERAL.—(A) To the extent that funds are appropriated in any fiscal year for the purposes of this Act, the President may provide, consistent with existing United States statutes, defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to eligible foreign countries and eligible international organizations.

(B) To the extent that funds are appropriated in any fiscal year for these purposes, the President may provide, consistent with existing United States statutes, defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to eligible foreign countries and eligible international organizations.

(2) DRAWDOWN AUTHORITY.—The President is authorized to direct the drawdown of defense articles, defense services, and military education and training for the Government of Afghanistan, the United States, and eligible international organizations.

(3) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraphs (1) and (2) and under Public Law 105–338 may include the supply of defense articles, defense services, counter-narcotics, crime control and police training services, and other support, and military education and training that are acquired by contract or otherwise.

(4) INDIRECT PROCUREMENT.—The aggregate value (as defined in section 64(a)(3) of the Foreign Assistance Act of 1961) of assistance provided under subsection (a)(2) may not exceed $100,000.

(b) AUTHORITY TO ACQUIRE.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including, with respect to the provision of assistance under title II of the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, and the Trade Development and Assistance Act of 1999.

TITLES II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

TITLES II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

SEC. 201. SUPPORT FOR SECURITY DURING TRANSITION IN AFGHANISTAN.

It is the sense of Congress that, during the transition to a broad-based, multi-ethnic, gender-sensitive, fully representative government in Afghanistan, the United States should support—

(1) the development of a civilian-controlled and centrally-governed standing Afghanistan army that respects human rights and prohibits the use of children as soldiers or combatants;

(2) the creation and training of a professional civilian police force that respects human rights; and

(3) a multinational security force in Afghanistan.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) TYPES OF ASSISTANCE.—

(1) IN GENERAL.—(A) To the extent that funds are appropriated in any fiscal year for the purposes of this Act, the President may provide, consistent with existing United States statutes, defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to eligible foreign countries and eligible international organizations.

(B) To the extent that funds are appropriated in any fiscal year for these purposes, the President may provide, consistent with existing United States statutes, defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to eligible foreign countries and eligible international organizations.

(b) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraphs (1) and (2) and under Public Law 105–338 may include the supply of defense articles, defense services, counter-narcotics, crime control and police training services, and other support, and military education and training that are acquired by contract or otherwise.

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SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) TYPES OF ASSISTANCE.—

(1) IN GENERAL.—(A) To the extent that funds are appropriated in any fiscal year for the purposes of this Act, the President may provide, consistent with existing United States statutes, defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to eligible foreign countries and eligible international organizations.

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(c) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraphs (1) and (2) and under Public Law 105–338 may include the supply of defense articles, defense services, counter-narcotics, crime control and police training services, and other support, and military education and training that are acquired by contract or otherwise.

(b) AUTHORITY TO ACQUIRE.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including, with respect to the provision of assistance under title II of the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, and the Trade Development and Assistance Act of 1999.
under Public Law 107–40 or is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country.

(2) EXCEPTION.—No country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism or to have failed to take or to have taken effective measures to control the flow of arms to terrorists under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2461), section 620E of the Export Administration Act of 1979 (50 App. 2405)(h)(1), or section 48(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) shall be eligible to receive assistance under section 202.

(b) Authorization.—The President may waive the application of subsection (a)(2) if the President determines that it is important to the national security interest of the United States to do so.

SEC. 204. REIMBURSEMENT FOR ASSISTANCE.

(a) In General.—Defense articles, defense services, and military education and training provided under section 202(a)(2) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations in subsection (b)(1).

(b) Authorization of Appropriations.—

(1) In General.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under section 202(a)(2).

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended, and are in addition to amounts otherwise available for the purpose of reimbursing under this title.

SEC. 205. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.

(a) Authority.—The President may provide assistance under this title to any eligible foreign country or eligible international organization if the President determines that such assistance promotes national security interest of the United States and notifies the Committee on International Relations and the Committee on Foreign Relations of the Senate of such determination at least 15 days in advance of providing such assistance.

(b) Notification.—The report described in subsection (a) shall be submitted in unclassified and unclassified form and shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

SEC. 206. PROMOTING SECURE DELIVERY OF HUMANITARIAN AND OTHER ASSISTANCE IN AFGHANISTAN.

(a) Findings.—Congress finds the following:

(1) The President has declared his view that the United States should provide significant assistance to Afghanistan so that it never again becomes a haven for terrorism.

(2) Support for acts of international terrorism or reconstruction assistance from the international community is necessary for the safe return of refugees and is critical to the future stability of Afghanistan.

(3) Enhanced stability in Afghanistan through an improved security environment is critical to the fostering of the Afghan Interim Authority, the traditional Afghan assembly or ‘‘Loya Jirga’’ process, which is intended to lead to a permanent national government in Afghanistan, and also is essential for the participation of women in Afghan society.

(4) Incidents of violence between armed factions and local and regional commanders, and serious abuses of human rights, including attacks on women and ethnic minorities throughout Afghanistan, create an insecure, volatile, and unsafe environment in parts of Afghanistan, displacing thousands of Afghan civilians from their local communities.

(5) The violence and lawlessness may jeopardize the delivery of humanitarian assistance, and increase the likelihood that parts of Afghanistan will once again become safe havens for al-Qaeda, Talibani forces, and drug traffickers.

(b) Task Force.—The Secretary of State shall create a task force to address judicial misconduct, I want to reiterate my support in this regard.

(c) Reporting.—The President shall transmit to the Committee on International Relations and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the goals of peace and civil order, and support the formation of a functioning, representative Afghan national government.

SEC. 207. TRANSITION.

The authority of this title shall expire after December 31, 2004.

TITLE III—ADDITIONAL REQUIREMENTS WITH RESPECT TO ASSISTANCE FOR AFGHANISTAN

SEC. 301. PROHIBITION ON UNITED STATES INVOLVEMENT IN POPPY CULTIVATION, POPPY ERADICATION, OR ILLEGITIMATE GROWTH, PRODUCTION, OR TRAFFICKING.

No officer or employee of any Federal department or agency who is involved in the provision of assistance under this Act may knowingly encourage or participate in poppy cultivation or illicit narcotics growth, production, or trafficking in Afghanistan. No United States military or civilian aircraft or other United States vehicle that is used with respect to the provision of assistance under this Act may be used to facilitate the distribution of poppies or illicit narcotics in Afghanistan.

SEC. 302. REQUIREMENT TO REPORT BY CERTAIN UNITED STATES OFFICIALS.

(a) Requirement.—An officer or employee of any Federal department or agency involved in the provision of assistance under this Act and having knowledge of facts or circumstances that reasonably indicate that any agency or instrumentality of the Government of Afghanistan, or any other individual (including an individual who exercises civil power by force over a limited region) or organization in Afghanistan receives assistance under this Act in poppy cultivation or illicit narcotics growth, production, or trafficking shall, notwithstanding any memorandum of understanding or other agreement to the contrary, report such knowledge or facts to the appropriate official.

(b) Definition.—In this section, the term ‘‘appropriate official’’ means the Attorney General, the Inspector General of the Federal Bureau of Investigation, or the head of such department or agency.

SEC. 303. REPORT BY THE PRESIDENT.

Not later than 6 months after the date of the enactment of this Act and annually thereafter, the President shall transmit to Congress a written report on the progress of the Government of Afghanistan toward the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan in accordance with the provisions of this Act.

By Mr. LEAHY (for himself and Mr. Thompson):

S. 2713. A bill to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the Judicial Improvements Act of 2002, a bipartisan bill that will amend judicial discipline procedures to ensure fair consideration of judicial misconduct complaints.

I am pleased to have Senator Thompson as a cosponsor of this legislation, and I commend the staff for moving this bill through the Senate.

While I am introducing legislation addressing judicial misconduct, I want...
to be clear that the vast majority of judges serve honorably. As chairman of the Judiciary Committee, I take a special responsibility for evaluating nominees to ensure they are fit to serve. Despite the scrutiny of judicial nominees undergo, however, we have faced situations where judges have acted improperly. Some have even been convicted of criminal offenses. In the late 1980s, the Senate convicted three Federal judges who were impeached by the House. This bill does not alter the Congress’s responsibility to impeach and convict judges where necessary, but it does refine the process—originally created by Congress in the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, by which aggrieved citizens can bring complaints that can be evaluated through an impartial review.

Under the framework codified by this bill, a person with a complaint about a judge’s conduct may file a written complaint with the clerk of the circuit, the chief judge, and the judicial council. This provision protects judges where necessary, but it does refine the process—originally created by Congress in the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, by which aggrieved citizens can bring complaints that can be evaluated through an impartial review.

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§ 353. Special committees

(a) Appointment.—If the chief judge does not exist under section 352(b), the chief judge shall promptly—

(1) appoint himself or herself and equal numbers of circuit and district judges of the circuit whose conduct is the subject of the complaint, and the facts and allegations contained in the complaint;

(2) certify the complaint and any other documents pertaining thereto to each member of such committee; and

(3) provide written notice to the complainant and the judge whose conduct is the subject of the complaint of the action taken under this subsection.

(b) Change in status or death of judge.—A judge appointed to a special committee under this section (a) shall serve until the death of such judge or until the date the term of such judge terminates under subparagraph (c) of section 45. If a judge appointed to a committee under subsection (a) dies, or retires from office under section 371(a), while serving on the committee, the chief judge of the circuit may appoint another circuit or district judge, as the case may be, to the committee.

(c) Investigation by special committee.—Each committee appointed under subsection (a) shall conduct an investigation as extensive as it considers necessary, and shall expeditiously file a comprehensive written report thereon with the judicial council. Such report shall present both the findings of the investigation and the committee’s recommendations for appropriate action by the judicial council of the circuit.

§ 354. Action by judicial council

(a) Actions upon receipt of report.—

(1) Actions.—The judicial council of a circuit, upon receipt of a report filed under section 353(c)—

(i) certifying disability of the judge pursuant to the procedures and standards provided under section 372(b); and

(ii) requesting that the judge voluntarily retire, with the provision that the judge may serve under section 371 of this title shall not apply.

(b) In general.—If the conduct of a judge is the subject of the complaint, action by the judicial council under paragraph (1)(C) may include directing the chief judge of the district of the magistrate judge to take such action as the judicial council considers appropriate.

(c) Magistrate and bankruptcy judges.—Any removal of a magistrate judge under this subsection shall be in accordance with section 631 and any removal of a bankruptcy judge shall be in accordance with section 152.

(d) Notice of action to judge.—The judicial council shall immediately provide written notice of the action to the judge whose conduct is the subject of the complaint of the action taken under this subsection.

(e) Referral to judicial council.—

(1) In General.—In addition to the authority granted under subsection (a), the judicial council may refer any complaint under section 351, together with the record of any associated proceedings and its recommendations for appropriate action by the Judicial Conference of the United States.

(2) Special circumstances.—In any case in which the judicial council determines, on the basis of an investigation under this chapter, or on the basis of information otherwise available to the judicial council, that a judge appointed to hold office during good behavior may have engaged in conduct—

(A) which might constitute one or more grounds for impeachment under article II of the Constitution; or

(B) which, in the interest of justice, is not amenable to resolution by the judicial council, the judicial council shall promptly certify such determination to the chief judge, together with any complaint and a record of any associated proceedings, to the Judicial Conference of the United States.

(f) Notice to complainant and judge.—A judicial council acting under authority of this subsection shall, unless contrary to the interest of justice, immediately submit written notice to the complainant and to the judge whose conduct is the subject of the action taken under this subsection.

§ 355. Action by Judicial Conference

(a) In general.—Upon referral or certification of a complaint under section 354(b) of the Judicial Conference, after consideration of the prior proceedings and such additional information as it considers appropriate, shall by majority vote take such action, as described in section 354(a)(1)(C) and (2), as it considers appropriate.

(b) In general.—If the Judicial Conference concurs in the determination of the judicial council, or makes its own determination that proceedings and any such rule promulgated by a judicial council to take such action by the Judicial Conference may, by majority vote and without referral or certification under section 354(b), transmit to the House of Representatives for whatever action the House of Representatives considers to be necessary.

§ 356. subpoena power

(a) Judicial councils and special committees.—In conducting any investigation under this chapter, the judicial council, or a special committee appointed under section 353, shall have full subpoena powers as provided in section 332(d).

(b) Judicial Conference and Standing Committees.—In conducting any investigation under this chapter, the Judicial Conference, or a standing committee appointed by the Chief Justice under section 351, shall have full subpoena powers as provided in that section.

§ 357. Review of orders and actions

(a) Review of action of judicial council.—A complaint filed by an action of a judicial council under section 354 may petition the Judicial Conference of the United States.

(b) Action of Judicial Conference.—The Judicial Conference, or the standing committee established under section 351, may grant a petition filed by a complainant or judge under subsection (a).

(c) No Judicial Review.—Except as expressly provided in this section and section 352(c), all orders and determinations, including denials of petitions for review, shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise.

§ 358. Rules

(a) In General.—Each judicial council and the Judicial Conference may prescribe such rules for the conduct of proceedings under this chapter, including the requirement of petitions for review, as each considers to be appropriate.

(b) Required provisions.—Rules prescribed under subsection (a) shall contain provisions requiring that:

(1) adequate prior notice of any investigation be given in writing to the judge whose conduct is the subject of a complaint under this chapter;

(2) the judge whose conduct is the subject of a complaint under this chapter be afforded an opportunity to appear at proceedings conducted by the investigating panel, to present oral and document evidence, to call and examine witnesses, and to present argument orally or in writing; and

(3) the complainant be afforded an opportunity to appear at proceedings conducted by the investigating panel, if the panel concludes that the complainant could offer substantial information.

(c) Procedures.—Any rule prescribed under this section shall be made or amended only after giving appropriate public notice and an opportunity for comment. Any such rule shall be a matter of public record, and any such rule promulgated by a judicial council may be modeled by the Judicial Conference.

No rule promulgated under this section may limit the period of time within
which a person may file a complaint under this chapter.

§ 359. Restrictions

(a) RESTRICTION ON INDIVIDUALS WHO ARE SUBJECT OF INVESTIGATION.—No judge whose conduct is the subject of an investigation under this chapter shall serve upon a special committee appointed under section 333, upon a judicial council, upon the Judicial Conference, or the standing committee established under section 331, until all proceedings under this chapter relating to such investigation have been finally terminated.

(b) RETRIAL OF JUDGE.—No person shall be granted the right to intervene or to appear as amicus curiae in any proceeding before a judicial council or the Judicial Conference under this chapter.

§ 360. Disclosure of information

(a) CONFIDENTIALITY OF PROCEEDINGS.—Except as provided in section 355, all papers, documents, and records of proceedings related to investigations conducted under this chapter shall be confidential and shall not be disclosed by any person in any proceeding except to the extent that—

(1) the judicial council of the circuit in its discretion releases a copy of a report of a special committee under section 333(c) to the complainant whose complaint initiated the investigation by that special committee and to the judge whose conduct is the subject of the complaint;

(2) the judicial council of the circuit, the Judicial Conference, or the Senate or the House of Representatives by resolution, releases any such material which is believed necessary to an imprisonment of a judge under article I of the Constitution; or

(3) such disclosure is authorized in writing by the judge who is the subject of the complaint, the chief judge of the court, the Chief Justice, or the chairman of the standing committee established under section 331.

(b) PUBLIC AVAILABILITY OF WRITTEN ORDERS.—Each written order to implement any action under section 354(a)(1)(C), which is issued by a judicial council, the Judicial Conference, or the standing committee established under section 331, shall be made available to the public through the appropriate clerk’s office of the court of appeals for the purpose of ensuring the integrity of justice. Each such order shall be accompanied by written reasons therefor.

§ 361. Reimbursement of expenses

Upon the request of a judge whose conduct is the subject of a complaint under this chapter, the judicial council may, if the complaint has been finally dismissed under section 354(a)(1)(B), recommend that the Director of the Administrative Office of the United States Courts award reimbursement, from funds appropriated to the Federal judiciary, for those reasonable expenses, including attorney fees, incurred by that judge during the investigation which would not have been incurred but for the requirements of this chapter.

§ 362. Other provisions and rules not affected

Except as expressly provided in this chapter, nothing in this chapter shall be construed to affect any other provision of this title, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, or the Federal Rules of Evidence.

§ 363. Court of Federal Claims, Court of International Trade, Court of Appeals for the Federal Circuit

The United States Court of Federal Claims, the Court of International Trade, and the Court of Appeals for the Federal Circuit shall each prescribe rules, consistent with the provisions of this chapter, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, such court shall have the powers granted to a judicial council under this chapter.

§ 364. Effect of felony conviction

In the case of any judge or judge of a court referred to in section 363 who is convicted of a felony under State or Federal law and has exhausted all means of obtaining direct review of the time seeking further direct review of the conviction has passed and no such review has been sought, the following shall apply:

(1) The judge shall not hear or decide cases unless the judicial council of the circuit (or, in the case of a judge of a court referred to in section 363, that court) determines otherwise.

