United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, JULY 16, 2002 No. 96

House of Representatives

The House met at 10 a.m.

MORNING HOUR DEBATES

The SPEAKER. 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 Oregon (Mr. DEFAZIO) for 5 minutes.

PRESIDENT BUSH NEEDS TO CLEAN HOUSE

Mr. DEFAZIO. Mr. Speaker, when President Bush came into office at his first Cabinet meeting, he said, I expect only one standard and that is the highest of ethical standards. I think many Americans breathed a sigh of relief with the idea that we were going to have an administration free of the drip, drip, drip of scandal of the past administration.

Unfortunately, not too long into the President's tenure, that began to become a bit unraveled, and yet the President has yet to ask for the resignation of any of the ethically challenged members of his administration.

One standout is Secretary White of the Army. Secretary White was a general retired, and then went to Enron for his retirement. We all know Enron. Previous to MCI WorldCom, the largest scandal and bankruptcy of financial mismanagement and phony bookkeeping in the history of the United States. He headed the worst of Enron, Enron Energy Services. Not only was Enron Energy Services a total fraud, they never made a penny. In fact, they lost billions of dollars while showing huge profits on the books with phony trades. They created things called Death Star, Get Shorty, Fat Boy and other cute names, sounds like maybe secret weapon systems, maybe the kind of thing Secretary White should know about, but he says he did not know a thing about all this phoniness, he was just the front guy, just the rainmaker, just bringing in business and walking away with $60 million.

He also manipulated the West Coast energy market, destroying the economy of the Western United States. Oregon is in a deep recession in part because of a 40 percent unnecessary runup in our electric rates because of the shenanigans of Enron and other market manipulators.

Mr. White, who ran the part of Enron which did the market manipulation, says he did not know anything about that either, but he has compiled quite a stellar record since he has gone to be Secretary of the Army. He took a corporate jet to Aspen to sign papers to sell his $6.5 million ski house which he bought with his ill-gotten gains from Enron. He forgot to meet the ethics requirements to get rid of his stock with Enron, some stock options he had, and yet the President has not called for his resignation.

Now we have a new task force. So Americans should rest easy. We have a new task force, which is headed by a gentleman called Larry D. Thompson, Deputy Attorney General. President Bush sat between Mr. Harvey Pitt, who I have talked about on the floor before, the ethically challenged head of the Securities and Exchange Commission who cannot vote because he is so compromised because of his past association with all of the people he is supposed to be investigating. It is a good deal for them because then he cannot convict them of anything and cannot fine them.

Then on the other side of the President was Mr. Thompson. He is the new head of the so-called SWAT team which turns out instead to be a kind of a task force, low-key thing. We would not want to get too tough on corporate fraud.

Mr. Thompson has quite a bit of experience. He was on the board of Providian. Providian paid the largest penalties in the history of the United States. He was on the audit committee, on the board of directors, paid a pretty penny for this work, but Providian, during his tenure while he was on the audit committee and the board of directors, committed quite a bit of fraud and mismanagement and paid the largest ever penalties to the Comptroller of the Currency of the United States, $105 million of penalties for fraud, mismanagement, and consumer abuse; not trivial.

They have also settled a $38 million class action lawsuit, and there are other class action lawsuits pending. They are also being sued by their employees who said that Mr. Thompson and other members of the board of directors and executives at Providian told them to put more stock in their 401(k)s while they were secretly dumping their own stock. This is our new chief corporate watchdog of the so-called SWAT team.

To return to Mr. Pitt, Mr. Pitt, head of the Securities and Exchange Commission, who the President also has expressed utmost confidence in, cannot vote on many enforcement actions of his agency because he, in fact, was not the lawyer for but the lobbyist for, and sometimes the lawyer of, many of these same firms who today it is being shown have caused this horrible scandal in the United States. Arthur Andersen was one of his prominent clients. MCI WorldCom was another of his clients and many others.

If the President really wants to put some meaning behind this statement, and I am all for it, and that is, the one standard and the highest of ethical

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standards, he needs to start to clean house. He needs to get rid of some of these extraordinarily, ethically challenged members of his administration who profited by tens of millions or hundreds of millions of dollars while Americans saw their pensions and their investments go down the drain.

Start in the administration.

NATIONAL ENERGY POLICY

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the order of the House of January 23, 2002, the gentleman from Illinois (Mr. SHIMKUS) is recognized during morning hour debates for 2 minutes.

Mr. SHIMKUS. Mr. Speaker, I want to take this opportunity to talk about the need for a national energy policy and push the conferees to move. We all know that we have an overreliance on foreign oil. That is why we need to push for the renewable portfolio presented in the Senate bill. We need to protect our marginal wells, and we need the development of ANWR.

We all know that we need to increase our electricity generation. That is why we need to continue to push for the use of natural gas in generation. We need to support and focus on clean coal technology and continue the use of nuclear generation which is very clean to the environment.

The national grid is also a concern. We need to continue to expand the national grid; hence, the need to move the electricity title of this bill.

Energy independence will drive down costs across the board and decrease costs. It will help create jobs and help the economy to continue to move forward. Eighty-four percent of all Americans say in a recent poll that we must not leave, we being legislators here in Washington, that we must not leave Washington without the enactment of a national energy plan. I am one that agrees with this poll.

CORPORATE GREED

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, the fact that the Bush administration has close ties to industry is not, in and of itself, a problem. Part of the administration's job, to be sure, is to support American business as long as doing so coincides with what is best for the American people and does not compromise the principles and the values upon which this Nation was built. With the Bush administration, that is where the problem arises.

The interests of the American people should outweigh the interests of individual industry. Too often, with this administration, industry prevails regardless of the impact on consumers. One of the most disturbing examples of priorities run amok is the administration's kid glove treatment of the pharmaceutical industry.

Last year prescription drug costs increased in this country 17 percent while the overall inflation rate was only 1.6 percent. Rising drug costs fueled double-digit increases in the health insurance premiums. Rising drug costs are putting State budgets in the red. Rising drug costs are bankrupting seniors on fixed incomes. Rising drug costs are costing American business literally billions of dollars.

The Bush administration's response to this situation? Well, they spent the last couple of months putting together a study arguing that American consumers, get this, American consumers must continue to pay the highest prices of any country in the world for prescription drugs because, if we do not, medical research and development from the drug industry will dry up. The study is available at www.hhs.gov. I encourage every Member of Congress and every voter to read it. If my colleagues had any questions about how closely aligned this Republican administration is with the big drug companies, this study makes it clear they are in lock step.

I wonder if it is any coincidence that this study came out of the Department of Health and Human Services planning office which is managed by a former employee of the drug industry. This study, which quotes drug industry-backed experts and trivializes the attempts of every other industrialized nation to secure lower drug prices, says that the best bet for American consumers is the status quo. We do not want to change. Drug prices keep going up.

Private insurance strategies to reduce costs are okay, it says, but anything more aggressive than that will stop R&D in its tracks, the drug industry, I mean HHS, warns us.

The drug industry does not mind private insurance strategies, because these strategies have not prevented double-digit increases in prescription drug spending, but if we go any farther, the drug industry, I mean the administration warns us we will be responsible for killing research and development.

Drug makers topped all three measures of profitability for 2001, return investment, return equity, return on sales almost every year. By far the most profitable industry in America. They pay the lowest tax rate of any industry in America.

The overall profits of Fortune 500 companies went down 53 percent in 2001. Drug profits went up 33 percent in 2001. They spend twice as much on marketing as they do on research and development. U.S. tax dollars finance almost half the R&D through the National Institutes of Health in this country, but American consumers are thanked and should be grateful when they pay twice and three times and four times what prescription drug consumers in any other country in the world pay.

Regardless of whether this administration thinks the cost control methods other countries have used are good or bad, how could it possibly be in America's seniors' interests, in American prescription drug users' interests for our administration to say to drug makers, as they said, price your products however you want, there is just nothing we can do about it?

Congress today is debating competing drug coverage proposals. The Bush administration and the drug industry support the same proposal. They helped each other write it. It is the Republican bill, the one that forces seniors to go outside of Medicare to turn to prescription drug insurance HMOs to purchase private drug plans, the one that cuts costs not by bringing prices down but by offering the benefit that is only half as generous as Members of Congress receive.

□ 1015

That is the point. The drug benefit in the Republican plan is only half as good as the one that Members of Congress receive.

The drug industry recently financed a $3 million ad campaign touting the Republican bill. The Bush administration recently released a study saying that the best seniors can hope for is the Republican bill, because the Federal Government would rather provide a bare-bones drug coverage than stand up to the drug industry and demand lower prices, something that Republicans will not do, something President Bush will not do, because the drug industry does not want them to do it. Where do the best interests of American consumers fit into this picture?

GOVERNMENT ACCOUNTABILITY

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

Mr. SMITH of Michigan. Mr. Speaker, it has come to my attention that as we talk about corporate accountability, maybe it is an appropriate time to talk about government accountability. If corporations did what government has been doing, they would be chastised and probably sent to jail. Let us take this opportunity to start reviewing what government does in terms of accountability, in terms of honesty with the American people, who are really, the investors and stockholders in government.

The taxpayers of this Nation send their money to Washington and then, guess what happens? We do not do a very good job and we're not being honest with the public. There is a lot of hoodwinking. Let me give a few examples.

The Social Security trust fund. Actually, there is no trust fund. It is an accounting gimmick where there are IOUs given to the Social Security Administration with the provision that

they cannot cash in those so-called IOU government bonds. It can only be an act of Congress. So we have, number one, fooled the American people with the words ''trust fund'' when it is really not a trust fund.

Secondly, we have spent all that money on other government programs and written these nonredeemable IOUs. We have experienced under Secretary Rubin and the Clinton administration, and now in the Bush administration, when we reach the limit of allowable debt, well, it is disregarded. We have a law that says we cannot go deeper in debt in this country without the permission of the United States Congress, signed by the President. Yet we play games with it, with the disinvestment of retirement funds for civil servants. So when we exceed the debt limit, what happens is the Treasurer starts pretending that we are not writing those IOUs to the retirement funds for government employees. Some call it disinvestment. This is another area where it just would not be acceptable nor would it be legal if it were done in the private sector.

The lockbox. The lockbox is another hoodwinking gimmick. It simply was an effort of Congress, both Republicans and Democrats, to try to make people believe that there was some additional security to Social Security trust funds if we had the gimmick called a lockbox. But nothing changed. The IOUs were still written and the money was spent for some other purposes.

Again, what I am trying to suggest is we take this opportunity to review what we are doing in the United States Congress and the Federal Government as a whole. In 1995, when the Republicans took the majority in this U.S. House of Representatives, one of the first things we did was to require an audit of all government departments and agencies. That initial audit came back and reported that, in most of these agencies and departments we cannot audit because their books are so bad. But what they had audited so far we found $100 billion that is unaccounted for in government assets, which is what government supposedly owns. The auditors could not find that $100 billion worth of property.

The Government Performance and Results Act was another thing Republicans did when we came into the majority in 1995. And that required annual audits of all the departments and agencies. The auditors came back and said the books are so bad in so many of these departments and agencies that we are unable to give them an audit. These were supposed to be annual audits. Yet from 1995, 7 years later, there are still agencies and departments that do not have their books in order in such a way that they can actually be audited.

We play games in our appropriation process. We come up with a budget resolution that, since I have been here for the last 9½ years, that budget has never been adhered to. And frankly, Mr. Speaker, I am upset that while we get on our pompous soap boxes here and criticize the corporate world, that needs criticizing and they need to go to jail, and they need to go to real jail, not some kind of country club jail for white-shirt crimes, we should also be looking inward at our own accounting practices and the way we handle taxpayers' money.

302(b)'s. This is a provision where, after we pass the budget, we send it to the appropriators and the appropriators come up with how they are going to divide that allotted money between the several appropriation bills. But what has been happening, and what I suspect is going to happen this year, is we turn out the early appropriation bills, and we add extra money to those bills so it is attractive to everybody. And then the final bills that come out, that are very popular, whether it is veterans or military or education, they say, look, we do not have any more money under the budget and we end up overspending.

Let me just conclude by saying we need to have a lot better accountability to the investors in the United States Government; that is the taxpayers' money. Let us take this opportunity to review, renew, and do a much better job of the way we handle this business of government and taxpayers' money.

IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 395

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

Mr. ACEVEDO-VILÁ. Mr. Speaker, later today the House will consider a resolution that commemorates the 50th anniversary of the ratification of the constitution of the Commonwealth of Puerto Rico. I ask my colleagues to support this resolution, which enjoys the support of both the chairman, the gentleman from Utah (Mr. HANSEN), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), of the Committee on Resources.

The constitution of Puerto Rico established a republican form of government and provided for a broad bill of rights that followed both the U.S. Constitution's Bill of Rights and the Universal Declaration of the Rights of Man. This constitution also provided for the election of all members of the legislature of Puerto Rico by the free will of the people of Puerto Rico.

The ratification of the constitution by the people of Puerto Rico is the most significant democratic achievement of the Puerto Rican people in the 20th century. This bipartisan resolution recognizes the historic event that came about 50 years ago through the principles of democracy. It is through these same principles that I stand before my colleagues as the only elected representative here in Congress of some 4 million Puerto Ricans and ask for your support of House Concurrent Resolution 395.

JOHN WALKER LINDH NOT A ''GOOD BOY''

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, today, as most Americans awoke, they were greeted with headlines like the one I saw in my hometown Palm Beach Post: ''Lindh's Dad Says Son a Good Boy.'' John Walker Lindh being described by his father as a good boy.

While I ran on the Mall this morning, I was listening to NPR, and I was listening to the defense attorney for that good boy, John Walker Lindh, describe his client as a slightly misguided youth who was actually in Afghanistan fighting the cocaine traffickers and the poppy growers and the drug lords. John Walker Lindh, a good boy.

It was difficult yesterday, because I received calls from two of my constituents, Ed and Maureen Lunder, whose son Christopher, at the age of 33, perished in the World Trade Center; and Stanley and Carol Eckna, whose son Paul perished in the World Trade Center at the age of 28.

John Walker Lindh, the good boy, will celebrate his birthdays in a Federal prison; and when he turns 41, he will celebrate his birthdays outside in the free world. Christopher and Paul do not get any birthdays any more. They do not get any anniversaries. They do not get to see their kids grow up. But John Walker Lindh is a good boy.

Maybe it does not startle people that the ethics of this Nation are collapsing. I remember when our President and chief executive officer of this Nation lied to a grand jury and lied to the American people. And at that time I heard from my colleagues who said, hey, listen, the economy is good, do not worry about it; it is his personal business.

Now we have companies like Endrun, formerly known as Enron, and WorldCon, formerly WorldCom, stealing money out of the till and enriching themselves at the cost of the consumer, taxpayer, and investor. And now we have John Walker Lindh described as a good boy.

Where are the ethics of this Nation? What about those 3,000 lives that were lost in the World Trade Center in New York and Washington, D.C. at the Pentagon, and in that airplane in Pennsylvania? Collaborating with the enemy, to me, was always treasonous. No matter how you describe it, no matter how you tie a bow on that package, John Walker Lindh has committed treason against the common good and purpose of this country. He violated our constitutional premise. He violated the sacred oath we have as citizens to protect

one another. And he aided and abetted the enemy.

Now, in trying to comfort my constituents who lost their children, I said, well, maybe we did not have enough evidence, maybe we did not have enough to really secure a solid victory, so we took what we could get. I hope in the coming days the administration and others talk to us with clarity about why this deal was struck, how 10-year sentences can ever be equal to the damage suffered by my constituents.

We have to establish the right principles in this Nation if we are in fact to beat terrorism. We have to establish right from wrong, and we have to set a clear moral authority.

In the last couple of days, of course, the Democrats have seized on a lot of issues and tried to portray the President as not having ethics. Well, I challenge them to at least focus on some of the issues that face Americans, that face citizens like my constituents, who lost children; to face the issues of fighting the common problems with our economy; and not to point fingers but to find solutions.

Politics is beautiful. Politics is great. We have a chance to debate and to bring clarity to the issues. But oftentimes we muddle ourselves in the acrimony of fingerpointing, name calling, and attempting to malign other people. I am proud of our President, and I think he has spoken with clarity on so many issues. There is not a scandal out of the White House any longer. There is a proud leader of the American people trying to clear the way so we can beat and combat terrorism.

We have a lot to do on the economy, and I join my colleagues in looking for tougher standards. I honestly believe those who stole from the shareholders should go to jail. We take the cars of prostitutes and Johns, we take the ill-gotten gains of drug dealers and others as we combat the war on drugs. We should combat the war against deceitful CEOs by doing the same things.

Today, let us at least put John Lindh behind us, never to think of him as a good boy. Let him spend the 20 years in prison thinking about what he has done to his American colleagues. Maybe he will find justice somewhere. Maybe God will forgive him. But it is very, very difficult for me to forgive a traitor of this country.

□ 1030

COCA-COLA DOES THE RIGHT THING

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

Mr. ISAKSON. Mr. Speaker, most of us in Congress utilize these moments of Special Orders and morning hour debates to speak about correcting a problem. We oftentimes rise and chastise others. We even sometimes use it for political gain or political statement.

Five weeks ago I made a speech in this well on a Thursday, and I spent that 5 minutes talking about the silence of the good in corporate America who had not begun to take action to correct what are the perceived and, in fact, in some cases real problems on Wall Street and corporate America. I asked the rhetorical question why in the world cannot the companies that are good, the CEOs that are responsible, speak out and take actions to restore the confidence of the American people.

We can create all of the laws and disclosures and regulations in the world, but we all know morality and integrity is the propriety of the man and woman, and their responsibility.

I listened and waited for 4½ weeks and got more disappointed as the days went on. I just could not understand why actions could not be taken to send the signal to the American people that corporate America had gotten the American people's message. Then yesterday it happened.

I rise today to respond to that speech by heaping praise on the Coca-Cola Company. And some will think that is because they are housed in Atlanta, Georgia, and I represent Georgia in Congress. That is not the reason. Yesterday they did what the rest of corporate America should do; they came out and said they will begin recognizing in the fourth quarter of this year stock options as expenses on their financial statements, and take the cost of those options prior to reporting the profitability of their company.

In other words, they are going to make it clear when they use stock options for compensation, it is disclosed and expensed in a timely fashion so that the profitability of the company is real, as real as it can be. There are only three Fortune 500 companies that do that, with Coca-Cola now joining the other two. It is a step in the right direction, it is a step for a company to take the voluntary initiative to respond to the crisis in confidence and do what is right.

I hope in the weeks and months ahead, corporate America will take those steps to take the disciplined and conservative approach to financial reporting and financial accounting that will ensure those too few wrongdoers who have so drastically impacted America's investment and economic interest over the past year will be truly just a small minority and that the actions of companies like the Coca-Cola Company will become pervasive, so that instead of rhetoric from this well, men and women of morality and integrity in corporate America will come forward and do what is right for the right reasons, and this great engine that we know as capitalism and the great free enterprise system will enjoy the credibility and the confidence of investment that it so richly deserves.

Mr. Speaker, I pause 5 weeks after the first speech asking where are the good voices to respond to the first one I have heard, the Coca-Cola Company, and say thank you for doing the right thing at the right time in the right way for America, its economy, and her investors.

NO CORPORATION IS ABOVE THE LAW

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

Mr. BALDACCI. Mr. Speaker, I rise to address the issue of corporate accountability and to call for tougher corporate accountability in our society. We have been waiting, and we have been waiting, and we continue to wait for action. Over half of all American households have money invested in securities, either directly or through IRAs and pension funds. Since the Enron collapse, investors have lost hundreds of billions of dollars in stocks of companies that issued false financial reports.

The reforms we support and are needed to restore confidence in our financial institutions have not been acted upon by this House. We urge this House to address this legislation, to be able to join with the Senate, to be able to put to the President's desk tough measures that send a strong message to Wall Street and to Main Street that the actions by these people and these corporations will not be tolerated, and that people will be held accountable, and that these actions are exceptions to the rule and not the rule itself.

That message needs to be strong, needs to be firm, and needs the leadership of this country and in this House to be able to address it forcefully.

We also have highlighted four different areas which those reforms need to be a part of: The independence of the accountants and the consultants to the corporations, ending these conflicts of interest, making sure that there is an independent board of audit that is overseeing these actions and trying to restore some of the confidence that has been lost.

We need to make sure that the integrity of Wall Street and the faith in the markets has been restored, instead of lingering doubts and apprehensions. It cannot be left to the SEC to merely suggest guidelines.

There have to be imposed criminal penalties that these actions have warranted, and that means mandatory jail time for the offenders. There can be no excuses, just firm sentences and jail times.

Also, we need to make sure that we fund the SEC at a level so they can do their job effectively and they know that it is in the public interest and they are public servants. They need to understand their importance to the overall economy, and, in fact, to all of

us in our daily lives so that they uphold those standards, so that no person is above the law, no corporation is above the law, and we are all here to serve in the public interest.

That is the message from this House Chamber that needs to be sent out across the Nation and to the world. That is where we all stand. I urge my colleagues in the House to join with the Senate in tough action and be able to put on the President's desk and urge the President to sign legislation to send a strong message from all parties, regardless of politics, and regardless of regions of this country, we stand as one. No one will have ownership in either party in terms of who is sending the strong message. All people in this country who are depending upon those stock markets and those investments to give them the retirement and the security in their later years, and they have worked hard for. We should not condone the actions of any person, any corporation, anywhere that has jeopardized that and has harmed our overall system.

I ask Members of the House to send that strong message, regardless of Democrat or Republican or Independent, that we send it as one. That is the strongest message, when this Capitol can stand together and send that message to Wall Street, Main Street and every street in our country.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11:30 a.m. today.

Accordingly (at 10 o'clock and 38 minutes a.m.), the House stood in recess until 11:30 a.m.

□ 1130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 11:30 a.m.

PRAYER

The Reverend W. Douglas Tanner, Jr., president, the Faith & Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, as Members of this House gather on this midsummer's day to be about the business of this Nation and its people, we pray that the conduct of that business may be transformed to Your will in both means and ends.

Deliver us from temptations toward shallow, pious posturing, and grant us genuine insight into the spiritual dimensions of truly good government and wisdom in its pursuit. Call forth both courage and compassion in the consideration of substance, in the making of speeches, and in the casting of votes.

In the rough and tumble world of national politics and the sometimes morally murky world of calculating strategies and cutting deals, awaken in each of us our true potential as instruments of Your peace. 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 New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the individual bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392), for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

REAL INDEPENDENCE IS ENERGY INDEPENDENCE

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

Mr. SHIMKUS. Mr. Speaker, 84 percent, 84 percent, 84 percent of all Americans say that we need to pass a national energy plan. Why? They know that we must decrease our reliance on foreign oil. That means we need to keep our marginal wells, expand the use of renewables, and grow into ANWR. They know that we must ensure that we have the ability to generate electricity from multiple sources. We need to continue to use natural gas, coal, and nuclear renewables like hydroelectric. They know that we must expand the grid to move the power from one point to another.

Mr. Speaker, real independence is energy independence. I join with 84 percent of all Americans who are calling on the conferees to get the job done and pass an energy bill and get the bill to the President.

UNITED EFFORT TO BRING OUR CHILDREN HOME

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

Mr. LAMPSON. Mr. Speaker, the pictures of missing children like Elizabeth Smart and Michelle Van Dam have been all over the news lately, and that is a good thing; not that they are missing, but that people care enough to try to find them. As founder and chairman of the Congressional Caucus on Missing and Exploited Children, I see this as a positive move; but I am still concerned.

I am concerned about the sporadic coverage and the lack of coverage or discussion about all missing children, children from every walk of life in every circumstance imaginable. Whether it has been by stranger abduction, parental abduction, international abduction, or runaways, all deserve all of the attention that we can give them.

Mr. Speaker, I would like to challenge my colleagues here in the House of Representatives and in other branches of government and even the media to move toward more proactive and more helpful positions on missing kids, all missing kids, because that is the way we will bring our children home.

KASS COMMISSION REPORTS ON CLONING

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

Mr. PITTS. Mr. Speaker, there are some scientists in this country who have very poor ethics. They want to clone human beings. They say they only want to do it for research purposes and that they will make sure the embryos they create never get to grow up. Do not worry, they say, we will kill them before they can survive on their own.

Mr. Speaker, there is no ethical way to clone a human being. If you let it live, it is wrong. If you kill it, that is wrong too.

The President's commission on bioethics chaired by Dr. Leon Kass has just issued a report on cloning. The commission says that there should be a ban on all cloning, at least for the next 4 years. Of course, I think that ban should be permanent.

Nevertheless, the Kass commission joins the House of Representatives and the President and the American people in calling for a ban on cloning. There is only one-half of one branch of this government missing from this equation. It is time for the other body to demonstrate that it is not out of touch and to pass a ban on all human cloning.

HONORING THE LIFE OF BENNY HERNANDEZ

(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 honor the life of Benny Hernandez, a man who lived life to the fullest and touched the lives of many in Orange County and southern California.

Benny began his career as a social worker, but teaching was where his heart was. Benny was always fighting to keep kids in school. He helped to inspire young children from the beginning of their educational careers through the program ''Kinder-Caminata.'' Through this program, thousands of kindergarteners throughout Orange County were exposed to college campuses, instilling in them a desire to work for a college degree.

A modest man, Benny once said that he won his election for the Anaheim City School Board on $8.13 and a prayer, referring to the money he used to buy wire to hang his election signs. He won because of all of the students he inspired who, in turn, went out door to door to get him elected. In fact, my husband, on seeing such a scene, referred to him as ''Benny and the Jets.''

On Thursday, July 11, Benny lost a hard-fought battle against brain cancer; and although he was taken away from us at an early age, he will certainly not be forgotten.

God bless you, Benny.

HONORING THE MEMORY OF EMILY CANADAY PHILLIPS

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

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday morning, South Carolina lost one of its finest first ladies. She was not first lady as the wife of a Governor, but qualifies as a first lady who courageously worked for the two-party system to be established in South Carolina, and she made a difference.

Emily Canaday Phillips of Columbia and Cope began her service in the Republican Party in the 1960 Presidential race, and she was a devoted volunteer in the 1961 race of State Representative Charlie Boineau of Richland County, who was the first successful Republican legislative candidate of the 20th century in South Carolina. Emily served in numerous positions with the new Party and Republican Women, achieving Second District Congressional Republican chairmanship for 10 years, and 5 years on the State Ethics Commission. Her integrity was recognized by twice being awarded the State's highest honor by two Governors, the Order of Palmetto.

She is survived by her loving husband of 49 years, E.D. Phillips, and their five children: Becky Phillips, Deedie Belangia, Jackie Finch, Hal Phillips, and Steve Phillips, along with seven grandchildren.

Emily will be missed; but her warm smile, her love for her family, and her dedication to governmental reform will never be forgotten.

DEFEAT PRESIDENT'S PLAN TO PRIVATIZE SOCIAL SECURITY

(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, it has been a week since President Bush went to Wall Street to restore investor confidence in our capital markets. Unfortunately, the response from investors has been dismal. Since the President's trip, the two major stock indices have lost 7½ percent of their value. Last year alone, America's markets lost $2.4 trillion of their value, more than the gross domestic product of Germany.

Most Americans probably think that because of these massive stock market losses the President has reconsidered his plan to privatize Social Security. They would be wrong.

Even though our country is in the throes of the worst financial crisis of confidence in decades, President Bush is pressing forward with his program to privatize Social Security. The President's plan to privatize Social Security should be defeated, now more than ever.

CORPORATE ACCOUNTABILITY

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

Mr. REHBERG. Mr. Speaker, I rise today to urge my colleagues to shine a bright light into the darkness that has prevailed in some of America's largest corporate boardrooms.

Last week, President Bush went to New York to put America's corporate leaders on notice: the United States Government will not sit back and allow greed and dishonesty to bring down our economy. President Bush was right when he said that at this moment in time America's greatest economic need is higher ethical standards.

Today, we have an opportunity to answer the President's call by returning stability to the American economy and accountability to the corporate board room. The Corporate Fraud Accountability Act of 2002 is a strong bill that closes corporate loopholes, increases penalties for fraud, and bans for life any CEO or other company officer found to abuse power from ever serving in a corporate leadership position again.

Mr. Speaker, I urge my colleagues to shine the light of responsibility into the corporate boardrooms of America by supporting H.R. 5118.

SENSE OF PERSPECTIVE ON CORPORATE ACCOUNTABILITY

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

Ms. HOOLEY of Oregon. Mr. Speaker, I believe it is important to bring a sense of perspective to this debate on corporate accountability. Our economy is fundamentally solid. It is productive, and inflation is low. As I am speaking, Alan Greenspan is delivering those same sentiments to our colleagues in the other Chamber, and he will do the same tomorrow to the Committee on Financial Services in the House. Hopefully, his remarks will inject a sense of calm into our capital markets and do what even the President could not do: staunch the hemorrhaging on Wall Street.

Our colleagues in the other body should be commended. They have done what our leadership in this House has failed to do: empathize with anyone who is too scared to even open their monthly 401(k) statement.

Mr. Speaker, it is time for us to act. We need to go to conference committee on a bill to clean up corporate America, and we need to do it now.

CONGRATULATING THE GRADUATING CLASS OF CITY COLLEGE

(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, I congratulate the graduating class of City College, a 4-year, private institution with three Florida campuses, including one in my hometown of South Miami.

City College was established in Kentucky more than 70 years ago as a branch of a junior business college. Today it provides degrees in 12 areas of study and remains committed to the quality of education in an atmosphere of personalized instruction.

City College's motto remains ''Your job tomorrow is our job today,'' and it can be your job tomorrow, and even improve it.

The dedicated faculty at City College ensures academic preparedness and provides career assistance, as well as training for a full life and a successful career.

On July 19, just a few days from today, City College will proudly graduate approximately 350 students, all of whom are undoubtedly excited to brave today's working world. As they do, I wish each and every one of them the best for triumphant success, and I ask that my colleagues also wish them a hearty congratulations with their motto, ''Your job tomorrow is our job today.''

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule

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

RECORD votes may be taken in two groups, the first occurring after debate has concluded on H.R. 5118, and the second after debate has concluded on the remaining motions to suspend the rules.

CORPORATE FRAUD ACCOUNTABILITY ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5118) to provide for enhanced penalties for accounting and auditing improprieties at publicly traded companies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5118

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 ''Corporate Fraud Accountability Act of 2002''.

SEC. 2. HIGHER MAXIMUM PENALTIES FOR MAIL AND WIRE FRAUD.

(a) MAIL FRAUD.—Section 1341 of title 18, United States Code, is amended by striking ''five'' and inserting ''20''.

(b) WIRE FRAUD.—Section 1343 of title 18, United States Code, is amended by striking ''five'' and inserting ''20''.

(c) SECURITIES FRAUD.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''§ 1348. Securities fraud

''Whoever knowingly executes a scheme or artifice—

''(1) to defraud any person in connection with any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*, 78o(d)) or section 6 of the Securities Act of 1933 (15 U.S.C. 77f); or

''(2) to 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 registered under section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*, 78o(d)) or section 6 of the Securities Act of 1933 (15 U.S.C. 77f),

shall be fined under this title, or imprisoned not more than 25 years, or both.''.

(d) CLERICAL 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:

''1348. Securities fraud.''.

SEC. 3. TAMPERING WITH A RECORD OR OTHERWISE IMPEDING AN OFFICIAL PROCEEDING.

Section 1512 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) Whoever corruptly—

''(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

''(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.''

SEC. 4. AMENDMENT TO THE FEDERAL SENTENCING GUIDELINES.

(a) REQUEST FOR IMMEDIATE CONSIDERATION BY THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission is requested to—

(1) promptly review the sentencing guidelines applicable to securities and accounting fraud and related offenses;

(2) expeditiously consider the promulgation of new sentencing guidelines or amendments to existing sentencing guidelines to provide an enhancement for officers or directors of publicly traded corporations who commit fraud and related offenses; and

(3) submit to Congress an explanation of actions taken by the Sentencing Commission pursuant to paragraph (2) and any additional policy recommendations the Sentencing Commission may have for combating offenses described in paragraph (1).

(b) CONSIDERATIONS IN REVIEW.—In carrying out this section, the Sentencing Commission is requested to—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of securities, pension, and accounting fraud and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating of mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) ensure that guideline offense levels and enhancements for an obstruction of justice offense are adequate in cases where documents or other physical evidence are actually destroyed or fabricated;

(5) ensure that 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;

(6) make any necessary conforming changes to the sentencing guidelines; and

(7) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553 (a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The United States Sentencing Commission is requested to promulgate the guidelines or amendments provided for under this sections as soon as practicable, and in any event not later than the 120 days after the date of enactment of this Act, in accordance with the procedures sent forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

SEC. 5. 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) that—

''(A) is a claim for—

''(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), any of the State securities laws, or any regulation or order 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;

''(ii) any settlement agreement entered into by the debtor; or

''(iii) any court or administrative order for any damages, fine, penalty, citation, restitutionary payment, disgorgement payment, attorney fee, cost, or other payment owed by the debtor.''.

SEC. 6. CORPORATE RESPONSIBILITY FOR FINANCIAL REPORTS.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''§ 1349. Failure of corporate officers to certify financial reports

''(a) CERTIFICATION OF PERIODIC FINANCIAL REPORTS.—Each periodic report containing financial statements filed by an issuer with the Securities Exchange 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 chairman of the board, chief executive officer, and chief financial officer (or equivalent thereof) of the issuer.

''(b) CONTENT.—The statement required under subsection (a) shall certify that those financial statements fairly and accurately represent, in all material respects, the operations and financial condition of the issuer.

''(c) CRIMINAL PENALTIES.—Whoever—

''(1) knowingly violates this section shall be fined not more than $1,000,000, or imprisoned not more than 10 years, or both; or

''(2) willfully violates this section shall be fined not more than $5,000,000, or imprisoned not more than 20 years, or both.''.

(b) CLERICAL 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:

''1349. Failure of corporate officers to certify financial reports.''.

SEC. 7. ATTEMPTS AND CONSPIRACIES TO COMMIT CRIMINAL OFFENSES.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting before section 2 the following:

''§ 1. Attempt and conspiracy

''Any person who attempts or conspires to commit any offense against the United States shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of title 18, United States Code, is amended so that the item relating to section 1 reads as follows:

''1. Attempt and conspiracy.''.

SEC. 8. INCREASED CRIMINAL PENALTIES UNDER SECURITIES EXCHANGE ACT OF 1934.

Section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a)) is amended—

(1) by striking ''$1,000,000, or imprisoned not more than 10 years'' and inserting ''$5,000,000, or imprisoned not more than 20 years''; and

(2) by striking ''$2,500,000'' and inserting ''$25,000,000''.

SEC. 9. TEMPORARY FREEZE AUTHORITY FOR THE SECURITIES AND EXCHANGE COMMISSION.

(a) IN GENERAL.—Section 21C(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–3(c)) is amended by adding at the end the following:

''(3) TEMPORARY FREEZE.—

''(A) IN GENERAL.—

''(i) ISSUANCE OF TEMPORARY ORDER.—Whenever, during the course of a lawful investigation involving possible violations of the Federal securities laws by an issuer of publicly traded securities or any of its directors, officers, partners, controling persons, agents, or employees, it shall appear to the Commission that it is likely that the issuer will make extraordinary payments (whether compensation of otherwise) to any of the foregoing persons, the Commission may petition a Federal district court for a temporary order requiring the issuer to escrow, subject to court supervision, those payments in an interest-bearing account for 45 days.