(2) Any service as such judge or judge of a court referred to in section 363, after the conviction is final and all time for filing appeals therefrom has expired, shall not be included for purposes of determining years of service under section 371(c), 377, or 178 of this title or creditable service under subchapter III of chapter 83 of title 5.

(3) In paragraph (1), by striking “372(c)(4)” and inserting “362(c)(6)”.

(b) TECHNICAL AMENDMENTS.

Amendments in this title are necessary to renumber sections for chapter 16 of title 28, United States Code, as follows:

(1) in paragraph (1)—

(A) by striking “section 372(c)” and inserting “chapter 16”; and

(B) by striking “such section” and inserting “such chapter”.

(2) in paragraph (2)—

(A) in the first sentence, by striking “paragraphs (7) through (15) of section 372(c)” and inserting “section 361(c)” and “section 354(b)” and “section 354(c)”;

(B) in the second sentence, by striking “paragraph (7) or (8) of section 372(c)” and inserting “section 354(b)” and “section 354(c)”.

(c) EFFECTIVE DATE.

This section shall take effect on the expiration of the 6-month period beginning on the date of the enactment of this Act.

§ 365. Amendments

Amendments in this title are necessary to renumber sections for chapter 16 of title 28, United States Code, as follows:

(1) in paragraph (1)—

(A) by striking “section 372(c)” and inserting “chapter 16”; and

(B) by striking “such section” and inserting “such chapter”.

§ 366. Duration

Except as expressly provided in this chapter, nothing in this chapter shall be construed to affect any other provision of this title, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, or the Federal Rules of Evidence.

§ 367. Rules of Federal Appellate Courts

Each written order of the Federal Appellate Court shall each prescribe rules, consistent with the provisions of this chapter, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, such court shall have the powers granted to a judicial council under this chapter.
(3) believes that a political solution, including appropriate constitutional structures and adequate protection of minority rights and cessation of violence, is the path to a comprehensive and lasting peace in Sri Lanka;

(4) calls on all parties to negotiate in good faith with a view to finding a just and lasting peace between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam;

(5) denounces all political violence and acts of terrorism in Sri Lanka, and calls upon those who espouse or use such methods to reject these methods and to embrace dialogue, democratic norms, and the peaceful resolution of disputes;

(6) applauds the important role played by Norway in facilitating the peace process between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam;

(7) applauds the cooperation of the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam in lifting the cumbersome travel restrictions that for the last 19 years have hampered the movement of goods, services, and people in the war-affected areas;

(8) applauds the agreement of the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam in implementing the Sri Lanka Monitoring Mission;

(9) calls on all parties to recognize that adherence to internationally recognized human rights facilitates the building of trust necessary for an equitable, sustainable peace;

(10) further encourages both parties to develop a comprehensive and effective process for human rights monitoring;

(11) states its willingness in principle to see the United States lend its good offices to play a role in supporting both parties to the peace process, if so desired by all parties to the conflict;

(12) calls on members of the international community to use their good offices to support the peace process and, as appropriate, lend assistance to the reconstruction of war-damaged areas of Sri Lanka and to reconcile among all parties to the conflict; and

(13) calls on members of the international community to ensure that any assistance to Sri Lanka will be framed in the context of supporting both parties to the peace process, if so desired by all parties to the conflict.

The situation is not without hope. The people of Sri Lanka demand peace and with the assistance of Norway, the sides have once again returned to the negotiating table. Past failures shed some light on the difficult path that lies ahead and the tremendous work that lies before Norwegian mediators. Norway’s offer to mediate talks was accepted in 1999. By keeping the negotiations secret, Norway has gained the cautious trust and respect of both sides. The fighting has ceased and negotiations are planned to begin in Thailand in the near future.

One of my constituents, the Reverend Paul Jahn, and the Indiana-Kentucky Conference have placed a critical role in bringing peace to Sri Lanka. Reverend Jahn and the conference have dedicated a significant amount of time and effort to this important effort. They have raised significant amounts of funds to support relief efforts in Sri Lanka and continue to make valuable contributions to the peace process. I want to thank Reverend Jahn, a minister at St. Peter and Trinity United Church of Christ in Lamar, IN, and the conference for suggesting the important role this resolution could play in expressing American support for the peace process.

I urge the Congress, through this resolution, to express its support for these efforts on behalf of both sides to resolve their differences as expeditiously as possible. The United States finds itself at a time when our international responsibilities are great, and yet it remains essential that we continue to support the realization of peace and democracy it exists. To do this, I urge my colleagues to adopt this resolution, and show our support for Norwegian mediators as they endeavor to make it possible for Sri Lanka to enjoy the virtues that have made our nation, and so many nations around the world, just and free.

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Resolved, That the Senate supports the National Railroad Hall of Fame in Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

Mr. DURBIN. Mr. President, I rise today to submit a resolution with my colleague, Senator PETER FITZGERALD, in support of the establishment of the National Railroad Hall of Fame in Galesburg, IL.

The State of Illinois has played a pioneering role in the growth of the railroad industry. The history of Illinois railroading dates back to 1837 with the creation of the Northern Cross Rail- road linking the Illinois and Mississippi Rivers. The city of Galesburg joined Chicago by rail seventeen years later in 1854. The Carl Sandburg College of Galesburg is today the home of the first accredited railroad degree program.

So it is only natural that the National Railroad Hall of Fame would be established in Galesburg. This privately-funded museum will highlight the efforts of men and women whose hard work and resourcefulness helped build one of the nation’s best modes of transportation. It will also help promote and encourage a better understanding of the origins and growth of the railroad industry. The National Railroad Hall of Fame will span more than two centuries, from the dawn of the American railroad, through the Golden Age of railroading, and up through the modern era, in which railroads remain a critical aspect of the transportation industry. The museum will also be a center of learning and debate, as well as a library of historical materials.

Fourteen members of the House of Representatives have brought forward a measure in that chamber. Approval by the Senate will be an important step toward the erection of this monument. I urge the Senate to...
adopt this resolution in a timely fashion so that we can properly honor the railroad industry and its many pioneers.

SENATE RESOLUTION 302—HONORING TED WILLIAMS AND EXTENDING THE CONDOLENCES OF THE SENATE ON HIS DEATH

Mr. KERRY (for himself and Mr. KENNEDY) submitted the following resolution, which was considered and agreed to:

S. Res. 302

Whereas Theodore Samuel Williams served the Nation with honor and distinction as a Naval Aviator during World War II and as a Marine fighter pilot during the Korean War; whereas Ted Williams, during his service in the Marines during the Korean War, flew on 39 combat missions and earned an Air Medal and 2 Gold Stars;

Whereas Ted Williams became the greatest hitter in baseball history while playing with the Boston Red Sox from 1939-1966;

Whereas Ted Williams, during his career with the Boston Red Sox, even after losing 5 years to military service, had 2654 total hits, 521 home runs, and a lifetime batting average of .344;

Whereas as a member of the Boston Red Sox, Ted Williams hit for an average of .406 in 1941 and was the last major league baseball player to hit for an average above .400;

Whereas as a member of the Boston Red Sox, Ted Williams led the American League in batting 6 times, in slugging percentage 9 times, in total bases 6 times, and in runs scored 6 times;

Whereas as a member of the Boston Red Sox, Ted Williams won 2 Triple Crowns, was twice named the Most Valuable Player of the American League, and was chosen as an American League All-Star 16 times;

Whereas Ted Williams was elected to the Baseball Hall of Fame in 1966; and

Whereas Ted Williams provided invaluable assistance to the Commonwealth of Massachusetts through his efforts on behalf of and assistance to the Commonwealth of Massachusetts; and

Whereas Ted Williams, through his efforts on behalf of and assistance to the Commonwealth of Massachusetts, contributed to the Baseball Hall of Fame in 1966; and

Whereas Ted Williams, during his efforts on behalf of and assistance to the Commonwealth of Massachusetts, contributed to the Baseball Hall of Fame in 1966; and

Whereas Ted Williams, during his efforts on behalf of and assistance to the Commonwealth of Massachusetts, contributed to the Baseball Hall of Fame in 1966; and

TEXT OF AMENDMENTS

SA 4174. Mr. DASCHLE (for Mr. LEAHY (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. CLELAND, Mr. LEVIN, Mr. KERRY, Mr. BIDEN, Mr. MURPHY, Mr. MILLER, Mr. EDWARDS, Mrs. BOXER, Mr. CORZINE, Mr. KERRY, Mr. SCHUMER, Mr. BROWNACK, and Mr. NELSON of Florida)) proposed an amendment to amend subsection (a)(1) of section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(a)) to provide that—

(a) Any accountant who conducts an audit or review and contains conclusions, opinions, analyses, or financial data relating to such an audit or review, which is conducted by any accountant who conducts an audit or review of an issuer of securities to which section 10(a)(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(a)) applies, shall be fined under this title, imprisoned not more than 5 years, or both;

(b) That section shall be deemed to be comprehended or included in any other duty or obligation, imposed by Federal or State law or regulation, to maintain, or refrain from destroying, any document.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4174. Mr. DASCHLE (for Mr. LEAHY (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. CLELAND, Mr. LEVIN, Mr. KERRY, Mr. BIDEN, Mr. MURPHY, Mr. MILLER, Mr. EDWARDS, Mrs. BOXER, Mr. CORZINE, Mr. KERRY, Mr. SCHUMER, Mr. BROWNACK, and Mr. NELSON of Florida)) proposed an amendment to amend subsection (a)(1) of section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(a)) to provide that—

(a) Any accountant who conducts an audit or review and contains conclusions, opinions, analyses, or financial data relating to such an audit or review, which is conducted by any accountant who conducts an audit or review of an issuer of securities to which section 10(a)(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(a)) applies, shall be fined under this title, imprisoned not more than 5 years, or both;

(b) That section shall be deemed to be comprehended or included in any other duty or obligation, imposed by Federal or State law or regulation, to maintain, or refrain from destroying, any document.

SEC. 803. DEBTS NONDISCHARGEABLE IF INCURRED IN VIOLATION OF SECURITIES FRAUD LAWS.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking “or” after the semicolon;

(2) in paragraph (18), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(19) results, in relation to any claim described in subparagraph (A), from—

(A) arises under a claim relating to—

(i) the violation of any of the Federal securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(a)(47)), any State securities laws, or any regulations or orders issued under such Federal or State securities laws; or

(ii) common law fraud, deceit, or manipulation in connection with the purchase or sale of any security; and

(B) results, in relation to any claim described in subparagraph (A), from—

(i) any judgment, order, consent order, or decree entered in any Federal or State judicial or administrative proceeding; or

(ii) any settlement agreement entered into by the debtor; or

SEC. 801. SHORT TITLE.

This title may be cited as the “Corporate and Criminal Fraud Accountability Act of 2002”.

SEC. 802. CRIMINAL PENALTIES FOR ALTERING OR FALSIFYING RECORDS IN FEDERAL INVESTIGATIONS AND BANKRUPTCY.

“Whoever knowingly alters, destroys, or falsifies a record in connection with any federal investigation or bankruptcy proceedings, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under title 18, imprisoned not more than 10 years, or both."
SEC. 804. STATUTE OF LIMITATIONS FOR SECURITIES FRAUD.

(a) In General.—Section 1658 of title 28, United States Code, is amended—

(1) by inserting before "Except;" and "(2) by adding at the end the following:

"(b) Notwithstanding subsection (a), a private right of action that involves a claim of fraud, misrepresentation, or a violation of law, or is otherwise in contravention of a regulatory requirement concerning the securities laws, as defined in section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l(a)(7)) may be brought not later than the earlier of—

"(1) 5 years after the date on which the alleged violation occurred; or

"(2) 2 years after the date on which the alleged violation was discovered.".

(b) Effective Date.—The limitations period provided by section 1658(b) of title 28, United States Code, as added by this section, shall apply to all proceedings addressed by this section that are commenced on or after the date of enactment of this Act.

(c) Effect on Actions.—Nothing in this section shall create a new, private right of action.

SEC. 805. REVIEW OF FEDERAL SENTENCING GUIDELINES FOR OBSTRUCTION OF JUSTICE AND EXTENSIVE CRIMINAL FRAUD.

Pursuant to section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, as appropriate, the Federal Sentencing Guidelines and related policy statements to ensure that—

(1) the base offense level and existing enhancements contained in United States Sentencing Guideline 2J1.2 relating to obstruction of justice are sufficient to deter and punish that activity;

(2) the enhancements and specific offense characteristics relating to obstruction of justice are adequate in cases where—

(A) documents and other physical evidence are actually destroyed, altered, or fabricated;

(B) the destruction, alteration, or fabrication of evidence involves—

(i) a large amount of evidence, a large number of participants, or is otherwise extensive;

(ii) the selection of evidence that is particularly provocative or essential to the investigation; or

(iii) more than minimal planning; or

(C) the offense involved abuse of a special skill or a position of trust;

(3) the guideline offense levels and enhancements for violations of section 1519 or 1520 of title 18, United States Code, as added by this title, are sufficient to deter and punish that activity;

(4) the guideline offense levels and enhancements under United States Sentencing Guideline 2B1.1 (as in effect on the date of enactment of this Act) are sufficient for a fraud offense when the number of victims adversely involved is significantly greater than 50;

(5) a specific offense characteristic enhancing sentencing is provided under United States Sentencing Guideline 2B1.1 (as in effect on the date of enactment of this Act) for a fraud offense that is substantial, the solvency or financial security of a substantial number of victims; and

(6) the guidelines that apply to organizations in Sentencing Guidelines 8B—8.1, 2B, 2C, 2D, and 2G, chapter 8, are sufficient to deter and punish organizational criminal misconduct.

SEC. 806. PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES WHO PROVIDE EVIDENCE OF FRAUD.

(a) In General.—Section 1514A of title 18, United States Code, is amended by inserting after section 1514 the following:

"1514A. Civil action to protect against retaliation in fraud cases.

"(a) Whistleblower Protection for Employees of Publicly Traded Companies.—

"No company with a class of securities registered under the Securities Exchange Act of 1934 (15 U.S.C. 78s), or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(d)), the Securities and Exchange Commission, any provision of Federal law relating to fraud against shareholders, when the information or assistance is provided to or the investigation is conducted by—

"(1) a Federal regulatory or law enforcement agency;

"(2) any Member of Congress or any committee of Congress; or

"(3) a person with supervisory authority over the employee, (a) such other person working for the employer who has the authority to investigate, discover, or terminate misconduct; or

"(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (with any knowledge of the employer) relating to an alleged violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders.

"(b) Enforcement Action.—

"(1) In General.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) (a) may seek relief under subsection (c), by—

"(A) filing a complaint with the Secretary of Labor; or

"(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over any such action without regard to the amount in controversy.

"(2) Procedure.—

"(A) In General.—An action under paragraph (1) must be brought under the rules and procedures set forth in section 4221(b) of title 49, United States Code.

"(B) Exception.—Notification made under section 4221(b) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

"(C) Burdens of Proof.—An action brought under this subsection shall be governed by the legal burdens of proof set forth in section 4221(b) of title 49, United States Code.

"(D) Statute of Limitations.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurred.

"(e) Remedies.—

"(1) In General.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

"(2) Compensatory Damages.—Relief for any action under paragraph (1) shall include—

"(A) reinstatement of the same seniority status that the employee would have had but for the discrimination;

"(B) the amount of back pay, with interest; and

"(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

"(d) Rights Retained by Employee.—Nothing in this section shall be deemed to displace the rights of employees registered under any Federal law when brought by any employee under any Federal or State law, or under any collective bargaining agreement.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1514 the following new item:

"1514A. Civil action to protect against retaliation in fraud cases.".

SEC. 807. CRIMINAL PENALTIES FOR DEFRAUDING SHAREHOLDERS OF PUBLICLY TRADED COMPANIES.

(a) In General.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1348. Securities fraud

"Whoever knowingly executes, or attempts to execute, a scheme or artifice to—

"(1) defraud any person in connection with any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); or

"(2) obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78d); or

"(3) obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78d); or

"shall be fined under this title, or imprisoned not more than 10 years, or both.

(b) Clerk Amendment.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following new item:

"1348. Securities fraud.".

SA 4175. Mr. GRAMM (for Mr. McCONNELL) proposed an amendment to amendment SA 4174 proposed by Mr. DASCHLE (for Mr. LEAHY (for himself, Mr. McCaIN, Mr. Daschle, Mr. DURBIN, Mr. Harkin, Mr. CLELAND, Mr. Levin, Mr. Kennedy, Mr. Biden, Mr. Feingold, Mr. Miller, Mr. Edwards, Mrs. Boxer, Mr. Corzine, Mr. Kerry, Mr. Schumer, Mr. Brownback, and Mr. Nelson of Florida)) to the bill (S. 2673) to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of financial auditors, and 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:

At the end of the amendment add the following:

SEC. 202. CORPORATE AND LABOR ORGANIZATION RESPONSIBILITY FOR FINANCIAL REPORTS AND DISCLOSURE REQUIREMENTS.