''(ii) STANDARD.—A temporary order shall be entered under clause (i), only after notice and opportunity for a hearing, unless the court determines that notice and hearing prior to entry of the order would be impracticable or contrary to the public interest.

''(iii) EFFECTIVE PERIOD.—A temporary order issued under clause (i) shall—

''(I) become effective immediately;

''(II) be served upon the parties subject to it; and

''(III) unless set aside, limited or suspended by a court of competent jurisdiction, shall remain effective and enforceable for 45 days.

''(iv) EXTENSIONS AUTHORIZED.—The effective period of an order under this subparagraph may be extended by the court upon good cause shown for not longer than 45 additional days, provided that the combined period of the order shall not exceed 90 days.

''(B) PROCESS ON DETERMINATION OF VIOLATIONS.—

''(i) VIOLATIONS CHARGED.—If the issuer or other person described in subparagraph (A) is charged with any violation of the Federal securities laws before the expiration of the effective period of a temporary order under subparagraph (A) (including any applicable extension period), the order shall remain in effect, subject to court approval, until the conclusion of any legal proceedings related thereto, and the affected issuer or other person, shall have the right to petition the court for review of the order.

''(ii) VIOLATIONS NOT CHARGED.—If the issuer or other person described in subparagraph (A) is not charged with any violation of the Federal securities laws before the expiration of the effective period of a temporary order under subparagraph (A) (including any applicable extension period), the escrow shall terminate at the expiration of the 45-day effective period (or the expiration of any extension period, as applicable), and the disputed payments (with accrued interest) shall be returned to the issuer or other affected person.''

''(b) TECHNICAL AMENDMENT.—Section 21C(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–3(c)(2)) is amended by striking ''This'' and inserting ''paragraph (1)''.

SEC. 10. AUTHORITY OF THE COMMISSION TO PROHIBIT PERSONS FROM SERVING AS OFFICERS OR DIRECTORS.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 21C of the Securities Exchange Act of 1934 (15 U.S.C. 78u–3) is amended by adding at the end the following:

''(f) AUTHORITY OF THE COMMISSION TO PROHIBIT PERSONS FROM SERVING AS OFFICERS OR DIRECTORS.—In any cease-and-desist proceeding under subsection (a), the Commission may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as it shall determine, any person who has violated section 10(b) or the rules or regulations thereunder, from acting as an officer or director of any issuer that has a class of securities registered pursuant to section, or that is required to file reports pursuant to section (d), if the conduct of that person demonstrates unfitness to serve as an officer or director of any such Issuer.''.

(b) SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end of the following:

''(f) AUTHORITY OF THE COMMISSION TO PROHIBIT PERSONS FROM SERVING AS OFFICERS OR DIRECTORS.—In any cease-and-desist proceeding under subsection (a), the Commission may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as it shall determine, any person who has violated section 17(a)(1) or the rules or regulations thereunder, from acting as an officer or director of any issuer that has a class of securities registered pursuant to section of the Securities Exchange Act of 1934, or that is required to file reports pursuant to section 15(d) of that Act, if the conduct of that person demonstrates unfitness to serve as an officer or director of any such issuer.''.

SEC. 11. RETALIATION AGAINST INFORMANT.

(a) IN GENERAL.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 5118, the bill currently under consideration.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I also ask unanimous consent that an additional 20 minutes on the motion to suspend the rules be granted, and be equally divided between the chairman and the ranking minority member of the Committee on Financial Services.

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

There was no objection.

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

Mr. Speaker, Xerox, WorldCom, Global Crossing, Enron, and Tyco are among several of the U.S. elite corporations now in Wall Street's Hall of Shame. They have all apparently cooked the books and served their employees with a recipe for disaster with pink slips and lost pension funds.

Enron overstated its profits by over half a billion dollars in 1997. WorldCom admitted that it had hidden a staggering $3.50 billion in losses. Many Americans have been hurt badly by this irresponsible behavior, and tragically, everybody's 401(k) assets have tanked. Employees who receive stock options as part of their income package have lost their life savings, on top of losing their jobs.

Much of these shenanigans appear to have begun in the 1990s, the decade when personal accountability and responsibility became irrelevant. It appears that for some in corporate America, the incentives for fraud and ill-gotten gain outweigh the consequences of getting caught.

Well, maybe the potential penalties for these crimes are just not strong enough. Today, it is our duty to fix that. Mr. Speaker, these few bad actors have not only harmed the employees that depended on them, the public that invested in them, but also the integrity and reputation of all of corporate America, which is the backbone of the greatest economic machine the world has ever seen.

We must return this country to personal accountability and responsibility, and help rebuild America and the world's confidence in our markets. We must crack down on the corporate crooks, and reestablish the honor of the vast majority of men and women in corporate America who are hard-working and honest.

The best way to do that is to punish the corporate wrongdoers, and punish them harshly. The American public needs to know that under this bill, H.R. 5118, the Corporate Fraud Accountability Act of 2002, corporate criminals will do real time, real long time.

If they commit mail or wire fraud in the furtherance of their corporate crimes, which is often how prosecutors nail these criminals, they will face 20 years in jail, not the current 5 years, nor the 10 years called for in the other body's legislation.

In addition, a distinct securities fraud crime is established with a maximum penalty of 25 years in jail. Again, the other body only calls for a 10-year penalty.

Importantly, H.R. 5118 strengthens laws that criminalize document shredding and other forms of obstruction of justice, and provides a maximum penalty of 20 years. The other body calls for just 10 years.

H.R. 5118 also requires top corporate executives to certify that the financial statements of the company fairly and accurately represent the financial condition of the company. Violating this section can subject corporate executives to fines of up to $5 million and up to 20 years in prison. Under the version passed by the other body, the maximum penalty a corporate officer would face is only a $1 million fine and 10 years in prison.

The Corporate Fraud Accountability Act also increases the criminal penalties for those who file false statements with the Securities and Exchange Commission to a maximum

penalty of $5 million and 20 years in prison. If a corporation files a false statement, those fines can increase up to a maximum of $25 million.

The bill passed by the other body does not change the current penalties of a maximum fine of $1 million and 10 years in prison, and corporations would still only face maximum fines of $2.5 million.

By passing this bill today, the House is telling the American people that the law will make CEOs directly responsible for the integrity of their company's financial statements, and face severe financial and criminal penalties for falsifying such statements.

Under this legislation, top executives will not be allowed to pilfer the assets of the company by giving themselves huge bonuses and other extraordinary payments if the company is subject to an SEC investigation. Their pay and benefits are frozen when the investigation starts. Americans will know that corporate officers will no longer be able to misuse the bankruptcy laws to discharge liabilities based upon securities fraud, and the honest brokers of corporate America will know that those who abuse the law and tarnish corporate America's reputation will go to jail for a long, long time.

Finally, Mr. Speaker, this bill creates criminal sanctions against those who retaliate against corporate whistleblowers, similar to witness tampering in another context. The only thing the other body's bill does is provide for more lawsuits, a civil cause of action for the whistleblowers against the retaliators. Under the current bankruptcy law, if the whistleblower wins the civil lawsuit, the retaliator will be able to discharge that judgment in bankruptcy.

Mr. Speaker, H.R. 5118 is a tough bill that cracks down on the corporate crooks. It goes a long way to protecting the life savings of many Americans by making the price of theft too high.

Mr. Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

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

Mr. Speaker, I greet the gentleman from Wisconsin (Mr. SENSENBRENNER), my chairman. Before I begin my comments, could I ask my friend and chairman of the committee, why is this bill coming up under suspension?

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

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would tell the gentleman, it is because there is an urgency that we restore confidence in the markets that corporate wrongdoing is going to be dealt with firmly and severely, which the increased penalties in this bill do.

Last week, the minority leader, the distinguished gentleman from Missouri (Mr. GEPHARDT), on three occasions called on taking bipartisan action to correct the problems now. At least insofar as weak criminal penalties are concerned, this bill meets the minority leader's call.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for his response. Can he explain to me if this bill has been referred to the Committee on the Judiciary?

Mr. SENSENBRENNER. Mr. Speaker, if the gentleman will continue to yield, the bill was introduced yesterday. It was jointly referred to the Committee on the Judiciary and the Committee on Financial Services.

The leadership and I made a decision, together with the gentleman from Ohio (Chairman OXLEY) and the gentleman from Louisiana (Chairman TAUZIN), that it is really important that the bill be passed quickly, given the volatility in the stock market. Hopefully, we can provide some assurance that corporate wrongdoers will go to jail for a very long time, and this bill does that.

Mr. CONYERS. Mr. Speaker, I thank the gentleman. About what time was that yesterday that the bill was introduced?

Mr. SENSENBRENNER. If the gentleman will continue to yield, the bill was introduced at the time we cast our votes yesterday afternoon. The gentleman from Michigan (Mr. CONYERS) was given an opportunity to cosponsor the legislation, and I do not see his name on the list of cosponsors.

Mr. CONYERS. I know the gentleman does not see my name on the list. Did the gentleman tell me what time it was introduced, which was what my question was?

Mr. SENSENBRENNER. Yes, I did.

Mr. CONYERS. What time?

Mr. SENSENBRENNER. When we voted last night at 6:30.

Mr. CONYERS. It was 6:30 p.m. I thank the gentleman. Has the bill been changed since the bill was introduced at 6:30?

Mr. SENSENBRENNER. The motion to suspend the rules was.

Mr. CONYERS. Was it changed?

Mr. SENSENBRENNER. The motion to suspend the rules was as amended.

Mr. CONYERS. Was the bill changed?

Mr. SENSENBRENNER. The answer is yes.

If the gentleman will yield further, I will explain that the criminal penalties against those who retaliate against corporate whistleblowers was the addition, which was one loophole that was plugged, and the gentleman from Ohio (Chairman OXLEY) thinks this is a good amendment.

Mr. CONYERS. I am happy to learn of the zeal of the leadership in the House.

Now, let me just ask the gentleman, was there any consultation on the part of the Republican leadership with the Democratic leadership?

Mr. SENSENBRENNER. If the gentleman will yield further, I am not aware of whether it was or not. I am informed by staff, this is not personal knowledge, that there was a consultation; and furthermore, the majority staff on the Committee on the Judiciary consulted with the minority staff, and a few of the provisions that the minority suggested are contained in the bill.

Mr. CONYERS. In other words, what we have here today is a jacked-up version of a ''let's-run-and-deal-with-an-emergency'' that is so critical to the stabilization of the stock markets that the bill was introduced less than 24 hours ago, has never been before the Committee on the Judiciary, has never been consulted with the Democratic leadership, no consultations, and then has been amended in the process, and we now find ourselves under a suspension procedure in the House in which we are now told that this is very important that we do it, it is a very important piece of legislation, information on which there has never been a hearing in the Committee on the Judiciary.

Mr. Speaker, I do not mean to use up all my time with my friend, the gentleman from Wisconsin, but for my final question I would ask the gentleman from Wisconsin (Chairman SENSENBRENNER), are there any civil penalties for retaliation against whistleblowers in this bill?

Mr. SENSENBRENNER. If the gentleman will continue to yield, there are no civil penalties, but there are criminal penalties. People who retaliate against whistleblowers ought to go to jail rather than being allowed to file a lawsuit, which, if they win, would be dischargeable in bankruptcy.

Mr. CONYERS. In other words, the gentleman thought this out, or somebody, whoever put this bill together, and they have come to the conclusion that we do not want civil penalties, in other words, hitting these corporations and the crooked CEOs in the pocketbook, which is what motivates much of this malevolent corporate behavior; but the gentleman wants them to now go to jail, which was a provision that I had in the original bill that we proposed, I say to the gentleman from Wisconsin, that he and the Republicans voted against.

What newfound energies. This is really wonderful.

□ 1200

Mr. SENSENBRENNER. There are criminal fines in this bill that are $250,000 or double the amount of ill-gotten gain, whichever is greater.

Mr. CONYERS. I am talking about the civil penalties now. I am not talking about the criminal penalties. I agree with the criminal penalties. But there must have been some profound legal reasoning that led to the omission of civil penalties.

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

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

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) must want to

have more lawsuits. The gentleman from Wisconsin (Mr. SENSENBRENNER) wants to have people who retaliated against whistleblowers being thrown in jail because that is a kind of form of witness tampering.

Now criminal penalties are not dischargeable in bankruptcy under the current law and under the proposal that has passed both Houses and is in conference. Civil judgments are dischargeable in bankruptcy. So under my plan, the bad folks who have stripped corporate issues of their assets and treated their employees are not going to be able to run to the bankruptcy court to get a discharge.

Under what the gentleman from Michigan is proposing, they can be sued civilly, they can lose the lawsuit. The court can enter a huge judgment against them, and then they are back in court, and they will get a discharge in bankruptcy, and as a result there will be no money that will be going out of their pocket. That is the difference between his complaint and my bill.

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

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio (Mr. OXLEY) may proceed and then the gentleman from New York (Mr. LAFALCE). Each gentleman has 10 minutes.

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

Mr. Speaker, I rise in strong support of this legislation and commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for his excellent work.

This bill addresses corporate wrongdoing in a responsible and measured way. Specifically, the bill raises the criminal penalties for securities fraud under section 32 of the 1934 act by increasing the maximum fines and doubling of the potential jail time to a maximum of 20 years. It authorizes the SEC to place a temporary freeze on extraordinary payments to directors, officers, partners, or employees of public companies under investigation for a possible violation of securities fraud. Finally, it gives the SEC the authority to prohibit bad actors from ever serving as an officer or director in a public company.

I urge my colleagues to pass this tough measure. It is a good complement to the bipartisan legislation we passed in April with 119 Democrat votes in support to improve corporate responsibility, accounting practices, and the quality and timeliness of information to investors.

We need responsible measures to clean up corporate America, not measures that create loopholes for voracious trial lawyers. I again thank the gentleman for his leadership on this important issue. Our committee, the Committee on Financial Services, did not have jurisdiction over the criminal penalties side of the issue and so we welcome the complementary bill by the chairman of the Committee on the Judiciary.

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

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

Mr. Speaker, I rise in support of this bill; but I do so with several, many, critical reservations. First of all the process. The bill was introduced at 6:30 last night. It is brought up on the Suspension Calendar. That means there is hardly a soul in the House of Representatives who has even had the time to read the bill, especially since it was amended after it was introduced. Secondly, for those of us who would like to offer strengthening amendments by bringing it up on the Suspension Calendar, we cannot offer one single amendment. That is what the Republicans decided to do: do not permit the Democrats to offer any amendments; this is as far as we want to go. On a scale of one to 10, this is a two. We want to make it a 10. You will not permit us an amendment to make it a 3, a 4, a 5, a 6, much less a 10. That is totally unacceptable.

Something else, too. The President wants a bill passed, and he wants a bill signed into law before we recess in August. The only way we will be able to do that, and you know this, is if we take the Senate bill that passed 97 to nothing. If President Bush really means what he says, he ought to say what he means, and that is take the Senate bill and pass it, and then we can come back in September and negotiate; but that should be the law of the land because 97 Members of the Senate, every Democrat who voted, every Republican who voted, voted for it. I hope this is not simply a tour de force.

Now, I am going to support this two out of 10, but there are an awful lot of things that it fails to do, that it omits to do. It omits critical safeguards contained in the Senate bill. For example, it fails to extend the time in which the victims of fraud may bring suit to recover their damages. For over 40 years, courts held that the statute of limitations for private securities fraud lawsuits brought under the Securities Exchange Act of 1934 was the statute of limitations determined under applicable State law. This rule provided adequate time for fraud victims to discover the fraud and bring a lawsuit against the perpetrators of the fraud.

Unfortunately, in a 1991 case in a 5–4 decision, the Supreme Court significantly shortened the period of time in which investors may bring securities fraud action: the earlier of 1 year from the discovery of fraud or 3 years from the fraudulent act. That Supreme Court decision, the Lampf case, adopting a shorter period, does not permit individual investors adequate time to discover and pursue violations of securities laws. We must change that.

Despite urging from the SEC, State securities regulators and experts, Congress failed to overturn Lampf when it adopted the Private Securities Litigation Reform Act of 1995.

The gentleman from Michigan (Mr. CONYERS) wants to change that. I want to change that. We ought to permit this body an opportunity to vote on that issue. The Republicans are saying no, we will not even permit you to vote on the issue.

The Senate has seen fit to protect investors by extending the time period to bring a suit for up to 2 years after the date in which the alleged violations were discovered or 5 years after the date in which the violation occurred. Why is that not in this bill?

This bill omits many of the other critical safeguards in the Senate bill, namely, the corporate whistleblower civil protections, a requirement for document retention, important sentencing guideline enhancements.

So I will vote for this bill today, but I hope that when the Congress sends the bill to the President, it will have the full arsenal of tools to fight securities fraud and corporate misconduct contained in the Senate bill, not merely the sprinkling few that the Republican leadership deems fit to bring to the floor of the House.

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

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

Mr. Speaker, the gentleman from New York (Mr. LAFALCE) says this bill is a two on a scale of 10. If this bill is a two, then the Senate bill is a one, because in most cases the penalties in this bill are double the penalties in the bill passed by the other body. And this bill creates two new crimes that were not created in the bill that was passed by the other body.

Secondly, at least on the Committee on the Judiciary side, the majority and minority staffs worked together beginning on Friday of last week on the provisions of this bill, which was the day after the agreement was reached in the other body on the provisions contained in their bill. And there are at least four provisions in this bill that are patterned after provisions in similar legislation offered by my friend from Michigan (Mr. CONYERS) H.R. 4098.

They are higher-maximum penalties for wire and mail fraud; an amendment to the Federal sentencing guidelines which pertain in cases where there is actual destruction or fabrication of evidence; and in fraud cases where a large number of victims are involved, the debt is nondischargeable, and bankruptcy, if incurred in violation of securities fraud laws; and, fourthly, tampering with records and otherwise impeding with official proceedings. There the language is a little bit different, but the thrust between the Conyers bill and this bill are the same.

Now the other complaint that I have heard from both the gentleman from Michigan (Mr. CONYERS) and the gentleman from New York (Mr. LAFALCE) is that we are speeding too fast on this bill. Well, I pulled up out of the records what the minority leader, Mr. GEPHARDT, had to say last week. On July 9,

the gentleman from Missouri said, ''Now is the time to apply this lesson to corporate reform and go beyond the rhetoric and actually pass strong legislation to protect Americans and to improve cooperate responsibility and accountability.''

Then the next day the gentleman from Missouri (Mr. GEPHARDT), the minority leader said, ''Americans need financial reforms that are black and white. If we continue to practice corporate accounting in shades of gray, our economy will suffer. Failing to take action is not an option. We must take bipartisan action to correct these problems now.'' July 10.

Now, sometimes we are accused of being too partisan around here. We have listened to what the minority leader has to say. He wanted action taken now, and we are taking action now.

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

Mr. CONYERS. Mr. Speaker, how much remains?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 13 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 9½ minutes remaining. The gentleman from Ohio (Mr. OXLEY) has 8½ minutes remaining. The gentleman from New York (Mr. LAFALCE) has 6 minutes remaining.

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

Mr. Speaker, it is this kind of legislative process that gives our body a bad name. Now, it must take a certain amount of chutzpah to say that this is a bipartisan bill. There has not been any bipartisan input on this bill whatsoever, and it is a very important bill. There is no way that, as the gentleman from New York (Mr. LAFALCE) pointed out, there is no way that we can amend this bill.

The curious thing is back in April when I introduced a motion to recommit, it was April 9, the bill was voted down by the Republicans. All these provisions that were rejected are now the ones that are being brought forth with great pride. And so I just want to point out that it may have had something to do with the Senate voting unanimously to include the provisions that both the chairman of the Committee on the Judiciary and I have introduced to bring real accountability to wrongdoers.

Now, maybe this move to criminalize but not have civil penalties might be due to the fact that the Attorney General has yet to bring one case in this area for prosecution against any individual. Has he changed his attitude? I do not know and I wonder if anyone in the House does.

So we come here in some shock, some disappointment that we are here doing this kind of a run and catch up; let us get cover to make sure we might be able to head off the work that is being done in the other body.

Now, I want to ask this question to anybody in the House. Is it true that the whistleblowers language that is in this bill which was, I think, subsequently added, was that given any help or assistance from those in the securities industry?

You can answer that yes or no.

The criminal relief requires that an employee prove beyond a reasonable doubt to get a conviction; we are now eliminating the civil provisions which only require a preponderance of evidence. Are we aware of what we are doing here and why we are doing it?

So I am very disappointed in the way this is being done.

Mr. Speaker, I reserve my time at this point.

□ 1215

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

I would point out to my friend from Michigan that I suggest this will be a strong bipartisan vote when the vote is taken and it will be very much of a bipartisan effort in the House.

Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. BAKER), and pending that, I ask unanimous consent that the gentleman from Louisiana be allowed to control the time for our side.

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

There was no objection.

Mr. BAKER. Mr. Speaker, I thank the chairman for yielding me the time, and I wish to extend my appreciation to the gentleman from Wisconsin (Mr. SENSENBRENNER) as well as the gentleman from Ohio (Mr. OXLEY) for their good work on this most important matter.

Most Americans at home today are watching anxiously as the volatility of the stock market takes its toll in their personal savings or retirement plans, and they are looking to this Congress to take some action to stem the flow of capital away from those markets, to sit on the sidelines.

It is not only bad for corporations, it is not only bad for shareholders, it is bad for the economy when people are afraid to trust the CEO, the accountant, the analyst, anyone involved in the process, and failing to make that investment, curtail the ability to create jobs and provide opportunities. What they are saying to us is go get the bad guys, stop them from doing this in the future and make them pay a price.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Ohio (Mr. OXLEY) have before us a proposal which establishes new penalties for CEOs who fail to certify their financials or certify them knowing there is a material misstatement. They create a new penalty for failure to do so up to $5 million. They require a criminal penalty be assessed to those individuals who file false statements with the Securities and Exchange Commission and create a new penalty of up to $5 million. They provide for penalties relating to mail and wire fraud. A person communicates a material fact that is incorrect, misleading or false, they go to jail, not for 5 years, for up to 25 years.

With regard to those extraordinary benefits that are granted these executives who have manipulated the books and benefited themselves, this requires the SEC to freeze extraordinary payments until appropriate investigation may be concluded to determine whether such payments were warranted or not. When there is a determination that a CEO has violated his fiduciary responsibility to the shareholders and the public, there is a lifetime prohibition on that individual from ever serving on a board in a corporate management responsibility ever again.

This is a first step. This is not the end. We all know the Senate has acted. The House has acted on important reforms. There will be a conference, I assume a conference, which will meet very soon of the Committee on Financial Services and all interested stakeholders in this matter to pass additional restraints on inappropriate corporate behavior with guarantees of recompense to those who have been fraudulently abused.

This work deals with the criminal statutes in establishing those criminal penalties which ought to be appropriate given the egregious statements that CEOs have made across this country relative to the financial condition of their corporation, and we gave. More than 50 percent of Americans have investments in the markets today through on-line investing, which was not possible six years ago. Now 800,000 trades a day occur with moms and pops investing $100 at a time for their child's education, for their first home, for their own retirement.

This is no longer about institutional investors investing hundreds of millions of dollars at a time. It is no longer a question of sharks eating the sharks. It is the sharks after the minnows, and we are going to stop it.

Mr. LAFALCE. Mr. Speaker, I yield myself 2 minutes.

First of all, the allegation has been made that this is a bipartisan bill. My colleagues are going to get Democrats voting for this because we would rather vote for a 2 than a 0, although we prefer a 10, and that does not make it bipartisan.

I am the ranking Democrat on the House Committee on Financial Services. This morning I had a breakfast meeting with the former chairman, the gentleman from Iowa (Mr. LEACH), the president of Intra-American Development Bank, got to the office at 10 o'clock, discovered for the first time that a bill had been introduced and that we were going to be taking it up today, we thought later today. At about 11 o'clock we discover it is at 11:30. That is not bipartisanship.

When my colleagues do not include us in the drafting of the bill, in the introduction of the bill, in the formulation of the bill, when my colleagues

tell the ranking Democrat on the relevant committee an hour or a half an hour beforehand that something is coming to the floor, do not have the audacity to call that bipartisanship.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I support this legislation and I applaud the leadership of this body for bringing this bill before us.

Let us not kid ourselves. Three months ago the gentleman from New York (Mr. LAFALCE) offered a substitute to the accounting reform bill that called for better corporate governance and it did not receive a single vote from the other side. Let me say that again. It did not receive a single vote from the other side.

Now we are considering a bill that would send CEOs to prison for up to 25 years for securities fraud or accountants to prison for 5 years for shredding their paperwork. We are making progress, but we have got a lot more work to do.

The gentleman from New York (Mr. LAFALCE) called for better corporate governance a long time ago. President Bush on March 2, that was 5 months ago, called for better corporate governance, and yet we have had no action from this body. So I applaud the leadership for bringing this bill forward, but we must also get to conference committee and put that on the President's desk by next week.

I urge my colleagues to support this measure.

Mr. BAKER. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, recent news from the corporate world has been pretty grim. All too often we have seen headlines from corporations like Enron and WorldCom that reveal appalling abuse and fraud leading to layoffs and bankruptcies. From the magnitude of the problem, it looks as though corporate fines are simply not enough to discourage billions of dollars in fraud. It is time for stronger penalties such as those offered in this bill.

The workers in my district of West Virginia and everywhere else have concerns about their families' futures. Whether they are saving to educate their children, working to secure their own retirements, hardworking West Virginians do not want to see another corporate hocus-pocus act where they get the raw end of the deal.

I am proud to say that we passed legislation, CARTA, Corporate and Auditing Accountability, Responsibility and Transparency Act and the Pension Security Act, and today we are taking another step in the right direction.

This legislation strengthens laws that criminalize obstruction of justice, close gaping loopholes and requires top executives to certify that their financial statements of their companies are fairly and accurately representing the financial condition of their company.

Mr. Speaker, the workers in America want assurances that the dollars they are working for today and saving will be there when it is needed down the road. That is why it is imperative that our colleagues join together and continue to get tough on corporate crooks. I certainly support this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Detroit, the ranking member, for yielding me the time. I thank the chairman for what I know is a well-intended effort.

Mr. Speaker, many of us have been exposed to this issue and none of us can claim oneupmanship. Might I, however, claim at least the personal exposure to the pain of 5,000 employees and a continuing saga of trying to rebuild the crumbling remains of a company of which we had great respect for in my district. Having experienced that in Houston, Texas, I realized that this is systemic and that they are hurting people across the Nation.

I also realize that this Congress and this particular body, this House, in Texas lingo, started with a hurricane, blowing fury, and now has ended with a mere raindrop, some might call it a teardrop, because the process by which this legislation came to the floor denigrates and disrespects those of us who have both felt the pain but have also dealt with this from a legislative perspective.

My legislation, H.R. 5110, is an omnibus bill. I made a commitment to my constituents that I would not have a pride of authorship and would work with those in this House on a bipartisan basis on legislation proceeding to solve this problem of corporate responsibility and accountability. I am an original cosponsor of the Conyers bill, H.R. 4098, that speaks particularly and clearly to the issues of criminal penalties. That would have been a bipartisan bill inasmuch as it is destined for a hearing on Friday.

I am a supporter of the bill in the other body that we should, in fact, take up today in substitute of this particular legislation that falls short.

Mr. Speaker, if we are talking about serious legislation, I agree with the good ranking member and friend of the Committee on Financial Services bill, we have fallen short. We have fallen short of his work, fallen short of the gentleman from Michigan's (Mr. CONYERS) work, and let me tell my colleagues why.

This bill does not have in it, as the bill in the other body, a document retention requirement as it relates to auditors, the key element to part of the fall of Enron and many other places. If we willy-nilly suggest, because the United States Chamber of Commerce is pressing on the Members of the other party that we not have a document destruction provision of which gives criminal penalties, then we are in trouble. If we do not protect whistleblowers like Sharon Watkins who came forward in the Enron case, we are in trouble.

We well know that the investment community is not interested in words. The President has given words and the market has fallen. They are not interested in Harvey Pitt's of the SEC's words and actions. The market has fallen.

The marketplace wants and corporate America wants clear delineation as to what we are doing in Congress so the market can regain confidence and we can expand on the corporate confidence and as well tell America that we stand behind capitalism, but we also stand behind integrity.

I would like a bill that I can support. I am considering what we have here, Mr. Speaker, but let me say this, it is a shame that we could not do this in a bipartisan way and put some teeth into this so that investors can know what Congress means and what Congress stands for.

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

I am really befuddled on how Members on the other side of the aisle can come up and say that this bill is inadequate on criminal penalties when the criminal penalties are double those that were passed by the other body, and that we have turned our back on whistleblowers, when this bill provides criminal sanctions against those who retaliate against corporate whistleblowers. If someone would retaliate against a corporate whistleblower, they go to jail. The other body does not do that at all.

We have heard comments about the fact that this bill really does not deal with the whole issue of document shredding and other forms of obstruction of justice. Twenty years in this bill, 20 years in jail, that is a pretty tough penalty, and it is drafted broadly enough so that those who do shred documents can be caught in other obstruction-of-justice prosecutions.

The bill which the gentleman from Michigan (Mr. CONYERS) has introduced is only talking about 5-year penalties for these types of offenses. So if this is just a little teardrop, I think my colleague has had a wrong choice of words, because people who violate the law and the crimes that are set forth in this bill are going to go to jail for the rest of their productive lives, and that is a pretty serious penalty.

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

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me the time.

The bad news is that corporations cannot go to jail, and so there are no

civil penalties dealing with those particular issues.

I also would ask, if I had the time, but I will just pose the question, where in the bill that is on the floor has document retention requirements on auditors and where do we have the provision giving defrauded investors more time to seek relief? That is the question about helping these small investors, but we cannot send a corporation to jail. We need civil penalties in this legislation.

I thank the gentleman for yielding me the time.

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

This is the time for truth-telling. We put in 5 years and it was unanimously opposed by the other side. Where did the sudden legislative conversion take place? Over the weekend? Yesterday? Sometime before 6:30 when the bill was dropped by all of my colleagues? Five years was no good in April, May, June, July, but this morning that is nothing, we have got to get them.

Maybe it is because the Attorney General and the Department of Justice do not bring these kinds of cases, and I would like to ask the chairman and all of his lawyers and the other Members to tell us where there have been any cases brought like this. This is a sham, not against individuals, and that is why leaving out the civil penalties is a dead giveaway.

□ 1230

What about giving the defrauded investors more time to seek relief? Is that being covered? I do not think so. And my colleague has heard of sentencing enhancement, has he not? But they are not in the gentleman's bill.

So without trying to draw nitpicking distinctions, this bill is seriously flawed. I am voting against it. I know there may be Members that feel inclined to show that they are doing something rather than nothing. We are back to this scale of two versus 10. But this is a very flawed bill, and that is why we cannot bring it before the Committee on the Judiciary for hearings and the discussion it deserves.

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

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

We provide in our bill the sentencing commission the authority to have sentence enhancements, and it comes right out of the bill the gentleman introduced. And we are going to have a hearing on the gentleman's bill on Friday. That was the date that we agreed upon. So what is the beef?

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

Mr. BAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the chairman for his extraordinary leadership on this issue.

Mr. Speaker, I rise in strong support of the Corporate Fraud and Accountability Act of 2002. It was President Calvin Coolidge, Mr. Speaker, who said simply that ''the business of America is business.'' And many people over the last century have used that term to denounce and deride those of us who believe in the free enterprise system in America.

The truth is that President Coolidge was a moralist. And when he said the business of America is business, he was fundamentally suggesting that American business relies on the integrity and the character of the people that occupy the chief executive officerships and the boards of directors rooms of America's corporations. It has always been the case; it will always be the case. But the backstop, Mr. Speaker, is and has ever been the law. Today, in the Corporate Fraud and Accountability Act of 2002, we raise the barrier of criminal law in the area of corporate fraud.

Now, some of our friends on the other side of the aisle may say that we are playing politics, that we are less than sincere; but the facts speak for themselves. As the chairman of the Committee on the Judiciary, on which I serve, just said, those who extol the bill passed in the other body in the last 24 hours apparently are prepared to vote against the bill that has two times the criminal penalties for corporate fraud.

This legislation increases the penalties for mail and wire fraud from 5 years to 25 years. There are $25 million fines in this legislation when corporations file false statements. It increases criminal penalties for individuals who file false statements with the SEC to $5 million, just to name a few.

Despite the best efforts of some on the other side of the aisle, Mr. Speaker, to politicize this issue, the truth is opposition to crime is a bipartisan position in this institution. All of us believe that righteousness exalts a nation. All of us believe in the rule of law. Let us vote in favor of this bill today.

Mr. LAFALCE. Mr. Speaker, I yield myself 1½ minutes.

The gentleman from Indiana referred to Calvin Coolidge. The difficulty is that President Bush has been playing the role of Calvin Coolidge for a year and a half, when the times demand a Teddy Roosevelt. A week ago he started to try to act like Teddy Roosevelt and, instead, he appeared to be Teddy Bear.

With respect to the bill before us today, I must make reference to what went on in the Committee on Financial Services and what went on on the floor of the House.

I offered a number of amendments, two in particular, one dealing with the question of substantial unfitness or unfitness to serve as an officer or director. The SEC had complained that the bar was too high having to prove substantial unfitness. I said let us just make it fitness. The Republicans monolithically voted no. They have now had a conversion belatedly.

Secondly, I said let us legislatively require that CEOs and CFOs certify as to the accuracy and reliability of the financial statements. The Republicans voted no.

I included those two provisions, and those two provisions alone, in the motion to recommit with the accounting bill, the Oxley bill, word for word. Those were the only two changes. The Republicans monolithically voted no. I welcome their belated conversion.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume to note that the motion to recommit we found out about 15 minutes before it was offered. So that was a shorter period of time than this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime.

Mr. SMITH of Texas. Mr. Speaker, I thank the full Committee on the Judiciary chairman for yielding me this time.

I want to say first of all that this is a good bill. It is an improvement over other bills that have either been introduced or considered on either side of the Capitol, and I hope all our colleagues will take the opportunity to vote for corporate responsibility by supporting this legislation.

Mr. Speaker, in the wake of the recent scandals involving such companies as Enron, WorldCom, Global Crossing, Arthur Andersen, and Tyco, we should reform our laws to restore confidence in our markets and hold accountable those corporations and their executives who have defrauded investors and harmed the American economic system.

H.R. 5118, the Corporate Fraud Accountability Act of 2002, will punish corporate wrongdoing and punish those who would tarnish the integrity and reputation of all corporate America. And I might say that the vast majority of individuals, the vast majority of companies, of business owners, of the heads of corporations are hard working and honest. The dishonest represent just a small fraction of the whole.

Mr. Speaker, we need to remind some of our colleagues that this bill does in fact increase the penalties for mail and wire fraud from 5 years to 20 years and creates a new securities fraud section that carries a maximum penalty of 25 years. It also strengthens laws that criminalize document shredding and other forms of obstruction of justice and provides a maximum penalty of 20 years for such violations. It also grants emergency authority to the U.S. Sentencing Commission to promulgate guidelines that reflect the serious nature of securities pension and accounting fraud.