(a) FINANCIAL REPORTS.—

(1) CERTIFICATION OF REPORTS.—

(A) IN GENERAL.—Each financial report filed by a labor organization with the Secretary of Labor pursuant to section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) shall be accompanied by a written statement by the chief executive officer and chief financial officer (or the equivalent thereof) of the labor organization.

(B) CERTIFICATION OF FINANCIAL REPORTS BY LABOR ORGANIZATIONS.—

(1) IN GENERAL.—Each financial report filed by a labor organization with the Secretary of Labor pursuant to section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) shall be accompanied by a written statement by the president and secretary-treasurer (or the equivalent thereof) of the labor organization.

(ii) DEFINITION.—In this subparagraph, the term ‘‘labor organization’’ has the meaning given in section 3 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431).

(2) CONTENT.—The statement required by paragraph (1) shall certify the appropriateness of the financial statements and disclosures contained in the periodic report or financial report, and that those financial statements and disclosures fairly present, in all material respects, the operations and financial condition of the issuer or labor organization.

(3) CONFORMING AMENDMENT.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) is amended by adding at the end the following:

‘‘(c)(1) Any person who makes or causes to be made any statement in any report or document required to be filed under section 201(d) which statement was at the time, and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, shall be liable to any person (not knowing that such statement was false or misleading) who relied upon such statement. A person seeking to enforce such liability may sue at law or in equity in any court of competent jurisdiction.

‘‘(2) In any court the circuit court may, in its discretion, require an undertaking for the payment of the costs of such suit, and assess reasonable costs, including reasonable attorney’s fees, against either party litigant.

‘‘(3) The recovery and statute of limitations provisions of subsections (b) and (c) of section 18 of the Securities Exchange Act of 1934 (15 U.S.C. 78r) shall apply for purposes of any action under this subsection.

‘‘(d) In any action arising under subsection (c) or (d) in connection with any provision of section 201(d), the provisions of section 27(c) of the Securities Act of 1933 (15 U.S.C. 77q-1(c)) regarding abusive litigation shall apply.’’.

(b) REPORTING REQUIREMENTS.—

(1) FINANCIAL REPORTING FOR LABOR ORGANIZATIONS.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) is amended by adding at the end the following:

‘‘(2) If the Secretary finds, on the record after notice and opportunity for hearing, that any person has willfully violated any provision of section 201(d), the Secretary may impose an amount not to exceed the amount for any comparable violation under section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-2).

‘‘(1) In the case of a violation of an auditing requirement under section 201(d)(2) by a public accountant, the Secretary may impose a civil monetary penalty in the same manner as penalties are imposed under section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(d)).

(2) For purposes of any action brought by the Secretary under paragraph (1), any person who knowingly provides substantial assistance or accessory to the violation of a provision of section 201(d), or of any rule or regulation issued under such section (including aiding, abetting, counseling, commanding, shown, or permitting such violation) shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.

‘‘(c) Any person who makes or causes to be made any statement in any report or document required to be included in any periodic report filed by an issuer with the Commission pursuant to sections 12(g), 13, and 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78a, and 78o) shall be deemed to be in violation of such provision of section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78a, and 78o) in an amount not to exceed the amount for any comparable violation under section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-2).

‘‘(2) In the case of a violation of an auditing requirement under section 201(d)(2) by a public accountant, the Secretary may impose a civil monetary penalty in the same manner as penalties are imposed under section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(d)).

‘‘(3) Such information shall be reported using financial reporting procedures comparable to procedures required for other purposes:

(1) Under the securities laws of the United States;

(2) For other purposes:

(a) To protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; as follows:

At the end add the following new title:

TITLE VIII—CORPORATE TAX RETURNS

SEC. 801. SIGNING OF CORPORATE TAX RETURNS BY CHIEF EXECUTIVE OFFICER.

(a) IN GENERAL.—Section 6062 of the Internal Revenue Code of 1986 (relating to signing of corporation returns) is amended by striking the first sentence and inserting the following new sentence: ‘‘The return of a corporation with respect to income shall be signed by the chief executive officer of such corporation.’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns filed after the date of the enactment of this Act.

SA 4177. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company 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; as follows:

At the appropriate place, insert the following:

SEC. 3. PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES WHO PROVIDE EVIDENCE OF FRAUD.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1511 the following:

‘‘§ 1514A. Civil action to protect against retaliation in fraud cases

‘‘(1) A whistleblower who provides information that results in an investigation or provides information to provide information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders, and that any information provided to persons conducting such investigations or persons conducting such investigations is provided to or the investigation is conducted by—
"(A) a Federal regulatory or law enforcement agency;

"(B) any Member of Congress or any committee of Congress; or

"(C) any person engaged in supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct).

"(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (with any knowledge of the employer) relating to an alleged violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders.

"(b) ENFORCEMENT ACTION.—

"(1) IN GENERAL.—A person who alleges discrimination or adverse action or other discrimination against a person in violation of subsection (a) may seek relief under subsection (c), by—

"(A) filing a complaint with the Secretary of Labor; or

"(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is justified by the clarity of the complaint, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

"(2) PROCEDURE.—

"(A) IN GENERAL.—An action under paragraph (1) shall be governed by the rules and procedures set forth in section 42121(b) of title 49, United States Code.

"(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and the employer.

"(C) BURDENS AND PROOF.—An action brought pursuant to paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

"(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurred.

"(c) REMEDIES.—

"(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

"(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

"(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

"(B) the amount of back pay, with interest;

"(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

"(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish prevailing litigant, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1514 the following:

"§ 1514A. Civil action to protect against retaliation in fraud cases."

SA 4178. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company 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 purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 116. INVESTIGATION AND PROSECUTION OF OFFENSES.

Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended by adding at the end the following:

"(5) EQUITABLE RELIEF.—In any action brought by the Commission under any provision of the securities laws against any person, the Commission may seek, and Federal courts may grant, any equitable relief appropriate or necessary for the benefit of investors.

"(6) DISGORGEMENT OF BENEFITS.—In any action or proceeding brought or instituted by the Commission under the securities laws against any person for engaging in, causing, or aiding and abetting any violation of the securities laws or the rules and regulations prescribed under those laws, such person, in addition to being subject to any other appropriate order, may be required to disgorge any or all benefits received from any source in connection with the conduct constituting, causing, or aiding and abetting the violation, including salaries, bonuses, profits and options, profits from securities transactions, and losses avoided through securities transactions."

SA 4179. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company 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; and

following the end of the term of employment of the Chief Accountant in effect on the date of enactment of this Act, the Chief Accountant shall be appointed by the President, with the advice and consent of the Senate, and may be removed at will by the President. The Chief Accountant shall be appointed to a 5-year term, and may not serve for more than 2 terms.

(c) PURPOSE, FUNCTIONS, AND DUTIES.—The Division of Oversight Audits shall be responsible for—

1. reviewing and conducting oversight audits of the financial statements of issuers; and

2. using its resources effectively to focus on highest risk audit areas and to target questionable audit practices of which the Division of Oversight Audits is aware from communications with the Division of Enforcement of the Commission and the Board.

(d) REPORTS.—On an annual basis, the Division of Oversight Audits shall report its findings and make recommendations for change to—

1. the Commission;
2. the Board; and
3. the Comptroller General of the United States.

(e) REFERENCES.—If appropriate, the Division of Oversight Audits may refer findings of accounting or auditing irregularity to—

A. any other Federal functional regulator (as defined in section 509 of the Gramm-Leach-Billey Act (15 U.S.C. 6009)), in the case of an audit report for an institution that is subject to the jurisdiction of such regulator;
B. the Attorney General of the United States;
C. the attorneys general of 1 or more States; or
D. the appropriate State regulatory authority.

(f) FUNDING.—

1. IN GENERAL.—The Division of Oversight Audits shall be funded exclusively as provided in this subsection.

2. ANNUAL BUDGETS.—The Division of Oversight Audits shall establish a budget for each fiscal year, which shall be subject to approval by the Commission.

3. SOURCES AND USES OF FUNDS.—The budget of the Division of Oversight Audits for each fiscal year shall be payable from annual accounting support fees, in accordance with paragraph (4).

4. ANNUAL ACCOUNTING SUPPORT FEE.—The annual accounting support fee for the Division of Oversight Audits—

A. shall be allocated in accordance with paragraph (5), and assessed and collected against each issuer, by 1 or more appropriate designated collection agents, as may be necessary or appropriate to pay for the budget and provide for the expenses of the Division, and to provide for an independent, stable source of funding for the Division, subject to review by the Commission; and

B. may differentiate among different classes of issuers.

5. ALLOCATION OF ACCOUNTING SUPPORT FEES AMONG ISSUERS.—Any amount due from issuers (or a particular class of issuers) under this subsection is not to be subdivided or apportioned among the Division of Oversight Audits shall be allocated among and payable to each issuer (or
each issuer in a particular class, as applicable) in an amount equal to the total of such amount, multiplied by a fraction—
(A) the numerator of which is the average monthly equity market capitalization of the issuer for the 12-month period immediately preceding the beginning of the fiscal year to which such budget relates; and
(B) the denominator of which is the average monthly equity market capitalization of all such issuers for such 12-month period.

SA 4180. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting for public companies, to create Public Company 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 effort for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 1 through 19, and insert the following:

‘‘(9) the opinioning on a financial statement with respect to the proper financial statement results of—
‘‘(A) any listed transaction, or
‘‘(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax, but only if the registered public accounting firm (or any such associated person of such firm) has directly or indirectly provided any material aid, assistance, or advice with respect to the organizing, promoting, selling, implementing, or carrying out of such listed or reportable transaction, and
‘‘(10) any other service that the Board determines, by regulation, is impermissible.

SEC. 479. AMENDMENTS TO THE FEDERAL BUDGET AND REVENUE ACT OF 1993.—
‘‘(1) PARAPROVAL REQUIRED FOR NON-AUDIT SERVICES.—A registered public accounting firm may engage in any non-audit service, including tax services, that is not described in any of paragraphs (1) through (9) of subsection (g) for an audit client, only if the activity is approved in advance by the audit committee of the issuer, in accordance with subsection (1).

SA 4181. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting for public companies, to create a Public Company 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 176. BANKRUPTCY PROVISIONS.

(a) PREFERENCES.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

‘‘(b) A trustee may avoid any transfer made within 1 year before the date of the filing of the petition that was made to an insider, officer, or director for any bonuses, loans, nonqualified deferred compensation, or other extraordinary or excessive compensation as determined by the court.’’.}

(b) FRAUDULENT TRANSFERS AND OBLIGATIONS.—Section 546(a) of title 11, United States Code, is amended by adding at the end the following:

‘‘(3) The trustee may avoid any transfer of an interest of the debtor in property, or any obligation incurred by the debtor, including any bonuses, loans, nonqualified deferred compensation, or other extraordinary or excessive compensation as determined by the court, paid to any officer, director, or employee of an issuer of securities (as defined in section 2(a) of the Public Company Accounting Reform and Investor Protection Act of 2002), if—

‘‘(A) that transfer of interest or obligation was made or incurred on or within 4 years before the date of the filing of the petition; and

‘‘(B) the officer, director, or employee was directly or indirectly responsible for—

‘‘(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934, or any security or beneficial interest in such security, and

‘‘(iii) improper, illegal, or deceptive accounting practices.”.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environmental and Public Works be authorized to meet on Tuesday, July 9, 2002, at 3:30 p.m. to conduct a hearing to receive testimony on Sections 2015, 2016, 2017(a) and (b), 2018 and 2019 of S. 2225, the National Defense Authorization Act for Fiscal Year 2003.

The hearing will be held in SD–406. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 9, 2002 at 10:30 a.m. to hold a hearing on the Moscow Treaty.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 9, 2002 at 2:30 p.m. to hold a nomination hearing.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 9, 2002 at 2:30 p.m. to hold a nomination hearing.

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Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 9, 2002 at 2:30 p.m. to hold a nomination hearing.
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The President's Commission on Excellence in Special Education during the session of the Senate on Tuesday, July 9, 2002 at 2:30 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, July 9, 2002 from 2:30 p.m.–5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Technology, Terrorism, and Government Information be authorized to meet to conduct a hearing on “Identity Theft Penalty Enhancement Act of 2002” on Tuesday, July 9, 2002, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Agenda

Witnesses Dan Collins, Deputy Associate Attorney General, Department of Justice; Washington, DC; Howard Beales, Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC; and Dennis Lormel, Section Chief, Terrorism Financial Review Group, Federal Bureau of Investigation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent floor privileges be extended to Karen Wayland, a legislative fellow in the Office of Senator Reid of Nevada.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 3009

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the President, transmitting, pursuant to H.R. 3009, the Andean Trade Act; that the Senate disapprove of the House amendment, agree to the request for a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conference committees of the full Senate, with the ratio being three Democrats, two Republicans.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I am very disappointed. This is a matter that the President has talked about needing to move forward. I assume the objection is on the number of Senators in the conference. If this legislation is important, I would hope the President would weigh in and say let's get it done no matter what the ratio.

HONORING TED WILLIAMS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 302 submitted earlier today by Senators Kerry and Kennedy.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk reads as follows:

A resolution (S. Res. 302) honoring Ted Williams and expressing the condolences of the Senate on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I think all of us feel Ted Williams life. To me, Ted was a great baseball player. I think how good he would have been had he not served his country in the U.S. military. He did that during the prime of his baseball career. He served valiantly, as reported by John Glenn. I think that at one point in time John Glenn was talking about the person who flew combat with him in Korea.

I ask unanimous consent that the resolution submitted by Senators Kerry and Kennedy and the preamble be agreed to en bloc and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 302

Whereas Theodore Samuel Williams served the Nation with honor and distinction as a Naval Aviator during World War II and as a Marine fighter pilot during the Korean War;

Whereas Ted Williams, during his service in the Marines during the Korean War, flew on 39 combat missions and earned an Air Medal and 2 Gold Stars;

Whereas Ted Williams became the greatest hitter in baseball history while playing with the Boston Red Sox from 1939-1960;

Whereas Ted Williams, during his career with the Boston Red Sox, even after losing 5 years to military service, had 2641 total hits, 521 home runs, and a lifetime batting average of .344;

Whereas as a member of the Boston Red Sox, Ted Williams hit for an average of .406 in 1941 and was the last major league baseball player to hit for an average above .400;

Whereas as a member of the Boston Red Sox, Ted Williams led the American League in batting 6 times, in slugging percentage 9 times, in total bases 6 times, and in runs scored 6 times;

Whereas as a member of the Boston Red Sox, Ted Williams won 2 Triple Crowns, was twice named the Most Valuable Player of the American League and was chosen as an American League All-Star 16 times;

Whereas Ted Williams was elected to the Baseball Hall of Fame in 1966; and

Whereas Ted Williams provided invaluable assistance to the Commonwealth of Massachusetts through his efforts on behalf of and in support for the Jimmy Fund in order to help eradicate cancer in children: Now, therefore, be it

Resolved, That the Senate—

(1) honors the achievements of Ted Williams;

(2) expresses its deepest sympathies and condolences to the family of Ted Williams on his passing; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Ted Williams.

BENJAMIN FRANKLIN TERCENTENARY COMMISSION

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 309, H.R. 2362.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk reads as follows:

A bill (H.R. 2362) to establish the Benjamin Franklin Tercentenary Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD at the appropriate place, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2362) was read for the third time and passed.

ORDERS FOR WEDNESDAY, JULY 10, 2002

Mr. REID. I ask unanimous consent when the Senate completes its business tonight, it adjourn until 9:30 tomorrow morning, Wednesday, July 10; that following the prayer and the pledge, the Journal of proceedings be approved to the adjournment, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 10:30 a.m. the Senate resume consideration of the accounting reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Wednesday, July 10, 2002, at 9:30 a.m.
NOMINATIONS

Executive nominations received by the Senate July 9, 2002:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

FREDERICK W. GREGORY, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE JAMES R. THOMPSON, JR., RESIGNED.

MERIT SYSTEMS PROTECTION BOARD

NEIL MCPHIE, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2009, VICE BETH SUSAN SLAVET, TERM EXPIRED.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2005, VICE MAGDALENA G. JACOBSEN, TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

QUANAH CROSSLAND STAMPS, OF VIRGINIA, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE GARY NILES KIMBLE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRYAN D. BROWN, O000

MAJ. GEN. PHILIP R. KENSINGER JR., O000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARTIN R. BERNDT, O000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL D. MALONE, O000

VICE ADM. JOHN B. NATHMAN, O000
IN RECOGNITION OF ACHIEVEMENTS OF MADISON COUNTY HISTORICAL SOCIETY IN
EDWARDSVILLE, IL

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of the Madison County Historical Society in the Edwardsville, Illinois area.

Edward Coles was the second Governor of the State of Illinois. Born in central Virginia in 1786 to a wealthy father who grew tobacco and was a slave owner, Coles would later in life decide that owning slaves was not the right thing to do. It is thought that this idea was instilled in him when he studied at William and Mary College in Williamsburg, VA. He did not support the philosophy that people could own other people when a professor raised it at the school.