The legislation closes loopholes by which corporate officers can use bankruptcy laws to discharge liabilities based on securities fraud. And it requires top corporate executives to certify that the financial statements of the company fairly and accurately represent the financial condition of the company. Violating this section can subject corporate executives to fines up to $5 million and 20 years in prison.

Mr. Speaker, this bill provides additional tools to prosecutors to prosecute wrongdoing by corporate criminals who attempt and conspire to violate the law. This is a good piece of legislation; it should be supported by all Members who want to restore corporate responsibility to America.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Could I ask my distinguished chairman of the Subcommittee on Crime, has his committee held hearings on this bill?

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas. This is a yes or no response.

Mr. SMITH of Texas. Mr. Speaker, as I understand it, there is a hearing scheduled on the gentleman's legislation this Friday.

Mr. CONYERS. Reclaiming my time, Mr. Speaker, I simply ask, has the gentleman had a hearing on the bill?

Mr. SMITH of Texas. Mr. Speaker, if the gentleman will continue to yield, there is a joint hearing by two subcommittees of the Committee on the Judiciary.

Mr. CONYERS. After this is passed, the gentleman is going to hold hearings. I thank the gentleman very much.

Mr. SMITH of Texas. I would say to the gentleman that that is on a different piece of legislation.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from New York for yielding me this time as well as the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I will be very brief. I understand, in terms of listening to the debate, because I was not at a hearing when this bill was discussed, that the kind of action taken on this bill was quite similar to the shredding of documents by the Arthur Andersen company that gave rise to this whole debate at this time.

I was not a Member of Congress, but remember very well when, and, yes, it is political, when in 1994 there was a young man who was Speaker of the House that talked about a Contract With America. In fact, it turned out to be a contract on America. The Private Securities Litigation Reform Act of 1995 got us to where we are today. It repealed the civil RICO, thereby preventing defrauded investors from obtaining triple damages when they bring securities fraud claims.

This bill does nothing to address that problem. It is a cruel hoax. It is a farce. It should go back, perhaps on another midnight hour, and be fixed. It is broken.

Today, on the Suspension Calendar, with no opportunity to amend or improve it, the House Republican Leadership will offer up a so-called corporate responsibility bill. This bill eviscerates the bill that passed the Senate 97 to 0 and that the President said ''shares [his] goals.'' Why?

The U.S. Chamber of Commerce, which is the second leading Republican donor in this cycle, and other corporate interests lobbied to roll back the Senate bill's prohibitions on document shredding, corporate whistleblower protection, increasing the time allotted for shareholders to seek relief in court, and to create a new enhanced securities fraud law.

Unlike the Senate, which sided with working families, the House Republican Leadership gave corporate fat cats everything they asked for.

Not one Senate Republican voted against any of the provisions dropped by the House Republican Leadership. Specifically, the Republican leadership bill excludes:

Document retention requirements on auditors. The bill passed yesterday by the Senate would require auditors to maintain all audit or review workpapers for a period of five years after the conclusion of an audit or review. This was part of the bipartisan Leahy-Hatch amendment, which passed the Senate 97 to 0. As has been exhaustively documented, Arthur Andersen impeded a Securities and Exchange Commission inquiry into Enron's finances last fall by destroying huge numbers of documents and e-mails. The Republican leadership bill drops these provisions.

Giving defrauded investors more time to seek relief. The bipartisan Leahy-Hatch amendment, which passed the Senate 97 to 0, reformed the unnecessarily restrictive statute of limitations governing private securities claims. Under current law, defrauded investors have one year from the date on which the alleged violation was discovered or three years after the date on which the alleged violation occurred. Because these type of violations are often successfully concealed for several years, the Senate increased the time period to 2 years after the date on which the alleged violation was discovered or 5 years after the date on which the alleged violation occurred. The Republican leadership bill drops these provisions.

Protecting Whistleblowers—The bill that passed yesterday in the Senate contained the Grassley amendment, which unanimously passed the Senate Judiciary Committee, extended whistleblower protections to corporate employees, thereby protecting them from retaliation in cases of fraud and other acts of corporate misconduct.

Sentencing Enhancements—The bill that passed in the Senate yesterday had bipartisan Leahy-Hatch sentencing enhancements when a securities fraud endangers to solvency of a corporation and for egregious obstruction of justice cases, where countless documents are destroyed. The Republican leadership bill drops these provisions.

Finally the Republican Leadership hides behind the penalties smokescreen, in the hopes that no one will notice everything that is missing from their bill. They mindlessly increase penalties for mail fraud and other offenses to ten years greater than the Senate bill. In reality, in most of these cases, there are numerous counts of mail fraud and whatever penalty that is assigned to the offense is multiplied by the number of counts.

The difference between a ten and twenty year penalty is, therefore, negligible in these cases.

Mr. BAKER. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART), a member of the Committee on Financial Services.

Ms. HART. Mr. Speaker, I rise in support of the bill and stand here at a loss as to why anyone would not support this bill.

In light of the news that we have heard lately about corporate fraud and cries from the general public that people go to jail, this bill provides for that. This bill provides for up to a 25-year maximum prison term for securities fraud. It provides an increase from 5 years of a prison term.

Now, I am not sure, but it seems to me that 25 years is a lot more of a deterrent than 5. We are given a wonderful, very clear, to-the-point bill by the gentleman from Wisconsin (Mr. SENSENBRENNER), supported by the Committee on Financial Services.

We are telling the general public that we mean business when it comes to punishing people who defraud our investors and people who work for these corporations in the United States. I urge my colleagues to support this bill. It certainly is clear. It will certainly provide a good sentence, a reasonable serious sentence, to send a message to corporate officers in America that we mean business.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, we have heard a lot about crime this morning, but let us remember it was this very House of Representatives that gave the green light to corporate executives to lie to their boards and to their shareholders; and we provided them with a safe harbor. It was called the Private Securities Litigation Reform Act of 1995 that was part of the Contract on America. It was vetoed by President Clinton and his veto was overridden.

Anything we try to do in this bill regarding the punishing of criminals is just a legislative Band-Aid unless and until we restore shareholders' rights. We will not restore shareholders' rights or investors' confidence until we repeal the Private Securities Litigation Reform Act of 1995.

This bill is nothing more than a feel-good bill. It never strikes at the root of the problem, of corporate corruption and corporate fraud. We have to repeal the Private Securities Litigation Reform Act. There are bills out there, like the Shareholders and Employees Rights Restoration Act of 2002, and we cannot even get a hearing on it, let alone a vote on it.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

The gentleman from Michigan says this is a feel-good bill. Anybody that is convicted of the fraud that is discussed in this bill and goes to jail for at least 20 years or 25 years I do not think is going to be feeling very good as they are sitting behind bars.

Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I commend the chairman of the Committee on the Judiciary for introducing this very important legislation to hold accountable those corporations and their executives who defraud the American public through manipulative accounting and other fraudulent practices.

President Bush has said that corporate America must be made more accountable to employees and stockholders. He was right in calling for tougher penalties for companies who use unethical accounting procedures to falsify profits at the expense of their employees and other investors.

As I travel through my district, I hear from many constituents whose confidence in the integrity of our markets has been shaken. Their faith in corporate management has been replaced with a fear of losing their retirement nest egg. They have demanded accountability from our corporate leaders, and we must ensure they have that accountability.

H.R. 5118 increases the penalties for activities like mail and wire fraud and provides additional tools for prosecutors to crack down on corporate criminals. This legislation is needed to restore confidence in our markets and hold corporate criminals accountable.

Hard-working Americans who save responsibly for their retirement should be able to have confidence in their retirement plans. Congress should enact meaningful reforms that provide safeguards for those who are saving for their retirement years.

As I listen to this debate, I see my colleagues on the other side of the aisle attempting to dance on the head of a pin. Instead, it is time to join us in passing this powerful new tool for prosecutors to crack down on crime.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS), who serves on both committees, incidentally.

□ 1245

Ms. WATERS. Mr. Speaker, this is precisely why the American public does not trust the Members of Congress. We passed a bill out of the Committee on Financial Services that was not good enough. It was weak. The chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), refused to take up a good corporate responsibility bill that was headed up by the gentleman from Michigan (Mr. CONYERS).

Now the Senate has passed out a pretty strong bill, and finally, this gentleman is a Johnny-come-lately with a bill on the floor that we have never heard in the Committee of the Judiciary. Do not be tricked or fooled by this. There is no reason to be here. If there is some concern, go to the Conference Committee where we have a House bill and a Senate bill to be reconciled, and try to get additional concerns put in. But to do it this way does not make good sense. We are undermining the process and trying to jump on the bandwagon at the last minute when the gentleman should have been leading on this a long time ago.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to myself.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) last week asked me to schedule a hearing on his corporate responsibility, H.R. 4098, and I agreed. It is an important issue. That hearing is going to be held this Friday. That was the date that we agreed on.

I guess the thanks I get for being bipartisan and agreeing to schedule the bill of the gentleman from Michigan is the attack that I just heard from the gentlewoman from California (Ms. WATERS). The gentlewoman should be more bipartisan in what is said on the floor.

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

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

Mr. Speaker, the Republicans have been having a deathbed conversion because they have voted against so many of the reforms that they now advocate. But they have to do a little bit of repentance. This bill is not adequate. They have determined their own penance. It is two Hail Marys. We deserve a bill that can be called a complete Rosary. That should be their penance.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, the Republicans have been caught with an embarrassing bill. They passed a securities bill to tell the American public they cared about their pensions and their financial well-being. Then the Senate took really tough action, and now the Republicans have been caught with egg all over their face.

What do they want to do? They want to put everybody in jail. Fine, we will vote for the bill. But it is the things that people do today that are legal that is causing the heartburn.

They pass an embarrassingly weak pension bill, and embarrassingly weak securities bill. It is not the things that they do that are illegal, it is the fact that people under the pension bill are still locked into that stock for 3 years. They still cannot have a representative of employees on the board of their pensions. They cannot have an independent representative of their employees on the board. They cannot be notified on a timely basis of inside sales. So the pensioners absorb all of the financial shock for the ill-doings, but they happen to be legal under the law, just as many of the provisions that the Senate outlawed under their securities act continue to remain legal.

Now they come along and say if somebody engages in fraud, they should be put in jail. Where is the Attorney General today when they engage in fraud? The Republican bill is going to give it to the Attorney General to come up against these people on whistleblowers. Where does Sharon Watkins go to get her job back if she loses her job? Where does she go to be made financially whole? Nowhere. She goes to John Ashcroft and begs him to bring a case.

In the past 6 months as we have been having a meltdown in stock markets and peoples' pension plans where investors have lost over $5 trillion, we have not heard a word from the Attorney General; not a word from the Attorney General. The Republican plan puts all of their eggs there. I know they are covering their tracks. They are like the cowboys that did the bank robbery, and now they are dragging the trees behind their horses to cover their tracks. Good try. It will not work.

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

Mr. Speaker, we know we are going to have to cut down some of the trees to see the facts. In the year in which Harvey Pitt was appointed chairman of the SEC in late August, September 11 followed only days behind with destruction of the New York SEC offices.

Despite that, in the first 7 months of his term, for officer and director bars sought, and that is to keep officers and directors from continuing in a professional responsibility, he has sought 71. In the entire year preceding his appointment, only 51.

Disgorgement of compensation, bonuses, and stock options sought, 17 in a 7-month period, versus 18 in the entire year preceding.

Temporary restraining orders in all categories, 42 sought in 7 months, 31 in the preceding year.

Asset freezes in all categories, 50 in 7 months, versus 43 in the entire preceding year.

Trading suspensions, 10 versus 2 in the entire preceding year.

Subpoena enforcement proceedings, 18 versus 13 in the preceding year. Chairman Pitt has not only acted, he has acted forcefully. Today this Congress will act. It is appropriate, and the people of America are waiting.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill is too weak, too weak. The President gets to name three people to the Securities and Exchange Commission. Who has he named? Three accounting industry employees. That is it. That is his decision. This Republican majority opposed an independent accounting board oversight; opposed it. And now it is looking for a legislative get well card as though now they are converted to protecting the investor.

What does this bill not include? Well, it does not require these companies to preserve all their auditing records for 5 years. It does not extend from 3 years out to 5 years the period upon which people can sue if they have been defrauded. We are only finding out right now about fraud from 2 or 3 years ago. We need to stretch out the statute of limitations so they can sue. We need whistleblower protection. This is a bad bill. Vote no.

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

Mr. Speaker, the gentleman from Massachusetts (Mr. MARKEY) has not read this bill. Apparently he wrote his speech before he read the bill. Now this bill is not too weak. It provides twice the criminal penalties than the bill that was passed by the other body. It provides criminal sanctions against those who retaliate against whistleblowers. The other body provides more lawsuits.

Every criminal penalty does allow the judge to enter a restitution order. Restitution orders are nondischargeable in bankruptcy. The huge fines in my bill are nondischargeable in bankruptcy. Corporate executives up to $5 million in fines, nondischargeable. Corporations up to $25 million in fines for filing a false statement, nondischargeable in bankruptcy.

So what we do is we provide jail terms for the bad actors, we provide nondischargeable fines for the bad actors, and we get tough on those that have looted the pensions and the savings of the employees that have worked dutifully for those corporations where the officers and the boards of directors have not fulfilled their fiduciary responsibility.

This is a tough bill because it puts people in jail for a long time. It ought to be passed, and passed now, as the gentleman from Missouri (Mr. GEPHARDT) has urged us to address this issue. I urge an aye vote.

Mr. BONIOR. Mr. Speaker, I rise to express my support for the Senate corporate accounting reform bill and applaud this long-overdue effort to punish those who break our securities laws.

We must hold those who break our securities laws responsible for their actions. Gone are the days when the threat of a fine or bad publicity is an effective deterrent for corporate fraud. It's time that corporate criminals get jail time when they ignore our securities laws and consumer protections. It's time that we put real teeth in our laws and the regulations of the SEC. We need to send the message loud and clear that corporate irresponsibility will not be tolerated by the Congress, by our courts, and by the American people.

In my home state of Michigan, thousands of public employees have watched as their pension funds have lost millions of dollars in the downfall of corporations like WorldCom and DCT, Inc. Investors and retirees have lost faith and confidence in a market that has been continuously shaken by reports of corporate irresponsibility and misleading financial statements. These workers have a right to know that their wages, pensions, and benefits are secure. They have a right to financial security in their later years. It's time that we stand up for them and enact meaningful reforms that will prevent the kinds of corporate scandals we've seen in recent months and prohibit corporate inside deals and murky accounting that puts the pensions of hard-working Americans at risk.

The legislation before us today follows the Senate's lead and establishes stricter criminal penalties for securities fraud. I applaud this effort as a good first step, but I believe we should ultimately enact the even tougher penalties set forth in the Senate accounting and corporate responsibility reform bill. There should be no question that corporate fraud is a serious crime in the eyes of the law.

In the months ahead, I will continue to fight for the rights of our workers and retirees to be financially secure. I will continue to press the House Republican leadership to pass the strong corporate responsibility legislation that the Senate recently passed. We need to act swiftly to pass meaningful reforms that will reign in corporate abuse and protect the rights of workers and investors before any more retirement savings are lost.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of H.R. 5118, the Corporate Fraud Accountability Act of 2002.

You've heard that expression, ''crime doesn't pay?'' Well, Mr. Speaker, for too long, for some business executives in America, crime has paid, and is has paid them well! We've got to put an end to this now—punishment for corporate crimes should be paid by those who break the law, not by those who have invested their hard-earned incomes, or worked for years, only to see their jobs, pensions, health care and retirements disappear as some CEO's absconded with millions!

For months now, we've seen company heads testify before this Congress only to invoke the Fifth Amendment. Why? For fear of incriminating themselves.

To my mind, Mr. Speaker, these executives should be scared. They should fear jail time for lying to employees and investors, and for betraying our market-based economy.

And jail time is exactly what corporate criminals will get under the bill we now consider, the bill we must pass to provide the ''teeth'' behind the President's strong message of corporate responsibility.

These tough new criminal penalties and enforcement provisions to punish those who refuse to ''play by the rules'' and threaten to undermine the integrity of our financial markets will do what every American believes to be fair, just and necessary.

The Corporate Fraud Accountability Act, increases the penalties for mail and wire fraud, strengthens laws that criminalize document shredding, grants emergency authority to the U.S. Sentencing Commission to promulgate securities, pension and accounting fraud guidelines, closes loopholes by which corporate officers can use bankruptcy laws to discharge liabilities based on securities fraud, increases the criminal penalties for those who file false statements with the Securities Exchange Commission and requires corporate executives to certify their company's financial statements, freezes extraordinary payments to executives while the company is under SEC investigation, and finally it bans company executives who clearly abuse their power from serving in any corporate leadership position. H.R. 5118 builds upon our efforts to hold corporations accountable contained in H.R. 3762, the Pension Security Act, and H.R. 3763, the Corporate and Auditing Accountability, Responsibility, and Transparency Act, passed by the House last April.

Specifically, the bipartisan Pension Security Act, H.R. 3762, bars company insiders from selling their own stock during ''blackout'' periods when workers can't make changes to their 401(k)'s, give workers new freedoms to sell their company stock within three years of receiving it in their 401(k) plans, fixes outdated Federal rules that discourage employers from giving workers access to professional investment advice, empowers workers to hold company insiders accountable for abuses, and requires that workers be notified 30 days before the start of any ''blackout'' period affecting their pensions.

The Corporate and Auditing Accountability, Responsibility, and Transparency Act, H.R. 3763, recognizes the need for corporate leaders to act responsibly, and holds them accountable if they fail to do so. It seeks to restore confidence in accounting standards, increases corporate disclosure and responsibility, better protects 401(k) plan participants, and reduces analyst conflicts of interests.

These legislative reforms, and the President's plan for corporate responsibility, will benefit small investors and employees and will help strengthen faith and confidence in the corporate community in our own backyard. In New Jersey, I am mindful of the personal tragedy encountered by countless citizens who have lost their jobs, investments, pensions and even health care benefits. And poor management decisions at companies like Lucent have resulted in millions of investors and 401(k) plans having catastrophic losses. Furthermore, we must remember those employees whose pension benefits decreased when employers, like AT&T and others, transitioned from a traditional pension plan to a cash balance pension plan. While these transitions were within current legal boundaries, such moves have had devastating effects on longtime, dedicated workers, especially those who thought themselves secure in their retirement.

Clearly, not all companies or their executives fall into the ''bad apple'' categories about which there's been so much news recently, To those who, without stricter rules and reforms, have lived to the highest standards of ethical behavior, I commend you. But to those who have ventured from the truth, and who have been overwhelmed by greed, the party's over.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 5118, the Corporate Fraud Accountability Act of 2002. I commend Chairman SENSENBRENNER for acting expeditiously to ensure that this important element of corporate responsibility, namely the strengthening of criminal penalties, is part of Congress' effort to eliminate corruption in corporate America. This bill tells corporate criminals that they are no longer ''above the law.'' It holds those executives who have defrauded investors and harmed the American economic system accountable with tough new criminal penalties. It helps to close the loopholes that have allowed for continued offenses in America's corporate community.

The reckless actions of corporate wrongdoers have undermined trust in our markets and our economy. We must return confidence

back to the markets and to the accounting profession. Individual investors have to be certain that the information they are receiving is accurate and complete. House passage of the Corporate and Auditing Accountability, Responsibility and Transparency Act was a giant step in the right direction. CARTA includes important provisions to strengthen supervision and oversight of the accounting industry, increase the standard of corporate responsibility, and improve the quality of corporate disclosure and the auditing of publicly traded companies. Passage of H.R. 5118 will take us a step further.

This bill builds on CARTA by:

Increasing the penalties for mail and wire fraud.

Creating a new crime of ''securities fraud.''

Strengthening laws that criminalize obstruction of justice.

Granting emergency authority to the U.S. Sentencing Commission to promulgate guidelines that reflect the serious nature of securities, pension, and accounting fraud.

Closing loopholes that currently allow corporate officers to use bankruptcy laws to discharge liabilities.

Requiring top corporate executives to certify that financial statements of the company fairly and accurately represent the financial condition of the company.

Providing additional tools to prosecute wrongdoing by corporate criminals who attempt and conspire to violate the law.

Increasing the criminal penalties for those who file false statements with the Securities and Exchange Commission.

Freezing extraordinary payments to executives while the company is subject to an SEC investigation.

The bottom line is that criminals can steal more money with a briefcase than with a gun. Businessmen who extort the American public should be punished like the common criminals they are. This bill ensures that corporate wrongdoers go to jail for their crimes.

I am outraged by the fact that corporate executives consider themselves above the law and out of reach of the arm of justice. Some auditors and accountants have the impression that they have the right to skew numbers and reports, robbing hard-working Americans of their pension funds and stock investments. One of the pillars of our economy is confidence. And Americans are close to losing this confidence in our financial markets because of prominent corporate crooks. Passage of this bill is an important step toward restoring the confidence of the American people. I urge my colleagues to support it.

Further, I urge the leadership of the House and the Senate to act expeditiously to bring a final conference agreement back to this House on CARTA and the so-called Sarbanes bill, legislation that combines new corporate accounting reforms with tough new criminal penalties for corporate crooks.

Time is of the essence. Irresponsible corporate leaders have forced us to act. The American people expect us to act. The American economy needs us to act. We should not leave this Chamber next year having acted.

Mr. BLUMENAUER. Mr. Speaker, this bill brought before us is not the way in which Congress should craft legislation. While I'm supportive of increased criminal penalties for corporate misconduct, which this bill includes, it falls far short in other areas necessary to bring needed changes to the corporate world—lack of whistleblower protection and extending the statute of limitations for investor lawsuits.

No time was provided to review and analyze this legislation. It did not go through the committee process where it could be debated and refined in a bipartisan manner and was brought to the floor in a manner that does not allow amendments to be offered. Therefore, I do not support this bill. The only reason to treat Congress and the American public this way is to provide political cover.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5118, as amended.

The question was taken.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on H.R. 5118 will be followed by two 5-minute votes on motions debated yesterday.

The vote was taken by electronic device, and there were—yeas 391, nays 28, not voting 15, as follows:

[Roll No. 299]

YEAS—391

Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—28

Abercrombie
Baldwin
Blumenauer
Brady (PA)
Clay
Conyers
Davis (IL)
DeGette
Fattah
Filner
Hinchey
Honda
Jones (OH)
Kucinich
Lee
Markey
McDermott
McGovern
McKinney
Oberstar
Olver
Paul

Sabo
Sanders
Schakowsky
Scott
Stark
Waters

NOT VOTING—15

Allen
Blagojevich
Bonior
Gibbons
Hastings (FL)
Hilleary
John
Lewis (GA)
Mascara
Morella
Nadler
Riley
Roukema
Schaffer
Traficant

□ 1318

Ms. DEGETTE, Mr. MCGOVERN, Mr. DAVIS of Illinois and Mrs. JONES of Ohio changed their vote from ''yea'' to ''nay.''

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MORELLA. Mr. Speaker, on rollcall No. 299, I was unavoidably detained in the Capitol. Had I been present, I would have voted ''yea.''

Mr. GIBBONS. Mr. Speaker, on rollcall No. 299, I was unavoidably detained. Had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HONORING TED WILLIAMS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 482.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 482, 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 418, nays 0, not voting 16, as follows:

[Roll No. 300]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Allen
Blagojevich
Bonior
Hastings (FL)
Hilleary
John
Lewis (GA)
Mascara
McCrery
Morella
Nadler
Riley
Roukema
Schaffer
Thomas
Traficant

□ 1328

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING DETROIT RED WINGS FOR WINNING 2002 STANLEY CUP CHAMPIONSHIP

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 452.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 452, 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 410, nays 0, answered ''present'' 4, not voting 20, as follows:

[Roll No. 301]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot

Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—4

Clay
Hulshof
Sanders
Tancredo

NOT VOTING—20

Allen
Blagojevich
Bonior
Calvert
Hastings (FL)
Hilleary
John
Kaptur
Lewis (CA)
Lewis (GA)
Lucas (OK)
Mascara
McCrery
Morella
Nadler
Riley
Roukema
Schaffer
Thomas
Traficant

□ 1336

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE FIRST TEE

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 448), recognizing The First Tee for its support of programs that provide young people of all backgrounds an opportunity to develop, through golf and character education, life-enhancing values such as honor, integrity, and sportsmanship.

The Clerk read as follows:

H. RES. 448

Resolved, That the House of Representatives recognizes The First Tee for its support of programs that provide young people of all backgrounds an opportunity to develop, through golf and character education, life-enhancing values such as honor, integrity, and sportsmanship.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 448.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of this resolution that recognizes the efforts of The First Tee, a youth character-building organization with programs located throughout the country. This program provides young people of all backgrounds an opportunity to develop, through both the game of golf and character education, values and character traits that will positively impact their lives and experiences in school.

The First Tee programs are community-based and implemented through a partnership of parents, civic and corporate leaders, State and local governments, youth-serving agencies, schools, and the golfing community.

Mr. Speaker, a few weeks ago, President and Mrs. Bush hosted a conference at the White House on the importance of character education to our Nation's youth. President Bush cited the importance of character education in instilling common values in our youth. He said, ''Americans believe in character education because we want more for our children than apathy or cynicism,'' the President said. He went on by saying, ''We've got higher aspirations for every child in America. We want them to understand the difference between right and wrong.''

No activity better parallels life and teaches character better than the game of golf. On the golf course one learns responsibility, honesty, patience, self-control, integrity, respect, confidence, and most importantly, sportsmanship.

As in life, to be successful at golf we must realize we are going to make mistakes. Overcoming both our errors and bad bounces is just as much a part of the game as trying to hit a perfect shot. We learn that a 3-foot putt is just as important as a 300-yard drive, and that we must learn to put the last shot behind us in order to execute the next.

We also learn about ourselves and where our shortcomings lie, the things we need to work on on life's practice range.

The First Tee is working to make the game of golf more affordable and accessible to young people throughout the Nation by opening up golf courses and providing instruction for free and at reduced rates to children of all socio-economic backgrounds. By the year 2005, The First Tee expects to serve more than 500,000 children in 250 programs throughout the United States. In my State of Ohio currently there are four The First Tee programs serving more than 1,500 children today.

Just as importantly, the golf-related exercises are paired with The First Tee life skills program, which teaches young people values such as responsibility, honesty, integrity, respect, confidence, and sportsmanship. Jack Nicklaus, a man synonymous with the game of golf and a supporter of The First Tee program, said, ''For The First Tee, golf is the vehicle, but it is not the destination. We are teaching the young boys and girls a game that can last a lifetime, but through our life skills program we are teaching them lessons for life.''

One student in particular, Amber Davis, from Atlanta, Georgia, has been

involved with the Atlanta The First Tee program since April of 2000. She came before our committee and testified about her experiences. She has participated both of The First Tee Life Skills, and currently spends her time volunteering as a mentor for 13 of the young female participants in the The First Tee program.

An accomplished golfer, she has competed in several local, regional, State, and national competitions, and was the only freshman to make her high school golf team at the Woodward Academy in Atlanta. She credits The First Tee program with helping her to develop her strong leadership skills.

I am pleased to bring attention to this program, and I am grateful for the work that The First Tee is doing in our Nation's communities.

Mr. Speaker, I urge my colleagues to support this resolution today, and I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of this resolution as well, as a member of the Committee on Education and the Workforce.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BACA), my good friend and colleague, and also one of the finest golfers in this institution.

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

Mr. BACA. Mr. Speaker, I rise in strong support of House Resolution 448. I believe that The First Tee program is an excellent kind of a program that will allow many individuals to participate in golf, especially when we look at the number of minorities that we have throughout the United States. Over 27.6 percent are minorities, and only 6 percent participate in golf.

I can relate with my own personal story. I come from a large family of 15, being the 15th child. I did not have the opportunity to participate in such sports as these. The First Tee was not available. I wish it was available at the time that I was growing up. So I was involved in basketball and baseball and football and track and other sports. I did not get into golf until later in my years, until after the age of 32.

I wish I was able to have played golf at the earlier stages, because what it does is not only teaches one character in education, which is very important. Character is important in terms of learning, and it also teaches us the importance of self-esteem and confidence.

Not only do we learn responsibility, not only do we learn about our colleagues, but it also has parental involvement, which is very important when we look at The First Tee program. It is important when we have our children that are participating and we have parental involvement.

It takes a child, and that child begins to learn the skills of the game, or being competitive in another area. It presents opportunities for many kids to get into a program they would never have had an opportunity to have gotten into. The First Tee provides that opportunity for many minorities to get their hands in and play the game of golf.

Golf is important to many individuals, not only in terms of leadership skills, but integrity and honesty on the golf course, as well. Many individuals who play the game of golf sometimes forget how to count. It is excellent in math. It teaches good math skills because we learn how to count, as well.

□ 1345

Some people happen to overexaggerate their handicap. This way the child knows exactly what the handicap is, and they do not have to exaggerate like most adults do to try to keep their handicaps low. Adults will learn the emphasis of the importance of establishing a handicap, which is very important.

As I said, the fundamental skills, the social skills are very important, the self-esteem, the confidence an individual will have. Most of all, it keeps kids off the streets, which is very important. It gets them involved, and we have got to find activities for many of our students to be involved. This presents an opportunity for many of our kids to be involved in another activity that maybe they would not have. They now will have an opportunity that they know that they can afford to play. Like most of us, it becomes so expensive to get out and play the game of golf. We say we cannot afford the game of golf. We do not have the equipment, cannot afford to buy the clubs. First Tee provides the individuals with golf clubs. First Tee provides the instructions that are necessary. These are the obstacles that many of us, minorities that do not have the money, would love to play the game, but say is there a vehicle for us to get that kind of service?

The vehicle is here through First Tee. It gives them an opportunity to go out there and participate without having to worry about the cost on themselves or their parents; and especially as we look at now, it is becoming so costly for anyone to play any kind of recreational activity. Parents who want to be involved in little league, now they have to pay X amount of dollars for the kids to play or participate. It has become a lot more difficult.

We have got to provide avenues for our children to play. This is an excellent avenue for them to develop their skills, to build their self-confidence, stay in school, which is more important, and educate our kids. I believe in the program. We should all support it, and I ask all of my colleagues to support H. Res. 448.

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the chairman for the introduction of this resolution, and I rise to pay tribute to the Professional Golf Association of America for what they are doing with the First Tee program.

The previous speaker did an outstanding job talking about the accessibility it gives to those that otherwise would not have it. He talked about the disciplines that the game of golf teaches to those who so desperately need disciplines.

Mr. Speaker, I would like to tell another story for a minute about how meaningful a program like this can be as the seed to not only change a life but change a community.

In Atlanta, Georgia, there is an area known as East Lake. In Atlanta, Georgia, the East Lake community was the home golf course of Bobby Jones. It is where Bobby Jones grew up. Over the years, East Lake became an abandoned country club. The East Lake community of Atlanta became the worst of Atlanta's inner-city poverty, crime-ridden neighborhoods.

This fall the PGA championship will be played at East Lake. What happened? What happened is a man named Tom Cousins in Atlanta bought the property and decided to change the lives and change that community. He redid the golf club. He bought abandoned houses and homes. He leased for $1 a year the public school and built a $28 million YMCA day care center and public school, and he established fundraisers for First Tee.

The first professional to come to Atlanta for that fundraiser was Tiger Woods. Since that time, other professional golfers have come to raise money to make golf accessible to those who previously thought it was not accessible.

In the meantime, he transformed a neighborhood. It is now a multi-income, multiracial, multiethnic pristine golf community that just years ago was devastation to our city.

There are a lot of lives in America that are just like East Lake was. They are impoverished. They have no hope. They have no mentor. They have no discipline, and they think there is no future.

Through the PGA and through the First Tee program, those in America most in need of all those things they do not have have it accessible to them. The First Tee's growth throughout the country is going to ensure that many Americans who might not have had a chance will have it.

I commend the professional sport and its athletes for giving of their time and their money to make a difference in lives; and I would comment that not all professional sports of this day and time can take credits to that mantle, but the PGA can. The First Tee changes lives, and we are right to commend the PGA tour, its commissioner, and all of its players for making a difference in the lives of young Americans.

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

Mr. Speaker, as I indicated earlier, I do rise in support of the resolution today. I commend the chairman, the

gentleman from Ohio (Mr. BOEHNER), of the Committee on Education and the Workforce for holding a hearing on this important program, for offering this resolution which recognizes the wonderful accomplishments of the First Tee program, as well as character education generally, which is part of the Elementary and Secondary Education Act recently passed earlier this year, signed by the President, No Child Left Behind.

The First Tee program provides young people of all backgrounds an opportunity to develop life-enhancing values such as honor, integrity, sportsmanship through golf, and character education generally. Teaching character education through golf plays a significant role in many adolescents' lives. Specifically, the First Tee helps keep our children out of the rough and on the fairway towards a successful future.

I like to play a little golf myself, although not very well. I have two little boys, Johnny and Matthew, who are just six and four right now and I am introducing the sport to them. It is not only a lot of fun but it is a great sport. We are able to spend a lot of quality time together. A father and two little boys, chipping a little bit in the back yard. I set up a driving net where they hit the ball into. It is a lot of fun watching them develop not only their physical skills, but also the certain values that I hope they will carry through with them in life, the values of discipline and hard work, playing by the rules, getting along, sharing clubs, things of this nature that golf introduces to our youth and that the First Tee program is really all about.

I am pleased that through the First Tee program many children will have the same opportunity to participate in golf and reap the benefits that, unfortunately, just a few children receive today. The National Golf Foundation, for instance, revealed that only 2 percent of children age 12 to 17 ever tried golf and that only 5 percent of this Nation's golfers are minorities. Studies show that the major barrier to attracting more children, and especially economically disadvantaged children, to the sport was the lack of places that welcomed them, places they could physically get to and places that they could afford.

The First Tee program was created to address these access and affordability issues. The First Tee is implemented through a partnership of parents, civic and corporate leaders, State and local governments, youth-serving agencies, schools and the golfing community itself. As my friend, the gentleman from Georgia (Mr. ISAKSON), just pointed out, the Professional Golfers Association has been very involved, playing a leadership role in expanding the First Tee program across the country.

The program provides young people of all backgrounds an opportunity to develop through golf and character education life-enhancing values beyond building just physical skills. Students learn life skills and the importance of maintaining a positive attitude, considering the consequences of their decisions, setting and achieving objectives, holding themselves to high standards, and applying to their everyday lives the values such as responsibility, honesty, integrity, respect, confidence, and sportsmanship.

The strong values the First Tee teaches the youths will positively impact their lives, their education and their experiences in school.

The Committee on Education and the Workforce did hold a hearing on this on June 25 to highlight the success of this program, and the greatest golfer of the 20th century, Jack Nicklaus, came and testified. He testified about what the PGA and he personally have done involving the First Tee program, but also about what golf has meant in his life, but especially in those early formative stages of his life and the impact it had on him, the time he spent with his father, the time he spent developing the skills and the discipline and the value system that has made him one of the truly exemplary members of the golf profession today.

We also had another witness, Mr. Speaker, Amber Davis, a 15-year-old junior golfer who was a charter member of the First Tee program in Atlanta who testified before the committee. In her testimony she stated very clearly what a difference the First Tee program has made in her life. In fact, she stated during the testimony, ''Golf has played a big role in my development. It has taught me to be the very best I can be, not just at golf, but to excel at everything I attempt. I think that if you are able to successfully master the game of golf, and I do not mean that you have to be a Renee Powell, a Lee Elder or a Tiger Woods, but if you apply all the qualities that it takes to be good at golf, dedication, discipline, honesty, integrity, a high regard for others and yourself, you will be successful at life.