Coles father died in 1807 leaving Edward a 782-acre farm and 23 slaves. He decided that freeing the slaves would be the right thing to do, but that would have been impossible because of the strict provisions in Virginia. The law stated that any freed slave must leave the State within a year of emancipation, which insured the failure of the slaves as free citizens. On top of that the other slave owners in the area would have surely hung Coles for his betrayal of their highly prized trade.

In 1810 Edward became Personal Secretary for President Madison in Washington DC. He was very successful in the world of politics, but still wanted to free the slaves under his control. After President Madison’s first term Coles quit the White House and went west looking for a place to free his slaves. He came back from his excursion with a plan and an idea.

After a brief stint as a diplomat to Russia, Coles bought 3,500 acres in Illinois and accepted an appointment as land Registrar in Edwardsville, Illinois. He packed up his belongings and 22 slaves and headed towards Edwardsville. Coles waited until he was West of the Ohio River before he let anyone know his plan to free the slaves that worked for him. After he told them that they were free to go 5 went to Kentucky, 7 to Missouri, and 10 followed Coles the rest of the way. It is said that Edward provided the slaves that followed him with land of their own. He also provided all of his former slaves with money and supplies, as they needed them.

Later in life Coles was Governor of Illinois for one term. He ran for Congress in 1832 and lost, which is when he came to the conclusion that he wanted to move back to the East Coast. He moved to Philadelphia where he married a lady named Sally Logan Roberts, and had three children with her.

Some people do not only look for reward in the form of offices or titles, but in gratification for doing the right thing. Mr. Edward Coles was one of these people, and without his support and belief in the abolitionist movement many more people would have been sold as property and treated as less than human. Mr. Coles was a man who did the right thing when the challenge presented itself.

I want to commend the Madison County Historical Society for their efforts to keep the Coles Legacy of freedom and decency alive.

THE INTRODUCTION OF THE MILITARY TRIBUNALS ACT OF 2002

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. SCHIFF. Mr. Speaker:

SEPARATION OF POWERS

Our great nation was founded on the basic principles of liberty and justice for all. And one of the founding tenets 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.

These rules made no provision for the writ of habeas corpus, or an adequate appeals process. In addition, there was no accounting of persons who were being detained.

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 the allegations against them. 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 would have a right to be represented by counsel. The accused have the opportunity to confront, cross-examine, and offer witnesses. The proceeding would be public. 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 outdistil the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.”

With this provision, we can significantly reduce the danger 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.

VICES 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 hear 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.

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.

HOI. MAJOR R. OWENS

Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes Nos. 283 and 284. If present I would have voted “yea.”

HONORING THE CENTENNIAL OF LOCAL 309 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes Nos. 283 and 284. If present I would have voted “yea.”

HON. JERRY F. COSTELLO

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th anniversary of the International Brotherhood of Electrical Workers, Local 309.

The International Brotherhood of Electrical Workers (IBEW) is as old as the commercial use of electricity itself. It is the oldest, as well as the largest, electrical union in the world. IBEW Local 309 will mark 100 years of pride for its members who have been leaders in producing the most highly trained and skilled workers in the country.

Various histories of labor record no attempts to organize electrical workers during the experimental days of electricity. In 1844 the first telegraph wires were strung between Washington and Baltimore carrying that famous message of Samuel Morse, “What hath God wrought?” This was the first electrical accomplishment of commercial importance. It changed the whole aspect of electricity, which most people believed to be an interesting but dangerous experiment. In 1848 the first telegraph station was built in Chicago. By 1863 a web of telegraph lines crisscrossed the United States, and in 1866 the transatlantic cable was laid. Linemen to string the wires became a necessity, and young men flocked eagerly to enter this new and exciting profession.

With Edison’s invention of the first successful incandescent lamp in 1879, the general public became aware of the possibilities of electricity. The electric power and light industry was established with the construction of the Pearl Street Generating Station in New York in 1882. Where once only a few intrepid linemen handled electricity as a thrill, many now appeared on the scene, and wiremen, too, seeking a life’s work. As public demand for electricity increased, the number of electrical workers increased accordingly. The surge toward unionism was born out of their desperate needs and deplorable safety conditions.

Beginning in 1870 many small, weak unions organized, and then disappeared. However, by 1880 enough telegraph linemen had organized
to form their own local assembly and affiliate with the Knights of Labor. A few more locals soon organized, and a district council was formed. In 1833 this council called a general strike against the telegraph companies. The strike failed and broke up the first unknown attempt to organize electrical workers. The urge to unite was strong, however; and another attempt was made in 1884, this time with a secret organization known as the United Order of Linemen. Headquarters for this union was in Denver, and the group attained considerable success in the western part of the United States.

The nucleus of the Brotherhood formed in 1890. An exposition was held in St. Louis that year featuring "a glorious display of electrical wonders." Wiremen and linemen from all over the United States flocked to Missouri's queen city to wire the buildings and erect the exhibits which were the "spectaculars" of their era. The men got together at the end of each long workday and talked about the toil and conditions that an electrical trade union was to experience. The story was the same everywhere. The work was hard; the hours long; the pay small. It was common for a lineman to risk his life on the high lines 12 hours a day in any kind of weather, seven days a week, for the meager sum of 15 to 20 cents an hour. Two dollars and 50 cents a day was considered an excellent wage for wiremen, and many men were forced to accept work for $8.00 a week.

Mr. Speaker, I ask my colleagues to join me in honoring the Centennial of IBEW Local 309 and to congratulate their membership on the occasion of this anniversary and to wish the 1,100 members and their families the very best in the future.

For 100 years, Local 309 has helped build and shape the metro-east as well as the surrounding counties of Southern Illinois with its expertise and craftsmanship. Local 309 is prepared to continue being a leader in the electrical industry with advancements in training, organizing, market recovery and service to its members.

Mr. Speaker, I rise today to recognize the achievements of Boy Scouts from Troops 27 and 36 in the Springfield, Illinois area.

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of Boy Scouts from Troops 27 and 36 in the Springfield, Illinois area.

I have received notification that these Scouts completed all necessary requirements to earn the Citizenship in the Nation Merit Badge. These requirements include items such as a basic understanding of our nation's governmental structure, a tour of the state or national capital and a formal letter to their congressional representative concerning an issue that they would like to see resolved.

It is reassuring to know that the youth of our country are aware of the issues that stand to affect their future. The Scouts have made suggestions on a wide range of topics that are currently on the congressional agenda.

The boys of Troops 27 and 36 truly exemplify the ideals upon which the Boy Scouts of America was founded here in Washington, D.C., some 92 years ago. Their accomplishments commend great pride upon themselves and the Boy Scouts of America.

CONGRATULATIONS TO TAIWAN PRESIDENT CHEN SHUI-BIAN

HON. EARL F. HILLIARD
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. HILLIARD. Mr. Speaker, Taiwan President Chen Shui-bian has successfully completed his first two years in office. His performance as leader of his country has received widespread praise around the world. In terms of Taiwan's relations with the People's Republic of China, President Chen has, on many occasions sought to assuage Beijing's anxieties about Taiwan's declaration of independence.

In his inaugural address two years ago, President Chen promised that he would not seek independence as long as the PRC would refrain from using force against Taiwan. Furthermore, President Chen has taken concrete steps to reduce tension in the Taiwan Straits. Travel between Taiwan and the Chinese mainland has been made much easier, officials from Taiwan and the Chinese mainland having been visiting one another across the Straits.

We hope that Taiwan and the PRC will soon resume their dialogue on reunification and other commercial issues affecting them. Peace in the Straits is in everyone's interest.

President Chen was also instrumental in making Taiwan's admission to the World Trade Organization a reality. We hope that President Chen will continue his efforts in making Taiwan a more visible global player; we understand Taiwan has been trying to gain observer status in the World Health Organization and other international bodies, including the United Nations. We applaud President Chen's leadership and wish him every success.

Relations between Taiwan and the United States have been steadily improving. Taiwan has been buying all types of American agricultural and consumer products and the United States has agreed to sell more advanced weaponry to Taiwan, including Kidd-class destroyers, twelve Orion antisubmarine surveillance aircraft and eight diesel-powered submarines.

Domestically, President Chen has been trying to reinvigorate Taiwan's economy, to eliminate corruption and gangster influence in politics and the economy, and to gain his people's trust and support in making Taiwan a complete democracy.

At the midway point of Mr. Chen's presidential term, we salute him for his many accomplishments such as maintaining stability in the Taiwan Strait, improving Taiwan's visibility in the international arena and its relations with the United States, and reinvigorating Taiwan's economy. Congratulations, President Chen, you have done a good job.

HONORS GAYLORD HOSPITAL AS THEY CELEBRATE THEIR 100TH ANNIVERSARY

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Ms. DE LAURO. Mr. Speaker, for one hundred years Gaylord Hospital of Wallingford has
provided care and comfort to those most in need. It is an honor for me to rise today to congratulate the Gaylord community, both past and present, on this very special occasion. As we celebrate its history it is easy to see what has made Gaylord such a success—the spirit of compassion and generosity which is at its core.

At the turn of the 20th century, Connecticut faced a tuberculosis epidemic and was lacking a facility which specialized in the care and treatment of this devastating disease. Recognizing this rapidly increasing problem, the New Haven County Anti-Tuberculosis Association, which later became the Gaylord Farm Association, negotiated the purchase of the Gaylord Farm. This association, one of the first organized in the United States, quickly began to fulfill their mission to "establish a non-profit sanatorium and hospital for the care and treatment of cases of pulmonary tuberculosis."

Under the leadership of the renowned Dr. David Russell Lyman, who was the first director of the hospital and served in that capacity for a full fifty years, Gaylord Hospital flourished, becoming internationally recognized for its work. Dr. Lyman, who himself has been stricken with tuberculosis in his first years as a practitioner, had developed his own personal crusade against the "great white plague" and used his determination and commitment to make Gaylord a success.

In its earliest days, Gaylord Farm Sanatorium, as it was first named, was run almost solely by Dr. Lyman and head nurse, Florence Rudolph Burgess. Though its full capacity was only twenty-two beds, this was quite an undertaking. Over the next fifty years the efforts of Dr. Lyman and Mrs. Burgess culminated in the expansion of the campus from two hundred thirty-nine acres to six hundred, from six buildings to fifty-five, from a staff of two to one hundred fifty, and an increased bed capacity from twenty-two to one hundred forty-four. Even more importantly, more than six thousand people, including American playwright Eugene O'Neill, sought and received the medical care they needed and were restored to health. In fact, my father, Ted DeLauro was a patient there from the summer of 1942 to the early spring of 1943. It is this legacy of care and dedication that continues to live within the walls of Gaylord Hospital today.

With the discovery of medications that stemmed the progress of tuberculosis, Gaylord turned its expertise to other forms of rehabilitation. Today, Gaylord is the premier rehabilitation center in Connecticut, well-known throughout the region. Continuing in its expanded mission, this private not-for-profit facility is making a difference in the lives of many—providing patients with the physical and emotional care they need to achieve their rehabilitation goals.

While we, as a nation, have been faced with numerous problems concerning our health care system, it is important to recognize that our medical facilities have not lost sight of their original mission. As they celebrate their centennial anniversary, I am proud to stand today to pay tribute to Gaylord Hospital for their invaluable contributions to our community and to the millions of people whose lives have been touched by their care, compassion and dedication.

IN HONOR OF JOHN ARCHIBALD WHEELER

HON. RUSH D. HOLT OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES Tuesday, July 9, 2002

Mr. HOLT. Mr. Speaker, I rise today on the occasion of the 91st birthday of John Archibald Wheeler, one of the preeminent figures in twentieth-century theoretical physics. John Wheeler was born on July 9, 1911 in Jacksonville, Florida. The son of librarians, John was an inquisitive child who started experimenting at an early age. At the age of sixteen, Wheeler entered Johns Hopkins University to study engineering. While studying at Johns Hopkins, Wheeler discovered a passion for physics and by 1933 had graduated with a Ph.D. in theoretical physics.

In 1938, Wheeler joined the Physics Department at Princeton University, where he remained until 1976 when he moved to the University of Texas, Austin, to become the Director of the Center for Theoretical Physics. He now resides in New Jersey.

Dr. Wheeler’s contributions to the scientific community are numerous, as a scientist, a scholar, a mentor, and a teacher. He was the first American to learn of the discovery of nuclear fission and he later worked with his former mentor Niels Bohr to write an article on nuclear fission.

He mentored and worked with future Nobel laureate Feynman on a novel approach to electrodynamics.

Dr. Wheeler led the theoretical development of the hydrogen bond in the United States and worked on the Manhattan Project.

He worked with Albert Einstein and formulated new solutions to Einstein’s gravitational equations.

He pioneered studies on gravitational collapse and coined the term "black hole".

His many publications include the books "Gravitation" and "Frontiers of Time" as well as his autobiography "Geons, Black Holes, and Quantum Foam: A Life in Physics".

Dr. Wheeler’s accomplishments have been recognized with many awards and honors. He served as president of the American Physical Society. He was elected to the National Academy of Sciences, and to the National Academy of Sciences. He also received the Albert Einstein Prize of the Strauss Foundation in 1965, the Enrico Fermi Award in 1968, the Franklin Medal of the Franklin Institute in 1969, and the National Medal of Science in 1971.

Today, he is Professor Emeritus of Physics at Princeton University and the University of Texas, Austin.

Mr. Speaker, I commend John Archibald Wheeler on the occasion of his 91st birthday and for the contribution he has made to physics and American science.

TRIBUTE TO CARROLLTON FIRST BAPTIST CHURCH ON ITS 175TH ANNIVERSARY

HON. JOHN SHIMKUS OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the Carrollton First Baptist Church and the Anniversary of its 175 years of service to the community of Carrollton, Illinois.

The people of the Carrollton First Baptist Church are truly good Samaritans. They have spent 175 years preaching the word of Christ to Carrollton and surrounding areas and participating in other good works. Since 1827, the church has served as a cornerstone for religious growth throughout Southwestern Illinois.

To such people as Reverend Stan Nichol and his congregation, the good deeds themselves are their own best rewards. Yet, on this special day, I think it is appropriate that they are recognized for their efforts. They are good Christians and good Americans, and remind us all of the compassion and energy that makes this country great.

To the people of the Carrollton First Baptist Church, thank you for your enduring dedication over the last 175 years; and may God grant you the opportunity to continue doing His work for many years into the future.

TRIBUTE TO THE DEPARTMENT OF ENERGY’S ROCKY FLATS MANAGER

HON. MARK UDALL OF COLORADO IN THE HOUSE OF REPRESENTATIVES Tuesday, July 9, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to express my appreciation for the good work of Barbara Mazurowski, the Department of Energy’s manager of the Rocky Flats Field Office in Colorado. Barbara will soon be moving to DOE’s national headquarters from her post overseeing the complex and monumental cleanup of the Rocky Flats Environmental Technology site after more than two years of hands-on management.

Barbara came on board during a critical time for Rocky Flats. The cleanup was well underway, but concerns over worker safety, schedule and cost were ever present. She did not shy away from these challenges and met them head-on. As a result, she kept this project on track—within schedule and budget—so that we now have a good chance of seeing this site cleaned up, and closed by 2006, our target date for closure.

But perhaps her most lasting legacy will be in the area of worker health and safety. When
concerns were raised about the commitment of the DOE to these critically important aspects of the cleanup work. Barbara elevated this as a high priority. A number of unfortunate safety mishaps had occurred, one of these involving serious exposures to a number of workers. Following these incidents, Barbara sent a letter, followed by a second letter, and by a third letter to Mr. Hill, the general contractor for the site, and insisted that the improvements be made in safety protocols. I understand such a letter was unprecedented at Rocky Flats. The end result of her intervention has been a measurable improvement in safety at the site.

These efforts and many others have earned her the respect and admiration of many, including the hard working employees at the site, both union and non-union—employees who put their health and safety on the line every day so that we can see the site closed in a timely manner. Her contribution to keeping work on schedule and her insistence on maintaining open channels of communication also have been appreciated by the local communities surrounding Rocky Flats.

Barbara also managed the site through two high profile milestones—designating the site as a national wildlife refuge upon cleanup and closure, and complications with the plans for shipment of surplus plutonium to DOE’s Savannah River site in South Carolina. Both required long hours, extensive coordination and serious attention, and throughout both she demonstrated calm, dedicated leadership.

Her work on these issues and many others will be a standard by which to judge her successor managers. We have much more work ahead at this site, much of that involving the demolition of buildings and the extensive cleanup work that still needs to be done. I hope that we can continue the progress that has been accomplished during her tenure. I wish her well and continued success in her future endeavors and ask my colleagues to join me in thanking her for her dedicated public service to Colorado and the nation.

TRUDY AND PAUL PEUKERT CELEBRATE 80 YEARS OF MARRIAGE

HON. GERALD D. KLECZKA
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. KLECZKA. Mr. Speaker, on Monday, July 22, 2002, Mr. and Mrs. Trudy and Paul Peukert will celebrate 80 years together as man and wife.