Beyond the game of golf, however, incorporating character education into the school day is important for many children who may not learn basic life skills elsewhere. Strong character development is essential to our children's growth, and I strongly support programs that work towards this goal. That is why so many of us were pleased to include character education under title V of ESEA reauthorization last year. I would hope that appropriators view title V and that bill favorably as we work forward with the appropriation process during the remainder of the year.

The school district in my home town of La Crosse, Wisconsin, exemplifies a model that could be replicated across the Nation. It is unique in that the school board and community members developed core values of character education and included them as part of its school district's vision statement. Now, these values of character education are worked through an entire school system of three high schools, three middle schools, 11 elementary schools and four charter schools.

One exceptional school within the school district is Lacrossroads High School, a charter school for at-risk adolescents. My good friend, Karen Schoenfeld, teaches character education at this high school and has been working with at-risk adolescents since 1989 as a school counselor and charter school teacher. In June, she was also called to testify before the Committee on Education and the Workforce. I commend the work she does in the field of education and the important emphasis she places on including character education in the school's curriculum. She has truly made a difference in her students' lives. All of our Nation's youths need teachers like Ms. Schoenfeld in their lives to help guide them down the road to success and opportunity.

Mr. Speaker, I am pleased the House today is considering this important resolution. The strong values the First Tee teaches to youths will positively impact their lives, their education, and their experiences in school. These lessons will remain with participants for a lifetime, regardless of whether they play golf professionally or as a hobby. I commend the chairman for his leadership and the hearing and bringing this resolution forward. I would encourage all of our colleagues to support the resolution today.

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

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

Mr. Speaker, again I am pleased to bring attention to the First Tee program. I appreciate the bipartisan support that this resolution has received.

The First Tee program was a collaboration between the World Golf Foundation, the PGA tour, the PGA of America, the Tiger Woods Foundation, and many others who have helped to put this program together and to allow it to grow to the extent that it has. They have very ambitious plans to grow this operation to serve some 500,000 children by the year 2005.

The program has integrated both sports and life skill lessons that teach character and instill common values in our youth. Because the First Tee's mission is broader than simply teaching kids how to play golf, their life skills curriculum includes community service and mentoring opportunities. These skills and activities also positively impact school experiences and the academic achievement of those who have been enrolled in the program.

Last year we passed the No Child Left Behind Act to help improve all of our schools and to give every child in America a better shot at a good education. But we know that between birth and age 18 children are only in school about nine percent of that time;

91 percent of that time they are at home and out in their communities. We know that for many of these children, the infrastructure, the support system that is needed to instill the kinds of values that we have talked about on the floor today have to come from home and in those communities. That is where I believe, and I think many Members believe, that if we are truly going to attack the problems we see in inner-city America, it is programs like these that find a way to teach children, one, how to play golf, but more importantly the kind of values that are necessary in order to be successful in life.

Mr. Speaker, I want to thank my colleagues who have spoken on this bill today, this resolution, and urge all of my colleagues to support the resolution.

Mr. CRENSHAW. Mr. Speaker, sports have been traditional vehicles for teaching important life lessons, but today, sport, at its highest levels, is played in an atmosphere where we have a preponderance of athletes who deny they have responsibility to be role models, let alone idols of the young.

There is, however, a sport that not only continues to teach positive live lessons, but also depends on an adherence to them for its very existence. That sport, of course, is golf.

For that reason, I rise today in support of the efforts of the First Tee initiative. This 2-year old program has as its mission to impact the lives of young people around the world by creating affordable and accessible golf facilities to primarily serve those who have not previously had exposure to the game and its positive values. The core values this program strives to instill are confidence, courtesy, honesty, integrity, judgment, perseverance, respect, responsibility, and sportsmanship. Further, while these kids are learning these important life management skills and enjoying the outdoors, they are not engaged in mischievous, delinquent activities.

On August 27, 2000, with 129 facilities in development in 38 states and 1 in Canada, First Tee surpassed their initial goal of having 100 golf-learning facilities in development. Since that time, the First Tee has redefined its goals for the long term by pledging to impact the lives of 500,000 youth by 2005. The program is overseen and has the active support of a committee comprised of members representing the Ladies Professional Golf Association, PGA of America, PGA TOUR, United States Golf Association and the Augusta National Golf Club. In addition, former President George Bush serves as Honorary Chairman.

Mr. Speaker, First Tee will not only have a positive impact on our society today, but will for years to come.

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

□ 1400

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 448.

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

A motion to reconsider was laid on the table.

FED UP HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2002

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4866) to make technical amendments to the Higher Education Act of 1965 incorporating the results of the Fed Up Initiative, as amended.

The Clerk read as follows:

H.R. 4866

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

SECTION 1. SHORT TITLE; REFERENCE; EFFECTIVE DATE.

(a) SHORT TITLE.—This Act may be cited as the ''Fed Up Higher Education Technical Amendments of 2002''.

(b) REFERENCE.—Except as otherwise expressly provided in this Act, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

SEC. 2. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE I.—

(1) Section 101(a)(1) (20 U.S.C. 1001(a)(1)) is amended by inserting before the semicolon at the end the following: '', or students who meet the requirements of section 484(d)(3)''.

(2)(A) Section 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

''(i) in the case of a graduate medical school located outside the United States—

''(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

''(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

''(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

''(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4)—

''(I) the institution was certified by the Secretary as eligible to participate in the loan program under part B of title IV before October 1, 1999; and

''(II) the institution's students complete their clinical training at an approved veterinary school located in the United States.''.

(B) The amendment made by subparagraph (A) shall be effective on and after October 1, 1998.

(3) Section 102(a)(3)(A) (20 U.S.C. 1002(a)(3)(A)) is amended by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998''.

(4) Paragraph (7) of section 103 (20 U.S.C. 1003) is amended to read as follows:

''(7) NEW BORROWER.—The term 'new borrower' when used with respect to any date for any loan under any provision of—

''(A) part B or part D of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under either such part; and

''(B) part E of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made under such part.''.

(5) Section 131 (20 U.S.C. 1015) is amended—

(A) in subsection (a)(3)(A)(iii)—

(i) by striking ''an undergraduate'' and inserting ''a full-time undergraduate''; and

(ii) in subclause (I), by striking ''section 428(a)(2)(C)(i)'' and inserting ''section 428(a)(2)(C)(ii)'';

(B) in subsection (b), by striking ''the costs for typical'' and inserting ''the prices for, and financial aid provided to, typical'';

(C) in subsection (c)(2)(B), by striking ''costs'' and inserting ''prices''; and

(D) in subsection (d)(1) is amended by striking ''3 years'' and inserting ''4 years''.

(6) Section 141 (20 U.S.C. 1018) is amended—

(A) in subsection (a)(2)(B)—

(i) by inserting ''unit'' after ''to reduce the''; and

(ii) by inserting ''and, to the extent practicable, total costs of administering those programs'' after ''those programs'';

(B) in subsection (c)—

(i) in paragraph (1)(A), by striking ''Each year'' and inserting ''Each fiscal year'';

(ii) in paragraph (1)(B), by inserting ''secondary markets, guaranty agencies,'' after ''lenders,''; and

(iii) in paragraph (2)(B), by striking ''Chief Financial Officer Act of 1990 and'' and inserting ''Chief Financial Officers Act of 1990,'' and by inserting before the period at the end the following: '', and other relevant statutes'';

(C) in subsection (f)(3)(A), by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)''; and

(D) in subsection (g)(3), by adding at the end the following new sentence: ''The names and compensation for those individuals shall be included in the annual report under subsection (c)(2).''.

(b) AMENDMENTS TO TITLE II.—Section 207(f)(2) (20 U.S.C. 1027(f)(2)) is amended by inserting '', including by electronic means,'' after ''sent''.

(c) AMENDMENTS TO TITLE III.—

(1) Section 316(b)(3) (20 U.S.C. 1059c(b)(3)) is amended by striking ''give'' and inserting ''given''.

(2) Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended, in the matter preceding subparagraph (A), by inserting a colon after ''the following''.

(3) Section 342(5)(C) (20 U.S.C. 1066a(5)(C)) is amended—

(A) by inserting a comma after ''equipment'' the first place it appears; and

(B) by striking ''technology,,'' and inserting ''technology,''.

(4) Section 343(e) (20 U.S.C. 1066b(e)) is amended by inserting after the subsection designation the following: ''SALE OF QUALIFIED BONDS.—''.

(5) Section 351(a) (20 U.S.C. 1067a(a)) is amended by striking ''of 1979''.

(6) Section 1024 (20 U.S.C. 1135b–3), as transferred by section 301(a)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 112 Stat. 1636), is repealed.

(d) AMENDMENTS TO PART A OF TITLE IV.—

(1) Section 402A (20 U.S.C. 1070a-11) is amended—

(A) in subsection (e)—

(i) in paragraph (1), by striking ''(g)(2)'' and inserting ''(g)(4)''; and

(ii) in paragraph (2), by striking ''(g)(2)'' and inserting ''(g)(4)''; and

(B) in subsection (g)—

(i) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and

(ii) by inserting before paragraph (3), as redesignated, the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means an institutional site that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an entity seeks to serve through an application for funding under this chapter, that is—

''(A) separate and distinct from any other population that the entity seeks to serve through an application for funding under this chapter; or

''(B) while sharing some of the same characteristics as another population that the entity seeks to serve through an application for funding under this chapter, has distinct needs for specialized services.''.

(2)(A) Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended by adding at the end thereof the following new paragraph:

''(3) DURATION.—An award made by the Secretary under this chapter to an eligible entity described in paragraph (1) or (2) of subsection (c) shall be for the period of 6 years.''.

(B) The amendment made by subparagraph (A) shall apply to awards made either before or after the date of enactment of this Act.

(3) Section 407E (20 U.S.C. 1070a–35) is redesignated as section 406E.

(4) Section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)) is amended by inserting ''and'' after the semicolon at the end thereof.

(5) Section 419D(d) (20 U.S.C. 1070d–34(d)) is amended by striking ''Public Law 95–1134'' and inserting ''Public Law 95–134''.

(e) AMENDMENTS TO PART B OF TITLE IV.—

(1) Section 428(a)(2)(A) (20 U.S.C. 1078(a)(2)(A)) is amended—

(A) by striking ''and'' at the end of subclause (II) of clause (i); and

(B) by moving the margin of clause (iii) two ems to the left.

(2) Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended by inserting before the semicolon at the end the following: ''and 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G)''.

(3) Section 428(c) (20 U.S.C. 1078(c)) is amended—

(A) in paragraph (1)—

(i) by redesignating subparagraph (G) as subparagraph (H), and moving such subparagraph 2 em spaces to the left; and

(ii) by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) Notwithstanding any other provisions of this section, in the case of exempt claims, the Secretary shall apply the provisions of—

''(I) the fourth sentence of subparagraph (A) by substituting '100 percent' for '95 percent';

''(II) subparagraph (B)(i) by substituting '100 percent' for '85 percent'; and

''(III) subparagraph (B)(ii) by substituting '100 percent' for '75 percent'.

''(ii) For purposes of clause (i) of this subparagraph, the term 'exempt claims' means claims with respect to loans for which it is determined that the borrower (or the student on whose behalf a parent has borrowed), without the lender's or the institution's knowledge at the time the loan was made, provided false or erroneous information or took actions that caused the borrower or the student to be ineligible for all or a portion of the loan or for interest benefits thereon.''.

(B) in paragraph (3)(A)(i), by striking ''in writing''; and

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

''(10) DOCUMENTATION OF FORBEARANCE AGREEMENTS.—For the purposes of paragraph (3), the terms of forbearance agreed to by the parties shall be documented by confirming the agreement of the borrower by notice from the lender, and by recording the terms in the borrower's file.''.

(4) Section 428C(a)(3)(B) (20 U.S.C. 1078–3(a)(3)(B)) is amended by adding at the end the following new clause:

''(ii) Loans made under this section shall, to the extent used to discharge loans made under this title, be counted against the applicable limitations on aggregate indebtedness contained in sections 425(a)(2), 428(b)(1)(B), 428H(d), 455, and 464(a)(2)(B).''.

(5) Section 428H(e) (20 U.S.C. 1078–8(e)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6).

(6) Section 428I(g) (20 U.S.C. 1078–9(g)) is amended by striking ''Code,'' and inserting ''Code''.

(7) Section 432(m)(1)(B) (20 U.S.C. 1082(m)(1)(B)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end; and

(B) in clause (ii), by striking ''; and'' and inserting a period.

(8) Section 439(d) (20 U.S.C. 1087–2(d)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(f) AMENDMENT TO PART D.—Section 457(a)(1) (20 U.S.C. 1087g(a)(1)) is amended by striking ''431'' and inserting ''437''.

(g) AMENDMENTS TO PART E OF TITLE IV.—

(1) Section 462(g)(1)(E)(i)(I) (20 U.S.C. 1087bb(g)(1)(E)(i)(I)) is amended by inserting ''monthly'' after ''consecutive''.

(2) Section 464(c)(1)(D) (20 U.S.C. 1087dd(c)(1)(D)) is amended by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(3) Section 464(h)(1)(A) is amended—

(A) by inserting '', if practicable (as determined in accordance with regulations of the Secretary),'' after ''the loan shall''; and

(B) by inserting '', if such loan is considered rehabilitated,'' after ''the Secretary) shall''.

(4) Section 465(a)(2) (20 U.S.C. 1087ee(a)(2)) is amended—

(A) in subparagraph (A), by striking ''section 111(c)'' and inserting ''section 1113(a)(5)''; and

(B) in subparagraph (C), by striking ''With Disabilities'' and inserting ''with Disabilities''.

(5) Section 467(b) (20 U.S.C. 1087gg(b)) is amended by striking ''(5)(A), (5)(B)(i), or (6)'' and inserting ''(4)(A), (4)(B), or (5)''.

(6) Section 469(c) (20 U.S.C. 1087ii(c)) is amended—

(A) by striking ''sections 602(a)(1) and 672(1)'' and inserting ''sections 602(3) and 632(5)'';

(B) by striking ''qualified professional provider of early intervention services'' and inserting ''early intervention services''; and

(C) by striking ''section 672(2)'' and inserting ''section 632(4)''.

(h) AMENDMENTS TO PART F OF TITLE IV.—

(1) Section 478(h) (20 U.S.C. 1087rr(h)) is amended—

(A) by striking ''476(b)(4)(B),''; and

(B) by striking ''meals away from home, apparel and upkeep, transportation, and housekeeping services'' and inserting ''food away from home, apparel, transportation, and household furnishings and operations''.

(2) Section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(A) by striking ''(a) IN GENERAL.—'' and inserting the following:

''(a) AUTHORITY TO MAKE ADJUSTMENTS.—

''(1) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—'';

(B) by inserting before ''Special circumstances may'' the following:

''(2) SPECIAL CIRCUMSTANCES DEFINED.—'';

(C) by inserting ''a student's status as a ward of the court at any time prior to attaining 18 years of age,'' after ''487,''.

(D) by inserting before ''Adequate documentation'' the following:

''(3) DOCUMENTATION AND USE OF SUPPLEMENTARY INFORMATION.—''; and

(E) by inserting before ''No student'' the following:

''(4) FEES FOR SUPPLEMENTARY INFORMATION PROHIBITED.—''.

(i) AMENDMENTS TO PARTS G AND H OF TITLE IV.—

(1) Section 483(d) (20 U.S.C. 1090(d)) is amended by striking ''that is authorized under section 685(d)(2)(C)'' and inserting '', or other appropriate provider of technical assistance and information on postsecondary educational services, that is supported under section 685''.

(2) Section 484 (20 U.S.C. 1091) is amended—

(A) in subsection (a)(4), by striking ''certification,,'' and inserting ''certification,'';

(B) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by striking ''section 428A'' and inserting ''section 428H'';

(ii) in subparagraph (A), by inserting ''and'' after the semicolon at the end thereof;

(iii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(C) in subsection (l)(1)(B)(i), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998''.

(3)(A) Section 484B (20 U.S.C. 1091b) is amended—

(i) in subsection (a)(1), by inserting ''subpart 4 of part A or'' after ''received under'';

(ii) in subsection (a)(3)(B)(ii), by inserting ''(as determined in accordance with subsection (d))'' after ''student has completed'';

(iii) in subsection (b)(2), by amending subparagraph (C) to read as follows:

''(C) GRANT OVERPAYMENT REQUIREMENTS.—Notwithstanding subparagraphs (A) and (B), a student shall only be required to return grant assistance in the amount (if any) by which—

''(i) the amount to be returned by the student (as determined under subparagraphs (A) and (B)), exceeds

''(ii) 50 percent of the total grant assistance received by the student under this title for the payment period or period of enrollment.

A student shall not be required to return amounts of $50 or less.''; and

(iv) in subsection (d), by striking ''(a)(3)(B)(i)'' and inserting ''(a)(3)(B)''.

(B) The amendments made by subparagraph (A) shall be effective for academic years beginning on or after July 1, 2003, except that, in the case of an institution of higher education that chooses to implement such amendments prior to that date, such amendments shall be effective on the date of such institution's implementation.

(4) Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is amended by striking ''mailings, and'' and inserting ''mailings, or''.

(5) Section 485B(a) (20 U.S.C. 1092b(a)) is amended—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) by redesignating the paragraph (5) (as added by section 2008 of Public Law 101–239) as paragraph (6); and

(C) in paragraph (5) (as added by section 204(3) of the National Community Service Act of 1990 (Public Law 101–610))—

(i) by striking ''(22 U.S.C. 2501 et seq.)),'' and inserting ''(22 U.S.C. 2501 et seq.),''; and

(ii) by striking the period at the end thereof and inserting a semicolon.

(6) Section 487(a) (20 U.S.C. 1094(a)) is amended—

(A) in paragraph (22), by striking ''refund policy'' and inserting ''policy on the return of title IV funds''; and

(B) in paragraph (23)—

(i) by moving subparagraph (C) two em spaces to the left; and

(ii) by adding after such subparagraph the following new subparagraph:

''(D) An institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, provided such information is in an electronic message devoted to voter registration.''.

(7) Section 491(c) (20 U.S.C. 1098(c)) is amended by adding at the end the following new paragraph:

''(3) The appointment of members under subparagraphs (A) and (B) of paragraph (1) shall be effective upon publication of the appointment in the Congressional Record.''.

(8) Section 493A (20 U.S.C. 1098c) is repealed.

(9) Section 498 (20 U.S.C. 1099c) is amended—

(A) in subsection (c)(2), by striking ''for profit,'' and inserting ''for-profit,'';

(B) in subsection (d)(1)(B), by inserting ''and'' at the end thereof.

(j) AMENDMENTS TO TITLE V.—Section 504(a) (20 U.S.C. 1101c(a)) is amended—

(1) by striking the following:

''(a) AWARD PERIOD.—

''(1) IN GENERAL.—The Secretary''

and inserting the following:

''(a) AWARD PERIOD.—The Secretary''; and

(2) by striking paragraph (2).

(k) AMENDMENTS TO TITLE VII.—

(1) Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(A) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(B) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

(2) Section 721(c) (20 U.S.C. 1136(c)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(6) to assist such students with the development of analytical skills and study methods to enhance their success in entry into and completion of law school; and

''(7) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

''(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.''.

SEC. 3. CLERICAL AMENDMENTS.

(a) DEFINITION.—Section 103 (20 U.S.C. 1003), as amended by section 2(a)(4), is further amended—

(1) by redesignating paragraphs (1) through (16) as paragraphs (2) through (17), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.''.

(b) COMMITTEES.—

(1) The following provisions are each amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'':

(A) Section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)).

(B) Section 131(c)(4) (20 U.S.C. 1015(c)(4)).

(C) Section 206(d) (20 U.S.C. 1026(d)).

(D) Section 207(c)(1) (20 U.S.C. 1027(c)(1)).

(E) Section 428(g) (20 U.S.C. 1078(g)).

(F) Section 428A(a)(4) (20 U.S.C. 1078–1(a)(4)).

(G) Section 428A(c)(2) (20 U.S.C. 1078–1(c)(2)).

(H) Section 428A(c)(3) (20 U.S.C. 1078–1(c)(3)).

(I) Section 428A(c)(5) (20 U.S.C. 1078–1(c)(5)).

(J) Section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)).

(K) Section 483(c) (20 U.S.C. 1090(c)).

(L) Section 486(e) (20 U.S.C. 1093(e)).

(M) Section 486(f)(3)(A) (20 U.S.C. 1093(f)(3)(A)).

(N) Section 486(f)(3)(B) (20 U.S.C. 1093(f)(3)(B)).

(O) Section 487A(a)(5) (20 U.S.C. 1094a(a)(5)).

(P) Section 487A(b)(2) (20 U.S.C. 1094a(b)(2)).

(Q) Section 487A(b)(3)(B) (20 U.S.C. 1094a(b)(3)(B)).

(R) Section 498B(d)(1) (20 U.S.C. 1099c–2(d)(1)).

(S) Section 498B(d)(2) (20 U.S.C. 1099c–2(d)(2)).

(2) The following provisions are each amended by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''.

(A) Section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)).

(B) Section 428(n)(4) (20 U.S.C. 1078(n)(4)).

(C) The last sentence of section 432(n) (20 U.S.C. 1082(n)).

(D) Section 485(f)(5)(A) (20 U.S.C. 1092(f)(5)(A)).

(E) Section 485(g)(4)(B) (20 U.S.C. 1092(g)(4)(B)).

(3) Section 206(a) (20 U.S.C. 1026(a)) is amended by striking '', the Committee on Labor and Human Resources of the Senate, and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''and the authorizing committees''.

(4) Section 401(f)(3) (20 U.S.C. 1070a(f)(3)) is amended by striking ''Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committees on Appropriations of the Senate and House of Representatives and the authorizing committees''.

(5) Section 428(c)(9)(K) (20 U.S.C. 1078(c)(9)(K)) is amended by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees''.

(6) Section 428I(h) (20 U.S.C. 1078–9(h)) is amended by striking ''Chairman of the Senate Labor and Human Resources Committee and the House Committee on Education and Labor'' and inserting ''chairpersons of the authorizing committees''.

(7) Section 432(f)(1)(C) (20 U.S.C. 1082(f)(1)(C)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''.

(8) Section 439(d)(1)(E)(iii) (20 U.S.C. 1087–2(d)(1)(E)(iii)) is amended by striking ''Chairman and the Ranking Member on the Committee on Labor and Human Resources of the Senate and the Chairman and the Ranking Member of the Committee on Education and Labor of the House of Representatives'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(9) Paragraphs (3) and (8)(C) of section 439(r) (20 U.S.C. 1087–2(r)) are each amended by striking ''Chairman and ranking minority member of the Committee on Labor and Human Resources of the Senate, the Chairman and ranking minority member of the Committee on Education and Labor of the House of Representatives,'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(10) Paragraphs (5)(B) and (10) of section 439(r) (20 U.S.C. 1087–2(r)) are each amended by striking ''Chairman and ranking minority member of the Senate Committee on Labor and Human Resources and to the Chairman and ranking minority member of the House Committee on Education and Labor'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(11) Section 439(r)(6)(B) (20 U.S.C. 1087–2(r)(6)(B)) is amended by striking ''Chairman and ranking minority member of the Committee on Labor and Human Resources of the Senate and to the Chairman and ranking minority member of the Committee on Education and Labor of the House of Representatives'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(12) Section 439(s)(2)(A) (20 U.S.C. 1087–2(s)(2)(A)) is amended by striking ''Chairman and Ranking Member of the Committee on Labor and Human Resources of the Senate and the Chairman and Ranking Member of the Committee on Economic and Educational Opportunities of the House of Representatives'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(13) Section 439(s)(2)(B) (20 U.S.C. 1087–2(s)(2)(B)) is amended by striking ''Chairman and Ranking Minority Member of the Committee on Labor and Human Resources of the Senate and Chairman and Ranking Minority

Member of the Committee on Economic and Educational Opportunities of the House of Representatives'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(14) Section 482(d) (20 U.S.C. 1089(d)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees''.

(c) ADDITIONAL CLERICAL AMENDMENTS.—

(1) Clauses (i) and (ii) of section 425(a)(2)(A) (20 U.S.C. 1075(a)(2)(A)) are each amended by striking ''428A or 428B'' and inserting ''428B or 428H''.

(2) Section 428(a)(2)(E) (20 U.S.C. 1078(a)(2)(E)) is amended by striking ''428A or''.

(3) Clauses (i) and (ii) of section 428(b)(1)(B) (20 U.S.C. 1078(b)(1)(B)) are each amended by striking ''428A or 428B'' and inserting ''428B or 428H''.

(4) Section 428(b)(1)(Q) (20 U.S.C. 1078(b)(1)(Q)) is amended by striking ''sections 428A and 428B'' and inserting ''section 428B or 428H''.

(5) Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking ''428A, 428B,'' and inserting ''428B''.

(6) Section 428G(c)(2) (20 U.S.C. 1078–7(c)(2)) is amended by striking ''428A'' and inserting ''428H''.

(7) The heading for section 433(e) (20 U.S.C. 1083(e)) is amended by striking ''SLS LOANS AND''.

(8) Section 433(e) (20 U.S.C. 1083(e)) is amended by striking ''428A, 428B,'' and inserting ''428B''.

(9) Section 435(a)(3) (20 U.S.C. 1085(a)(3)) is amended—

(A) by inserting ''or'' at the end of subparagraph (A);

(B) by striking subparagraph (B); and

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

(10) Section 435(d)(1)(G) (20 U.S.C. 1085(d)(1)(G)) is amended by striking ''428A(d), 428B(d), 428C,'' and inserting ''428B(d), 428C, 428H,''.

(11) Section 435(m) (20 U.S.C. 1085(m)) is amended—

(A) in paragraph (1)(A), by striking '', 428A,''; and

(B) in paragraph (2)(D), by striking ''428A'' each place it appears and inserting ''428H''.

(12) Section 438(c)(6) (20 U.S.C. 1087–1(c)(6)) is amended—

(A) by striking ''SLS AND PLUS'' in the heading and inserting ''PLUS''; and

(B) by striking ''428A or''.

(13) Section 438(c)(7) (20 U.S.C. 1087–1(c)(7)) is amended by striking ''428A or''.

(14) Nothing in the amendments made by this subsection shall be construed to alter the terms, conditions, and benefits applicable to Federal supplemental loans for students (''SLS loans'') under section 428A as in effect prior to July 1, 1994 (20 U.S.C. 1078–1).

(d) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) Section 801(d) of the Higher Education Amendments of 1998 (20 U.S.C. 1018 note) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate,'' and inserting ''authorizing committees''.

(2) Section 802(b) of the Higher Education Amendments of 1998 is amended by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''.

(3) The following provisions of the Higher Education Amendments of 1998 are each amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

(A) Section 803(b) (20 U.S.C. 1015 note).

(B) Section 805(b) (20 U.S.C. 1001 note).

(C) Section 806(c).

(4) Section 804(b) of the Higher Education Amendments of 1998 (20 U.S.C. 1099b note) is amended by striking ''Chairman and Ranking Minority Member of the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(5) Section 861(b) of the Higher Education Amendments of 1998 is amended by striking ''Committees on Ways and Means and on Education and the Workforce of the House of Representatives and the Committees on Finance and on Labor and Human Resources of the Senate'' and inserting ''Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the authorizing committees''.

SEC. 4. NO DELAY IN IMPLEMENTATION.

Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the regulations implementing the amendments made by this Act.

SEC. 5. STUDY OF TEACHER PREPARATION.

Within six months after the date of enactment of this Act, the Comptroller General shall conduct a study of and submit to Congress a report on—

(1) which States and which institutions of higher education require passage on State teacher licensure exams in order for candidates to be admitted to a teacher preparation program or to declare an education major;

(2) which States and which institutions of higher education award diplomas, degrees, or other certificates to students in any subject area, but subsequently only consider them to have successfully completed a teacher preparation or other education program if they pass one or more State licensure exams;

(3) which States and which institutions of higher education award diplomas, degrees, or other certificates to students in education or teaching, but subsequently only consider them to have successfully completed a teacher preparation or education program if they pass one or more State licensure exams;

(4) the extent to which States and institutions of higher education, through means other than (1), (2), or (3), are, for the purposes of section 207(f)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1027(f)(1)(A)), treating as completing their teacher preparation programs only those students who pass State teacher licensure or certification assessments;

(5) the extent to which the practices described in paragraphs (1) through (4) may mislead or incompletely inform students and policymakers concerning the quality of such teacher preparation programs; and

(6) what assistance, if any, the States or institutions described in paragraphs (1) through (4) give to enrolled students and graduates who take but do not pass one or more teacher licensing exams.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. 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. 4866.

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

There was no objection.

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

I rise in support of H.R. 4866, the Fed Up Higher Education Technical Amendments of 2002. The bill provides for technical amendments to the Higher Education Act.

This bill has had bipartisan support throughout its process. The development of the bill was done in an open, fully cooperative manner with my friends on the other side of the aisle. The foundation of this bill has been the FED UP process put forward by the gentleman from California (Mr. MCKEON) and the gentlewoman from Hawaii (Mrs. MINK) just about a year ago whereby student aid and higher education officials across the country had an opportunity to provide proposals on how to improve the programs in the Higher Education Act while maintaining the integrity of the student loan programs.

Everyone in the higher education community has enthusiastically supported the FED UP process, and this bill is intended to address the noncontroversial, budget-neutral changes to the Higher Education Act that will assist in reducing red tape.

It also clears the decks of clerical and technical problems within the act that set the stage for the committee to begin the reauthorization process next year.

The Secretary of Education and his staff were also enthusiastic partners in this process. He initiated a negotiated rulemaking process with the higher education community to address those proposals submitted via the FED UP Web site that were purely regulatory in nature. In a few short months, the negotiations were completed, and we expect the regulations will soon be released in draft form.

From its earliest stages this has been a collaborative and open process with no preconceived agenda, and when this bill was drafted, great care was given to ensure no amendments were made to current law without full agreement of Members of both sides of the aisle.

This legislation, while technical, also makes for a number of other positive improvements for students and institutions. It helps students avoid defaulting on their student loans by removing barriers to students seeking forbearance from lenders on their student loan payments. It makes clear that home schoolers can receive Federal aid. It makes clear that Federal scholarship aid can go to low-income and minority students for law school. It improves the flow of information to students, protects students' grant aid upon withdrawal from a college or university, and I am particularly pleased that this legislation eases aid requirements for

America's Hispanic-serving institutions, allowing them to apply for Federal grants without waiting 2 years between applications.

This provision complements President Bush's fiscal year 2003 budget which includes $89.1 million for the developing Hispanic-Serving Institutions Program, an increase of $3.1 million to expand and enhance support for institutions that serve a large percentage of Hispanic students.

I wish we could have gone further to address two specific issues that are not in the bill. One is providing an extension of two expiring provisions in the Higher Education Act that encourage low default rates amongst institutions and provides student loans more quickly to students.

The second is clarifying the provision of denying title IV aid eligibility for students convicted of the sale or the possession of a controlled substance. The law, as written, has the unintended effect of including students who may have had a drug conviction before they were enrolled in higher education or receiving financial aid.

I want to thank my colleagues on the committee, the gentleman from Oregon (Mr. WU), and the gentleman from Indiana (Mr. SOUDER), for all of their assistance in trying to find ways to get these important provisions enacted. I also want to thank the Secretary of Education and his staff who were great partners in our efforts to find a way to pay for these provisions.

However, our attempts to reach a compromise on budgetary offsets were unfortunately unsuccessful, and we are going to continue our efforts to address these issues early in the next Congress, but as we begin the preparation for the reauthorization of the Higher Education Act, this legislation will also allow us to move forward with updating our laws with regard to many clerical and grammatical errors that are contained in the current bill. Our time and resources will then be available to deal with the more intricate policy issues before us.

The legislation was created in an effort to do what was right for students, institutions and others involved with providing higher education. It was developed in a cooperative, bipartisan manner and should be passed today on an overwhelmingly yes vote so it can be sent to the other body for swift action before the summer district work period.

I would urge my colleagues today to vote yes on H.R. 4866.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to this legislation, not so much on its merits. It does a number of good things, technical changes to be done, but really, this is really about an important part of this institution, and that is, to whether or not the minority will be given an opportunity to affect and change hopefully bills that come through this House or whether or not we will be disenfranchised by the manner in which the process is run.

I say that as one who has had a very good relationship with the chairman of my committee where we were able to work on the Leave No Child Behind bill, and we have been able to work in the committee on an ongoing basis, but in this particular instance, where we had the one opportunity that we will have in this Congress, in this committee, to address a number of important issues, to meet other Members of the committee on the Democratic side of the aisle, we find that we were, in fact, closed out.

Again, it is not about the language of this bill, but it is about the opportunity and whether or not we would have been able to offer amendments to this legislation that were important to us, and what we see is a continuing pattern in the House of Representatives, whether it is on the floor of this House, now that has drifted into the committee, on whether or not Democrats will be allowed to offer amendments.

What we see is where we represent 49 percent of the country and the districts in which we have been elected, we find out that we are not allowed to offer amendments. We are not allowed to offer amendments if we can win those amendments. We are not allowed those amendments if it means the Republican must take a tough vote, if they disagree with it. We are not allowed to offer those amendments if it means the bill might take an extra few minutes of consideration, and yet basically the Congress has been working on a Tuesday-to-Thursday schedule.

Why the disenfranchisement of the Democratic Members? I think it is simply because they choose not to have us be able to articulate policy differences that we have with them. This was true on the welfare bill where simply amendments were not allowed. We were allowed a substitute. We all know that legislative gimmick. There are enough things in a substitute that everybody can justify a no vote or a yes vote but with amendments.

The same was true on pensions. The same was true on the securities legislation where we just limited access to the Democrats to offer this kind of legislation.

One would think this was a politburo. One would not think this was the people's House where theoretically each and every Member should be given an opportunity to voice his or her concern as legislation moves through the House of Representatives, through the committees, to offer amendments that some of us may like or not like, where we take a vote, a person wins or they lose. This is the politics that rules the House. That is what people come to expect. Now we are simply prevented from raising these issues.

This is not just about us and the process of the House. In this case, this was about whether or not we were going to be able to offer amendments to deal with whether or not there would be loan forgiveness for teachers that were trying to attract, that we recognize in the Leave No Child Behind Act, to try to attract teachers to high poverty schools, to try to attract teachers to come in and teach in math and sciences, to teach in special education, all of the areas that we know we have a shortage.

Would America's children, would America's parents, would America's schools have an opportunity to be able to attract additional teachers to those areas where there is the shortage, where there is a difficulty with the performance of America's school children on testing in math and science where we were ranked in the world? We are foreclosed from having that debate and offering that opportunity.

The gentlewoman from New York (Mrs. MCCARTHY) wanted to offer the right to make sure that those who are lost family members in 9/11 would have their student loans forgiven where the first responders were killed. We were told by the majority leader we would have an opportunity to have a vote on that amendment. We were told that last year. We are still waiting. This is one of the last vehicles where we may have been able to come through and offer such an amendment.