Trudy was born July 7, 1904 and this year marks her 89th birthday. Paul was born February 26, 1901 and is 101 years old. He was one of 12 children, 6 boys and 6 girls, and is the only surviving member of his family. Both were born in Germany, and were married in Sandorf, Germany on July 22, 1922. Trudy was one of 12 children, 6 boys and 6 girls, and advised her not to marry him because he had to compete with 11 other children for food and was quite skinny—and advised her not to marry him because he looked sickly and surely would leave her a young widow.

In 1923, at the relatively young age of 22, Paul left his new bride and infant daughter and immigrated to America. In 1925 he had worked and saved enough to bring Trudy and their daughter Johanna to the U.S., and the family moved to Detroit, Michigan, where Paul worked for Chevrolet Motors for 30 years. They have been American citizens for over 65 years.

Paul and Trudy have been blessed with two daughters, four grandsons, eight great grandsons and one great-great grandchild. For the last 17 years, the Peukert’s have called Greenfield, Wisconsin home. They own and live in their own home, still enjoy tending their flower gardens and attribute their longevity to good, clean living. They are also active voters. For 50 years, Paul has been a member of the Jewish Free Loan Association, and Trudy, who has been a member for 35 years, has contributed a lot to the Jewish Center.

Paul and Trudy have been inducted into the National Polish-American Hall of Fame, and Paul has received the Volunteer of the Year award from the Holy Name Society. Paul and Trudy have given a lot of their time to support local events and institutions and support the local community and their neighbors. They are also active voters.

Their relationship is inspiring and stands as a testament to life-long love and enduring friendship.

COMMENDING 2002 GOLDEN APPLE SCHOLAR AWARD WINNERS AND MS. AMANDA WATSON

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend the 2002 Golden Apple Scholar award winners from my district. The Golden Apple Scholars program is to recruit talented high school juniors who want to become teachers.

I would like to take the opportunity to recognize Ms. Amanda Watson from Alton High School. Ms. Watson is a junior at Alton High School, and, in addition to her academic obligations, she volunteers as a tutor and does a lot of community service. She has a unique opportunity—to touch the life of a child. I can’t think of a more rewarding experience.

As you know, Mr. Speaker, I was a former high school teacher. I want to wish Amanda all the same joy and success that I shared in my teaching career.

TRIBUTE TO RABBI HERBERT JAY MANDL

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. MOORE. Mr. Speaker, I rise today to congratulate Rabbi Herbert Jay Mandl, who will be honored by Kehilath Israel Synagogue of Overland Park, Kansas, at a dinner on Sunday, August 25, 2002.

Rabbi Mandl, who has been Senior Rabbi at the synagogue for 25 years, is a graduate of Baltimore City College and Johns Hopkins University. He was ordained and graduated from the Jewish Theological Seminary of America in June 1969, and later received his orthodoxy “Smicha” ordination. He earned his Ph.D. from the University of Montreal, and his Doctor of Divinity degree from the Jewish Theological Seminary of America.

Rabbi Mandl serves on the Kansas City, Missouri, Board of Police Commissioners as Jewish Chaplain for the city police force. He was recently appointed the first Jewish Chaplain for the Federal Bureau of Investigation, and, to their credit, they appointed him second. He is a preacher at the Kehilath Israel Synagogue, where he serves as a minister and as a rabbi.

He is a member of the Board of Directors of the Jewish Community Relations Council of Kansas City and serves as a member of the Board of Directors of the Jewish Community Relations Council of Kansas City. He is also a member of the Board of Directors of the Jewish Community Relations Council of Kansas City.

Mr. Mandl has been an activist for civil rights and has been an advocate for Jewish rights and for the rights of women.

EQUAL RIGHTS FOR ALL AMERICANS, HERE AND ABROAD

HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. CAPUANO. Mr. Speaker, I rise to inform the House of indignities inflicted last month on several of my constituents. One young woman, Mengyang Jian, was detained, with twenty other United States citizens, at Reykjavik Airport. Other Asian-Americans, traveling with American passports, about twenty-five in all, were prevented from boarding IcelandAir flights at Logan Airport in Boston on the nights of June 11, 12, and 13. Dr. Tianlun Cheng was one of the passengers.

These events are the latest in a long line of events that have called into question the ability of Kosher foods to the Kansas City area. Rabbi Mandl brought many innovations with him to the Kehilath Israel Synagogue, especially the all-night Shavuot study program, which continues to draw adults and youth from all over the community.

And his wife, Barbara, a teacher at Hyman Brand Hebrew Academy and the Kehilath Israel Religious School, are the parents of Aron [who is married to Chaya], an attorney in Florida; Seth, a market researcher in New York; Debbie, who has just started working on her Master’s of Public Administration degree at the Columbia University Biosphere in Arizona; and Miriam, who will be a senior at the Hyman Brand Hebrew Academy in the fall. They are the proud parents of Samuel and Benjamin.

Mr. Speaker, it is with great pride that I honor such an exceptional individual. I ask all my colleagues in the House of Representatives to join me now in commending Rabbi Herbert Jay Mandl.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. HOEFFEL. Mr. Speaker, I was unable to vote on two suspension bills on July 8, 2002, as I was returning from Berlin, Germany where I participated in the annual assembly of the Commission on Security and Cooperation in Europe as a member of the official United States delegation.

If present, I would have voted “aye” on H.R. 4609, the Rathdrum Prairie Spokane Valley Aquifer Study Act, and “aye” on H.R. 2643, the Fort Clatsop National Memorial Expansion Act.
The Republic of Iceland took these extraordinary measures in anticipation of Falun Gong protests during the state visit of President Jiang Zemin. The Icelandic government, as I understand its position, consistently maintained that, despite its commitment to free speech and peaceful protest, its security forces could not cope with "thousands" of demonstrators. And, indeed, the airport detainees were eventually released and allowed to proceed to the capital and to demonstrate at designated sites. I do not wish to portray these events as brutal violations of human rights, such as those that Falun Gong practitioners do, in fact, suffer in China.

Nonetheless it is wrong and unacceptable for Asian Americans to be treated differently from other Americans. It is wrong and unacceptable for foreign governments to discriminate among American citizens on the basis of religion or ethnicity. Such discrimination is wrong and unacceptable when it happens abroad. It is wrong and unacceptable, and most certainly illegal, when it takes place in the Commonwealth of Massachusetts or anywhere in the United States of America. The Congress must defend the rights of all Americans to equal treatment, and, occasionally, we must remind even friendly democratic countries that we are one people, indivisible, with liberty and justice for all.

The great strength of any democracy rests in its citizens, and my constituents report that the people of Iceland themselves demonstrated in solidarity with them. Hundreds signed a full-page ad that appeared in the June 13 issue of the Morgunbladid, Iceland's major daily paper, apologizing in Chinese, English, and Icelandic for their government's actions. One of my constituents, So Dae Yee of Cambridge, told me that she drew comfort from these "people with righteous hearts."

In closing, Mr. Speaker, I want to pay tribute to the people of Iceland who rose to defend human rights.

RECOGNIZING ACHIEVEMENTS OF HILLSBORO JOURNAL

HON. JOHN SHIMKUS OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of Hillsboro Journal, in Hillsboro, Illinois.

Every so often, a corner stone is set in place to build upon a future full of hope. With countless hours of hard work by individuals who deeply care about the product they are producing, a dream of fulfilling their potential can be achieved. I would like to take this opportunity to thank the people of the Hillsboro Journal for their hard work that has resulted in quality news delivered to the people for 150 years now.

Many people have contributed to the success of the Journal, including founders Frank and Cyrus Gilmore, and the first editor Rev. Thomas Springer. Mr. James Slack bought the paper in 1875 and named it the Hillsboro Journal, which has been called The Montgomery County Democrat, The Democrat, and The Anti-Monopolist in the past. The present owners, the Galer Family, began with the paper in 1945, and Mr. Little who joined the paper in 1900 and was with the paper until his death in 1970 have also made significant contributions to the Journal.

So often in our world today, family owned businesses cannot sustain the place that they once held because of massive corporate takeovers. It is a pleasure to see the Journal maintain their Hillsboro area. After many years of reporting the important news of the day, the Hillsboro Journal is celebrating its 150th Publication Year. For serving the Hillsboro area for so many years, it is my pleasure to congratulate them on a job well done, but more importantly I look forward to the future of the Hillsboro Journal and the superior writing it gives us all.

HONORING THE 90TH BIRTHDAY OF PAUL HETH, JR.

HON. MIKE ROGERS OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Mr. Paul Heth, Jr. of Jesup, Iowa, who will celebrate his 90th birthday on Monday, July 15.

Paul, the son of immigrants, was born on his family's farm southeast of Fairbank, Iowa on June 15, 1912. When Paul started school, he first went to the local country school on County Line Road, which was a mile west of the Heth Farm, and then onto the Faro school situated behind St. John's Lutheran Church. Upon the family's move to a farm just north of Jesup, Paul began attending the Jesup School.

Like many young men his age, Paul's labors were needed on the farm family during his eighth grade year. Possessing a traditional Midwestern work-ethic, at age twelve, Paul began working for neighboring farmers as well. In fact, one time a local farmer, who was driving a field in which Paul was working, stopped to compliment the young man on the straight rows of corn he was planting.

Life wasn't all work for Paul in those days. In 1937, Paul and a young lady named Ruby Rachuy headed for the Illinois state line, where in Galena they exchanged marriage vows. On May 13 of this year, Paul and Ruby celebrated 65 years of marriage. With a new wife and a growing family came new responsibilities. This led to a change of career for Paul as he headed to the John Deere Company, where he worked in the farm equipment manufacturer's "Heat Treat" facility for over 33 years, retiring in 1974.

As a member of the "Greatest Generation," Paul is devoted to his church, his community and his country. In addition to being a long-time member of Grace Lutheran Church in Jesup, Paul served three terms on the Jesup City Council, which culminated in one term as mayor. The Jesup newspaper announced his victory, proclaiming: "Paul Heth Elected Mayor of Jesup by a Landslide."

And although a family deferral prevented his own uniformed service to America, three of Paul's sons proudly represent over 50 years of service to their nation in the United States Navy.

On behalf of his wife Ruby, and children Carolyn, Verla, Bob, Ron, Patricia, Rick, Pam and Randy, I call on my colleagues in the House of Representatives to join me in expressing appreciation to Mr. Paul Heth, Jr. on his 90th birthday.

PERSONAL EXPLANATION

HON. BOB CLEMENT OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

MR. CLEMENT. Mr. Speaker, on rollcall No. 284, and 283, had I been present, I would have voted "yea."

RECOGNITION OF THE MADISON CIVICS CLUB

HON. TAMMY BALDWIN OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the Madison Civics Club. For 90 years, the Madison Civics Club has brought world leaders, illuminating thinkers and local innovators to the citizens of Madison. The club began in 1912 through the tireless efforts of five charter members.

Those five had just spent several grueling, and unsuccessful, months trying to convince members of the Wisconsin Legislature to adopt women's suffrage. The founding members—Georgia Lloyd Jones, Alice Bleyer, Edna Chynoweth, Lucille McCarthy and Mary B. Owens—decided to gather for lunch, review their mistakes, seek support and "stick their wounds generally." From that effort, the club was born. Its goal was, and remains to this day, developing a civic conscience through being informed on local and foreign affairs.

The Madison Civics Club has flourished. Its members number more than 800. It has hosted such world leaders as Winston Churchill, Nelson Rockefeller and Eleanor Roosevelt.

The Madison Civics Club brought those who have mastered the arts to Madison, including Carl Sandburg, Arthur C. Clarke and Peter Bogdanovich. Amelia Earhart, Berta Abzug and Alex Haley are just some of the inspirational individuals who have illuminated Madison's citizens. Those that shape the message of our mass media, including David Broder, Ray Suarez and Hedrick Smith, have been a part of Madison Civics Club history.

Prominent citizens, including those on the faculty of the world-class institution, the University of Wisconsin-Madison, also have addressed Madison's local concerns.

The 2002-03 season shares the hallmark of again promising an engaging and thoughtful series of speakers. The theme, as determined by the 2002-03 chair Lynn Stathas, is "The American Dream." Speakers include: Harry Wu, Chinese dissident and human rights activist; Judith Miller, an author and Pulitzer-Prize winning correspondent at the New York Times who is considered an expert on terrorism and was in fact the target of one of the heinous and infamous anthrax letters that were mailed in 2001; Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson, the first female chief justice on the Wisconsin high court and an important figure in the 150th anniversary of the Wisconsin Supreme Court; Diana L. Eck, a professor of Comparative Religion and Indian Studies at Harvard University; and Dr.
David Satcher, the 16th Surgeon General of the United States.

Through these speakers, as in past years, the Madison Civic Club celebrates the enduring freedoms our nation has sustained and nurtured, building a civil society for more than 200 years. America has built a legacy of justice, freedom and hope that will be heralded through the Madison Civic Club in its 90th year.

As the representative for the 2nd Congressional District of Wisconsin, I wish the Madison Civic Club and members and its past and upcoming speakers, all the best as they continue their exemplary tradition of molding a civic conscience that builds communities and benefits all.

RECOGNIZING ACHIEVEMENTS OF CHARLES L. BRIMM

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of Charles L. Brimm, from Dupo, Illinois.

Charles Brimm has been an influential leader in the Dupo, Illinois V.F.W., Post 6368, for years now. His past positions include 14th District Commander from 1992 to 1993, Jr. Vice Commander, and Sr. Vice Commander of the Department of Illinois. I would like to take this opportunity to congratulate Mr. Brimm on his recently named position as Department Commander of the State of Illinois.

Service in the military, the police force, county deputies office, and organizations like the Shiners have made Charles Brimm a fixture of law enforcement and an upholder of the law, as well as a caring individual. Through his leadership and efforts to improve the community, Charlie has had a positive impact on the town and people of Dupo.

I would like to thank Mr. Brimm for his service to this great country and to the people of the Dupo community throughout the years, and wish him well in his continued service with the V.F.W.

BEN-GURION UNIVERSITY OF THE NEGEV

HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. ROTHMAN. Mr. Speaker, on May 9, Bert Foer of the American Associates, Ben-Gurion University of the Negev, was scheduled to testify before the House Appropriations Committee’s Subcommittee on Foreign Operations, Export Financing and Related Programs, of which I am a member, on the university’s important work in the critical field of desertification and water resources.

Unfortunately, because of the committee’s deliberations on the supplemental appropriations bill for Fiscal Year 2002, that hearing was canceled. Thus, members were unable to hear Mr. Foer’s testimony about these efforts, which have received the support of Congress because of the essential role they play in the effort to achieve peace in the region.

As Mr. Foer stated in his prepared statement, even in the turmoil that is now occurring in the Middle East, water remains a central element of hope for the future. Ben-Gurion University and its Jacob Blaustein Institute for Desert Research have played an important role in improving water resources throughout the nations of the Middle East. The work of Dr. Eilon Adar, the director of the university’s new Institute for Water Sciences and Technology, figured prominently in the critical water allocation process set forth in the Israeli-Jordanian peace agreement of 1994. His efforts are perhaps even more important today.

Congress last year recommended that the Department of State and the Agency for International Development should consider up to $1 million for the Institute to address the flow and transport of pollutants in groundwater in the region. This served to highlight the Institute’s unique regional partnerships in applied water research.

Ben-Gurion University is situated on the edge of three of the world’s four major dryland regions. This gives the university and its world-renowned research scientists a unique perspective on the challenges and solutions to regional water quality, supply and allocations issues—issues that surely will be key components of future peace negotiations. As Mr. Foer stated, even in the turmoil that is now occurring in the Middle East, water remains a central element of hope for the future.

Most of the ground water aquifers in the region are shared by at least two countries. In spite of the current conflict, water management agreements have remained in effect. Once all parties return to negotiations, the success of a lasting peace and security agreement will depend on the ability of all parties to agree on an equitable allocation of the region’s scarce water resources. Thus, we should continue to support these essential initiatives.

Mr. Foer noted in his statement that we know the strains in the Middle East will not easily go away. But it is important that we seek out and support initiatives that address areas of tension and that provide opportunities for the nations of the region to work together on matters of mutual interest and benefit.

The efforts of Ben-Gurion University and its Blaustein Institute are, as Mr. Foer so eloquently said in his statement, an investment in more than simply cleaner water. They are an investment in the peace process and in the cause of improved cooperation between Israel and its neighbors.

H. RES. 459

SPEECH OF
HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 27, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today in strong support of H. Res. 459, a bill expressing the sense of the House that Newdow v. U.S. Congress was erroneously decided.

Like many of my colleagues, I was disappointed and shocked that the Ninth Circuit Court of Appeals ruled the Pledge of Allegiance unconstitutional. The Ninth Circuit ruling defies common sense and the timing of the decision couldn’t be worse. Now more than ever we as Americans remember the important purpose of our Pledge of Allegiance, stand in awe of the magnificent symbolism of our flag, and take pride in the triumphant chords of our national anthem, the Star Spangled Banner.

Every day in this Chamber, we honor our nation by reciting the Pledge. Schoolchildren across our nation should be allowed to make that same statement, thus building a foundation of patriotism and citizenship. Generations of Americans regard the Pledge of Allegiance as a solemn statement of our nation’s values. We must not allow this misguided decision to change that fact.