We wanted to offer an amendment to deal with the questions of vocational education and the enforcement of title IX. These are amendments that may win and they may lose, but the fact of the matter is we were precluded from it. This is a good technical amendments bill. This is a good corrections bill, but that should not preclude it.

The majority says, well, it is getting too heavy; the bill is getting too heavy. That is not for them to determine. That is for the body to determine. It may not be too heavy to get out of committee, may get too heavy to get off the floor, the amendments may lose. That is the process the people in this country are supposedly guaranteed, but we see more and more that that process is closed down.

So the end result is the matters of great concern, matters of merit, to millions of people across this country will be foreclosed from being considered in this Congress.

The question of whether or not we have loan forgiveness, the loan forgiveness is a Republican amendment. The gentleman from South Carolina (Mr. GRAHAM) and I are cosponsors of this effort. It was in the President's budget. This is not some controversial idea we thought up to gig somebody. This is what the President said we should do. This is what the gentleman from South Carolina (Mr. GRAHAM) and the committee said we should do, and many people cosponsored that effort to do that, but we are precluded from offering it.

The FETA program was an outgrowth of an idea about what is the

biggest problems these schools are having. The number one reason, one alluded to, was the question of what happens to students who had a violation of controlled substance laws prior to their entering a school of higher education. We cannot even address that in this bill now. We were going to offer the amendment. It was in the bill at one time. It was taken out of the bill. We talked to them and we were going to put it back in. What happened? The committee meeting was cancelled. Now we find ourselves on the floor in the suspension and we are denying America's teachers, we are denying America's schools an opportunity to try and get additional help to them.

For that reason, I oppose this bill and I would ask my colleagues to do the same.

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

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

As I said earlier, the whole FED UP process was really a rather innovative idea put together in a bipartisan way to try to get input from educators and those involved in higher education around the country, and my colleague, the subcommittee chairman, the gentleman from California (Mr. MCKEON) will get into more of that in detail.

What we tried to do was to do on a regulatory side what could be done, and the Secretary of Education has done a good job in addressing many of these comments that we received on that that could be addressed in the regulatory process in that venue. What we are trying to do here was to find those issues where there was bipartisan support that did not cost money.

My colleagues all know we have to live under the Budget Act. There are three issues that we desperately wanted in this bill from our side of the aisle, the two extenders and the drug provision that the gentleman from California (Mr. GEORGE MILLER) just referred to. We could not find budgetary offsets. Together those three issues did not even cost $10 million a year.

Some of the proposals outlined by my good friend and colleague from California (Mr. GEORGE MILLER) cost far more than that. We would love to address forgiving teachers student loans for those in title I schools, $275 million in budget authority. How about allowing judges to set aside the ban on student aid for drug offenders, I think misconstrued by the Department, but again to fix it, $135 million in budget authority. Or how about the proposal by the gentlewoman from New York (Mrs. MCCARTHY), my good friend and colleague, someone whom I have been frankly working to try to help, on forgiving student loans for spouses of victims of 9/11, $3 million.

We did not put our proposals in the bill that cost money, and the proposals that have been outlined by my colleague cost significant amounts of money, and the fact is that the offsetting amounts from somewhere were never presented.

□ 1415

What we have before us is a very good bill, and what we should not do here is we should not let the perfect become the enemy of the good. The gentleman knows we have a very good bill on the floor today. It has broad support in the higher-education community, and it deserves the broad support of all of our colleagues. So let us not let the perfect become the enemy of the good.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

First of all, Mr. Speaker, on the question of budget authority, the gentleman made a determination that this cost money and there were no offsets. The gentleman said there were no offsets, but he would not even let us look for offsets for these amendments. We also happen to have a number of free amendments. We happen to have a number of free amendments we are willing to offer.

The second thing is, the gentleman wanted to do something that was not controversial, where there could be agreement. On that theory, we just went through the securities bill in the House that turned out to be an embarrassment to everybody because, today, people ran down to the floor to add criminal penalties on almost a unanimous vote. So the question on that point, the Republicans were determining what is controversial. They said if we have criminal penalties against people who perpetrate fraud, that would be controversial and they left it out of the securities bill. In the Senate today it was 97 to 0, and this morning it was 400 to something.

So, again, my colleagues are setting themselves up as the arbiters of what is controversial, what can be considered, and what cannot be considered. That is not democracy. That looks like forms of government that we fight against around the world. That is not a democracy. In our democracy, we take a vote and we win or we lose. We get excited about winning, and we lick our wounds when we lose and come back another day. But that is not what is happening here. So this is far beyond that.

People were not raising the budget act when the farm bill passed through here. Or, actually, the gentleman was raising the budget act when the farm bill came through here, but the leadership was not raising the budget act when the farm bill came through here; and they are not raising it now in the supplemental. So the notion that somehow loan forgiveness for teachers is completely out of consideration, let the Members decide that. Let the Members decide if we want to make tradeoffs.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I oppose what is a good bill. I oppose it because there is a larger principle at stake here, and that is the reasonable right of the minority to have its say in the process of writing legislation.

The House has been here before, Mr. Speaker. Exactly 11 years and 1 day ago, a Member of this House came to the floor and protested a procedure and used these words: ''This rule might aptly be called the representative democracy displacement rule since its substitutes the judgment of the majority leadership for that of the 435 freely elected Members of this House. It is ironic, Mr. Speaker, that as dictatorial governments around the world are allowing democracy to flourish, democracy does not flourish in the House of Representatives.''

That speaker was not a Democrat disenchanted with the present majority, it was the present chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), who used those words 11 years ago. He was talking about a rule where the minority was given a substitute of its own version of a bill that would outlaw the use of replacement workers in a strike. We have not been given such prerogatives.

When the debt ceiling limitation was brought to this floor, the minority was not given the right to offer our own plan. When the prescription drug benefit legislation was brought to this floor, the minority was not given the right to offer its own plan. With this bill, as the gentleman from California (Mr. GEORGE MILLER) just said, our ideas to forgive student loans for those willing to teach in disadvantaged schools, to forgive the student loans of heroes who gave up their lives on September 11, to make sure that civil rights laws are enforced under vocational education programs, our ideas were deemed unworthy of being considered by this body.

Mr. Speaker, this process is unworthy of this body. It is one more example of the arrogant imposition of majority will. It is one more reason why people should rise up and vote ''no'' on this bill.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of H.R. 4866, the FED UP Higher Education Technical Amendments Act.

I would like to thank the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking members, the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from Hawaii (Mrs. MINK), for their support and leadership.

The success of FED UP, which is short for Upping the Effectiveness of Our Federal Student Aid Program, and

openness of the entire process should serve as a model of collaboration and partnership at all levels.

When we began this process last year, I stated early on that I had absolutely no agenda to push; that my only consideration was to promote an initiative that benefits students so that we could increase access to higher education. To this end, the ranking member, the gentlewoman from Hawaii (Mrs. MINK), and I solicited comments from across the country, from college officials, administrators, and other personnel who operate America's institutions of higher learning in order to determine which regulations or statutory provisions could be modified or eliminated in order to remove regulatory burdens. We have 800 pages of Federal regulations dealing with higher education, and we were trying to simplify this process.

While participating in the process, Richard Atkinson, president of the University of California, states ''Our efforts to keep tuition reasonable and affordable for students are undermined by the enormous compliance costs associated with Federal regulations. While we must ensure and document that Federal funds are spent properly, the current regulatory morass only increases costs and diverts faculty and staff from more productive activities.''

Peggy Stock, president of Westminster College in Utah, said she could not ''remember the last time someone asked us what was wrong and what we could do to make it better.''

In just 3 months, we set up a Web page, and we asked for responses from all the schools around the country; and we received over 3,000 responses as to how the process could be improved. These responses came from individuals at every type of secondary institution and from every part of the country.

Once the responses were compiled, the committee worked with the Department of Education to assess which regulatory issues could be addressed immediately and which would need to be considered in the upcoming reauthorization of the Higher Education Act. With Secretary Rod Paige pledging to be a true partner throughout the FED UP process, the Department of Education addressed proposals that were strictly regulatory in nature.

As part of the third step in the process, we began working on legislation to address additional statutory provisions that placed an undue burden on colleges, universities, and ultimately our country's students. These proposed amendments were slated to be noncontroversial and technical in nature. And all of our staff were in there; we were in there working together.

As previously agreed to, and has been discussed repeatedly over and over again, all controversial ideas were to be taken offer the table and dealt with during reauthorization of the Higher Education Act. In fact, the gentlewoman from Hawaii (Mrs. MINK), in asking that one of the issues that we are talking about be removed, sent a letter to me, and I quote from her letter: ''Our understanding was that this technical correction bill would not include any item that was controversial or which would be objected to by a significant number of Members.''

This process will begin with the commencement of hearings later this fall, when we start on the reauthorization of the Higher Education Act. That is when we will address the controversial issues that my colleagues are talking about.

Over the last year, in an effort to produce this noncontroversial and budget-neutral bill, Members and staff have met with those from both parties, various members of higher-education associations, and the Department of Education. The results of these tireless efforts of the FED UP Higher Education Technical Amendments Act has support from every major college education association in the country and is cosponsored by the chairman, the gentleman from Ohio (Mr. BOEHNER), and actually the ranking member, the gentleman from California (Mr. GEORGE MILLER), and the gentlewoman from Hawaii (Mrs. MINK) and Members from both parties.

The thousands of students, parents, financial aid professionals, and college presidents who logged on are a key part of that collaboration. They are the experts. They are the individuals who must navigate the Federal student aid programs each day. And by logging on to our Web site, they gave us practical, more effective alternatives that will improve service to our Nation's students and reduce red tape for our colleges and universities.

Federal student aid programs provide a valuable service. Because of the efforts of this Congress to provide increased funding for grants, loans, and other aid each year, millions of students are able to follow their dreams. While these higher-education programs do a tremendous service to students by opening doors of opportunity that can only be opened by higher education, they are far from perfect. The confusing, convoluted, bureaucratic red tape students often face when trying to obtain financial aid must be cut.

Even though this vital piece of legislation includes numerous technical changes to the Higher Education Act, most of the changes in FED UP will directly improve service to students. The bill will help students avoid defaulting on their student loans by removing barriers to students seeking forbearance from lenders on student loan payments. It will improve the flow of information to students by expanding the use of technology on campus. It clarifies parts of the ''return of title IV funds'' policy to better protect students' grant aid when he or she withdraws from a college or university. It corrects a drafting error in current law that mistakenly prevents students attending nonprofit foreign veterinary schools from completing their education by making them ineligible for the Federal Family Education Loan program.

Students, parents, and administrators have spoken, and their voice is clear: the Federal student aid program must be reformed to make it easier to navigate. This should be an example for all parts of Federal Government to work on.

I strongly urge Members to support H.R. 4866, the FED UP Higher Education Technical Amendments Act of 2002, to return the Federal student aid program to its original purpose of aiding students.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, under normal conditions, I certainly would be supporting this bill. I do not think any of us on the committee have anything against it. But, again, I will talk about the process of how we came upon this.

When I came here to Congress, certainly I thought we would be working together to try to get a good bill out. Now, obviously, I came to Congress under very different circumstances. I was just an average housewife living in Mineola, but I actually thought the government worked under the democratic process.

I can offer an awful lot of amendments, and they can be voted down; but at least I can have my day and be able to talk about a bill. However, because my colleagues and I were not given an opportunity to debate this bill and approve it, I must voice my opposition to the process by which this bill came to the floor.

I had intended to offer an amendment to this bill that forgives student loans of the spouses of the victims of September 11. Due to the tragic events of September 11, many spouses who lost a loved one in the attack are enduring financial hardships. Charitable organizations have provided some form of relief, but the Federal Government must do more.

We must provide student loan relief to all spouses affected by the terrorist attack on September 11. Currently, an individual who died has their loan forgiven, but not the spouse, who may have relied on the working spouse to pay those loans back. My bill authorizes the Secretary of Education to discharge or cancel Federal student loan indebtedness to eligible spouses.

By the way, we worked very hard to keep those costs down. We had the CBO score how much this might cost, which was the next step, and it was under $500,000. We actually said it would probably cost $300,000.

This includes the spouse of an individual who served as a policeman, fireman, other safety or rescue personnel, or in the Armed Forces who died or became permanently disabled in the line of duty due to the injuries suffered under the terrorist attack.

In addition, our bill closes the loophole that does not allow for a loan to be forgiven if it has been consolidated. Under my bill, we close this loophole and allow spouses to have their student loans forgiven whether or not the loan had been consolidated.

It has been 10 months since this terrible tragedy has taken place. Have we really forgotten our pledge to help these victims any way we can? Let us stop the politics surrounding this legislation today. We must do everything in our power to help ease the financial burden our brave men and women may endure while they fight overseas to rid the world of terrorism. Relieving the student loan expenses helps financially strained spouses provide for their families during this difficult time.

But, again, let us come back to the democratic process. I could have brought this amendment up in committee. It could have been voted down. I would have accepted that. But at least I would have had a voice heard.

□ 1430

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, the debate on this bill provides a perfect example of why it is so much harder to pass legislation than it is to defeat it. Here is a piece of legislation coming to the floor of this House that was worked on in the spirit of bipartisanship with total cooperation between the parties, but because some Members are not satisfied that everything that they want is included, they are going to vote against it, even though not a single word has been spoken on the floor against any provision in the bill that is before us.

It is a good bill and it should pass on its merits, but Members would like to add more and do it their way. We cannot do it everybody's way and get anything done. It is easier to stop things than to pass it.

Mr. Speaker, I rise in strong support of a good bill. I would like to speak very briefly about a provision in the bill that makes a minor change to the statute governing the Federal TRIO programs in a way that will end the unfair disadvantages faced by the University of Wisconsin's 2-year colleges in applying for student support services grants.

The provision will override a Department of Education regulation that was preventing my State's 13 2-year college campuses, known as the UW college system, from applying for more than just one student support services grant. It is a good concrete example of a burdensome regulation that is preventing the proper functioning of a higher education program and making thousands of students ineligible for the benefits of the TRIO program.

The regulation in question sets criteria for what constitutes a ''different population'' served and ''different campus'' in such a way that, while almost every other State's 2-year college systems are treated as separate campuses for this purpose, those of Wisconsin and New Mexico are considered as one campus, even though they are scattered all over the State, serving demonstrably different populations, and independent of each other in every relevant respect.

In fact, UW colleges are allowed to apply for separate grants for every other TRIO program except the student support services program.

Mr. Speaker, I urge Members to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I think Members understand that bills that come to the floor under suspension of the rules are intended to be noncontroversial, worked out, signed, sealed and ready for delivery.

The bill that comes to us today is in fact not yet completed. Certainly it is not controversial that increased access to college education is more important than ever. But this bill needs more than just some tinkering or some perfecting attention. There is room for substantial improvement.

We should be dealing with teacher loan forgiveness and addressing the shortage of special education teachers and we should be dealing with gender equity and vocational education and student loan relief for families of victims of September 11. We should be dealing with the policy of missing persons at universities and colleges.

I was prevented from offering an amendment that would have fulfilled President Bush's goal of increasing the number of math, science and special education teachers in the classroom.

We have not been able to complete work on this bill. The Committee on Education and the Workforce is very capable of bipartisan work. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), both sides of the committee, have worked together very well. The Leave No Child Behind bill is a product of that bipartisan work. I believe this bill should be sent back to the Committee on Education and the Workforce, marked up, and returned to the House floor in a bipartisan manner so we can increase access to colleges and universities for all of our students.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, first, I do not want to be appearing to be joining the minority whining session. I certainly have a legitimate complaint in the bill because mine was actually a technical correction. The technical corrections bill is supposed to be mostly grammatical and things that were misunderstood. And the things that are being debated on the floor right now are supposed to come up under separate legislation when we do a higher ed bill.

To quote the gentlewoman from Hawaii (Mrs. MINK) when I was trying to do what was actually a technical correction, she wrote, ''Our understanding was that this technical correction bill would not include any item that was controversial or which would be objected to by a significant number of Members.''

What we have been debating here is a higher ed bill or individual bills. My technical correction is very simple. The Clinton administration, either through deliberate, malicious intent, or incompetence, and I believe incompetence, ruled that students who are receiving a loan who got convicted of a drug offense applied to people 20 years back. A 14-year-old who had committed three offenses could not get a student loan.

Our debate was clear. An exchange the gentleman from California (Mr. GEORGE MILLER) and I had made it clear we were talking about students who were convicted while they were getting a college loan. They applied and denied thousands of students because of a laughable interpretation of the law. We have twice passed this technical correction in the House. We tried to put it in this bill, and the gentlewoman from Hawaii (Mrs. MINK) objected because she said it was a substantive change when this was a technical correction.

To his credit, the gentleman from California (Mr. GEORGE MILLER) disagreed, and so did the gentleman from New York (Mr. MEEKS), the cosponsor of this bill, and we tried to move it through. Finally it looked like we were going to move it through, and then there was a budget objection.

As an absurdity of congressional accounting, when we first passed my amendment, we did not get a debit or any balance based on the number of students who would lose the loan. But when we tried to follow the House law and the law as it was passed, then they said we had to get an offset if we let students who were not to be deprived in the first place get those loans back. So we also had a budget objection.

Mr. Speaker, I have a legitimate complaint in this technical corrections process, but I am going to vote for this bill because I know the higher ed bill is coming next year. We will deal with loan forgiveness, with which I agree, and other issues when we actually do a higher ed bill. This is to be a technical corrections bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Mr. Speaker, while I do not oppose the provisions that are included in the Fed Up Act, I am fed up for bringing it up on a suspensions calendar. I am not

going to vote against this bill because of what is in the bill, I am going to vote against it because of what is not in the bill.

As a member of the Committee on Education and the Workforce, I had planned to offer an amendment to Fed Up when it was marked up in the full committee. However, rather than consider any Democratic amendments, the committee mark was cancelled and this bill was never considered at the committee level. Had it been, I would have offered an amendment to ensure that vocational education programs obey civil rights laws.

Just a few weeks ago, The Washington Post and other newspapers reported on a recent survey that revealed pervasive gender segregation in vocational and technical education programs all around the country. The survey found that women remain clustered in classes which lead to traditionally female jobs, such as cosmetology, child care or fashion technology. On the other hand, the classes in carpentry, electronics, and automotive programs were 85 percent male. So women are trained for jobs as hairdressers, earning a median hourly wage of $8.49 an hour, while males get work as plumbers who earn an hourly wage of $30 an hour. Thirty years after the passage of title IX, the patterns of enrollment in technical and vocational education programs look shockingly similar to the patterns that existed prior to the passage of title IX 30 years ago.

I am fed up with this unfair legislative process. I am fed up with being denied opportunity to work with my colleagues in crafting legislation that comes to the House floor. I urge Members to vote against the Fed Up bill, and vote against any bill where half the House is muzzled. Until Democrats are given a fair role in House proceedings, I suggest that we vote no.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, for those Members who paid attention to this debate and are about to vote, they should know the following: Every speaker who has risen in opposition of the bill has endorsed every provision in the bill, and so they would vote for it except for concerns of theirs.

Every speaker on the bill 2½ hours ago sat with me in a hearing before presidents of historically black colleges and minority and poor institutions who talked about the bureaucratic, technical and monetary impediments to deserving students getting a college education, 400,000 this year in America.

We should subordinate our political interests to the better interests of Americans trying to better their lives. If, in fact, there is no objection to a provision in the bill, we should vote for the recipients and the beneficiaries of student aid and improve their lives, not for our parochial or our political interests.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I appreciate the words of the gentleman from Georgia (Mr. ISAKSON), except under that theory, why have a democracy? The other side of the aisle would make a determination what is good, and then that is what is voted for.

That is not the issue of whether we support the underlying bill or provisions of it, it is whether or not under a process that would have allowed us to offer amendments, we were not allowed to offer those amendments. That is called fairness. That is called fairness.

It is not a question of whether, as the gentleman from Wisconsin (Mr. PETRI) said, we got all we wanted, we simply wanted a debate. We might have won the votes. Maybe we were wrong. That is the process in this House. The other side does not get to unilaterally decide whether we have enough. The votes in the House decide whether a bill goes too far. We weigh that every day. But that opportunity is being offered to us less and less. That is why when we have a bill of decent merit, but the suggestion is that is it, folks, take it or leave it, that is not our process of government.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I would just ask the ranking member if there was a markup of this bill in the subcommittee where we would have had an opportunity to offer our amendments?

Mr. GEORGE MILLER of California. Mr. Speaker, I do not think there was. When we started to offer amendments in the full committee, the hearing was cancelled.

Mr. ANDREWS. If the gentleman will continue to yield, so there was no opportunity in the full committee to offer amendments to this bill either?

Mr. GEORGE MILLER of California. That is the problem. The gentleman is quite correct. I appreciate his question. Then when we get to the floor, we are told we cannot have amendments because it was on suspension.

Mr. Speaker, when is it we get to offer amendments? When is it we get to present a differing view, either on the technical underlying bill or on amendments that are germane, under the rules of germaneness, the rules of the House? Members can be the arbiters of that.

But I do not think the Members of the Democratic side should go along with that. I would hope that Republicans understand that and would not support the bill, and we can have this under an open rule. Maybe our amendments would be germane. It is not like we have been busy around here. All of a sudden we have to close down democracy when it looks like we have to take a tight vote, or maybe the minority might prevail.

Mr. Speaker, as has been pointed out, a number of our amendments were supported by the President's budget, they were supported by Members on the Republican side of the aisle. This is simply about trying to preserve the notion that this is a people's House.

The amendment is not for me or the gentlewoman from California (Ms. WOOLSEY). It is for the teachers in this country, it is for the young kids going to school thinking about whether they go into math and science. Do they go to a high poverty area or not. That is who the amendments are for, but that is precluded.

Mr. Speaker, I urge all Members on the Democratic side of the aisle to vote against this, and hope our colleagues would join us in trying to preserve some semblance of democracy in the House.

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

Mr. Speaker, I know the gentleman from California (Mr. GEORGE MILLER) would never accuse me of being unfair. We have had a very good process in our committee over the last 18 months, and I think Members on both sides of the aisle have far more respect for each other than we have seen for certainly the 12 years I have been on the committee.

□ 1445

What we went through was a bipartisan, commonsense exercise to ask the higher-education community what is it that makes your life more miserable that we can address. We went through a commonsense, bipartisan effort to put this bill together. The agreement early on was if we could not come to an agreement on the issue, it did not go into the bill. But there are 30 issues in this bill that have common agreement, that we all agreed that this would happen. Then all of a sudden along the way the track either got crooked or the train ran off the track and there are other issues that wanted a place in this bill, issues that unfortunately cost an awful lot of money.

As the gentleman from Georgia (Mr. ISAKSON) pointed out, my colleagues on the other side of the aisle have supported everything in the bill. As I said before, let us not let the perfect become the enemy of the good. We will have ample time to deal with these other issues next year when we get into the reauthorization of the higher education act, but in the meantime let us do what we can to help more students get a better shot at a good college education.

Mr. KIND. Mr. Speaker, I support the efforts today to make necessary technical changes to the Higher Education Act. On behalf of the 3rd Congressional District of Wisconsin, I have a significant interest in a particular section of this legislation that will assist the University of Wisconsin two-year campuses in my home state.

Over the past 30 years, Congress has established a series of programs to help low-income Americans enter college, graduate, and

move on to participate more fully in America's economic and social life. These programs include financial aid programs that help students overcome economic barriers to higher education, as well as TRIO programs which help students overcome class, social, and cultural barriers to higher education.

Currently, TRIO regulations allow multiple branch campuses to submit separate grant applications so long as the programs are run on campuses that are both geographically apart and independent of the main campus of the institution. Unfortunately, the Department of Education does not recognize the University of Wisconsin system as having ''independent'' two-year campuses because the thirteen branch campuses share a single chancellor.

Thus, the University of Wisconsin's two-year college system is only eligible for one TRIO grant, which currently provide only $435,000 for 475 students. This group of students is only 6 percent of those eligible for funding under the program.

Since 1996, when the UW campuses were first denied individual TRIO grants, until 2004, when they will next be able to apply for individual grants, they will have lost more than 1.4 million dollars in funding. This money could have served hundreds of students.

These institutions of higher education should not be penalized simply because of their administrative structure. Therefore, I am pleased that language from H.R. 4637, legislation I introduced with Congressman Petri, that makes technical changes to the TRIO regulations, is included in this bill. The language will redefine what constitutes a different campus, allowing the University of Wisconsin's two-year schools to compete fairly for TRIO grants, just as other schools already do. In the end, these campuses will be able to serve more students who need assistance.

Mr. Speaker, I am happy that this language was included in FED-UP. I support assisting students in attaining a higher education. This legislation will help more people attend college, and as a result be more competitive in the workforce.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4866, as amended.

The question was taken.

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

Mr. GEORGE MILLER of California. 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.

RECOGNIZING AND HONORING JUSTIN W. DART, JR.

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 460) recognizing and honoring Justin W. Dart, Jr., for his accomplishments on behalf of individuals with disabilities and expressing the condolences of the House of Representatives to his family on his death.

The Clerk read as follows:

Resolved, That the House of Representatives—

(1) recognizes Justin W. Dart, Jr., as one of the true champions of the rights of individuals with disabilities and for his many contributions to the Nation throughout his lifetime, and honors him for his tireless efforts to improve the lives of individuals with disabilities; and

(2) recognizes that the achievements of Justin Dart, Jr., have inspired and encouraged millions of Americans with disabilities to overcome obstacles and barriers so they can lead more independent and successful lives.

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

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

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 460.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 460, which recognizes and honors Justin W. Dart, Jr., a man who was a tireless advocate on behalf of individuals with disabilities. The resolution also expresses the condolences of the House of Representatives to Mr. Dart's family on his recent death.

Mr. Dart was known as a pioneer and leader in the disability rights movement, and his accomplishments and advocacy in that arena have spanned over 4 decades. Mr. Dart became a civil rights activist for individuals with disabilities following contracting polio in 1948.

Mr. Dart served in many leadership positions within the area of disability policy and was appointed to such positions by five Presidents, five Governors, and Congress, by Republican and Democrat alike. Along with participating in national policy development, including the Americans with Disabilities Act of 1990, Mr. Dart also sponsored formal and informal programs of independent-living training for individuals with disabilities.

Again, I am pleased to recognize and honor the accomplishments of Justin W. Dart, Jr., and I urge my colleagues to support this important resolution.

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

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

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

Mr. OWENS. Mr. Speaker, I rise in strong support of H. Res. 460. This resolution fittingly honors and celebrates the life of Justin W. Dart, Jr., a civil rights pioneer for individuals with disabilities. Sadly, he passed away at the end of June, leaving our Nation to mourn him, but also to recognize his legacy of accomplishments.

Justin Dart is remembered for his tireless work on behalf of individuals with disabilities and ensuring their ability to fully participate in life. His spirit and efforts to better opportunities for individuals with disabilities was a constant focus since he contracted polio at age 18. Justin Dart's determination for success led him to establish a successful business that employed disabled individuals, but also to fight for the civil rights of all Americans.

Justin received numerous awards and recognitions during his lifetime, including the Presidential Medal of Freedom awarded to him by President Clinton in 1998. Justin also held numerous positions within the disability community, including vice chairperson of the National Council on Disability, commissioner of the Rehabilitative Services Administration, and chairman of the President's Committee on Employment of People with Disabilities.

Justin is best remembered, however, for his tireless work to enact the Americans with Disabilities Act. The ADA has literally opened the doors of opportunity to millions of disabled Americans, ensuring they can work, go to school, and access facilities to the same extent as nondisabled individuals. Without Justin's work on this legislation, I am certain there would be no ADA today. The ADA is a living monument to his spirit and his determination.

Our thoughts go out to Yoshiko Dart, Justin's wife, and his family for their loss. As individuals and institutions around the world celebrate Justin Dart's life, it is only fitting the House recognizes him for his lifetime of contributions to the civil rights cause of individuals with disabilities. His legacy and his tireless work is an inspiration to us all.

Mr. Speaker, I had intimate, personal knowledge of Justin Dart and his amazing energy and dedication as reflected in the spirit with which he approached the passage of the Americans with Disabilities Act. I know as no one else knows that the Americans with Disabilities Act would never have been passed had it not been for Justin Dart. Justin Dart at the very beginning of the act's preparation, our effort to pass it, recognized the complexity of the bill. The ADA was a bill which had jurisdiction spread throughout all the committees of Congress. There were many people who predicted it could never pass. The ADA, however, moved forward and had a momentum that was mysterious to many people, but I clearly understood what was happening.

Every Congressman tells the advocates of any piece of legislation that the first thing they have to do is go out

and get the sentiment of their own Congressman involved, to arouse the constituency of each Congressman who is involved in order to make certain that the bill is given the proper attention in this House. In the case of the ADA, I saw with my own eyes and heard with my own ears a monumental effort led by Justin Dart.

He put together a task force which visited every one of the 50 States. In every one of those 50 States, they made certain that somebody from every congressional district was present at a meeting or a hearing and went forward to talk to their own Congressman about the ADA. I recall conducting some hearings in some of the States as a result of the request of Justin Dart and the task force and they were monumental experiences. I do recall in Boston holding a hearing that lasted from 10 in the morning until 5, or it was supposed to last 10 to 5, it went 10 to 6, and had 90 witnesses. They actually had 90 witnesses. They were very disciplined. They held them to a 2- to 3-minute limit. Many of them could not speak. They had to have people to speak for them. Some of them had to use devices or machines to help speak for them. It was an unprecedented hearing; but they were all determined to be heard, and they were heard that day in Boston.

I recall in Houston, Texas, where one of the people who was a sworn opponent against the travel provisions of the ADA, the head of the Houston transportation system, he was known as an opponent against the bill, but he came in and he testified on behalf of the bill because he had suddenly seen the light. He not only testified but he said that it was a shibboleth that was being erected by his colleagues across the country in terms of their objections to the bill because of possible high cost. He said that the cost of the additional services that were being provided to people with disabilities would probably be no greater than the amount of money spent on conventions and travel by the various transportation authorities across the country. This hardball opponent concluded by reciting ''Gray's Elegy'' and tears were in his eyes when he sat down from his testimony. It was one of the most moving experiences I have ever had. Justin Dart and the legions he rounded up in every State inspired that kind of response across America.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the sponsor of the bill.

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

The gentleman and I were very much involved in the passage of the Americans with Disabilities Act. No one who was involved in the passage of that act could not know Justin Dart. No one could possibly miss the incredible contribution he made to the passage of that most significant civil rights legislation in a quarter of a century. The gentleman from New York was a key part of the leadership in passing that bill in this House, as was Steve Bartlett, my Republican counterpart, who was assigned by his leadership, Bob Michel, to work with me, I was assigned by Speaker Foley, to work on this bill. Both of us knew that we owed Justin Dart an incredible debt.

Mr. Speaker, it is with a deep sense of loss, as well as a sincere appreciation, that I come to the floor to commemorate the passing on June 22 of a dear friend, a personal hero, and a truly extraordinary human being. For nearly 5 decades, Justin Dart, Jr., was one of the world's most courageous, passionate and effective advocates for civil and human rights. He was perhaps best known, as I have said, as the father of the Americans with Disabilities Act of 1990, the landmark civil rights law signed by President Bush that opened the door of equality to millions of our disabled brothers and sisters. Many called him properly the Martin Luther King of the disability civil rights movement. He thought of himself, however, in more humble terms, simply as a soldier of justice. But the undeniable moral clarity of his life's work, the inspirational, persistent march for equal treatment, respect and human dignity invites such comparisons.

Dr. King famously said, and I quote, ''Injustice anywhere is a threat to justice everywhere.'' Justin Dart understood that truth and he acted on it, devoting his life to fighting discrimination, empowering the disabled and comforting the dispossessed. Justin Dart was born to privilege, the son of a wealthy industrialist who was a close adviser to President Reagan. His grandfather founded the Walgreen's drug store chain. Yet underachievement characterized his early life. He attended seven high schools and broke Humphrey Bogart's all-time record for demerits earned as a student at the elite Andover prep school.

Then, in 1948, his life changed forever. Just 18 years of age, he contracted polio which left him in a wheelchair for the next 52 years. He did not grieve. In fact, he said, and I quote, ''I count the good days in my life from the time I got polio. These beautiful people not only saved my life, they made it worth saving.''

What an incredible statement for a man struck down in the early prime of his life, serving the rest of his life in a wheelchair.

□ 1500

That life was dramatic testimony to the ability he had while some looked at him as having a disability.

Justin went on to earn bachelor's and master's degrees at the University of Houston, where he organized an ''Integration Club'' at the then all-white institution. He wanted to become a teacher, but the university withheld his teaching certificate because of his wheelchair use.

In 1963, he started Japan Tupperware and, in just 2 years, the company expanded from three employees to 25,000 employees. Not surprisingly, Justin took severely disabled Japanese out of institutions and gave them paying jobs.

It is also in Japan that he met his wife of 39 years, Yoshiko Dart. What an extraordinary person she is as well.

In 1974, Justin and Yoshiko moved to Texas where they immersed themselves in disability activism; and then in 1981, President Reagan appointed him to be vice-chair of the National Council on Disability. In that position, Justin Dart helped draft a national policy calling for civil rights legislation to end discrimination against people with disabilities, an action which laid the foundation for the Americans With Disabilities Act signed on July 26, 1990.

In the 1980s, Justin also served as head of the Rehabilitation Services Administration, chair of the President's Committee on Employment of People With Disabilities, and chair of the Congressional Task Force on the Rights and Empowerment of People With Disabilities. However, despite his various positions and duties, the high point of his 5 decades, 5 decades in the civil rights movement, was the passage of the ADA.

As the lead House sponsor of the ADA, along with the gentleman from New York (Mr. OWENS) and a few others, I saw firsthand how Justice crisscrossed the country, at his own expense, building grass-roots support for its passage. As a matter of fact, in the last 16 years of his life, hear this, Justin Dart, on behalf of ADA implementation and ADA passage, visited every State in the Union at least five times. This man in a wheelchair, struck down by polio at the age of 18, in the last 16 years of his life visited every one of the 50 States at least five times on behalf of the cause that was his life.

Its enactment was singular testimony to his ability, his passion, and his determined spirit. Fittingly, President Bush presented Justin with the first pen he used to sign the ADA into law during a ceremony on the South Lawn. Eight years later, President Clinton awarded Justin the Medal of Freedom, the highest civilian honor, remarking that Justin had ''literally opened the doors of opportunities to millions of our citizens by securing passage of one of the Nation's landmark civil rights laws.''

Mr. Speaker, the great American humorist Will Rogers once said, ''It is only the inspiration of those who die that makes those who live realize what constitutes a useful life.'' Justin Dart, Jr., has left a legacy of lives touched and hearts changed. We are the beneficiaries of his love, his compassion, and his devotion to equality. It now falls to us, Mr. Speaker, all of us, to carry on the fight and to realize Justin's vision of a revolution of empowerment. That is precisely what we owe the memory of this wonderful man.

Mr. Speaker, I offer my sincere condolences to Yoshiko, his daughters, and his entire family; and I urge my colleagues to support this resolution but, indeed, to do more than that: to keep the faith with this brave and decent human being, humble almost to a fault, giving credit to all around him for that which was accomplished. But all of us knew that in the final analysis, the moral leader of our effort, the inspiration for our work was this great and gentle man, Justin Dart, Jr.