As a cosponsor of this important resolution, I urge all of my colleagues to support H. Res. 459.

GOD AND COUNTRY

SPEECH OF
HON. JACK KINGSTON
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 27, 2002

Mr. KINGSTON. Mr. Speaker, I find the ruling by the 9th Circuit Court of Appeals regarding the Pledge of Allegiance an outrage. Labeling the Pledge unconstitutional and banning it from Public Schools is an unformed and narrow-minded decision by a notoriously irresponsible and radical court.

Mr. Speaker, I denounce this decision, and for the record, I want to include the following remarks, which include quotations from some of our founding fathers as respects their view on religion and the law.

Any high school student with a basic knowledge of history and with a minimal interest in politics understands that there exists a strong separation of church and state in the United States today. This idea of separation is bitterly enforced by some politicians and always emerges as a hot topic in political debate.

But ask these same high school students about the religious beliefs of our founding fathers and the place of religion in the early history of our government, and you will probably find that their knowledge of these subjects is vague and incomplete.

In fact, many Americans today would be surprised to find out that the creators of our nation were profoundly religious, that many of them had no reservations about the role of God in our Government.

Yet, it is amazing to me that our understanding of the founding fathers and the creation of our country has been forgotten or ignored. For in one of our most cherished documents, The Declaration of Independence, which holds our most basic statement of our rights as Americans, we are told that it is “self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness.”

It goes on, “That to secure these Rights, Governments are instituted among men . . .” It is as simple as that—our morality, the basis for our laws, comes from our Creator. Our government, or any democratic government for that matter, is based on our divinely inspired sense of right and wrong, which has an undisputed understanding amongst our founding fathers, which, somehow, escapes the modern imagination.
John Quincy Adams—sixth president of the U.S. elected to the House after his presidency. Read the Bible in its entirety once a year. On February 21st, 1848, Adams collapsed from his chair on the house floor; he was placed on a sofa and carried to the nearby Speaker’s Apartment (just off of the House Chamber). It was there that he passed away before dying, “This is the end of earth... . I am composed.” His words are an indication of his faith; he went out of life with the expectation of eternal reward.

George Washington—After the Revolution, Washington sent a circular letter to the 13 Governors and State legislatures declaring his resignation as Commander of the Continental army. The letter closed with a prayer: “I now make it my earnest prayer that God would have you and the State over which you preside in His holy protection.—that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government,—to entertain a brotherly affection and a love for one another, for their fellow citizens of the United States at large, and particularly those who have served in the field—and finally, that He would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and temper of mind which were the characteristics of the Divine Author of our Constitution, without an humble imitation of whose example in these things, we can never hope to be a happy nation.

Alexander Hamilton—signed the Constitution and was one of the authors of the Federalist papers, a document that heavily influenced the creation of the Constitution. Hamilton was a devout Christian whose faith remained strong even on his deathbed. He reluctantly entered into a duel with Aaron Burr, recording in his Journal: “I have resolved, if it pleases God to give me the opportunity, to reserve and throw away my firs [shot]: and I have thoughts even of reserving my second [shot]—and thus giving a double opportunity to Col. Burr.

Hamilton’s decision cost him his life. On July 11th, 1804, Hamilton was mortally wounded by Burr and died 24 hours later. On his deathbed, the Rev. Benjamin Moore asked of him, “Do you sincerely repent of your sins past? Have you a lively faith in God’s mercy through Christ, with a thankful remembrance of the death of Christ? And are you disposed to live in love and charity with all men?” Hamilton replied, “With the utmost sincerity of heart I can answer those questions in the affirmative—I have no ill will against Col. Burr. I met him with a fixed resolution to do him no harm—I forgive all that happened.” The Rev. then summarized his death, “Expired without a struggle, and almost without a groan.” Hamilton’s death inspired the Reverend to write: “By reflecting on this melancholy event, let the infidel be persuaded to abandon his opposition to that Gospel which the strong, invincible, and comprehensive mind of Hamilton embraced.

At the time of his death, Hamilton was in the process of creating a religious society with the suggested name of the “Christian Constitutional Society.” Its goals were to support the Christian Religion and to support the Constitution of the United States. This organization was to have numerous clubs throughout each state, which could meet regularly and work to elect to office those who reflected the Christian Constitutional Society.

James McHenry—signed the Constitution; officer in the American Revolution and Secretary of War under George Washington and John Adams. Founded the Baltimore Bible society and explained the importance of the Bible in American society:

Public utility pleads most forcibly for the general distribution of the Holy Scriptures. The doctrine they preach—the obligation they impose—the punishment they threaten—the rewards they promise—the stamp and image of divinity they bear which produces a conviction of their truths—these can alone secure to society, order and peace, and to our courts of justice and constitutions of government, purity, stability, and usefulness. In vain, without the Bible, we increase penal laws and draw entrenchments around our institutions. Bibles are strong entrenchments. Where they abound, manners of our laws must be supplied by the perfections of His. Human law must rest its authority, ultimately, upon the authority of that law which is Divine. . . . We now see the deep and the solid foundations of human law. . . . Far from being rivals or enemies, religion and the law are the twin sisters, friends, and mutual assistants. Indeed, these two sciences run into each other.

Chief Justice Oliver Ellsworth—third Chief Justice of the supreme court, member of the Continental Congress during the Revolution and Constitutional Convention; believed religious liberty was necessary in public life and declared in the Connecticut Courant of June 7, 1802: The primary objects of government, are the peace, order and prosperity of society. . . . To the promotion of these objects, particularly in a republican government, good morals are essential. Institutions for the promotion of good morals are, therefore, objects of legislative provision and support: and among these religious institutions are eminently useful. They inspirit the citizens with the great interests of the community, may, and ought to countenance, aid and protect religious institutions—insitutions wisely calculated to direct men to the performance of all the duties arising from their connection with each other, and to prevent or repress those evils which flow from unrestrained passion.

Justice Joseph Story—U.S. Congressman during the presidency of Thomas Jefferson
and appointed to the Supreme Court by James Madison. He founded Harvard Law School; he wrote 286 opinions while serving as a justice as well as several legal essays published under the title, “Commentaries on the Constitution of the United States.” In this work, Story argues that the first amendment was not intended to separate religion from civil government:

The First Amendment is “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise there-... to see an end to religion.

As our government is founded on self-evident and unalienable rights, so is it founded upon divine Law—these are one in the same. For a discussion of morality without God ultimately becomes absurd. Indeed, there is no government without religion.

PAYING TRIBUTE TO FRANK KOGOVSEK

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Frank Kogovsek, who so sadly passed away only at the age of 91. Frank was a pillar of the Pueblo community and, as his family mourns his loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others.

Frank was born to Frank and Mary Kogovsek in April of 1911. Coming of age in the middle of the Great Depression, Frank’s childhood tested his resolve and forged his character. The death of Frank’s father from Black Lung disease in the late 1920s was a particularly hard blow to the family. And it was these defining trials that made Frank Kogovsek into the generous and wise man whose ability to reach out and minister to his family and community has touched the lives of so many.

From a young age, Frank was adept at woodworking, while also showing a particular skill at the art of dancing. It was this second talent that lead Frank to meet his future wife, Mary Blatnick, at a dance in the Arcadia Ballroom. They fell in love and were married in St. Mary’s Church on June 24, 1938. Frank and Mary reared an active and large family, with seven sons and a daughter, Mary Joy. As an income earner for the family, Frank was a full partner in Western institutions, foreign and domestic.

The people of Pueblo have touched the lives of so many. In our nation today, at the first hint of a mixing of church and state, at the mere suggestion of a correlation between religion and civil law, there erupts from certain factions outrage and indignation, followed by claims of an impending right-wing conspiracy. These people have made sacred the quest to keep religion out of public schools and out of our government. They believe any attempt to do otherwise is in direct conflict with the intentions of our founding fathers.

But as I have shown you, these founding fathers were aberrations with religion, namely Christianity, and understood its fundamental role in government and society. Even Thomas Jefferson, who intentionally kept his religious beliefs obscure to the public, never once admitting to an acceptance of Christianity, nor altogether denying its truth, even went so far as to say that the pure and unadorned teachings of Christ can be found the “most sublime and benevolent code of morals which has ever been offered to man.”

Why have we conceded to the ridiculous idea that religion has no place in government, that the creators wanted strict separation of church and state? These are not ideas founded upon reason but on the ignorance of atheism, ideas promoted by those who would like to see an end to religion.

As our government is founded on self-evident and unalienable rights, so is it founded upon divine Law—these are one in the same. For a discussion of morality without God ultimately becomes absurd. Indeed, there is no government without religion.

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to bi-elections in three parliamentary districts of Ukraine that will take place on July 14.

Ukraine’s parliamentary elections were held on March 31 of this year. The House of Representatives closely observed developments related to those elections; on March 20 we passed a resolution urging the government of Ukraine to meet its commitments on democratic elections as delineated in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE).

Conditions surrounding the March 31 elections were far from free and fair. There were hundreds of documented instances of fraud, intimidation of voters, and blocked access to the media. A few races were declared invalid, which is why bi-elections will be held on July 14.

Mr. Speaker, unfortunately it appears that these bi-elections are being run no better than the parliamentary elections; in fact they may be worse. There are reports that local officials are under pressure of losing their jobs to guarantee that the candidates loyal to the President win. This seems to be the case particularly for incumbent Alexander Zhyr. As the former head of the parliamentary committee that investigated the murders of Ukrainian journalists, including Georpi Gongadze, Zhyr is not favorable to the party of power.

Mr. Speaker, Ukraine has expressed its desire to become a full partner in Western institutions. To do so, it must uphold its commitment, as a member of the OSCE, to democratic values and human rights, including free and fair elections. I urge the Government of Ukraine to conduct these bi-elections in accordance with international standards, and to grant unfettered access to all election observers, foreign and domestic.

HOUSING E5219

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. TOWNS. Mr. Speaker, as our Nation turns its focus toward a full-scale battle against worldwide terrorism, there are some international human rights issues that are evading the scope of U.S. policymakers. This should be of great concern to those in this country who have long been concerned with the welfare of all humanity, be it in Asia, Africa, or in the Caribbean. Unbeknownst to many in this country, one of the poorest and most neglected nations in the world lies not only in this hemisphere, but also in our own Caribbean backyard. The situation in Haiti is worsening by the day while international financial institutions refuse to provide development assistance, and the role of the U.S. is still unclear. What is certain is that a double standard has been created regarding Haiti, and that rather than being helped, the population is being further driven into the ground.
Andrew Blandford, Research Associate at the Washington-based Council on Hemispheric Affairs (COHA), has recently authored a press memorandum entitled “As Catastrophe Approaches in Haiti, the U.S. Continues To Block International Loans.” This important work was released on June 13, will shortly appear in a revised form in the upcoming issue of that organization’s estimable biweekly publication, The Washington Report on the Hemisphere. Blandford’s research findings spotlight the developing Haitian tragedy and examine the role of the United States and the rest of the international community in orchestrating the withholding of over $500 million in loans and grants to our poverty-stricken neighbors.

Following weeks of floods and increased potable water shortages in Haiti, residents are forced to spend, on average, nearly a tenth of their meager U.S. $1 a day income on such a fundamental staple as water. As a result of its scarcity and inflated price, less than half of Haiti’s population consumes potable water, compounding the nation’s abysmal health standards. Over 4% of Haiti’s populace is infected with HIV/AIDS while only 1 in 10,000 has access to a physician.

The sanctions against Haiti include the withholding of over $50 million in IDB loans from the Inter-American Development Bank that was intended to fund education, healthcare, and infrastructure projects. Because the IDB loans have already been approved, we have the ironic situation where Haiti must continue to pay interest on money it does not receive. While U.S. dollars flow in record amounts to such undemocratic nations as Saudi Arabia and Pakistan, our Caribbean neighbors live in abject poverty. We must recognize the injustice of bilateral international development assistance to a country previously ruled by the U.S.-supported Duvalier family dictatorship which distorted the country’s institutions while running up record debts.

COHA researcher Blandford calls for action through the passage of H.C.R. 382, sponsored by our colleague Representative BARBARA LEE and the Congressional Black Caucus. This resolution would urge the President to end the virtual embargo on development assistance to Haiti. The article is of high relevance since the need to constructively engage Haiti is likely to grow in importance in the coming months, given the precedent for Haitian refugees to attempt to escape to Florida by means of a perilous sea passage when famine and destitution become unbearable at home, even though they face automatic interdiction and are forced to return to the island.

As Catastrophe Approaches in Haiti, the U.S. Continues To Block International Loans

Less than a decade after the United States triumphantly pronounced the restoration of democracy in Haiti with the return of President Jean-Bertrand Aristide, the international community has financially repudiated the island nation. Only two years before its bicentennial, the unless which has characterized much of Haiti’s two centuries of independence, which was led by the mighty and stricken nation. A loose and disparate opposition coalition of mainly tiny rightist factions, the Aristide administration both abroad and at home.

The Developing Haitian Tragedy

In recent weeks, in addition to Haiti’s routine political and economic woes, its populace has been forced to spend, on average, nearly a tenth of their meager U.S. $1 a day income on water alone due to a lethal shortage of supplies. Because of its scarcity and inflated price, less than half of Haiti’s population consumes potable water.

Dr. Paul Farmer, a Harvard medical professor and director of Haiti’s celebrated Zanmi Lasante clinic, notes the close connection between contaminated water and the catastrophic HIV epidemic that affects 4% of the island’s population. Dr. Farmer has often said that the vast majority of patients in Haiti multiply at an unprecedented pace: “I had worried about 60-70,000 patients for the year. Now it’ll likely be well over 120,000, in IDB statistics and the [Inter-American Development Bank] loans are for health, water, and education. It’s insane for the richest country in the world to refuse funds that Haiti projects insure of the poorest.” Dr. Farmer’s invaluable role in spearheading the battle against AIDS, notwithstanding, is thus far a losing effort. Currently Aristide’s de facto parliament, 110,000 Haitians. The Pan-American Health Organization’s director, George Alleyne, laments that 74 Haitians die per every 100,000 live births and that lack of access to clean water on the island is among the lowest in the Americas. To him the cause is clear: “It’s poverty.”

The U.S. Role in Haiti’s Plight

Due to the U.S. Treasury Department’s virtual veto of the low interest, $54 million loan from the Inter-American Development Bank that was intended to fund education, healthcare, and infrastructure projects. The IDB claims that no loans can be sent to Haiti because the country is in arrears, but the State Department has made it clear that the international financial community is ready only when the strict demands on the U.S. agenda are met. At June’s IDB General Assembly in Barbados, U.S. Secretary of State Colin Powell assiduously finessed Haiti to the international financial community . . . but it is difficult to provide that kind of aid until there is political stability.” Despite Aristide’s de facto veto power over the IDB’s Convergence’s provocations have effectively cut off international resources to Haiti while billions of U.S. dollars flow to authoritarian nations much less those in need.

In January 2001, Ira Kurzban, the Aristide administration’s general counsel in the U.S., called for the annulment of the results of the May elections. Some opposition leaders insisted were flawed. Aristide agreed over a year ago to fire the seven senators whose votes were contested and to move up the elections despite the fact that an American delegation led by Congressman John Conyers (D-MI) of the Congressional Black Caucus (CBC) witnessed the ballots and characterized it as “the democratic process working, exceptionally well.” The Convergence, however, still stonewalls negotiations, choosing instead to advance its policy of economic asphyxiation of the government.

The Republican leadership argues that USAID already delivers sufficient funding to Haiti. According to remarks made by Secretary of State Colin Powell, USAID only provided $73 million in aid last year for emergency rations, but this figure will be slashed to $20 million for Fiscal Year 2002. Moreover, a USAID official in Haiti recently told visitors “79 cents of every USAID dollar worldwide is actually spent in the U.S.”

The OAS-Sponsored Sanctions

A total of $500 million in approved international loans and grants have been withheld as a result of demands made by Aristide that the OAS negotiators believe can be reached between the democratically-based Aristide administration and the Convergence’s questionable bona fides. Few analysts seriously believe that the OAS negotiation team is in the country on its twentiethvisit in an attempt to produce a peace accord. Like Aristide, the OAS has been forced to accommodate its concerns to a lack of political and financial assets. Section nineteen of the OAS Inter-American Commission on Human Rights Report specifically cites a lack of resources as the leading cause behind Haiti’s inefficient judicial institutions and the OAS has displayed a particular lack of ability to operate independent of State Department dictates.

At a June 28 Haiti Symposium in Washington, the leader of the OAS peace initiative, Assistant Secretary General Luigi Einaudi, fresh from the island, agreed that it is now “the absolute critical time” to move forward and set a deadline for negotiations. This would weigh on the OAS’ strategy of issuing perpetual ultimatums. Einaudi stressed, “There is not one nation—certainly not one of the 34 in the OAS— which disputes Aristide’s presidency.” The problem, as he explained it, is that the international community will not sign onto the process of renewing development support until Aristide and his administration’s opposition reach an agreement. “I hate sanctions,” Einaudi gripped, “they’re easy to put on and hard to take off.”