Mr. MCKEON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

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

Mr. Speaker, I rise today in honor of a man that few of us have ever seen the like of. I want to thank the gentleman from Maryland (Mr. HOYER) for introducing this resolution and for the fact that this resolution has been brought up on the House floor today, which is a little earlier than 12 years since the signing into law of the Americans With Disabilities Act.

Justin Dart. Men and women like Justin that have made our Nation great have raised our conscious, challenged actions, and given to others relentlessly.

Mr. Speaker, Justin Dart continues to give, even in his death.

I would like to read for the RECORD Justin Dart's final words: ''Dearly beloved: Listen to the heart of this old soldier. As with all of us, the time comes when body and mind are battered and weary.

''But I do not go quietly into the night. I do not give up struggling to be a responsible contributor to the sacred continuum of human life.

''I do not give up struggling to overcome my weakness, to conform my life, and that part of my life called death, to the great values of the human dream.

''Death is not a tragedy. It is not an evil from which we must escape. Death is as natural as birth.

''Like childbirth, death is often a time of fear and pain, but also of profound beauty, of celebration of the mystery and majesty which is life pushing its horizons toward oneness with the truth of mother universe.

''The days of dying carry a special responsibility. There is a great potential to communicate values in a uniquely powerful way, the person who dies demonstrating for civil rights.

''Let my final actions thunder of love, solidarity, protest, of empowerment.

''I adamantly protest the richest culture in the history of the world, a culture which has the obvious potential to create a golden age of science and democracy dedicated to maximizing the quality of life of every person, but which still squanders the majority of its human and physical capital on modern versions of primitive symbols of power and prestige.

''I adamantly protest the richest culture in the history of the world which still incarcerates millions of humans with and without disabilities in barbaric institutions, back rooms and, worse, windowless cells of oppressive perceptions, for the lack of the most elementary empowerment supports.

''I call for solidarity among all who love justice, all who live life, to create a revolution that will empower every single human being to govern his or her life, to govern this society, and to be fully productive of life equality for self and for all.

''I do so love all of the patriots of this and every Nation who have fought and sacrificed to bring us to the threshold of this beautiful human dream.

''I do so love America the beautiful and our wild, creative, beautiful people. I do so love you, my beautiful colleagues in the disability and civil rights movement.

''My relationship to Yoshiko Dart includes, but also transcends, love as the word is normally defined. She is my wife, my partner, my mentor, my leader, and my inspiration to believe that the human dream can live. She is the greatest human being I have ever known. Yoshiko, beloved colleagues, I am the luckiest man in the world to have been associated with you.

''Thanks to you, I die free. Thanks to you, I die in the joy of struggle. Thanks to you, I die in the beautiful belief that the revolution of empowerment will go on. I love you so much. I am with you always. Lead on! Lead on!''

Mr. Speaker, Justin Dart will live on in love.

Mr. OWENS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of House Resolution 460.

Justin Dart was known by many Members of Congress and by countless thousands in America and around the world for his inspirational leadership and determined efforts to open the doors of opportunity wider for all people whose hopes and dreams have been crushed by discriminatory treatment.

Since 1966, when Mr. Dart and his wife, Yoshiko, decided to dedicate their lives to removing the barriers of misunderstanding that exist about people with disabilities and to advocate for their civil rights wherever discrimination exists, he built an unstoppable grass-roots movement that will continue far beyond his days on this Earth.

Mr. Speaker, I last saw Justin Dart at a rally in the Senate where you and I and Senator HARKIN and some others were there in support of MiCASSA. I just recently read yesterday, as a matter of fact, a wonderful letter from his lovely wife who shared not only his life, but also his passion for the disabled. I guess the reality is that one can be as instructive and didactic in death as they have been in life.

If there is any person who never read Justin Dart's last writings that were just mentioned a moment ago by the gentlewoman from Maryland (Mrs. MORELLA), I would urge, if my colleagues want to be inspired, if my colleagues want to be motivated, if my colleagues want to be activated, if my colleagues want to be stimulated, just get that and read it.

Justin Dart will live on, not only in the hearts and minds of people, but in every action that we take to remove the barriers of discrimination that have existed against people with disabilities.

Mr. OWENS. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, today we pay tribute to a true hero, Justin Dart, Jr. I am proud to join with my colleagues, the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Minnesota (Mr. RAMSTAD) in introducing this legislation.

I have known Justin for several years. He spoke at my alma mater 3 years ago. He has traveled to my home State of Rhode Island on numerous occasions. But most of all, he is one of the primary reasons that I am here today. Justin Dart inspired me to run for office, supported me throughout my campaign and, years before, laid the path to make it possible for me to run for the United States Congress.

Twelve years ago, Justin crisscrossed the country to build grass-roots support for the passage of the Americans With Disabilities Act. He traveled five times to each of the 50 States, educating the public on mobilizing people with disabilities, their friends and loved ones, to support the enactment of ADA. He was the voice of reason, a vision of leadership, and a force to be reckoned with. He understood that the injustices he and millions of other Americans experienced on a daily basis must be stopped and that only Federal legislation could meet this objective. Justin Dart's dogged, yet charismatic, skills of persuasion and unyielding dedication to implementing a meaningful civil rights law is what ensured successful passage of the ADA.

Justin applied this rare combination of grit and wisdom to the many invaluable roles he played in prior administrations. He served as vice chairman of the National Council on Disability, commissioner of the Rehabilitation Services Administration, and chairperson of the President's Committee on Employment of People With Disabilities. He was also awarded the prestigious Presidential Medal of Freedom in 1998.

The commitment of making a difference ran through Justin Dart's veins from his youth. He was born into

wealth, but chose to fight for justice at all costs. At the young age of 22, he created an organization to promote racial integration of the then-segregated University of Houston where he studied as both an undergraduate and graduate student. He championed equal rights and self-empowerment throughout his years in both the public and private sectors. He constantly fought for justice and equality for people with disabilities and government, business, labor, and religious organizations. He knew that if people are provided with the proper resources, training and opportunities, disabled or not, they can achieve tremendous success.

□ 1515

Last year when I joined Justin for ADA anniversary celebrations in the Senate, he 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 rights. Let us unite in action to keep the sacred pledge: Liberty and justice for all.''

Today I salute Justin Dart. I send my warmest condolences to his wife, Yoshiko, and I thank God for blessing us all for the powerful presence of such a luminous spirit, which lives on in each and every one of us.

As we will soon commemorate the 12th anniversary of the ADA, I urge all Americans to honor and celebrate Justin Dart.

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

Mr. Speaker, in conclusion, I would like to again thank the gentleman from Maryland (Mr. HOYER) for his sponsorship of this bill.

Justin Dart, with his wide-brimmed hat and in many other ways, liked to remind us that he was a Texan. His vision was broad and comprehensive like that of LBJ. He could also be as combative as Teddy Roosevelt.

Justin Dart was always politically alert, but he really operated above politics. He was a lifelong Republican who would not hesitate to make alliances with Democrats and others when he felt it was necessary. Justin was above politics. He really belongs with the ranks of Martin Luther King and Mother Teresa.

We are proud to recognize Justin Dart as one of the true champions of the rights of individuals with disabilities, and for his many other contributions to the Nation throughout his lifetime.

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

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for presenting this resolution. I did not personally know Mr. Justin Dart, Jr., but I feel, through the eloquence of my colleagues, and having had the opportunity to assist and listen to them this afternoon, that I have a regret that I did not have the opportunity of meeting him personally. He must have been a very great man.

I encourage all of my colleagues to support this resolution in his honor.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 460.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5093, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 483

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ''Provided'' on page 29, line 22, through page 30, line 11; page 68, lines 1 through 7. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 483 is an open rule providing for the consideration of H.R. 5093, the Department of the Interior and Related Agencies Appropriations Act, 2003. The rule waives all points of order against the consideration of the bill, and provides 1 hour of general debate, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations.

The rule provides that amendments printed in the Committee on Rules report accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole. It waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

The rule further provides that the bill shall be considered for amendment by paragraph, and waives all points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency-designated amendments to be offered to an appropriation bill containing an emergency designation.

Finally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 5093 is to provide regular annual appropriations for the Department of the Interior, except for the Bureau of Reclamation, and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institute, and the National Foundation of the Arts and Humanities.

H.R. 5093 also appropriates $19.7 million in new fiscal year 2003 budget authority, which is $546 million above last year's enacted level and $800 million more than the President's request. The bill also provides $700 million in emergency FY 2002 budget authority for firefighting.

Specifically, the bill provides $458 million for the National Wildlife Refuges, a $60 million increase over last

year. National Park Service operations are funded at $1.6 billion, which is $117 million more than last year. In addition, the bill provides $368 million, an increase of $33 million, to reduce the Park Service's enormous maintenance backlog. Also, $96 million is appropriated for the ongoing restoration of the Florida Everglades.

H.R. 5093 provides $377 million for the Federal land acquisition, as well as $154 million for Stateside land acquisition grants; $150 million for urban parks, forests, and historic preservation; and $100 million for State wildlife grants.

Notably, the bill provides $50 million for landowner incentive and stewardship grants to help private property owners carry out habitat conservation measures required by the Federal Government.

Those of us who represent districts in the West have expressed our concern year after year about proposals to increase Federal landholdings in our areas. Several years ago, I coauthored an amendment with the distinguished gentleman from Ohio (Mr. REGULA) designed to put equal emphasis and dollars on maintaining the land and facilities the Federal Government already owns before acquiring even more.

Much of the local opposition to Federal land purchases in the West arises from concern about revenues lost when land moves off local tax rolls and into Federal ownership. I am pleased, therefore, that the committee has increased the Payments in Lieu of Taxes by $30 million, to $230 million in this year's bill.

In recognition of the important role energy conservation must play in strengthening our national security, the committee has also appropriated $985 million for energy conservation, and $300 million for weatherization and State energy grants.

Furthermore, the committee has fully funded the President's request for the National Endowment for the Arts and the National Endowment for the Humanities.

Finally, as a member from a State ravaged by wildfires in recent years, I would like to highlight the committee's efforts in the area of wildfire suppression in firefighting. The massive wildfires burning today throughout the western United States illustrate the grave need to actively and responsibly manage our forests.

Fire suppression will require a solid commitment by Congress and concerted efforts to overcome the forces currently encumbering Federal forest managers. This bill takes an important step to restore healthy, productive forests by appropriating more than $2 billion to implement the National Wildfire Plan, including $919 million for fire preparedness, $581 million for fire suppression activities, and $669 million for other fire-related operations, such as hazardous fuels reduction, restoring burned-out forests, and preventing and treating the problems of invasive insects.

On behalf of the brave men and women we depend on to fight wildfires and the citizens whose homes and livelihoods are threatened by wildfires, I thank the committee for the special attention it has devoted to this important matter.

Mr. Speaker, the Committee on Appropriations ordered H.R. 5093 reported by a voice vote on July 9. The subcommittee chairman, the gentleman from New Mexico (Mr. SKEEN) and the ranking member, the gentleman from Washington (Mr. DICKS), have requested an open rule, and the Committee on Rules is pleased that the resolution now before the House grants that request.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill, H.R. 5093.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary half hour.

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

Ms. SLAUGHTER. Mr. Speaker, this is an open rule that I will not oppose, and the underlying bill has the support of many from both sides of the aisle. Moreover, the minority was consulted throughout the process in developing the legislation, a trend we all hope will continue throughout the process of appropriations.

The bill provides $19.8 billion in new discretionary spending authority for the Department of the Interior and related agencies. This is $546 million more than last year, and almost $900 million more than the President's budget request. Moreover, the committee provided an additional $700 million to fight the western wildfires as emergency FY 2002 spending.

For the communities fighting these fires and for all who are still recovering from the devastation these fires have wrought, this is welcome news. Communities in Colorado, Arizona, Nevada, Oregon, and other parts of the West need to know that Washington has not turned a blind eye to their very real pain.

I commend my colleague, the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on the Interior of the Committee on Appropriations, for ensuring that this funding was included. I also strongly commend the gentleman from New Mexico (Chairman Skeen) and the gentleman from Washington (Mr. DICKS) for their success in the funding of a new conservation trust fund created in FY 2001. By including the $1.44 billion, $120 million above last year, authorized for conservation, Congress has kept a promise to expand funding for land acquisition, wildlife protection, and other preservation and conservation programs.

Specifically, the fund provides $100 million for State wildlife grants, $30 million for urban parks and recreation recovery grants, $60 million for Forest Legacy, $44 million for North American Wetlands Conservation Fund, $30 million for Save America's Treasures, $46 million for historic preservation, $50 million for Fish and Wildlife Service landowner incentive programs, $36 million for urban forestry, and $121 million for the Cooperative Endangered Species Conservation Fund.

This is an extraordinary victory for those who care about preserving our Nation's natural resources for future generations, and we thank the gentleman. But in other ways, the measure before us represents a lost opportunity, in its present form. In what is becoming an annual act of neglect, the committee failed to allow for the restoration of some of the unwise cuts made 7 years ago in the funding of those agencies responsible for the country's small but critically important arts and humanities education and preservation efforts.

The bill funds the NEA at $116 million, a level almost 40 percent below the 1995 funding level.

□ 1530

The National Endowment for the Humanities is funded at $126 million, almost 30 percent below the level in 1995. These funding levels fundamentally ignore the successful efforts by both NEA and NEH to broaden the reach of their programs and to eliminate controversial programs, the two reforms that were requested by the majority when they reduced the funding in 1995. It is time to recognize the success of these reforms and give these agencies the resources they need to meet this critical need.

This is penny-wise and pound-foolish. The NEA is essential to the part of the important link between education and the arts. The economic benefits we receive are enormous compared to our small investment in the NEA.

The Arts and Economic Prosperity Study conducted by Americans for the Arts reveals that the nonprofit art industry generates $134 billion in economic activity annually. Over $80 billion of the figure stems from related spending by arts audiences, at the parking lots where patrons leave their cars, at the restaurants where they eat before performances, at the gift shops where they buy souvenirs, and at the motels where they spend the night.

The $232 million that the Federal Government has invested in the NEA and NEH has returned $134 billion to Federal, State, and local economies. I cannot think of any Federal investments that yield that kind of return. Moreover, the public supports continued funding for the NEA because the NEA grants affect every congressional district. This funding is not concentrated in the handful of urban areas, but instead impacts hundreds of communities around the country.

The arts are not only good financial investment for our communities, they greatly benefit the growth and development of our children. A recent study entitled ''Critical Links'' conducted by the Arts Education Partnership shows that learning and the arts improves critical skills in math, reading, language development and writing, skills badly needed. For example, the study shows that learning dance and drama helped to develop skills and improve creative writing. Skills learned in music increase a student's understanding of concepts in math.

This body can ill afford the short changes that these vital programs provide when we have committed ourselves time and time again to improving the lives of our Nation's children. This is an inexpensive and most effective way to do that.

Mr. Speaker, during consideration of the underlying measure, I will work to ensure the programs are given a fighting chance. I will offer an amendment to give the NEA an additional $10 million and an additional $5 million to the NEA and urge my colleagues to support these efforts.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

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

Mr. YOUNG of Alaska. Mr. Speaker, this will probably be the first day that I ever vote against a rule because I believe very strongly in the principle of this House that you do not legislate on appropriations, and this is what this rule allows, especially concerning the Commission on Native American Policy.

This is a bill that was introduced into the Committee on Resources and was never heard, never had a markup; and it appears in this legislation. I think that is inappropriate for this body. I believe, in fact, it is meddling with the American Native. There is not one American Native group that supports the provision of H.R. 2244. And to have us now, in appropriations, legislate is wrong.

I hope everybody has my understanding of the American Native and the injustice and wrong that has been done to them all these years by supposedly the Government of the United States, and this is yet another example.

This is an example where this Congress is going to say, we are going to review your activities. We are going to make recommendations and we are going to do to you what was not done by the Justice Department, by the BIA, the FBI, and the Office of Tribal Justice. We are now going to tell you what you have been doing wrong all these years. Now, that is not correct legislative process.

So the first time since I have been in this body with the minority, when we were, and now with the majority for the last 8 years, I am going to vote against the rule because it is the wrong rule. And for those of you in the office, think about it for a moment. It can be you the next time. It can be you the next time where you look up one morning and find out something that you feel very strongly about and that is the American Native population or some other group that you feel equally as strong about, and a bill that has never had a hearing, never any input, no ramifications is now in an appropriations bill. I thought we were above that.

And to the Committee on Rules members, I suggest to you, where did this come from and why? Ask yourselves that.

So I am asking Members listening to this today, vote ''no'' on the rule, make them come back with a rule that protects the prerogative of the authorizing committee. This rule does not do so.

Mr. Speaker, I rise to oppose the Rule. Section 141 of H.R. 5093 constitutes legislating on an appropriation bill.

H.R. 2244 was introduced by the gentleman from Virginia (Mr. WOLF) in this Congress with the exact same language to create this Commission. The authorizing Committee has chosen not to take up this bill for consideration.

This proposed Commission on Native American Policy would ask whether Indian gaming benefits Indian communities, whether Tribal government gaming is regulated, and whether Tribal government is influenced by organized crime. I would like to point out, that at the gentleman from Virginia's request, the federal government—through the National Indian Gaming Impact Study Commission (NGISC), the Justice Department, and the National Indian Gaming Commission (NIGA) has already addressed these questions a number of times.

In contrast to what was stated by the author of this provision, I want to point out that Indian gaming benefits Tribal communities. The NGISC found that gaming is the only proven method of stimulating economic development in Indian country.

I also want to emphasis adamantly that Indian gaming is well regulated. In a July 3, 2002 Memo from the U.S. Justice Department's Office of Inspector General (with the Criminal Division, the FBI, and the Office of Tribal Justice) found that Indian gaming is not influenced by organized crime. Additionally, the Department of Justice (DOJ) Office of Organized Crime wrote to the Senate Indian Affairs Committee on July 25, 2001, confirming the Inspector General's report in its own independent report. Also, the $5 Million NGISC study found that Indian Gaming is not unduly influenced by organized crime—confirming DOJ reports. Tribes reimburse States over $40 million on State regulated Tribal gaming and have spent over $160 million on Tribal regulation of Indian gaming.

The gentleman from Virginia's provision is wasteful and unnecessary. Millions have already been spent on the creation and study of the NGISC for the same issues. The $200,000 appropriations request to create yet another Commission to study Indian Gaming would not permit the Department of the Interior to accomplish a meaningful study. Lastly, the money for the Commission would come out of the Bureau of Indian Affairs (BIA) ''available funds'', which could be used for much needed trust administration rather than a study intended to reach pre-established conclusions. BIA is already underfunded in many of its program areas, and we do not need to request another duplicative study on Indian Gaming.

I urge my colleagues to vote to delete Section 141 from H.R. 5093, the Interior Appropriations bill for fiscal year 2003.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

Mr. Speaker, I rise in support of this rule, in support of the underlying bill; and I wanted to commend the chairman and ranking member of the Subcommittee on the Interior and the Committee on Appropriations for drafting this bipartisan bill.

Mr. Speaker, I hope that more funds shall be made available in the future to meet the many critical needs addressed by this bill and to expand programs that benefit our environment and conserve our resources; however, for fiscal year 2003, I believe that this bill has done great service to the country and restored most of the short-sighted cuts recommended in President Bush's original budget proposal.

There are just a few areas where slightly more remains to be done, and I strongly urge my colleagues to support the amendment that will be offered by the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Washington (Mr. DICKS) to provide an additional $10 million for the National Endowment for the Arts and $5 million for the National Endowment for the Humanities.

Mr. Speaker, in 1995 funding for the NEA and NEH was cut by more than 40 percent. Even though $116 million is provided in H.R. 5093 for the NEA, that amount is still $46 million below the 1995 level. NEH funding is similarly inadequate.

The Slaughter-Dicks amendment partially restores funding to these two vital programs. The reasons to support and expand these programs are well documented. The NEA provides critical support for arts education, which has been proven to increase skills in math, reading, language development, and writing.

Grants provided by the NEA and NEH leverage millions of dollars each year in private support for arts projects all across this country.

The NEH has embarked on numerous projects to preserve our Nation's cultural heritage. It is the Nation's largest source of support for research and scholarship in the humanities.

According to a recent study by the Georgia Institute for Technology, the arts industry generates millions of jobs and $134 billion in economic activity every year. Let me repeat that figure: $134 billion annually.

In Worcester, Massachusetts, the nonprofit arts community generates over $48 million annually. It supports 1,445 full-time jobs and generates over $1 million in local government revenue and over $3 million in State revenue.

Over the past 4 years, the Worcester community has benefited from $215,000 in NEA grants. These grants help mount exhibits in the Worcester Art Museum and in the Higgins Armory Museum. They brought arts exhibits to the public schools and school children to the community art centers and museums. Similar grants also supported the Attleboro Art Museum and community arts programs in central Massachusetts.

The NEH at the same time helped to protect some of our Nation's most precious documents and historical archives, which are preserved and displayed at the American Antiquarian Society in Worcester. Other NEH grants supported seminars on history and culture for K through 12 school teachers at the University of Massachusetts in Dartmouth and at Holy Cross College in Worcester.

These programs enrich our cultural heritage, strengthen our educational programs, stimulate our teachers and our children, and contribute to the economic well-being of our communities.

Mr. Speaker, I urge all of my colleagues to support the Slaughter-Dicks amendment when it is debated later on in the Interior bill, and I urge my colleagues to support the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), a former chairman of this subcommittee.

Mr. REGULA. Mr. Speaker, this is a good bill, but the rule has a serious flaw and let me point that out. I want to go back to WRDA, which was passed by an overwhelming majority in the year 2000 to do a restoration of the Everglades, and I quote from it: ''The frame work for modifications and operational changes to the Central and South Florida project that are needed to restore, preserve, and protect the South Florida eco-system,'' that is the Everglades, ''while providing them for other water-related needs of the region, including water supply and food protection.''

Now, today's bill, and this is in the wisdom of the chairman, the gentleman from New Mexico (Mr. SKEEN), and I quote, ''Activities of the restoration, coordination and verification team as described in the final feasibility report and programmatic environmental impact statement for the comprehensive review of the Central and Southern Florida project shall be directed jointly by the Secretary of the Army,'' that is the Corps of Engineers, ''the Secretary of the Interior,'' because this is a national park and it is a national resource. It belongs to all the people of this Nation. ''And the South Florida water management district, '' because the way that water is managed is important to the people in South Florida.

However, the rule makes it possible and as I understand it there will be a point of order against that section I just read. Now, the net effect of that is to take the Secretary of the Interior out of the management. But I thought we were doing this to preserve the Everglades. And who has a greater stake as an agency than Interior? This bill provides $100 million of Interior money that is collected by taxes from people in 50 State, not just Florida, but 50 States. In the Interior bills in previous years, we have appropriated approximately $1 billion from all the people in the United States. Who better can speak on their behalf on matters of the eco-system, which is provided in WRDA, and matters that are important to the south Florida system, the Everglades? And yet this point of order will take the Secretary of the Interior out of play.

That is wrong. That is absolutely wrong, and I think that is a real flaw in this rule. And I believe that the only way we can correct that and pass this good bill is to defeat the rule and let this section be protected. The Secretary of the Interior who speaks for all of us who are paying the bill, a former head of the Corps of Engineers, estimated it might cost as much as $80 billion to restore the Everglades. Let us divide that by four, $20 billion to do the restoration and vision in WRDA, and yet we will not let the Secretary of the Interior have a voice? We will take that individual out of play?

It is not just this Secretary of the Interior. This is going to be a long-term project, and unless the Secretary of the Interior is in on the ground floor, this will not work. I think we ought to go back, pass a rule and protect the section that gives the Secretary of Interior a voice as the present bill includes, thanks to the wisdom of the chairman and the members of the subcommittee.

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

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to associate myself with the substance of what the gentleman said. This year I went down to Florida, visited the Everglades, met with the top officials because this is a major program for our subcommittee and for the country, as the gentleman points out quite properly. And I completely concur with the gentleman that we should have the Secretary of the Interior as an equal player, and we need to have this Florida water modification program moved forward in order to get water back into the Everglades and into the Florida Bay.

Mr. Speaker, I just wanted to tell the gentleman I am very sympathetic to what he has to say and I appreciate him yielding.

□ 1545

Mr. REGULA. Mr. Speaker, reclaiming my time, such time as is left, and I thank the gentleman for his comments.

If the Secretary of Interior is not part of the management system, the emphasis will be on water, water for everything but the Everglades, and yet I think the people in the United States assume that we are going to restore the Everglades. The one individual who is a key player in all of that will be the Secretary of Interior, and that individual deserves a place at the table.

I would urge Members to support a rule that leaves this section that is in the bill as put there by the wisdom of the chairman.

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

Mr. DICKS. Mr. Speaker, I am supporting the bill today but understand that the Committee on Rules has chosen not to protect the language that has just been mentioned on the Florida Everglades restoration project. It is my hope that the language remains in the bill and that the language is ultimately adopted.

I would say that this certainly could have an impact on the committee's judgments in the future about the funding levels for this project if, in fact, this language is stricken. I just say that to give everyone fair warning.

The project is one of the most important environmental projects this subcommittee has ever undertaken, but we are at a critical juncture. The chairman and I feel very strongly that the Secretary of Interior has an equal voice, the Army Corps of Engineers and the Florida Water Management District. We have appropriated over a billion dollars in this bill over the course of the project and believe that this language ensures that.

I strongly support this year's bill and sincerely hope that the committee's guidance is maintained.

I also wanted to mention that in the question of the National Endowment for the Arts, we will have an amendment today. The gentlewoman from New York (Ms. SLAUGHTER) and I and others are cosponsoring this amendment at a time when our economy is under great stress.

I think it is very interesting to point out to the membership that there was a very comprehensive economic study done about arts and economic prosperity, and the figure here is that the total economic impact of the arts in our country is $134 billion, and it provides, I think, 4.27 million jobs, and at a time when our economy is hurt, I think we ought to remember that this sector is growing and is very vibrant. One of the reasons for it is the fact that this Congress has stayed with this program and added critical funding.

Also, I would like to point out to my colleagues that a couple of years ago we had had a big fight over CARA, and myself and the gentleman from Wisconsin (Mr. OBEY) offered an amendment creating a conservation trust fund, and at that time, the total spending in the country on conservation was $752 million if we added together the

money in the Interior bill and the money in the Commerce-Justice-State bill.

I want to report to my colleagues that in this bill, there is $1.44 billion for these conservation categories, and also, there will be significant additional funding over in the Commerce-Justice-State portion which takes us up to $1.92 billion. So I think we have kept our commitment to the House that we would fund these programs in a more substantial way and including one program, the West Coast Salmon Recovery Initiative, and I want all Members of the House to know that I was out testing the waters this weekend, and the recovery initiative is doing quite well.

I disagree with my colleague. I think we should move ahead, pass the rule, and I hope that nobody will object to these important Everglades provisions.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Washington for yielding me the time, and I rise this afternoon reluctantly to oppose the rule that we have before us today, and I want to cite a couple of problems that I see with the rule.

The first is actually, in my judgment, not the biggest of the problems that we have. The first, however, does require, I think, some observation, and that is, that we have added $700 million to this as an emergency measure to fight fires, apparently. This has been done despite the fact that there is no such request from the administration. This has been done despite the fact that evidently most, if not all, the fires are out, and although there probably is some need for some firefighting funds, this is probably considerably more than what is needed.

Frankly, where this belongs, and there probably is a need for some funds for firefighting, but it should be on the supplemental, and that is where we should be doing this kind of thing. In fact, the President, it is my understanding, has offered to put it on the supplemental, and to find offsets so that we can do that supplemental, get it done, get it done at the level that the President has asked and that the House has passed.

The point that I want to make is that there is another place for the appropriate number. I do not think that is the appropriate number. I do not think this is the appropriate place. I think it ought to be on the supplemental which, by the way, I do not know what is holding up the supplemental. It has been something like 120 days, and we still have not been able to get that done.

That is the small problem that I see with this rule and this bill. This larger problem is that this bill puts us on a path to bust the budget, and I think that that is a big, big mistake. We passed a budget on this floor, basically passed it twice, once as a budget resolution. A second time, we deemed that resolution to be the operative budget since we never got a budget out of the Senate and, in addition, the President has indicated that he wants to stick with the House-passed budget.

I think we owe it to the American people that we do stick to that budget. Let us think about this. We have a war under way. There are huge costs to that war. We have vulnerabilities that require huge expenditures for homeland defense and for security, completely legitimate and important. We are no longer able to set aside the surplus from Social Security as we did, as the Republican-controlled Congress did for a number of years. We are now running a deficit and we are told just yesterday that that deficit for this year alone will be approximately $165 billion. Yet this bill, if we proceed as it is currently contemplated, virtually assures us that we are not even going to stick to the budget that we passed, and let me explain why.

The reason is that the allocation of the total amount of spending that we agreed in the budget resolution, the allocation amongst the 13 appropriation bills, contemplates significant increases in spending much above and beyond the President's request, way above and beyond last year's level, on a handful of bills that are generally relatively easy to pass and that the plan is to pass them early. Well, they will pass easily, bills like Interior and Agriculture and Treasury Postal, where there are big plus-ups above and beyond the President's request.

The problem is to make the numbers add up. The assumption is that we are going to be able to pass Labor, Health and Human Services and VA, HUD, and Commerce-Justice-State, the assumption is that we are going to pass those bills at lower levels, and we know realistically that is not going to happen.

So if we are serious about delivering on the budget resolution that we voted to, that we adopted in this House and that the President wants us to stick with, if we are serious about that, and by all means we should be, then we need to stop this process right now and rethink these 302(b) allocations.

Maybe I am all mistaken and maybe this is just not the case at all and that every one of these bills can and will be brought out and we will pass it and that is the intention here. If so, then I would suggest let us start with the hard ones, not the easy ones. Why do we not start off with CJS right now, why do we not do VA-HUD, why do we not do Labor-HHS now, rather than at the end of this process, when in all past years when we get to the end, we shrug our shoulders and say, imagine that, there is not enough money to pass these bills, and then we bust the budget.

At this time when we are running the deficits that we are, when we have the vital challenges facing our Nation to equip our men and women in uniform, to protect our homeland from the threats that it faces, we cannot afford big increases in bills that are not as vital, and so I urge my colleagues to vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I just want to mention to the Members that there is $700 million added to this bill for firefighting. That may not be enough to make up for the difference in what is needed because of the tremendous fires we have had in the West. In fact, we have heard that number may now be over a billion that is needed, and this is a 2002 supplemental. This is not part of the 2003 bill, and the gentleman from Wisconsin (Mr. OBEY) can, of course, speak on this better than I, but my judgment is this should be added to the 2002 supplemental, the regular supplemental, and if it were, we would obviously take it out in conference, but we need to get this money passed.

The problem we have is that the administration, Forest Service, the BLM need this money. If they do not get it, they will have to borrow from other accounts within the departments, and it will completely disrupt the way they do their business. So we have to be very careful here that we do not completely disrupt the way the Forest Service and the BLM operate because they have many other significant responsibilities.

This is the least we should be doing. We should be doing more, and I cannot imagine why the Office of Management and Budget does not understand that there is a problem out there that needs to be solved, and it is mystifying that they have not made a formal budget request when there is this kind of need out in the West.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me the time, and I wanted to just touch base, Mr. Speaker, on a couple of points about this bill.

This bill is our national environmental policy in many ways because it takes the management of land, the management of resources, policies affecting energy and a number of other issues, and it cobbles together a bill which is truly bipartisan and one that represents many different kinds of philosophies.

Many folks from the East have very strong opinions on this bill. Many from the West have other opinions and so this bill is actually delicately balanced and crafted. Many Members do not appreciate what goes into it, but I can assure my colleagues when we get so many Type A personalities in a body of 435 people, we are not always going to have agreement, but what we do end up with is a good bill, a bill that funds our national parks.

Our national park maintenance program is far behind, a billion dollars.

This helps catch them up. We lose lots of assets on our Park Services every year. It helps round out a lot of the boundaries in the Fish and Wildlife and the wildlife refuges that are overdue, Forest Service and Bureau of Land Management, some of the policies that have to do with Western utilization of land.

One of the things that people do not get reminded enough in terms of our national forests is that the concept of national forests started under Theodore Roosevelt, and the idea was that the Federal Government cannot lock up everything, but the private sector also cannot always develop everything. The national forests are not supposed to be national parks. They are working forests, and so it is proper there for public utilization both for recreational and for commercial purposes to take place.

This bill has lots of great research for energy policy. At a time when, unfortunately, our energy bill has stalled in the other body, this bill steps forward without doing a lot of good research like fuel cell technology, things like this. This balances our issues in the Bureau of Indian Affairs, health care on reservations and land disputes and title research.

All of this is in there, Mr. Speaker, and I urge Members to support the rule and support the bill and let us keep our environmental policy in America moving forward.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, I think this bill is a perfectly reasonable bill and I intend to support it, but I must bring to the attention of the House certain facts that relate to the overall budget situation of which this bill is only a part. Because while the bill itself has been put together by the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS) in a perfectly responsible way, the allocation process under the Budget Act, under which it comes to the floor, is in my view a charade, and I want to explain that.

We are now for the third time going through the same drill that we have gone through the previous 2 years. The Committee on the Budget has imposed on this House a budget ceiling for domestic discretionary programs which is about $748 billion. Everyone understands, except perhaps 30 or 40 people in this House, everyone understands that, in the end, appropriation bills will wind up costing considerably more than that $748 billion. So this is a question of truth in packaging.

The problem that we face, what is happening this year, as was the case in the last 2 years, is that the larger bills which are going to be coming later, the VA-HUD bill, the Labor-Health-Education-Social Security Services bill and the Commerce-Justice-State bill are all being cut by very large amounts below the levels that both sides of the aisle recognize will be needed to eventually pass those bills, in order to, on a temporary basis, free up money which can be put into bills like this one to make it look as though we can pass bills like this and still remain consistent with the overall Budget Act.

□ 1600

Now, the fact that that is being done is not the fault of the Committee on Appropriations. It is the only choice left open to the chairman because of the unrealistic spending levels that are provided for in the budget resolution. But what this means, in the end, is that (while we will be able temporarily to hide from the truth, unfortunately, and we will be able to pass the smaller bills, such as the Ag bill, the Treasury Post Office bill, the military construction bill, this bill, and a few others), come September, guess what! Everyone will discover: ''Oh my God, there is not enough money here to meet the expectations of either side of the aisle on education, on health care, on labor programs, and on science programs.''

The VA–HUD bill, for instance, has been cut $2.7 billion below the budget request of the President in order to temporarily free up room for bills like this. The Labor-HHS bill is going to be cutting teacher improvement programs. It is going to be cutting Pell Grants and other programs if it is going to comply with the overall spending limits.

So, in essence, we have a charade. And I think the House ought to be facing up to it now versus later. But we are not going to do it because, I realize, that the House leadership has only one play that they know how to run. And as I said in committee, it kind of reminds me of my high school football team, when Dick Gumness was the quarterback and Jack Bush was the half back. We were unscored on the first seven games of the season. Then, in the last game, the opposition, Eau Claire, scored 14 points the first half, we scored 7 points the second half and were driving for a second tying touchdown. We got to about the 20 yard line, and Jack Bush, the half back, had his bell rung on a play. He came back into the huddle, and Dick Gumness, the quarterback, recognized that Jack could not remember any other play, except the one we had just run. So we ran that same play five straight times in order to cross the goal line, because that is the only play Jack could remember.