Since a consensus in Haiti is far from assured, Representative Barbara Lee (D-CA) and the CBC introduced in April H.C.R. 382, “New Partnership for Haiti,” which calls for an end to U.S.-influenced sanctions on the island, regardless of the Convergence’s obstinacy. If allowed, this bill will provide Haiti the chance to live a productive and independent life as a sovereign nation.

H.R. 4954. THE MEDICATION MODERNIZATION AND PRESCRIPTION DRUG ACT

SPEECH OF
HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 4954, the fraudulent Republican Medicare bill. Prescription medicine coverage is one of the most important issues facing our nation today. Since it was created in 1965, Medicare has been the bedrock of health security for America’s older citizens. However, Medicare is incomplete without prescription medicine coverage. I support a plan that is simple, comprehensive, and without gaps in coverage.
This bill to increase the reimbursement payments in this bill that would correct this flawed
systems on the state of the economy instead of
physicians and hospitals into the bill that I
posal designed to hide the Republican Leader-
seniors.
America’s seniors deserve a prescription medicine benefit that allows them to remain healthy in their golden years. We must
Medicare with a real, guaranteed Medicare prescription medicine benefit, not a private insurance plan that leaves half of America’s seniors without prescription medi-
coverage. I urge my colleagues to reject this sham Republican Medicare bill, and to
support the Democratic Motion to Recommit.
NEW HAMPSHIRE CONGRESSIONAL
Law Enforcement Awards
HON. JOHN E. SUNUNU
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002
Mr. SUNUNU. Mr. Speaker, I rise today to pay tribute to men and women of law en-
foulement who have exemplified themselves through uncommon and distinctive service to
the citizens of New Hampshire during the
course of their duties.
Few among us would question that one of the most demanding and
important roles of those who are in our society are those in law enforcement. It is a profession that
requires sacrifice, courage and a dedication to
serve others. Each day, these brave men and
women put themselves in harm’s way in order to
administer the laws of our society. In so
doing, they have earned—and deserve—our
respect and our gratitude.
In 1998, my friend and colleague, Repre-
tatives CHARLES BASS, and I first estab-
lished the New Hampshire Congressional Law Enforcement Awards at the request of current
and retired New Hampshire law enforcement
c personnel. We both agreed that these awards would be an excellent way to honor the men
and women of law enforcement whose service
and professionalism were truly extraordinary,
and this Sunday, July 14, a ceremony will be
held at the New Hampshire Police Standards
and Training facility in Concord to honor the
82 recipients of this year’s awards.
In New Hampshire, the nominations process for the awards starts with all duly sworn offi-
cers of the law, full or part-time, including
local, county, state and federal law enforce-
ment agencies. Law enforcement profes-
sionals from other states who distinguish
themselves in serving the people of New
Hampshire are also eligible. Nominations are
then made based on exceptional achievement
in any police endeavor, including: extraor-
dinary valor; crime prevention; drug control
and prevention; investigative work; community
c Policing; community service; traffic safety;
search and rescue; and juvenile training, pro-
grams. Individual officers are nominated for
the award by citizens, an officer’s department
or his or her local, county, state or federal
government agency.
The awards honor law enforcement per-
sonnel in one of five separate categories: Ca-

er Service Award, which recognizes those
who have shown an outstanding dedication to
law enforcement over the length of their ca-

er; Unit Citation Award, which recognizes of-
cers for actions taken as a group in dan-
gerous situations; Dedication and Profes-
sionalism Award, which recognizes personnel
in the course of their duties to others; Above and Beyond the Call of Duty Award, which honors officers who put their lives in harm’s way in service to others; and Associate Service Award, which honors fire and rescue personnel as well as civilians who
assist law officers in the course of their du-
ties—at times putting their own lives at risk.
While Congress works each day to pass
 legislation that supports local law enforcement and protects the interests of our communities,
families and children, the men and women of law enforcement, working on the front lines
every day, take the necessary risks to ensure
our safety and the safety of our loved ones.
These awards have been a fitting tribute to
our officers and a reminder to all of us of the
important role they play in our lives and in our
communities.
Mr. Speaker, I join with Congressman Bass
t and all the citizens of the Granite State in of-
fering our appreciation for the service and the
dedication of our law enforcement personnel.
I congratulate each recipient of the 2002 New Hampshire Congressional Law Enforcement Awards, and thank the
people with whom they work and the citizens they serve for nomi-
nating such outstanding individuals.
Paying Tribute to Alan Terry
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002
Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate an out-
standing individual from Colorado whose hard
work and dedication has produced a number
of awards throughout his business career.
Alan Terry, the president of Terry & Stephen-
son, P.C. has just received a very high honor
from the business community, as he is the re-
cipient of the Accountant Advocate of the Year
Award. The Denver Urban Renewal Authority
nominated Alan for this award, which is
among the most prestigious and coveted forms of recognition given in the business
world, and I am honored to bring forth his ac-
complishments before this body of Congress
and nation.
Alan attended Trinidad State Junior College,
received an AA in Business Administration
and went on to complete his undergraduate
work at the University of Southern Colorado
where he earned a BS degree in accounting.
His professional career began with Price
Waterhouse in Baltimore, Maryland and after
several years, Alan moved to Pittsburgh,
Pennsylvania where he started Terry & Stephen-
son, P.C., a certified public accounting,
and management consulting firm. In 1986, he
moved to Denver, Colorado and opened the
Denver office of Terry & Stephenson, P.C.
Since opening the Denver office, Alan has
worked with a variety of businesses including
start up businesses, Fortune 500 corporations,
the State of Colorado, the City and County of
Denver, and various nonprofit organizations.
He serves on many nonprofit boards and is an active member of the Colorado Society of Certified Public Accountants.

Mr. Speaker, it is clear that Alan Terry is a man of great dedication and commitment to his profession and to the people of Colorado. He has demonstrated that success can be achieved though hard work and commitment to his clients and I am honored to bring forth his accomplishments before this body of Congress and this nation. He has achieved great success in his career and it is my privilege to extend to him my congratulations on his selection for the Accountant Advocate of the Year award. Alan, I wish you all the best in your future.

IN RECOGNITION OF NORTH BAY STAND DOWN 2002

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. THOMPSON of California, Mr. Speaker, I rise today to recognize the importance of North Bay Stand Down 2002 as a vehicle for providing homeless and at-risk veterans in Napa, Solano and Yolo Counties with access to existing and planned programs.

Many of these veterans have never applied for the benefits they have earned through their service to our country. Through the user-friendly “veterans helping veterans” atmosphere of North Bay Stand Down 2002 they will be encouraged to transform the despair and immobility of homelessness into the momentum necessary to get in to recovery, to resolve legal issues, to seek employment, to access health services and benefits, to reconnect with the community and to get off the street.

It is estimated that veterans comprise nearly 30 percent of our homeless population nationwide. For them, life on the streets can be both dangerous and debilitating and often leads to 30 percent of our homeless population nationwide. For them, life on the streets can be both dangerous and debilitating and often leads to feelings of hopelessness.

North Bay Stand Down 2002 will help veterans free themselves from this self-defeating cycle of despair and begin to repair their lives by breaking down the barriers that contribute to their isolation.

North Bay Stand Down 2002 has the support of the U.S. Department of Veterans Affairs, the California State Department of Veterans Affairs, the State Employment Development Department, local governments and veterans’ trade organizations and members of the community.

Mr. Speaker, it is appropriate that we acknowledge and honor today the men and women who organized North Bay Stand Down 2002 for their commitment to our veterans and to our country.

THE TECHNOLOGY ADMINISTRATION AND NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT OF 2003

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 9, 2002

Mr. BARCIA. Mr. Speaker, today, I and Representatives M. UDALL, R. HALL, WEINER, HONDA, RIVERS, LARSON, ISRAEL, MATHESON, WOOLSEY, BACA, E.B. JOHNSON, COSTELLO, and LOFGRENN are introducing the Technology Administration and National Institute of Standards and Technology Act of 2003. This bill provides a 3-year authorization for the Technology Administration and the National Institute of Standards and Technology.

For the Technology Administration the bill provides the Administration’s FY03 request. The legislation then provides for inflationary increases in FY04 and FY05.

For the National Institute of Standards and Technology, the bill provides full funding for the Manufacturing Extension Partnership program (MEP). The bill authorizes $110 million in FY03, which will fully fund MEP Centers in 400 locations in all fifty states and Puerto Rico. The Manufacturing Extension Partnership program is strongly supported by small- and medium-sized manufacturers throughout the United States. It is a proven and successful industry/government partnership. Both the National Association of Manufacturers and the National Coalition for Advanced Manufacturing endorse the Manufacturing Extension Partnership program and this level of funding. In FY04 and FY05 the bill provides for inflationary increases for MEP funding.

The bill also provides funding for the Advanced Technology Program and addresses Administration concerns about the program. First this bill provides a stable funding base for the ATP by providing sufficient funds to allow for $60.7 million in new awards to be made in each fiscal year. In addition, the bill authorizes four policy changes to the ATP that were proposed by Secretary Evans. The bill makes Secretary’s proposed changes to (1) allow universities to lead joint ventures, (2) allow non-profit laboratories to be invested with intellectual property, (3) stress that ATP does not support product development, and (4) allows for private-sector experts to participate in the ATP project review process.

The bill also provides the Administration’s request for the standards supporting activities performed by NIST. In addition, the bill provides $12 million for NIST to continue its investigation of the structural causes of the collapse of buildings in the World Trade Center complex. The bill also provides $10 million to upgrade the Large Fire Facility at NIST’s Gaithersburg campus. One of the most important recommendations of the Building Performance Assessment Team that did a preliminary investigation on the structural program is that current standards do not require actual fire testing of structural components. In other words, we can’t evaluate how buildings will perform under actual fire conditions. Currently no place in the United States can perform this type of testing.

The funding for the renovation of the Large Fire Facility will allow this type of testing to be done. Finally the bill provides much needed funding for the renovation of the NIST facilities in Boulder, CO. The bill provides the Administration FY03 request for this activity and in FY04 and FY05 provides funding in accordance with NIST’s 10-year construction plan.

This bill also incorporates legislation that enhances NIST’s standards activities. Title III of the bill is the text of the H.R. 2733, the Enterprise Integration Act of 2002. This authorizes the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development for enterprise integration.

Mr. Speaker, it is a great honor to recognize Zelma La Bar and the groundbreaking leadership that she has brought to the Pueblo Horizons Federal Credit Union and the City of Pueblo Horizons Federal Credit Union and the community of Pueblo, Colorado. Zelma will always be remembered as a dedicated leader and an innovative CEO. As she announces her retirement, I would like to bring forth her accomplishments before this body of Congress today.

Zelma has served as chairperson of the Pueblo Area Chapter of Credit Unions since assuming that position in March 1997. She has also served on a number of Colorado Credit Union League Committees from 1991–2002, which includes the Legislative Sub-Committee for Regulatory Issues and the Environmental Scan Sub-Task Force. Zelma is a member of the Credit Union Executives Society and serves as the Pueblo Horizons Federal Credit Union representative to the Greater Pueblo Chamber of Commerce, the Latino Chamber of Commerce and PEDCO.

Mr. Speaker, it is a great honor to recognize Zelma La Bar and the groundbreaking leadership that she has brought to the Pueblo Horizons Federal Credit Union and the City of Pueblo Horizons Federal Credit Union and the community of Pueblo, Colorado. Zelma will always be remembered as a dedicated leader and an innovative CEO. As she announces her retirement, I would like to bring forth her accomplishments before this body of Congress today.

Mr. Speaker, it is a great honor to recognize Zelma La Bar and the groundbreaking leadership that she has brought to the Pueblo Horizons Federal Credit Union and the City of
Mr. UDALL of Colorado. Mr. Speaker, I opposed the Republican prescription drug bill. And not only the bill, but the process by which we considered it.

Since being elected to Congress in 1998, not a day has gone by without my hearing from a senior who is struggling to pay for prescription drugs.

I've told the story of the woman from Westminster, CO who has to visit the food bank once a week so that she can afford her prescription drugs.

I've told the story of another woman who plays her own version of the lottery. She puts all of her bills in a fish bowl, draws one bill, and the one she draws is the one she puts off paying so that she can buy the drugs her doctor tells her she has to take.

And I've told the story of Juanita Johns, a constituent who kept the thermostat in her home at 60 degrees so she could pay her drug bills. That is until she sold her house and home at 60 degrees so she could pay her drug bills. That is until she sold her house and

No senior should be faced with the choice of buying food, paying the electric bill or buying critical lifesaving medicines.

We have an obligation to our Nation's seniors to provide them with the lifesaving treatments they need and deserve.

Last month, we had the opportunity to do something about it. But the Republican leadership insisted on pushing through a proposal that subsidizes insurance companies and drug companies instead of helping seniors. Their bill does nothing to guarantee coverage for seniors. It has a gap in coverage that will leave Medicare beneficiaries 100% financially liable for thousands of dollars in drug costs, covers only 6% of Medicare beneficiaries, and does nothing to lower the price of prescription drugs. Instead, their bill gives $310 billion to insurance companies to encourage them to offer stand-alone prescription drug plans, something that the insurance companies themselves say will not work.

If this bill becomes law, and if past is prologue, we will have insurance companies knocking on our door in the not too distant future telling us that they don't have enough money to provide these plans, and that they need more. It's just like what is happening with Medicare+Choice. Several insurance companies promised seniors affordable health care, took their premiums and then dumped them a year later. And now many seniors are scrambling to find a new doctor.

Now, I support the increase in payments for providers, which are included in the Republican bill. As a matter of fact, I am cosponsoring legislation to increase physician payments and to change the formula upon which those payments are based. I support increased payments to our Nation's hospitals, and I've joined with several of my colleagues asking the leadership of this body to address Medicare HMO payment issues. But in a cynical political move, the authors of this bill attached these provider payments to their prescription drug bill to force us to vote against them. So I am going on the record today to say that my vote against this bill should not be construed as a vote against provider payments.

And my vote against this bill should not be construed as a vote against prescription drugs for seniors. I support the Democratic plan, which is a defined benefit under Medicare. It has a guaranteed premium, a guaranteed copayment, guaranteed coverage, and is available to all those seniors who need it. It doesn't have any gaps in coverage, and it has no gimmicks. That's what our seniors deserve.

But the Republican leadership wouldn't even let us bring our bill to the floor for debate. They wouldn't even let us offer amendments to their bill. Why not? If it was so bad, they could have just voted it down. But they knew that our plan was better and if it were put up against the Republican plan, it would have prevailed. Instead, they took a "my way or the highway" approach.

On the day of the vote, many members took to the floor of the House to recite the Pledge of Allegiance. "... one nation under God, indivisible, with liberty and justice for all."

Where is the indivisibility? Where is the liberty in this rule? Where is the justice in this rule? In this debate? In this bill? We should set a better example for other governments around the world. This is not the way democracy works.

Mr. Speaker, the great civil rights worker Fannie Lou Hamer once said, "I'm sick and tired of being sick and tired." So am I, and so are the millions of seniors who can't afford the drugs their doctors tell them they have to take. The number of seniors in this Nation will double over the next twenty years, and at that time, their voices and actions will be stronger than the insurance companies and the drug manufacturers. I just hope we don't have to wait that long.

I could not support the rule or the bill.
HIGHLIGHTS

Senate agreed to H.J. Res. 87, Yucca Mountain Nuclear Waste Site Approval.

House Committee ordered reported the following appropriations for fiscal 2003: Interior; and Treasury, Postal Service and General Government.

Senate

Chamber Action

Routine Proceedings, pages S6433–S6514

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 2710–2715, and S. Res. 300–302. Page S6498

Measures Reported:

S. 414, to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, with amendments. (S. Rept. No. 107–207)

S. 2506, to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments. (S. Rept. No. 107–208)

Page S6498

Measures Passed:

Yucca Mountain Nuclear Waste Site Approval: Senate passed H.J. Res. 87, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982. Pages S6444–91

Honoring Ted Williams: Senate agreed to S. Res. 302, honoring Ted Williams and extending the condolences of the Senate on his death. Page S6513

Benjamin Franklin Tercentenary Commission Act: Senate passed H.R. 2362, to establish the Benjamin Franklin Tercentenary Commission, clearing the measure for the President. Page S6513

Accounting Reform Act: Senate continued consideration of S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company 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, taking action on the following amendments proposed thereto: Pages S6436–44, S6491–96

Pending:

Daschle (for Leahy) Amendment No. 4174, to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities. Pages S6436–38

Gramm (for McConnell) Amendment No. 4175 (to Amendment No. 4174), to provide for certification of financial reports by labor organizations to improve quality and transparency in financial reporting and independent audits and accounting services for labor organizations. Pages S6438–43, S6491–96

Miller Amendment 4176, to amend the Internal Revenue Code of 1986 to require the signing of corporate tax returns by the chief executive officer of the corporation. Pages S6443–44, S6491

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Wednesday, July 10, 2002. Page S6513

During today’s proceedings, Senate also took the following action:

By 60 yeas to 39 nays (Vote No. 167), Senate agreed to the motion to proceed to consideration of S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent

Subsequently, by unanimous consent, S.J. Res 34 (listed above) was returned to the Senate calendar.