That is what it reminds me of when I look at what the leadership is doing here. This is the only play they can figure out, so they are going to run it again, again, and again, even if in the end it results in a futile effort and no score. That is the only difference between our game and this one. There is not going to be any score until people face reality.

So sometime between now and October 1 people are going to have to recognize that the budget resolution is a fiction. That does not mean there should not be a budget resolution. There should. But it should be an honest one which honestly, up-front, ahead of time estimates what the cost will be rather than hiding the true cost until the end game.

That is why this Congress is being delayed in so many other aspects of its work. It is a shame, but it is the only play, evidently, that the leadership knows how to run.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire as to how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) has 10 minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 11½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I want to congratulate the chairman of our subcommittee, the gentleman from New Mexico (Mr. SKEEN), and the ranking member, my colleague, the gentleman from Washington (Mr. DICKS), for their hard work.

I listened intently to the ranking member, the gentleman from Wisconsin (Mr. OBEY), talking about football plays; and this bill particularly, I guess, can be likened to the idea that there is going to be a Monday morning quarterback coming in always on this bill and trying to rewrite it, and I think that is probably what we will see some of today. It is different when you are in the room trying to solve the problem of allocating money among disparate resources and a limited amount of money for certain functions of the government that deal with our natural resources economy.

I think this bill, while not ever perfect, for goodness sakes, is a very balanced bill; and I think it is a rule that is fair as well. By and large this is a good package, and I think it has taken a tremendous amount of work to get Members on one side of the political spectrum dealing with those on the other and trying to come to a package that makes some sense.

I supported in the subcommittee, and I am very proud of my conservative credentials, fiscally and otherwise, but I supported the additional money for firefighting. I did it because we saw a memo that I hold here from the chief of the forest service basically saying this is such an extraordinary year facing fire costs that we must have additional money or else in the forest service they are simply going to say, drop all other obligations for the forest service and put that effort into firefighting and put the resources into firefighting.

If you are from the West, and I am, and your State is burned up, from time

to time, you will be the last to criticize additional money that comes in for firefighting purposes. I say that advisedly to some of my colleagues who are concerned about this extra money. If you are from Arizona, you are not going to feel this way, necessarily. If you are from California or Washington or Oregon or elsewhere that is facing unrestricted firefighting problems, you are going to say, please help us out. And if it is your home that is being destroyed or your neighborhood or your region, you are going to be the first to stand up and say this government can help and we can do so through the Federal system.

So I think we are, within our budget allocations in the interior bill, in a difficult bill to try to balance, we are balancing it with adequate consideration for resources, for conservation, for development, for the arts, the humanities and so forth. It is a tough balancing act to try to get into law, and we are doing it and we have done it.

So I would say to any critics of this measure, be thoughtful about how you criticize, because this is a well-balanced package that I think is very well crafted to do all that we want to do in this bill.

It is important, I think, to know also that the administration supports the fiscal year 2003 Department of Interior and related agencies bill reported by the House Committee on Appropriations. And I hope my colleagues will support the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today in opposition to the rule and to express my strong opposition to certain provisions included in the interior bill that impact American Indians.

Specifically, Mr. Speaker, I have concerns regarding the language on the Commission on Native American Policy, American Indian trust fund reform, and the Cobell v. Norton litigation. These provisions were not developed in consultation with Indian country. Rather, they were directly included in the House interior appropriations bill. This language will erode the legal rights of tribal governments and block the goals they seek to attain, and these provisions violate House rule XXI, which prohibits legislating on appropriation measures.

Mr. Speaker, in this day and age, the tactic of ignoring tribal government input and advice on initiatives that impact their lives and systems of government is really unacceptable. Congress should set the example for how adequate and meaningful consultation should occur between the Federal Government and tribal governments. The Commission on Native American Policy would mandate that tribal governments engaged in gaming be subjected to additional federally imposed examination and possibly more regulation.

I believe these provisions were put in by Members of Congress who oppose Indian gaming. But tribal governments, similar to State and Federal governments, are democratic systems of governance. If some tribal governments decide to pursue gaming activities as a means of securing economic self-sufficiency, Congress should not stand in their way.

The proposed commission will also divert Federal funds from other badly needed Federal Indian programs. And, in fact, millions of dollars have already been spent studying the need for more regulation of Indian gaming. We do not need to waste money on another study.

Mr. Speaker, I mentioned earlier that I also oppose two other provisions in the bill, one that will reform the American Indian trust fund strategy and the other dealing with the Cobell v. Norton litigation. These provisions will limit a historical accounting of trust funds to the period from 1985 to 2000, which will assume all records before 1985 are correct, and in addition would not provide an accounting for funds held in an account closed as of December 31, 2000.

The tribal governments and representatives involved in the trust fund and litigation procedures are demanding an accounting of their trust funds dating back to the 1800s. Why in the world are some Members of Congress attempting to deny these account holders a full accounting of their trust funds? I have no idea.

These provisions not only serve to undermine existing Federal law, requiring a full accounting of all trust funds, but they also deny a Federal court decision requiring an accounting of all funds regardless of the date deposited. Why are we trying to go counter to a Federal court action and contrary to the existing Federal law that is simply asking for an accounting for funds that are owed to tribes? It makes no sense whatsoever.

Basically, Mr. Speaker, these provisions in the bill are clearly moving in the wrong direction. They do not serve to meet the needs or strengthen the rights of Indian country. They are taking away the rights of Indian country. They are being done without consultation. It sets a terrible precedent on an appropriations bill that we do this without any opportunity for a hearing or any opportunity for consultation with American Indians.

For these reasons, I oppose these provisions, and I oppose the rule. I would ask my colleagues to support two amendments that the gentleman from Michigan (Mr. KILDEE), the gentleman from Arizona (Mr. HAYWORTH), and other Members of the Native American Caucus are going to offer later that would strike these very bad provisions, in my opinion, that impact Indian country in a very negative way.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the very distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of this rule. This is an open rule. Unlike some of the bills that come to this floor under closed rules, this is an open rule. The Committee on Appropriations brings open rules to the floor. Members will have an opportunity to deal with this bill responsibly, and this rule makes that in order.

Now, I understand, listening to some in the debate, that there are going to be some who do not like this bill. Well, that is usually always the case that some will not like this bill. But we cannot predict what will happen to bill number 13 based on bill number three. And this is only number three of the FY 2003 appropriation bills.

Now, why is that? Why is this only bill number three, and we here in the middle of July? It is number three because this chairman made a commitment to the President of the United States that this year the first appropriations bill to move through the House would be the defense appropriations bill, and the second one would be the military construction bill. And, Mr. Speaker, this chairman kept that commitment.

While we were doing that, we were also working on a supplemental, which was basically all defense and homeland security. So we have been very busy. Now, these other bills backed up because we have kept that commitment to the President to move the defense bills first. In a time of war, I think that is perfectly acceptable. I think it is a good idea.

But now I understand that because some people might not like what is coming down the road, they are going to use all the dilatory tactics we can on this interior bill, which is the last bill that the gentleman from New Mexico (Mr. SKEEN) is going to present to this House before he retires.

We are providing the membership with a good bill. There may be some differences, and there is nothing wrong with that. That is why we have an open rule. But this is a good bill. It meets the needs and the requirements of this country. There is nothing wrong with this bill. If there are some who think they want to change it, they can offer an amendment. Under an open rule, that is what you do.

Mr. Speaker, it is interesting. I read some comments by some of our colleagues who want to destroy the appropriations process. Do it, if you can. But understand that of all the bills that are considered in this House during a fiscal year, the ones that really have to pass are the appropriations bills, because without the appropriations bills, nothing happens.

So destroy the process, if you want. The budget process WAS destroyed. There is no budget process here, which makes it very difficult to appropriate and confer with our counterparts in the other body.

If what you are about here is just numbers and the destruction of the appropriations process, so be it. But I believe that a vast majority of this House

will not agree to that because they understand the importance of the appropriations process to this House.

Mr. Speaker, again, this is a good rule, it is an open rule, and it allows the House to work its will.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I, for one, Mr. Speaker, do appreciate the open rule, and today I will be offering an amendment to the interior bill to encourage our administration to work on terminating the 36 undeveloped oil leases off California's coast. My amendment would restrict this year's Department of the Interior funds from being spent to develop these 36 leases.

It is similar to an amendment the House passed last year by a wide bipartisan margin to stop the sale of leases off Florida's coast.

□ 1615

Offshore oil drilling has long been a controversial issue throughout California. The 1969 blowout in the Santa Barbara Channel dumped 4 million gallons of oil into the sea, killing thousands of marine animals and damaging a huge swath of our beautiful coast. The devastation was so great that it galvanized virtually the entire State against more offshore oil drilling. Many credit this event to inspiring the modern environmental movement.

Since then, dozens of local governments have passed anti-oil drilling measures, and our State has enacted a permanent ban on new offshore oil leasing. Many of us have asked this administration to work on terminating these existing leases. So now I hope that a strong House vote on protecting California's coast and economy can encourage such action similar to the action on behalf of Florida and Michigan's coastlines.

Mr. Speaker, I urge Members to support this amendment and demonstrate the House's commitment to protecting our environment and the economy associated with our coastal resources, particularly in this case, the California coastline.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this is a very good Interior appropriations bill; but the problem is that the rule failed to protect two very important provisions of the bill that were put in there by the Subcommittee on the Interior and endorsed by the full Committee on Appropriations on a bipartisan basis. These two provisions are critical to protecting a program to restore the natural system of the Florida Everglades. This restoration project is costing the people of the United States literally billions of dollars. It is the most comprehensive and ambitious environmental restoration project perhaps in the history of our world, certainly our country.

What happens is that one of the provisions that is not protected by the rule would ensure that the Department of the Interior is made a full partner with the Army Corps of Engineers and the State of Florida in determining how this restoration project goes forward, and that science is used to make sure that the project is carried out in a way that achieves its objectives.

Without the Department of Interior as a coequal partner, we are not going to get the kind of results that we want here. If the Department of Interior is required to play a subsidiary rule, as this rule would require, then the outcome is going to be less than what we want and money will be sorely wasted.

The other provision that the rule fails to protect is a provision with the way the water would flow, north to south and south to north. Right now the Tamiami Trail which runs east and west across southern Florida blocks the flow of that water. A provision in the appropriations bill, again put in there by the members of the Subcommittee on Interior and endorsed by the full committee on a bipartisan basis, would ensure that a provision which the Congress previously authorized, the purchase of land to make sure that the Tamiami Trail can be raised and the water can flow naturally back and forth, north and south through the Everglades and into Florida Bay, that provision is not protected.

These two essential ingredients of the Florida Everglades Restoration Plan, costing the taxpayers of this country billions of dollars, are not protected in this bill. That is why the rule should be defeated.

Some Members might say we are legislating on an authorization bill. That is nonsense. These provisions ensure that what the Committee on Appropriations does, which authorizes money to be spent, that that money is going to be spent properly, cleanly, honestly, scientifically, so that we get the results that we want and need in this restoration project. Politics and not science is going to rule the day if this rule goes forward. That is the problem with this rule, and that is why it should be defeated.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise in opposition to this rule, and associate myself with the words of the gentleman from Alaska (Mr. YOUNG), the former chairman of the Committee on Resources.

The Committee on Appropriations has breached rule XXI which forbids legislating on an appropriations bill. They have breached it in two places in a very delicate, complex area of Indian law which is under the jurisdiction of the Committee on Resources. We have been working on that area of law very carefully and over a number of years, and have within sight, I believe, a solution to the problems which they seek to address in this appropriations bill.

I went to the Committee on Rules last night asking them not to protect these two breaches of rule XXI, but they would not give me that protection, would not give the House that protection. Therefore, I oppose this rule. I think this breach is an insult to the authorizing committee, and it is really an affront to the Native Americans of this country with whom we have worked closely on the Committee on Resources to resolve their problems.

Ms. SLAUGHTER. Mr. Speaker, I yield 2¼ minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, my comments are very similar to several speakers who have risen on the rule. I am very much in support of many provisions in the bill, but the rule, unfortunately, specifically in terms of not protecting two very significant issues on Everglades restoration, I urge my colleagues to look, understand the rule, and urge defeat of the rule for those very specific and unfortunate nonprotection issues.

Those are the only two issues where points of order are not waived. It was a very conscious, very specific decision that was made in the Committee on Rules. Members need to understand the specifics about what, and we are getting on some local, local issues. One of the provisions which has been mentioned deals with the Department of Interior representation in the process to determine literally how $8 billion is going to be spent. There is a real concern that that component, without the Department of Interior's involvement, is going to lead to results that this Congress does not want. If we pass the rule, that provision will be taken out. There has been incredible bipartisan support, people on both sides of the aisle have spoken against the rule for this very reason.

In the State of Florida, all of the 23 Members of the House have supported Everglades restoration efforts continuously at a legislative level. When we have had Democratic governors, Republican governors, candidates for President from both sides of the aisle have vigorously supported this restoration process. But in the bowels of the legislation to take out the Department of Interior really in a sense in the dark of the night in a specific way would be very unfortunate and would have the exact results that publicly no one has the guts to stand up and articulate a reason for doing it because it is such an untenable political position.

Mr. Speaker, there is a specific area called the 8½ square miles. There are 60 homes in that area right now. It is in my district. Those homes are probably going to have to be condemned. They are in the middle of a floodplain. However it happened, this provision prevents those homes from being condemned. They need to be condemned

for Everglades restoration. This provision prevents it, and can actually prevent the entire project.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, first I congratulate the gentleman from New Mexico (Mr. SKEEN) who is, as the gentleman from Florida (Mr. YOUNG) said, is going to be bringing forward his last appropriations bill before he retires, and so I would like a great round of applause for the gentleman from New Mexico (Mr. SKEEN).

Mr. Speaker, this is, as was said so well by the gentleman from Florida (Mr. YOUNG), an open rule. There has been a lot of confusion about this process, but I want to take a moment to go through a couple of provisions raised by Members.

I oppose authorizing in appropriations bills. I do not believe it is the right thing to do, but sometimes it is necessary. We in the Committee on Rules have worked very diligently to ensure that we address the prerogative of the authorizing committees when we proceed. What that basically means is on rule XXI, which the gentleman from Michigan (Mr. KILDEE) just raised as an issue, if we have opposition that comes from the chairman of the authorizing committee, we in fact do not provide that waiver of rule XXI. So what we have done is we have received a grand total of one letter, and I have it here someplace, and it came from two committee chairmen raising concerns about legislating in an appropriations bill, and it did not have to do with the Indian provisions because under the open amendment process, any Member can rise and strike those provisions that were included in the bill.

The gentleman from Utah (Mr. HANSEN) is here. He is chairman of the Committee on Resources, and he did not choose to object on that issue. So for that reason, we in fact did provide the protection; but a striking amendment will still be in order.

The letter we did receive from the gentleman from Utah (Mr. HANSEN) and from the gentleman from Florida (Mr. YOUNG) deals with the two Everglades provisions. We found strong opposition from the authorizing chairmen who have jurisdiction there. So what we did do, what we chose to do was to make sure that those two issues could in fact be open to a point of order and be stricken.

Now, I will tell Members that every Member of this House who serves on an authorizing committee will, I believe, have some issue that they hope that the Committee on Appropriations does not address, and they, in working with their chairman, can get a letter that is sent to us to ensure that that issue is addressed appropriately in the Committee on Rules.

We have followed this pattern, which has worked very effectively on both the Indian gaming issue and on the Everglades issue and other concerns that were raised. So I will say to the gentleman from Pennsylvania (Mr. TOOMEY) who raised some concerns, he has the right to strike any provision that is in this bill, and he can offer an amendment to do that. But as the gentleman from Florida (Mr. YOUNG) said, we have to proceed with the appropriations process. It is a priority. It is a constitutional responsibility that we have to appropriate the dollars to deal with our priorities.

I urge Members to support this open rule which is very fair, addresses the concerns of both the authorizing committees and the Committee on Appropriations. Let us pass the rule and pass the bill itself. I urge Members to join with us in doing that.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Mr. Speaker, parliamentary inquiry.

Mr. Speaker, two points. Am I correct the gentleman has to be on his feet when the vote is called, and it has to be done in a timely manner?

The SPEAKER pro tempore. The Chair recognized the gentleman from New York.

The gentleman from New York objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Following this vote, pursuant to clause 8 of rule XX, the Chair will then put the question on the remaining motions to suspend the rules on which further proceedings were postponed earlier today and then on the motion postponed from Monday, July 15.

Votes will be taken in the following order:

H.R. 4866, by the yeas and nays; and

H. Con. Res. 395, by the yeas and nays.

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

The vote was taken by electronic device, and there were—yeas 322, nays 101, not voting 11, as follows:

[Roll No. 302]

YEAS—322

Ackerman
Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barton
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu

Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—101

Abercrombie
Akin
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Becerra
Bereuter
Blumenauer
Borski
Brady (PA)
Brown (OH)
Camp
Carson (OK)
Chabot
Clayton
Condit
Conyers
Costello
Cunningham
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeMint
Deutsch
Dingell
Doggett
Fattah
Filner
Flake
Goode
Green (WI)
Gutknecht
Hinchey
Hoekstra
Holt
Honda
Hooley
Hostettler
Inslee
Jackson (IL)
Johnson, Sam
Jones (NC)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lee
Lofgren
Luther
Maloney (CT)
Maloney (NY)
McCollum
McDermott
McKinney
McNulty
Meek (FL)
Menendez
Miller, George
Myrick
Napolitano
Pallone
Payne
Pence
Phelps
Pitts
Pomeroy
Rahall
Regula
Rivers
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Schakowsky
Shadegg
Smith (MI)
Solis
Stark
Terry
Thompson (CA)
Thurman
Toomey
Udall (CO)
Udall (NM)
Velazquez
Waters
Waxman
Weller
Wexler
Woolsey
Wu
Young (AK)

NOT VOTING—11

Blagojevich
Bonior
Hastings (FL)
Hilleary
Lipinski
Mascara
Nadler
Pascrell
Riley
Schaffer
Traficant

□ 1655

Messrs. HOEKSTRA, BLUMENAUER, SANDERS, LUTHER, JACKSON of Illinois, KENNEDY of Rhode Island, CONYERS, DAVIS of Illinois, and BECERRA, and Ms. McKINNEY, Ms. HOOLEY of Oregon, Mrs. NAPOLITANO, Ms. SOLIS and Ms. VELÁZQUEZ changed their vote from ''yea'' to ''nay.''

Mr. STRICKLAND and Mr. SHAW changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I was unavoidably detained due to a personal matter and was unable to be present this afternoon for floor votes.

If I had been present, I would have voted in the affirmative on H. Con. Res. 395, H.R. 4866, and H. Res. 483.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

FED UP HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4866, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4866, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 246, nays 177, not voting 11, as follows:

[Roll No. 303]

YEAS—246

Abercrombie
Aderholt
Akin
Allen
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—177

Ackerman
Andrews
Baca
Baird
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blumenauer
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moore
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Blagojevich
Bonior
DeLay
Hastings (FL)
Hilleary
Lipinski
Mascara
Nadler
Pascrell
Riley
Traficant

□ 1706

Mr. McINTYRE changed his vote from ''yea'' to ''nay.''

Mr. BERRY changed his vote from ''nay'' to ''yea.''

Mr. GUTIERREZ changed his vote from ''present'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

CELEBRATING 50TH ANNIVERSARY OF CONSTITUTION OF COMMONWEALTH OF PUERTO RICO

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 395, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 395, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 32, answered ''present'' 3, not voting 10, as follows:

[Roll No. 304]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—32

Bonilla
Burton
Capuano
Conyers
Crowley
Delahunt
Deutsch
Farr
Fattah
Filner
Gilman
Goode
Houghton
Kennedy (RI)
Larson (CT)
Lee
Matsui
McCarthy (MO)
McGovern
McKinney
Meeks (NY)
Olver
Pallone
Rohrabacher
Sanchez
Serrano
Smith (WA)
Stark
Tancredo
Udall (NM)
Waters
Weiner

ANSWERED ''PRESENT''—3

Engel
Gutierrez
Miller, Jeff

NOT VOTING—10

Blagojevich
Bonior
Hastings (FL)
Hilleary
Hyde
Mascara
Nadler
Pascrell
Riley
Traficant

□ 1715

Ms. McCARTHY of Missouri and Mr. DEUTSCH changed their vote from ''yea'' to ''nay.''

Mr. LANGEVIN changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

The title was amended so as to read:

''Concurrent resolution celebrating the 50th anniversary of the Constitution of the Commonwealth of Puerto Rico.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Speaker, I was unavoidably detained earlier this afternoon. If I had been present, I would have voted ''yes'' on rollcall vote No. 299, ''yes'' on rollcall vote No. 300, and ''yes'' on rollcall vote No. 301.

GENERAL LEAVE

□ 1715

Mr. SKEEN. 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. 5093, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 483 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5093.

□ 1717

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

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

Mr. Chairman, this is a good bill and a generous bill given our Nation's priorities since the terrorist attack on September 11, 2001. It provides $19.7 billion for fiscal year 2003. It increases funds for operating and maintaining our public lands. It increases funding for Everglades restoration, weatherization grants, and Native American programs.

Funding for the U.S. Geological Survey and the National Fire Plan has been restored and funding for Payments in Lieu of Taxes and critical energy research has been increased.

I want to thank the subcommittee members and the full committee members for their help in crafting this bill that balances many competing needs.

With the help of my good friend and committee ranking member, the gentleman from Washington (Mr. DICKS), the bill maintained past commitments Congress has made on important environmental programs.

The professional staff of the Subcommittee on the Interior of the Committee on Appropriations once again has done a superb job on this bill. I would like to take this opportunity to personally thank Deborah Weatherly, Loretta Beaumont, Joel Kaplan, Chris Topik, Andria Oliver, and Bob Glasgow.

Mike Stephens on the minority staff and Lesley Turner on the gentleman from Washington's (Mr. DICKS) personal staff have been a great help and great to work with.

The personal staff of subcommittee members also have helped us get this bill to the floor.

I want to extend a special thanks to Paul Ostrowski from my office and Jim Hughes, who left my office a short while ago to work at the Department of the Interior, where he will never be heard from again.

This is the last bill that I will manage as a member of the Committee on Appropriations. I would like to thank all of the current members of the committee as well as the many former members with whom I have served over the past 18 years. I cannot begin to tell you how much your friendship has meant to me.

I want to invite each and every one of you to come visit my district in New Mexico, with its great food and wonderful culture that go together and natural resources, as well as our famous Roswell aliens from outer space.

From the Gila Cliff Dwellings to the White Sands Monument, from the Nation's first wilderness area to the Carlsbad Caverns, from the Roswell Alien Museum to the Bosque Del Apache Wildlife Refuge, from Old Mesilla, the capital of New Mexico-Arizona territory, to the Isleta Indian pueblo, and much more, we offer you an experience that you can find nowhere else.

Vaya con Dios.

Mr. Chairman, I reserve the balance of my time, and everybody should be very thankful of that.

Mr. DICKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Chairman, I rise to urge Members to vote for the Slaughter-Dicks, amendment which will be offered later today.

The arts are an integral part of our Nation's heritage and the arts represent the treasures of our Nation. They help children learn. Through arts education, millions of our children enter a world where they discover music, drama, dance, as well as the visual arts.

And the arts are not only important for cultural enrichment in the education of our children. From coast to coast, the arts are economic engines in our Nation's communities. The arts contribute $134 billion a year to our economy, according to a recent study. And in my hometown of St. Louis, the arts contribute almost $500 million to the local economy and are a source of employment for thousands of people.

If this amendment passes, funding for the arts and humanities would be increased by just $15 million. That is a modest increase, but the benefits are huge. I think it is time, once and for all, to end the assault on funding the arts that we have seen over the past years.

I hope today we can cast a bipartisan decisive vote. I hope we will send a strong signal. I hope we will demonstrate that the Congress is committed to enriching our culture and strengthening our education in our economy.

Jack Kennedy said in 1962 that one of the ''fascinating challenges of these days'' is ''to further the appreciation of culture among all the people, to increase respect for the creative individual, to widen participation by all the processes and fulfillment of art.''

Vote ''yes'' on this important amendment. Stand for the arts and stand for the future of our children and our families.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the House Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman, the chairman of the subcommittee, for yielding to me this time.

As I think most of us know, this will be the last bill that Chairman SKEEN will present to this Congress before he enjoys his well-deserved retirement. I think that I can truly say that, of all the Members in this House, I do not know of anyone who is more respected and more loved by his colleagues. Those who support and endorse his work, and even those who disagree with his work, understand that JOE SKEEN is a real statesman, a real gentleman, and someone we have come to learn and trust and respect and love over the years.

JOE came to Congress under an unusual situation. He was elected as a write-in candidate. I do not know a lot of people who have come to Congress as a write-in candidate. It does not happen very often. But JOE SKEEN was such an overwhelming personality and such a hard worker in his district that people understood and respected him.

When our party became the majority party in Congress, JOE became the chairman of the Subcommittee on Agriculture of the Committee on Appropriations. He did a really good job. He helped to create farm and agriculture packages that were workable and that were good for our farming communities.

Since then, because of term limitations placed on chairmen, JOE became chairman of this Subcommittee on the Interior. Last year he produced an excellent outstanding interior bill; and this year once again Chairman JOE SKEEN, along with his partner, the minority ranking member, the gentleman from Washington (Mr. DICKS), has produced a very good bill. It might not satisfy everybody. It might not be enough spending for some. It might be too much for others, but all in all it is a good bill. And it is a bill that should get a substantial vote in this House when we finally get to voting on the bill itself. And as we go through the amendment process, we will listen to what Chairman SKEEN has to say because he is a strong leader on this issue.

But my primary comments were not to be about the bill itself. They were to be about the chairman who produced the bill and the members of his subcommittee. He is just a very much-revered member of Congress. He is loved and respected in his own home district. I know it is not proper to speak directly to a Member on the floor; but, JOE, I will tell you that as chairman of the committee I will miss you. You have been a long-time friend. I could not respect you more than I do. And in the most sincere way, let me tell you that as a human being, I love you, JOE SKEEN. You have been a tremendous, tremendous positive effect on this House of Representatives.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), a very valued member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, first of all, I want to add my thoughts to those that were just expressed on behalf of the gentleman from New Mexico (Mr. SKEEN).

It has been a great pleasure for me as a member of the Committee on Appropriations to serve under the chairmanship of JOE SKEEN, first as chairman of the Subcommittee on Agriculture, and then second as the Subcommittee on the Interior. As I have said before on this floor, I have never met a more affable man than JOE SKEEN. He is a delightful person and an absolute pleasure to work with. I am going to miss him very, very much.

I also want to say that I strongly support the interior appropriations bill before us today and congratulate the gentleman from New Mexico (Mr. SKEEN), the chairman, and the ranking member, the gentleman from Washington (Mr. DICKS), and their staffs for crafting this bipartisan bill that will help protect our natural and culture treasures.

This is dramatic improvement over the administration's proposal. The administration's budget played a shell game with conservation, cutting funds from many important Federal accounts to make up an illusionary increase in the Land and Water Conservation Fund.

The President's request would have gutted programs protecting urban parks, wetlands, heritage and cultural preservation, water quality and forest research. I am grateful that our subcommittee rejected the administration's approach which would have prioritized resource exploitation over preservation, would have gutted the Federal Government's ability to protect and acquire nationally-significant lands, and would have abrogated the Federal responsibility to manage Federal lands by turning this responsibility over to private interests.

□ 1730

I am pleased that the Chairman's mark honors our commitment to conservation spending by providing the full $1.44 billion for the historic conservation programs established by this subcommittee 2 years ago, an increase of $117 billion or 9 percent over the current level.

This program includes important funds for Federal land acquisition, urban and historic preservation, wetlands protection and State wildlife grants. I applaud the Chairman's efforts on behalf of our national parks.

The bill before us today takes a step in the right direction to address the significant funding shortfalls facing our national parks, increasing the operating budget of the parks by $21 million above the administration's request. The bill restores cuts that were proposed to the Park Service's national heritage service area, and it fully restores the $30 million urban parks conservation fund which helps local communities meet urban recreation needs.

The bill provides some much-needed direction to the Smithsonian related to executive pay and corporate contributions. In fiscal year 2001, 70 percent of the Smithsonian's budget came from appropriated funds from this Congress. Only 5 percent of the Smithsonian's funding came from corporations. Unfortunately, while corporations are the smallest source of funding, for a price the Smithsonian is letting the corporations associate their names with this revered institution, and increasingly to have an influence on what displays are promoted. I urge the regents of the Smithsonian to reconsider this decision, as directed by the report, and correct their error.

Finally, Mr. Chairman, again to congratulate Joe Skeen on his service as chairman of this subcommittee, on his service on the Committee on Appropriations, on his service to the State of New Mexico and to the United States of America. It has been a great pleasure to serve with this gentleman.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Chairman, I am pleased to support this bill and point out that the chairman and the ranking member have done a superb job of dealing with something that is our Nation's jewels and that is our parklands.

About a third of America that is public lands is fortunate to have the kind of leadership that JOE has brought to this assignment. Being a major landowner in New Mexico himself, he understands how vital land is to the health of a Nation and how vital these areas that we preserve are for all of the people.

I particularly was pleased at the increase to the backlog maintenance account because that is a severe problem in our parks, forests and public lands, and we need to continue to work on reducing. We have the same problem with the Smithsonian.

Also, I was pleased to note that he increased the conservation amount because, again, conservation is one of the ways that we can preserve these wonderful lands for future generations. I note, also, that there is a $96 million increase in the Everglades funding. Some of my colleagues might have heard me speak on the rule, and I opposed it for the reason that it gives a right to exercise a point of order that would take the Secretary of Interior out of the loop on the management of the Everglades. After all, the Everglades is a national park and deserves the leadership of the Secretary of Interior. The $96 million in this bill, added to $1 billion that has been appropriated so far by this subcommittee, makes it very clear that the Interior Department is a player. I hope that those who have the right to do this under the rule will not exercise the point of order on the bill that takes out the Secretary of Interior from a leadership role, along with the Corps of Engineers and the South Florida Water Conservation District.

We will see how it plays out, but again, JOE, you have been a wonderful member of the subcommittee. We have served together for many, many years, and I will miss you. I hope you get rain out there as a reward when you get home because even Ohio is dry these days, and we have some sympathy for your problem of the absence of moisture. We will miss your insights and your leadership on this subcommittee. You bring it the firsthand knowledge of how vital all of this is to our Nation's future and to the preservation of this wonderful heritage we call our public lands, and we thank you for that great service that you have given us.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for the time.

Let me simply say that, with respect to the bill, that I fully support it. I am especially pleased by the funding level for the new conservation trust fund, which is consistent with the agreement that was first worked out on that item 3 years ago when we converged with the Senate in conference. The result will be that it again will be fully funded, and that commitment will be honored.

I would like to spend the remainder of the time simply discussing our good friend JOE SKEEN. I said in committee and I want to say again publicly on the floor that many of us are familiar with Will Rogers' comment that he never met a man that he did not like. But as I said in committee, I do not believe there is ever a person who met JOE SKEEN who did not like JOE SKEEN.

JOE SKEEN has brought to this Chamber honesty, integrity, straight dealings with everyone in this institution. He has brought to this institution a love for the processes of democracy, and he has brought to this institution a fundamental decency which shows through in virtually everything that he does.

After you serve in this place for a while, you get to understand what is behind the partisan label, what is behind the ideological label, and you can tell whether someone in this House puts their ideology first, puts their party label first, or puts their duty to this institution first. We can all be partisan, we can all be strongly ideological from time to time, but in the end, what this institution needs from each and every one of us is respect for the processes of this institution, respect for people who we work with every day, and a recognition that from time to time there is nothing wrong with trying to make the work a little bit easier for each other, and JOE SKEEN has brought that attitude to this Chamber every day that I have known him.

I am proud to have served with him as a colleague, and I am pleased to have had him as a friend. We wish you Godspeed, and I think it is fair to say that there is a great deal of love in this Chamber on the part of all of the Members directed to you, JOE, and I hope you recognize that.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank my good friend from New Mexico for the recognition and for all the work he has done in this House and the work that he has done on this bill.

I appreciated the comments of the gentleman from Wisconsin, and though from time to time we have disagreements, we are in unanimity for our affection toward the affection of the subcommittee and my neighbor from New Mexico.

Mr. Chairman, I rise and come to the well for this time of general debate to make note of the fact that we have some differences in this, and indeed, there will be an amendment process,

but I felt it incumbent upon this Member, Mr. Chairman, to come to the well to offer my thinking overall in terms of this appropriations bill and to clear up any misconceptions that may have been reported by assumption and/or innuendo.

The West has been ravaged by wildfire and the people of the 6th District of Arizona and the White Mountains have suffered the worst fire disaster in our history, hundreds of homes demolished, thousands of jobs lost. I thank my friend from Washington State for offering some changes that have been added here. In a bipartisan basis, this legislation deals with those challenges and problems.

Mr. Chairman, in a perfect world, I would love to see it in an emergency supplemental, but there are several hurdles that may preclude that fact. I appreciate, Mr. Chairman, the efforts of the administration to offer reprogramming of funds, but I do not want to see fire suppression or further fire prevention jeopardized.

As I look around this Chamber, I see my good friend from Michigan and others who share my concern for the rights of the first Americans, and there will be amendments we will offer to try and perfect some things that we have a disagreement on, but Mr. Chairman, for my people who have suffered, this legislation at the end of the day offers me help with that problem.

Mr. DICKS. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Washington State for the time.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want the gentleman to know, first of all, a couple of important facts.

One, the statement of administration policy is here, and it states that they support the bill. It gets into the question of $700 million, and one of the things it says is, ''Nevertheless, should Congress seek to add additional contingent emergency funds for fiscal year 2002, the proper place for consideration of this funding is in the context of the pending emergency supplemental.''

I am perfectly willing if the conference committee on the supplemental appropriations bill would take the $700 million. We could get it to the agencies faster than having it in the 2003 bill because I know the gentleman's concern is that the Forest Service and the BLM are running out of money. Yes, they can do transfers, but it means that all of their other programs suffer because of that.

So we are trying to get this money out there, and I have never been so frustrated. Maybe somebody could tell Mr. Daniels that there is fire in the West and we need this help.

Mr. HAYWORTH. Mr. Chairman, I thank my friend for the time.

I think, Mr. Chairman, what we are seeing on the floor is the process at work to help solve the problems. I have sat down with the administration. We do need to have the funds, whether in this bill or via supplemental. I pledge to work with the gentleman. I appreciate the collaborative efforts here to solve a problem, and it is in that spirit I come to the well looking forward to the amendment process and ultimately getting the money to the people who need it most.

Mr. DICKS. Mr. Chairman, I yield myself 4 minutes.

First of all, I want to join those who have complimented our chairman, the gentleman from New Mexico (Mr. SKEEN). He has done a great job as chairman of the Subcommittee on the Interior, coming after the gentleman from Ohio (Mr. REGULA) who was another outstanding chairman, and I would like to look back to the days of Sid Yates, who was also an outstanding chairman.

We have had great leadership and great bipartisan cooperation on the Subcommittee on the Interior, and the chairman properly mentioned all the staff people. I just do not think we could have a better staff on both sides of the aisle than we do on the Subcommittee on the Interior. They work with all the Members. They listen to everybody's concerns. This truly is a bipartisan bill that deserves the support of this institution.