Nominations Received: Senate received the following nominations:

Frederick W. Gregory, of Maryland, to be Deputy Administrator of the National Aeronautics and Space Administration.

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009.

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2005.

Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

2 Army nominations in the rank of general.
1 Marine Corps nomination in the rank of general.
2 Navy nominations in the rank of admiral.

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: One record vote was taken today. (Total—167)

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:38 p.m., until 9:30 a.m., on Wednesday, July 10, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6513).

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported S. 2506, to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with an amendment.

NATIONAL DEFENSE AUTHORIZATION

Committee on Environment and Public Works: Committee concluded hearings on sections 2015, 2016, 2017(a) and (b), 2018 and 2019 of S. 2225, the National Defense Authorization Act for Fiscal Year 2003, after receiving testimony from Adm. William J. Fallon, USN, Vice-Chief of Naval Operations; Gen. Robert H. Foglesong, USAF, Vice Chief of Staff, United States Air Force; Gen. John M. Keane, USA, Vice Chief of Staff, United States Army; Gen. Michael J. Williams, USMC, Assistant Commandant, United States Marine Corps; William Hurd, Virginia Office of the Attorney General, Richmond; Daniel S. Miller, Colorado Department of Law, Denver; Stanley Phillippe, California Department of Toxic Substances Control, Sacramento, behalf of the Association of State and Territorial Solid Waste Management Officials; Jamie Rappaport Clark, National Wildlife Federation, Washington, D.C., former Director, U.S. Fish and Wildlife Service, Department of the Interior; and Bonner Cohen, Lexington Institute, Arlington, Virginia; David Henkin, Earthjustice, Honolulu, Hawaii.

TREATY ON STRATEGIC OFFENSIVE REDUCTIONS

Committee on Foreign Relations: Committee held hearings on the Treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (Treaty Doc. 107–8), receiving testimony from Colin L. Powell, Secretary of State.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of John William Blaney, of Virginia, to be Ambassador to the Republic of Liberia, Aurelia E. Brazeal, of Georgia, to be Ambassador to the Federal Democratic Republic of Ethiopia, Martin George Brennan, of California, to be Ambassador to the Republic of Zambia, J. Anthony Holmes, of California, to be Ambassador to Burkina Faso, Vicki Huddleston, of Arizona, to be Ambassador to the Republic of Mali, Donald C. Johnson, of Texas, to be Ambassador to the Republic of Cape Verde, Jimmy Kolker, of Missouri, to be Ambassador to the Republic of Uganda, Gail Dennise Thomas Mathieu, of New Jersey, to be Ambassador to the Republic of Niger, and James Howard Yellin, of Pennsylvania, to be Ambassador to the Republic of Burundi, after the nominees testified and answered questions in their own behalf.
NOMINATION
Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the nomination of Richard H. Carmona, of Arizona, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service, Department of Health and Human Services, after the nominee, who was introduced by Senators McCain and Kyl, testified and answered questions in his own behalf.

EXCELLENCE IN SPECIAL EDUCATION
Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine recommendations of the President’s Commission on Excellence in Special Education regarding the Individuals with Disabilities Act of 1997 (IDEA), after receiving testimony from Terry E. Branstad, Chairman, Douglas H. Gill, Chairman, Finance Task Force, and Douglas C. Huntt, Chairman, Transition Task Force, all of the President’s Commission on Excellence in Special Education.

IDENTITY THEFT
Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information held hearings on S. 2541, to amend title 18, United States Code, to establish penalties for aggravated identity theft, receiving testimony from Daniel P. Collins, Associate Deputy Attorney General and Chief Privacy Officer, and Dennis M. Lormel, Chief, Terrorist Financial Review Group, Federal Bureau of Investigation, both of the Department of Justice; and Howard Beales, Director, Bureau of Consumer Protection, Federal Trade Commission.

Hearings recessed subject to call.

COUNTERFEIT MEDICINE
Special Committee on Aging: Committee concluded hearings to examine public health concerns of counterfeit medicine, focusing on the purchasing of pharmaceuticals, both brand name and generic, from outside the nation’s borders and without the series of checks in place for drugs sold domestically, after receiving testimony from William K. Hubbard, Senior Associate Commissioner for Policy, Planning, and Legislation, Food and Drug Administration, Department of Health and Human Services; Elizabeth G. Durant, Executive Director of Trade Programs, U.S. Customs Service, Department of the Treasury; John Theriault, Pfizer, Inc., Washington, D.C.; and Rick C. Roberts, San Francisco, California.

House of Representatives

Chamber Action

Measures Introduced: 14 public bills, H.R. 5070–5083; and 3 resolutions, H. Con. Res. 436–437, and H. Res. 476, were introduced.

Reports Filed: Reports were filed today:
H. Con. Res. 425, calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund (H. Rept. 107–556);
H. Res. 472, providing for consideration of H.R. 4635, to amend title 49, United States Code, to establish a program for Federal flight deck officers (H. Rept. 107–557);
H. Res. 473, providing for consideration of 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 (H. Rept. 107–558);
H. Res. 474, providing for consideration of 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 (H. Rept. 107–559); and
H. Res. 475, providing for consideration of 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 (H. Rept. 107–560).

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative to act as Speaker pro tempore for today.

Recess: The House recessed at 11:16 a.m. and reconvened at 12 noon.

Committee on Transportation and Infrastructure

Resolutions: Read a letter from chairman Young of Alaska wherein he transmitted copies of resolutions adopted on June 26, 2002 by the Committee on Transportation and Infrastructure—referred to the committee on Appropriations.
Suspensions: The House agreed to suspend the rules and pass the following measures:

**Airport Streamlining Approval Process Act:** H.R. 4481, amended, to amend title 49, United States Code, relating to airport project streamlining;
Pages H4361-65

**Armed Services Tax Fairness Act:** 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 (agreed to by a yea-and-nay vote of 413 yeas with none voting “nay,” Roll No. 286);
Pages H4365-69, H4392-93

**Undergraduate Science, Mathematics, Engineering, and Technology Education Improvement Act:** H.R. 3130, amended, to provide for increasing the technically trained workforce in the United States;
Pages H4369-75

**Wildfire Fighting Collaboration with Foreign Countries:** 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;
Pages H4375-78

**Improper Payments Reduction Act:** H.R. 4878, amended, to provide for reduction of improper payments by Federal agencies; and
Pages H4378-80

**Rise in Anti-Semitism in Europe:** H. Res. 393, concerning the rise in anti-Semitism in Europe (agreed to by a yea-and-nay vote of 412 yeas with none voting “nay,” Roll No. 287).
Pages H4380-87, H4393-94

Motion to Instruct Conferees—Help America Vote Act: Agreed to the Langevin motion to instruct conferees on the disagreeing votes of the two Houses on the Senate amendments to H.R. 3295, to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs and to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, 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) by a yea-and-nay vote of 413 yeas with none voting “nay,” Roll No. 286.
Pages H4387-92

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4425-29.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H4392, H4392-93, and H4393-94. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 8:45 p.m.

**Committee Meetings**

**INTERIOR AND TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS; REVISED SUBALLOCATION OF BUDGET ALLOCATIONS**

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2003: Interior; and Treasury, Postal Service and General Government.

The Committee also approved the Report on the Revised Suballocation of Budget Allocations for fiscal year 2003.

**QUALITY HEALTH CARE—EXPANDING ACCESS**

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Expanding Access to Quality Health Care: Solutions for Uninsured Americans. Testimony was heard from Representatives Fletcher and Tierney; Mark B. McClellan, member, Council of Economic Advisers; and public witnesses.

**CREATING DEPARTMENT OF HOMELAND SECURITY**

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings on “Creating the Department of Homeland Security: Consideration of the Administration’s Proposal,” with emphasis on research and development and critical infrastructure activities proposed for transfer to the new Department. Testimony was heard from Jerome Hower, Director, Office of Public Health Emergency Preparedness, Department of Health and Human Services; the following officials of the GAO: Jan Heinrich, Director, Health Care and Public Health Issues; and Robert F. Dacey, Director, Information Security Issues; John S. Tritak, Director, Critical Infrastructure Assurance Office, Department of Commerce; James McDonald, Director, Energy Security and Assurance Program, Department of Energy; Samuel G. Varnado, Director, Infrastructure...
and Information Systems Center, Sandia National Laboratories; Donald D. Cobb, Associate Director, Threat Reduction, Los Alamos National Laboratory; and public witnesses.

The Subcommittee also met in executive session on this subject. Testimony was heard from Jason Ahearn, Assistant Commissioner, Field Operations, U.S. Customs Service, Department of the Treasury; Frank Panico, Manager, International Networks and Transportation, U.S. Postal Service; Linton Brooks, National Nuclear Security Administration, Department of Energy; Gary Jones, Director, Natural Resources and Environment Issues, GAO; David Nokes, Director, Systems Assessment and Research Center, Sandia National Laboratories; Donald D. Cobb, Associate Director, Threat Reduction, Los Alamos National Laboratory; Wayne J. Shotts, Associate Director, Nonproliferation, Arms Control and International Security, Lawrence Livermore National Laboratory; Steven W. Martin, Director, Homeland Security Programs, Pacific Northwest National Laboratory; and public witnesses.

NEW ECONOMY SPEED—HELPING STATE AND LOCAL GOVERNMENTS

Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing on "Helping State and Local Governments Move at New Economy Speed: Adding Flexibility to the Federal IT Grant Process." Testimony was heard from David L. McClure, Director, Information Technology Management Issues, GAO; Sherri Z. Heller, Director, Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services; Roberto Salazar, Administrator, Food and Nutrition Service, USDA; and public witnesses.

FEDERAL AGENCY PROTECTION OF PRIVACY ACT; OVERSIGHT—CERTAIN RAMIFICATIONS—DEPARTMENT OF HOMELAND SECURITY CREATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action H.R. 4561, Federal Agency Protection of Privacy Act.

The Subcommittee also held a hearing on "Administrative Law, Adjudicatory Issues, and Privacy Ramifications of Creating a Department of Homeland Security." Testimony was heard from Mark W. Everson, Controller, Office of Federal Financial Management, OMB; and public witnesses.

PARTIAL-BIRTH ABORTION BAN ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 4965, Partial-Birth Abortion Ban Act of 2002. Testimony was heard from public witnesses.

HOMELAND SECURITY ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 5005, Homeland Security Act. Testimony was heard from Joe M. Allbaugh, Director, FEMA; from the following officials of the Department of the Treasury: Robert C. Bonner, Commissioner, U.S. Customs Service; and Brian L. Stafford, Director, U.S. Secret Service; and the following officials of the Department of Transportation: Adm. Thomas H. Collins, USCG, Commandant, U.S. Coast Guard; and John W. Magaw, Under Secretary, Security, Transportation Security Administration.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 2099, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve; H.R. 3917, to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital; and H.R. 4874, to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of land from an 1880 survey. Testimony was heard from Representatives Baird and Otter; the following officials of the Department of the Interior: P. Daniel Smith, Special Assistant to the Director, National Park Service; and Robert Anderson, Deputy Assistant, Minerals, Realty, and Resource Protection, Bureau of Land Management; Royce Pollard, Mayor, Vancouver, Washington; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 4708, Fremont-Madison Conveyance Act; H.R. 4739, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Waste-water Utility, Texas; and H.R. 5039, to direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County and the State of Nevada. Testimony was heard from John W.
Keys, Commissioner, Bureau of Reclamation, Department of the Interior; Gustavo Garcia, Mayor, Austin, Texas; and public witnesses.

ARMING PILOTS AGAINST TERRORISM ACT

Committee on Rules: Granted, by voice vote, a modified open rule providing 1 hour of debate on H.R. 4635, Arming Pilots Against Terrorism Act. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments to the committee amendment that are printed in the Congressional Record or are pro forma amendments for the purpose of debate. The rule provides that each amendment printed in the Congressional Record may be offered only by the Member who caused it to be printed or his designee, and that each amendment shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Mica and Oberstar.

NATIONAL CONSTRUCTION SAFETY TEAM ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 4687, National Construction Safety Team Act. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule provides that the bill shall be considered for amendment by section. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Mica and Oberstar.

TROPICAL CYCLONE INLAND IMPROVEMENT AND WARNING SYSTEM DEVELOPMENT ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2486, Tropical Cyclone Inland Forecasting Improvement and Warning System Development Act of 2002. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule provides that the bill shall be considered for amendment by section. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert and Representative Hall of Texas and Etheridge.

ENTERPRISE INTEGRATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2733, Enterprise Integration Act of 2002. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule provides that the bill shall be considered for amendment by section. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert and Representative Hall of Texas.

TRUCKING SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Trucking Safety. Testimony was heard from Representative McGovern; Joseph M. Clapp, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

VETERANS LEGISLATION

Committee on Veterans’ Affairs: Subcommittee on Benefits approved for full Committee action the following bills: H.R. 4940, the Arlington National Cemetery Burial Eligibility Act; and H.R. 5055, to authorize the placement in Arlington National Cemetery of a memorial honoring the World War II veterans who fought in the Battle of the Bulge.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 10, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the Commodity Futures Trading Commission (CFTC), 9:30 a.m., SD–106.

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine railway safety, 9:30 a.m., SR–253.
Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold oversight hearings to examine water resource management issues on the Missouri River, 9:30 a.m., SD–366.

Full Committee, to hold hearings to examine the present and future roles of the Department of Energy/National Security Administration national laboratories in protecting our homeland security, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the President’s proposal to establish the Department of Homeland Security, 2 p.m., SD–406.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 710, to require coverage for colorectal cancer screenings; S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; S. 2489, to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care; and the nominations of Richard H. Carmona, of Arizona, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service; Naomi Shihab Nye, of Texas, and Michael Pack, of Maryland, each to be a Member of the National Council on the Humanities; Earl A. Powell III, of Virginia, to be a Member of the National Council on the Arts; Robert Davila, of New York, to be a Member of the National Council On Disability; and Peter J. Hurtgen, of Maryland, to be Federal Mediation and Conciliation Director, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine Elder health issues, 10 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Crime and Drugs, to hold hearings to examine issues concerning white collar crime, 2:30 p.m., SD–226.

Committee on Veterans’ Affairs: to hold hearings to examine the continuing challenges of care and compensation due to military exposures, 9:30 a.m., SR–418.

House

Committee on Appropriations, Subcommittee on Energy and Water Development, to mark up appropriations for fiscal year 2003, 4 p.m., 2362 Rayburn.

Committee on Armed Services, to mark up H.R. 5005, Homeland Security Act of 2002, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing on Reforming the Individuals with Disabilities Education Act: Recommendations from the Administration’s Commission on Excellence in Special Education, 10:30 a.m., 2175 Rayburn.


Subcommittee on Telecommunications and the Internet, hearing on Corporation for Public Broadcasting Oversight and a Look Into Public Broadcasting in the Digital Era, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to continue consideration of H.R. 3995, Housing Affordability of America Act of 2002, 10 a.m., 2128 Rayburn.

Committee on International Relations, to mark up H.R. 5005, Homeland Security Act of 2002, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization; H.R. 3214, to amend the charter of the AMVETS organization; H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; H.R. 5005, Homeland Security Act of 2002; and private relief measures, 10 a.m., 2141 Rayburn.

Committee on Resources, to continue markup of H.R. 4749, Magnuson-Stevens Act Amendments of 2002; and to mark up the following measures: H. Con. Res. 419, requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies; H.R. 3148, to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans; H.R. 3476, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; H.R. 3917, Flight 93 National Memorial Act; H.R. 4141, Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002; H.R. 4620, America’s Wilderness Protection Act; H.R. 4739, to amend the Reclamation Waste-water and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; H.R. 4822, Upper Missouri River Breaks Boundary Clarification Act; H.R. 4840, Sound Science for Endangered Species Act Planning Act of 2002; S. 238, Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2001; S. 356, Louisiana Purchase Bicentennial Commission Act; and S. 1057, Pu‘u‘ouhouna O Honuaunu National Historical Park Addition Act of 2001, 2 p.m., 1324 Longworth.

Committee on Science, to mark up H.R. 5005, Homeland Security Act of 2002, 10 a.m., and to hold a hearing on the Administration’s Climate Change Initiative, 1 p.m., 2318 Rayburn.

Committee on Ways and Means, to mark up H.R. 5005, Homeland Security Act of 2002, 10:30 a.m., 1100 Longworth.

Joint Meetings

Joint Committee on Printing: to hold hearings to examine federal government printing and public access to government documents, 11 a.m., SR–301.
Congressional Record

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Next Meeting of the SENATE
9:30 a.m., Wednesday, July 10

Senator Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company 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.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, July 10

House Chamber

Program for Wednesday: Consideration of H.R. 4635, Arming Pilots Against Terrorism Act (modified open rule, one hour of general debate)

Extensions of Remarks, as inserted in this issue

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