I see the gentleman from Alaska, my good friend. I also want to mention that we are very pleased, for the third year in a row now we have fulfilled the commitment when we created the conservation trust fund a few years ago. When the other body would not enact the gentleman's legislation on CARA, we stepped in, and this year I want my good friend to know that we have taken the money from the original 2000 account, about $680 million, we are up to $1.44 billion, and the whole, we put Commerce-Justice-State together with Interior, $1.92 billion. So we are keeping our commitment and living up to what we said that we would do in the days of CARA. So I am proud of that.

The gentleman from Ohio (Mr. REGULA) worked on that. This has been a bipartisan effort. The gentleman from Wisconsin (Mr. OBEY) was involved. This has been a bipartisan effort on creating this conservation trust fund that allows us to deal more appropriately with all of these problems.

The other thing I am pleased about in this bill is an initiative that I took on dealing with the problem in the Northwest of culvert replacement.

□ 1745

The forest service and the BLM, have not been doing a good job in replacing culverts that block salmon, from being able to go up and down the Columbia River, up and down all the rivers in the Pacific Northwest. There are about 5,000 of these culverts that need to be replaced, and we have to start on that this year. This is a modest start, but one that I am proud of and that the committee responded to due to a GAO report in a hearing that we had on this issue this year.

So I am pleased to be here to support this bill, and I want to also compliment the gentleman from New Mexico (Mr. SKEEN), who has had an outstanding career, 22 years here. He has no enemies in this institution. He only has friends. And he will go back to New Mexico and enjoy the good life, as he deserves; but I want everyone to know that he has been a joy to work with. He has been a friend. We have traveled together, particularly on the Subcommittee on Defense, and I have really enjoyed working with him. We are going to miss you, but we are going to fight and get this bill passed.

And I want to remind everybody on that side of the aisle, this bill is supported by the Bush administration, and I think that is important. They accept the level. They say they would like to have this trimmed or that trimmed to have money to add back into things they want, but they accept this bill. So I hope that the Members on the other side of the aisle will join us in a bipartisan spirit and get this bill passed tonight. I hope we can do it in a timely way.

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

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I want to thank the chairman; and as a member of the freshman class that we were part of, I want to pay tribute to you. God bless you, Joe, and your family. We are going to miss you, but we are going to stay in touch. You have been a good man. God bless, Joe.

Mr. Chairman, there is an amendment in here that is going to be offered to strike an amendment, which would, I believe, help Indians. Keep in mind that 80 percent of the Indians in the United States have received no money from gambling. None. None. Not one dime. Fifty percent of the gambling money has gone to 2 percent of the Indians. What are they afraid of?

Among Indians, the poverty level is 26 percent, and yet they do not want a commission to look at it. Health care among Indians, stroke, lung cancer, breast cancer, suicide is the highest in the Nation; and yet they do not want to look at it. The death rates among Indians is higher in seven categories; alcoholism, 620 percent higher, and yet they do not want to look at it; TB, 533 percent higher, and they do not want to look at it; diabetes, 249 percent higher, and they do not want to look at it. And on and on and on.

I would urge the defeat of the amendment that is going to be offered by the gentleman from Michigan and the gentleman from Arizona. My amendment to strike is a good amendment. There are people on the commission on both sides, those who are for gambling and

those who are against gambling. We have an opportunity to bring economic development, good housing, good health care, and good education for the Indians. I urge the defeat of the amendment if it is offered.

If my colleagues really care about Indians, what are you afraid of? What are you afraid of, an 18 month commission to look back and make recommendations? What are you afraid of? Let us do something to help the Indians. Let us defeat their amendment and keep the language we have in the bill.

Mr. DICKS. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) has 17½ minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 16½ minutes remaining.

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

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. NUSSLE).

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

Mr. NUSSLE. Mr. Chairman, first of all, I want to congratulate the gentleman from New Mexico on a fine job of putting this appropriation bill together.

As the chairman of the House Committee on the Budget, I am pleased to report that this bill is consistent with the House concurrent resolution for the budget for fiscal year 2003, including the levels expressed in the subcommittee's 302(b) allocation. The levels of conservation-related spending in the bill are also consistent with the statutory caps.

So I will support this appropriations bill, but I would like to share with my colleagues one concern and a warning about the process. The bill designates $700 million for emergency wildland fire suppression for 2002. We are all concerned about the wildfires that have destroyed lives and property in Arizona, Colorado and elsewhere. However, if the money is urgently needed to meet a current unanticipated emergency, the fiscal year 2002 supplemental is the more appropriate vehicle to pursue this objective; and I would urge that approach by my colleagues in the House, the other body, and the administration.

Overall, I would also like to mention some concerns I have with the direction of the process for appropriations. While this bill is within its 302(b) allocation, it is approximately $700 million more than comparable levels in the President's budget. In addition, the Agriculture, Treasury Postal appropriation bills that we are expected to see on the floor later this week are also $700 million more than the President's request and our resolution.

At this rate, we are going to have to reduce spending for VA–HUD, Commerce, State, and Justice and other appropriation bills by several billion dollars to comply with the budget resolution. I hope that Members of the Committee on Budget and the Committee on Appropriations, as well as colleagues on both sides of the aisle, will work together to pass the remaining bills at the levels that are sustainable through the entire appropriations process.

We just heard a report today by the Office of Management and Budget on the midsession review for the budget and for the deficit that we are currently operating under. Spending restraint is the only way to get out of the dire circumstance that we find ourselves in. I urge our colleagues to continue to be responsible as we work through this process, and I urge support for this appropriations bill.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I first want to join all my colleagues on both sides of the aisle in saying what a great chairman and a great Representative JOE SKEEN has been. I have enjoyed working with him and serving on his Subcommittee on the Interior, as well as the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations. I do not think a finer gentleman has ever been in the United States Congress.

I was very glad that this committee, on a bipartisan basis, joined together to honor him with an appropriate tribute to him in the form of a visitor's center.

I want to say also, Mr. Chairman, that this bill can be a very difficult bill because we are 435 independent type-A personalities in this body, with geographical differences, philosophical differences and, then provincial differences which can sometimes split us up. But this bill, in a final product, is cobbled together and is a kaleidoscope of philosophies and attempts to do a lot of difficult things with about a $19 billion budget, a budget which I will say, although is slightly higher, is only about 2 percent higher than the funding for last year. I wish we could hold the line on all Federal funding to that modest 2 percent increase. But we have Members on both sides of the aisle who have demanded more studies, more land acquisition, and more increases; and so that is one of the reasons why the bill is higher than last year.

But this bill has good stuff for the National Park Service, catching us up on maintenance. It has money for firefighting, both for clearing out forests and putting more money in for emergency firefighting. There is money for energy research. At a time when we have a stalled bill in the other body that we cannot move forward, here is an opportunity to put a lot of the great research forward that we need in terms of our national energy policy. There is money for the first Americans, Native Americans, in the Bureau of Indian Affairs. We have a lot more money for tribal health services and a lot of needed issues that they have. There is money for the PILT grants, payment in lieu of taxes, and something for our local governments.

This bill has a lot of great stuff for our national environmental policy, and so I strongly support it and join my colleagues on a bipartisan basis to move it forward today.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, it is not very often in a body like this that we get to honor someone like JOE SKEEN.

I remember Mr. Natcher. I was a young freshman Member of Congress in the minority; and I was upset, like I am about the Wolf portion of this bill today that is a strike against Native Americans, and I was so upset I remember Bill Natcher said, ''Well, Duke, in Kentucky, we have horse races. And sometimes those horses come out of the block so fast that they break their legs and we have to shoot them.'' And he says, ''If the gentleman will settle down, I will help him with his amendment.'' Bill Natcher was like that, and JOE SKEEN is the same way. He is a gentleman, and he works in a bipartisan fashion. You will be missed here, JOE; but we will not forget you.

I rise in support of the Hayworth amendment. There was a gentleman on the Republican side that offered an amendment in committee that was legislating on an appropriations bill. That is supposed to be against the rules, and yet the Committee on Rules protected his amendment. That is wrong. We stopped Members' amendments on the other side. The gentleman from Wisconsin (Mr. OBEY) knows and objects to legislating on an appropriations bill. We do it from time to time, but it does not make it right. And that is the fact with regard to this process.

What we are doing as Republicans is adding a brand-new bureaucracy that oversees Indian gaming, when there has been report after report after report. This would be just another bureaucracy where a report is written that sits on a dusty shelf. Instead, let us take that money and put it toward Native American health care or education centers. We have been told there is only a 2 percent increase.

Let us support the Hayworth amendment when it comes up and fight, for once, for Native Americans.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time; but I also rise in tribute to JOE SKEEN, who is a wonderful statesman, a very good friend, a man of integrity who worked across the aisle in the best interest of civility and in the best interest of the people of the United States of America. I salute you, JOE SKEEN; and I hope that you, as a role model, will carry on through the rest of us in this House of Representatives.

In addition to that, Mr. Chairman, I rise in strong support of an amendment that is going to be offered to this bill. It is the Slaughter-Dicks-Horn-Johnson-Morella amendment, and it would increase funding for the National Endowment for the Arts by $10 million and the National Endowment for the Humanities by $5 million.

As a long-time member of the Congressional Member Organization for the Arts, I really was not at all surprised by a recently released study which provides hard evidence that the arts improve critical skills in math, reading, language development, and writing.

□ 1800

The study, entitled Critical Links, shows that children who learn to use certain musical instruments develop spatial reasoning skills, which are necessary to understand and use mathematics.

Additionally, another study reports that the nonprofit arts industry is a $134 billion economic engine, creating over 4 million jobs, $89 billion in household income, $6.6 billion in local government tax revenues, $7 billion in State government tax revenues and $10 billion in Federal income tax revenues. That is quite a listing of revenue that is saved.

The nonprofit arts, unlike most industries, leverage significant amounts of event-related spending by their audiences. Attendance at arts events generates related commerce for hotels, restaurants, parking garages and more. Statistics illustrate that the average person spends $22.87 at arts events which generates into an estimated $80 billion of valuable revenue for local merchants and their communities. The National Endowment for the Arts and the National Endowment for the Humanities support the creation and preservation of our Nation's artistic and cultural heritage, including learning opportunities for adults and children in communities across the country. I specifically want to mention local arts organizations in Montgomery County, Maryland which support over 800 full-time jobs, and last year alone generated over $15 million in household income and contributed over $1 million to State and local tax base.

Mr. Chairman, public investment in the arts benefits our Nation and its citizenry. The Federal contribution of each U.S. taxpayer barely exceeds the cost of a single first class postage stamp. Funding for the arts recognizes and encourages artistic achievement and sustains our national tradition of excellence. Let us support this amendment. It is a sound investment in our Nation's cultural heritage, as well as our economic prosperity.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a strong supporter of this committee's activities.

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

Mr. FALEOMAVAEGA. Mr. Chairman, I stand to object to the proposed provision in the appropriations for 2003, the Interior appropriations bill, and I express my strong support to the amendment offered by our authorizing committee, the gentleman from West Virginia (Mr. RAHALL), the gentleman from Michigan (Mr. KILDEE), and the gentleman from Arizona (Mr. HAYWORTH), and this is in reference to the establishment of a commission with reference to needs of Native Americans.

Mr. Chairman, I will not question Members' motives and wanting to give assistance to Native American Indians, but this provision goes too far. The provision will limit billions of dollars of claims against the Federal Government for mismanaging Indian trust funds by limiting the accounting from 1985 forward.

Further, the provisions will presume the balances as of 1985 were correct, even though the government admits that money has been mismanaged for decades. The provision would overturn a central provision of the American Indian Trust Management Reform Act, legislation enacted in 1994 requiring the Secretary of the Interior to provide a full accounting. We have already expended over $20 million plus even trying to get an auditing report from the Department of Interior which they have failed to do.

We owe the Native Americans. It is their money. We were the trustees, and we failed in that responsibility. I urge Members to support this proposed amendment that will be given at a later point by the gentleman from West Virginia (Mr. RAHALL), the gentleman from Michigan (Mr. KILDEE) and the gentleman from Arizona (Mr. HAYWORTH).

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for his work on this bill.

In my home State of New Jersey, the most densely populated State of the Nation, the preservation of open space is a top public priority. That is why I am especially grateful to the gentleman from New Mexico (Mr. SKEEN) and the members on the committee for supporting a number of our New Jersey priorities.

At my request, this bill contains continued funding for the preservation of New Jersey's highlands, one of New Jersey's most threatened and important watersheds. This bill provides, through the gentleman's efforts, $6.3 million in critical funding for land purchases within this area. It also builds on our past successes at the Morristown National Historic Park and the Great Swamp National Wildlife Refuge. I thank the gentleman for his support and the committee's support for the New Jersey priorities.

Mrs. ROUKEMA. Mr. Chairman, today we will complete work on the Interior Appropriations Act. I am pleased that this bill includes $6.3 million for preservation of lands in the New Jersey Highlands region. This is great news for the residents of New Jersey. Preservation of the Highlands region is critical to our fight to maintain the quality of our ground and surface drinking water sources, to preserve open spaces and protect the wildlife.

The Highlands region encompasses more than 2,000,000 acres extending from eastern Pennsylvania through New Jersey and New York to northwestern Connecticut. A wide diversity of significant rare and endangered plants, animals and ecosystems, as well as historical structures and developments, exist in this beautiful region. The Highlands also provides clean drinking water to over 11,000,000 people in metropolitan areas in all four states. Over half of New Jersey residents rely on drinking water from Highland sources.

Continued federal funding for the Highlands is a big win for northern New Jersey. In northern New Jersey, an area of such dense population, we treasure our open spaces. The Highlands region is truly a natural—and national—treasure, threatened by continuing development. This commitment from the federal government is an important step in the continued fight of our communities to protect these open spaces.

The proposed funding of the New Jersey Highlands would allow for the purchase of additional land in the region, including designating $2.3 million for the expansion of the Wallkill River National Wildlife Refuge. The people of the northern New Jersey will truly see the effects of these well-allocated federal funds.

This is not only an accomplishment in the preservation of this beautiful land, but also in the protection of water sources for 3.5 million New Jersey residents. Additionally, we are committing $5 million for the Delaware Water Gap National Recreation Area for the preservation and restoration of historic buildings—many of which are in desperate need of repair.

At times of extreme budget constraints, the House's action today underscores the national significance of these important regions. I would like to commend Congressman RODNEY FRELINGHUYSEN, a member of the Appropriations Subcommittee, who worked hard to see that these federal dollars became a reality for the people of New Jersey.

Mr. ISSA. Mr. Chairman, I had intended to offer an amendment today to withhold funds from the Government of American Samoa to protest the treatment of one of my constituents.

In January of 1997 a constituent of mine signed a special services employment contract with the government of American Samoa as Executive Director of the Centennial 2000 program.

In August of 2000 he was informed by the Governor's office that his employment and contract had been terminated. As a result reimbursements, per diem, travel expenses, and salary were never fully paid under the terms of the contract. To date, he is still owed $87,942 by the government of American Samoa for services rendered.

I have pleaded with Governor Sunia to provide me with information necessary to make an independent judgment on my constituent's case. I have also requested that the Office of Insular Affairs withhold appropriate funds from the government of American Samoa until my constituent's claims are resolved. All my efforts to resolve this issue with the government of American Samoa have been unsuccessful.

Mr. Chairman, I was hesitant to bring these amendments to the floor but I felt that the appropriations process may be my only avenue to resolve this issue. Earlier today I was pleased to learn that my constituent was given an appointment with Governor Sunia to discuss this issue. I hope that a reasonable and just solution will result from their meeting and for this reason I will not be offering my amendment.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from New Mexico (Mr. SKEEN), the Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee, for their exceptional work in bringing this bill to the Floor.

This Member recognizes that extremely tight budgetary constraints made the job of the Subcommittee much more difficult this year. Therefore, the Subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to all the members of the Subcommittee and formally recognize that the Interior appropriations bill for fiscal year 2003 includes funding for several projects that are of great importance to Nebraska.

This Member is very pleased that the bill includes $400,000 from the U.S. Geological Survey-Biological Division for the establishment of a new fish and wildlife cooperative research unit at the University of Nebraska-Lincoln. This Member has requested funding for this cooperative research unit each year since 1990! The University of Nebraska and the Nebraska Game and Parks Commission has already committed funds and facilities for the unit, but a Federal earmark of $400,000 is needed to make it a reality.

Nebraska's strategic location presents several very special research opportunities, particularly relating to migratory birds. However, Nebraska is one of the few states without a fish and wildlife cooperative research unit within the state. Locating a cooperative research unit in Nebraska to develop useful information relating to these issues upon which to base critical management decisions is an urgent need.

This Member is also pleased that Homestead National Monument of America receives $300,000 under this legislation to begin implementing the recommendations of the recently completed General Management Plan. This level of funding is needed for planning of a visitors center and for design of exhibits.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862, which is recognized as one of the most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. The fiscal year 1996 Interior Appropriations legislation directed the National Park Service to complete a General Management Plan to begin planning for improvements at Homestead. The General Management Plan, which was completed last year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon the nation.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legislation:

> I shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.

Clearly, this authorizing legislation sets some lofty goals. I believe that the funding included in this bill will begin the process of realizing these goals.

Also, this Member is most pleased that this bill contains an appropriation of $8,241,000 to complete construction of the replacement facility for the Indian Health Service (IHS) hospital located in Winnebago, Nebraska. It has certainly been a long process and this Member would like to thank the Subcommittee for its invaluable assistance over the years in obtaining funding for this new hospital, which is much needed and will greatly benefit Native Americans in Nebraska and the adjacent states of Iowa and South Dakota.

Again Mr. Chairman, this Member commends the distinguished gentleman from New Mexico (Mr. SKEEN), the Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee, for their support of projects which are important to Nebraska and the 1st Congressional District.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendment printed in House Report 107–577 is adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $826,932,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $2,228,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $826,932,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further*, That of the amount provided, $43,028,000 is for conservation spending category activities pursuant to 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

AMENDMENT OFFERED BY MR. TOOMEY

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

The Clerk read as follows:

Amendment offered by Mr. TOOMEY:

On page 2, line 13, insert after the dollar amount ''(reduced by $162,254,000)''.

Mr. TOOMEY. Mr. Chairman, I would like to begin this discussion with just a brief commendation of my own for the gentleman from New Mexico (Mr. SKEEN) who has provided such a great service to his constituents, to his State, and to America for many, many years. I think it is appropriate and fitting that he was recognized for the outstanding work that he has done over many years.

I am sure that very much of what is in this bill I would be happy to agree with. And let me start with recognition that the funds that are in here to fight the forest fires are an important topic for us to consider. First of all, there is no question this has been a devastating season for forest fires. It has been incredibly costly, and devastating to many Americans.

The point I want to make is we should not be putting this into this bill, an appropriation bill for fiscal year 2003. We should be putting this into the supplemental bill, which is long overdue, which would make the funds available much sooner, whatever the appropriate amount is. That is what we ought to be doing with the firefighting, and I think some Members on the other side of the aisle and our side probably agree with that.

But the bigger issue is the path that we are on, the path that this bill takes us down, in terms of overall spending. That is a path that will bust the budget that we adopted in this House, a budget which we later confirmed with a deeming resolution on this floor, and a budget that the President has indicated that he fully supports.

The gentleman from Wisconsin (Mr. OBEY) I think very accurately agreed with my assessment. In his comments during the discussion of rule, he talked about the fact that the big bills, the bills that are in many ways more difficult to pass, they have been rather low-balled, certainly with respect to the President's request. Funds have been taken from them and added to these earlier bills, the bills like Interior and Agriculture and Treasury-Postal. By loading up these bills, he can probably pass them because bills are easier to pass with the more spending there is.

But the problem is we will get to the end of this cycle, and we will find, as the gentleman from Wisconsin (Mr. OBEY) observed, that we do not have the votes to pass those bills. Now the gentleman from Wisconsin (Mr. OBEY) and I would probably disagree what we ought to do about this dilemma, but we agree that we have a fundamental dilemma here.

I would suggest that the chairman of the Committee on the Budget confirm that he has a concern about this process, a concern that some of these smaller bills have been added to make them easier to pass, but making it harder to pass the final ones. I think this is a very serious concern.

The fact is in recent years, spending has been out of control. The Federal Government has grown much faster than the rate of inflation, much faster than the rate of economic growth of our country. In fact, in recent years it has approached an average rate of 9 percent per year. When that happens, the Federal Government is squeezing out the private sector, it is undermining the performance of our economy, and it is very harmful for our future because now, sadly, it is also contributing to a deficit.

We worked so hard for so many years to get this budget in balance, and we did it. We started paying down the debt. We did that, Mr. Chairman, by restraining spending. When spending is out of control, we will stay in deficits and go deeper in deficits. We learned just yesterday that we are now facing for fiscal year 2002 a budget deficit of about $165 billion. There is a reason for that. We are fighting a war. We have got a war that is extremely costly. We have to rebuild the defense capabilities of our Nation from years of neglect. We need to put a lot of money into defense. That is appropriate.

We also have vulnerabilities here. We have vulnerabilities to future terrorist attacks, and we need to spend money to enhance ourselves to defend ourselves against those attacks, or to respond, God forbid, if they should occur.

These are big expenses, and we have to accept them. It is all the more reason that we have to tighten our belts in the other areas so we can get back to the budget surpluses that we want to return to. If we keep spending too much money, we will never get there. The reason we are in the dilemma we are in today, we have built the spending base up too high, and now we are adding to it.

Mr. Chairman, I have offered an amendment that simply says let us take a management fund, funds that are used to pay salaries and other administrative costs for the Bureau of Land Management, and let us reduce that back down to the level it would be at today if only we had grown spending on this account since 1996 at the rate of inflation. In other words, if we said the rate of inflation is an appropriate spending increase each and every year, we would be at the level that I am proposing in my amendment. Instead, we are much higher than that in the underlying bill. My amendment would have the effect of reducing spending by $162,254,000, bringing us that much closer to getting this budget in balance and getting back to the surpluses that we ought to return to.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Bureau of Land Management is the last well-funded land managing agency in this bill.

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

Mr. Chairman, I rise in very strong opposition to this amendment. First of all, this amendment would cut $162 million. It is a 20 percent reduction, $149 million below the President's budget request. Remember, the President of the United States in his statement of administration policy says he supports this bill.

It would cut $6.8 million from wildlife and fisheries, $21.4 million from energy development, $19 million from transportation on Federal lands, $15 million from resource protection.

As our former colleague, Silvio Conte, would say, this is nothing but a meat-ax approach by Members who have not read the bill, and their only possible course is to do across-the-board cuts rather than make specific cuts.

I rise in opposition, and I urge that we vote down the amendment and move along.

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

Mr. Chairman, I rise in support of the amendment. I have a holding here. It is called the Arizona Media Advisory, sent out by the Committee on Appropriations to my home State. As Members know, Arizona has lost about 450,000 acres to fire over the past month.

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What this media advisory says, and I will not mention the other names included in there, ''Representative FLAKE Works to Slash Firefighting Funds.''

We all know why the firefighting funds were put in there. It was to silence people from the West who have opposition to the runaway spending in this bill. This was sent out to the media in Arizona hoping that that would silence me and others who had opposition to the higher spending in this bill. Well, it will not. I think it is a horrible thing, and it is dirty politics at its worst to do this kind of thing; but let me say for the record that we have suffered a huge loss in Arizona. There is need for funding to fight fires. That ought to be handled in a supplemental appropriation bill, not here. Those funds will be needed now, not later.

This bill, if we look at the last 4 years, the soonest it has been passed, I believe, is October 4, or October 21. The latest is November. So if this money is not going to be available, anyway, why are we doing it now? The answer is simple. It is to silence those who want to stand up and say that we are engaging in runaway spending.

I appreciated the comments of the gentleman from Wisconsin (Mr. OBEY) earlier. He hit the nail right on the head. What we are doing here is we are plussing up, porking up the early bills after defense and military construction. We see here from the chart we are well above the President's request on these three; but lo and behold, when we

get to the end of the appropriation trail, then we are well below. Does anybody think for a minute that these bills at the end of the process can even get out of committee? The gentleman from Wisconsin does not believe so on the minority side and neither do I. I do not think that anybody in this body reasonably believes that those bills can actually get out of committee, let alone pass on the floor.

And so what we are participating in here is a charade. We passed a budget, and as Republicans we ought to stick to it. We know that if we engage and we go forward with this bill, we will not be able to stick to that budget. That is the objection I have, and that is why I am supporting this amendment, and we ought to support every amendment that would bring the level of spending down so that we can actually get back to the budget that we passed, get back out of deficit spending, get back to surpluses and get back to doing what we ought to do here.

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

Mr. Chairman, I rise in strong support of the amendment.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, I have a point of order. Does the chart have to be taken down when the person who speaks is no longer speaking?

The CHAIRMAN. If the gentleman from Indiana is not using that chart, then it should be taken down. The gentleman from Indiana can use that chart if he so chooses.

Mr. DICKS. Is the gentleman from Indiana using the chart?

Mr. PENCE. Yes.

Mr. DICKS. I thank the gentleman.

Mr. PENCE. I thank the gentleman for the opportunity to clarify my chart usage. We likely, Mr. Chairman, will see this chart frequently tonight as we have conversation one with another about fiscal responsibility.

Let me begin tonight by joining so many others in commending Chairman SKEEN, whose integrity, whose career, whose commitment to public service represents a gold standard in the House of Representatives. I am honored to be able to say that I have served here for a time with him.

Mr. Chairman, it is not about challenging either the chairman or any member of this committee on either side of the aisle's sincerity in attempting to address the needs of this Nation in this important legislation. It is more, Mr. Chairman, in this amendment and in other amendments that will very likely be offered before the evening is out, before we may well be into the morning hours tomorrow, it is more about trying to live within our means.

The administration just recently this week indicated that if we will control spending, read that line within the budget that was adopted by resolution in this House, that we can return to surpluses within the next 2 years. That is a remarkable observation and assertion, Mr. Chairman. To think that we have passed through recession, through an attack on our Nation and through war and yet if we will but tighten our belts in this institution and live up to that which we have committed ourselves to in the budget, that we can return to surpluses within the next 2 years. The analysis indicates, however, that if we continue to increase spending at 5 percent-plus a year, enact a prescription drug bill that I supported and many of us supported as necessary in this time and concurrent receipts for veterans, both of which have passed the House, that we will be in deficit for 9 out of the next 10 years. This is the contemporary analysis of the administration and experts in this community.

This amendment simply makes an attempt to reduce the budget for the Bureau of Land Management to the 1996 level, plus inflation. The current projection is a 24 percent increase. I would simply argue that this is not the time for us to respond to the impulse of generosity in the appropriations process. Rather, now is the time for us to recognize the time of national duress that is truly upon us.

And so I rise tonight in support of the amendment of the gentleman from Pennsylvania. I will continue so long as my energy holds out to rise into the evening and to rise into the morning and maybe into the daylight tomorrow to stand for the simple principle that if you owe debts, pay debts, that government ought to live within its means just like every American, like those in Anderson, Indiana, families today who maybe face, some 700 in number, losing their jobs at the Delphi plant in these uncertain economic times. Now is not the time for us to live beyond our means.

And so I will apply myself to this process and trust that my colleagues on both sides of the aisle will see the sincerity of our purpose and urge my colleagues to support the amendment.

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

I first would like to open my comments with my thoughts of Chairman SKEEN. He is an absolute gentleman. He is the epitome of what a legislator ought to be. I have had two staff people that worked for him for a number of years, and they have shared with me so many times what a wonderful man he was to work with and how well he trained them. I thank the gentleman for allowing me to have two of his ex-staff people who served me very well.

Mr. Chairman, I rise tonight to oppose this amendment. The interior bill is the one bill in Congress that invests in rural America. Rural America. I represent the most rural district east of the Mississippi. Everybody thinks that when you invest in rural America, you are talking about agriculture. That is true. But agriculture only impacts 10 percent of rural Americans. Ninety percent of rural Americans are not involved in agriculture. So this bill and the 100 amendments or so that have been drafted is cutting rural America. Rural America is economically struggling. The national parks, very much a part of rural America's economy, manage 90 million acres. The forest service manages 192 million acres. The Fish and Wildlife Service manages 85 million acres. The Bureau of Land Management, which this amendment goes to, manages 262 million acres and makes those properties available to the American public so the American public can enjoy nature, can enjoy recreation and can enjoy the natural resources that come from there.

This bill deals with the special responsibility we have to Native Americans, our Indians. This bill deals with energy R&D and our future. The economy of this country depends on the future of energy and how we use it wisely and what alternative energies we come to. This is what this bill will fund. This bill finally, not completely, but funds PILT more fairly. That is Payment in Lieu of Taxes. All this land I mentioned, we have never paid our taxes to the local governments, to the local people. This bill funds the geological service that does natural resource science for America. The Smithsonian Institution. This is the bill that deals with rural America.

We are going tonight to be hit with dozens and dozens of amendments taking a cut out of rural America. I will rise to oppose them, because rural America needs a break. Rural America needs to be treated more fairly. This is the one bill, one of two, agriculture and interior, that deal with rural America that is being targeted for these cuts that I think is unfair. It is not well thought out; $162 million out of management of one agency is not well thought out.

For that reason, I oppose this amendment. I urge those offering it to think more clearly about the impact they will have on the part of America that is struggling the most economically, rural America.

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

Twice now the House has voted to set an overall discretionary spending level of $748 billion for fiscal year 2003. As we begin the appropriations process, we begin to put in place the pieces that will enable us to either hit that target or to miss that target.

POINT OF ORDER

Mr. DICKS. Point of order, Mr. Chairman. Does the gentleman want this chart?

Mr. HOEKSTRA. Mr. Chairman, is this coming out of my time?

The CHAIRMAN. No.

Mr. HOEKSTRA. This is not coming out of my time? Yes.

Mr. DICKS. Could we see it? We cannot even see it over here.

Mr. HOEKSTRA. We were pointing it over here so our colleagues could see it more, but we would be more than willing to have you see it as well.

Mr. DICKS. I thank the gentleman. We wanted to make sure we could see it.

Mr. HOEKSTRA. I would also like to commend my colleague, the gentleman from New Mexico (Mr. SKEEN), for his tremendous service to the House, to the people of his district and to his State. He is a great colleague and has done tremendous work here and I think has done tremendous work on the Committee on Appropriations.

As we take a look at putting the pieces together for these 13 appropriations bills, we see that the House has put a marker out there of $748 billion. The other body has yet to pass a budget. President Bush has endorsed the House-spending level and indicated in numerous speeches that he will use his veto if necessary to enforce the House discretionary spending level. Why is this important? It is important because this year we are back in deficit. What we really want to do is we want to move back into surplus as quickly as possible. The House spending level that we have approved is almost identical to President Bush's fiscal year 2003 request. Any increase above the President's request in one bill will need to be offset by a decrease in another bill.

As we take a look at the schedule for this week, we see that three out of the first four bills that have been reported from appropriations are going to be above the President's request. The interior bill today is $775 million above the request. That does not include the $700 million in emergency firefighting. Treasury-Postal is $538 million above the request. The agriculture bill is $550 million above the request. The legislative branch looks like it will be reported out at the President's requested level. Collectively, these bills then are about $1.8 billion above the President's request.

If we are going to plus-up these early bills, it means that at the later end of the process, we are going to have to have reductions in some very difficult bills. Is this House ready for a $400 million-plus reduction from the President's request for Commerce-Justice-State? Are we ready for a $1.8 billion reduction from the request for Veterans, HUD and FEMA? These bills are currently scheduled to move at the end of the appropriations process. If we are going to be cutting from the President's request, which is going to be a very difficult process, those should be the bills that we move first to show that we are disciplined and we are willing to make those choices. If the House passes the first appropriations bills at levels significantly above the request, I think then we will be forced at the end of the process to break the bank to pass the veterans, HUD and FEMA bill at levels significantly higher than what the Committee on Appropriations might otherwise report them here.

□ 1830

We need to get back to surplus. We need to get back to surplus, and one of the ways, the most direct way that we can do this through this body is by controlling spending. That is 100 percent within our control. We should lower these bills to the President's request, or we should move the other bills first to show that we have the discipline to pass spending bills that are below the President's request.

This bill is about $1 billion above last year, a more than 5 percent increase. That is more than twice the rate of inflation. The Committee bill is $775 million above the President's request. If we had held over the last 8 years' spending on this bill at roughly the rate of inflation, this bill would be 30 percent smaller than what we see today.

The administration has also clearly indicated that the best way to get back to surplus is to control spending. We cannot continue to increase spending at 5 plus percent per year. If we increase spending at that kind of level, it is unlikely that we will be back in surplus any time soon.

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

Mr. Chairman, I rise to oppose this amendment. I certainly believe that the intent of the amendment is a good one, and I certainly appreciate the debate and the opportunity to debate what funding levels are appropriate and what funding levels are not appropriate.

The Bureau of Land Management account, however, is 1.5 percent above last year's limit. I would love to serve in the House of Representatives and look at each and every government agency and say that the level of funding is only 1.5 percent higher than it was last year. Frankly, I would like to see a lot of these agencies a lot less than that, and not just a reduction in the increase, but a cut in last year's level. But this is about a $14 million level above the administration's request.

Now, why is that the case, Mr. Chairman? Why is not a flat level funded? I will say this, that if we look inside of this, much of this is driven by House Member requests and by the Secretary of the Interior.

For example, included in this was the oil and gas development money in the Powder River Basin in Idaho and in Montana. Also, the National Petroleum Reserve, the Challenge Cost Share programs, all at the request of the Secretary and a number of our western Members that have a particular concern in these particular accounts.

Just to give an example of why some of this money is needed, the land management plans now are obsolete. They have to be redone by the Secretary of the Interior. Why do we have to have a good land management plan? Because if we do not have an up-to-date, current plan, we cannot issue new permits. Remember, the purpose of a lot of these public lands is not just recreational, but actually commercial, and leasing is very important. Leasing for timber harvests, leasing for grazing permits, leasing for oil and gas. All of that cannot be permitted until we have good land management plans.

So right now, what is happening is that the Secretary of the Interior is getting sued because environmental groups and groups who are not really concerned about the land, but more concerned about the encroachment of that evil free enterprise system which seems to be a problem with many members of our society today, this allows a balance between protecting the land on the Federal ledger and yet allowing the private enterprise to utilize this land, which was the original intent.

We have lots of land in America that is locked up and cannot be used for any purpose except for wilderness, and some of that not even for recreational purposes. This land, though, is not in that category. But to be able to permit the full public utilization of it, we have to have a good land management plan. So this particular amendment would make it very difficult to have a good land management plan. For that reason, Mr. Chairman, I urge Members to vote against it.

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

Mr. Chairman, the problem we are faced with is that the House has twice voted to set an overall discretionary spending level at $748 billion for fiscal year 2003. The Senate has yet to pass a budget, and that should give us all great concern. President Bush has endorsed the House spending level and indicated in numerous speeches that he will use his veto, if necessary, to enforce the House discretionary spending levels. Because the House spending level is nearly identical to President Bush's fiscal year 2003 request, any increase above the request will need to be offset by a decrease in another spending bill.

Three of the four nondefense bills reported by the Committee on Appropriations are significantly above the President's request. The Interior bill is $775 million over the request. The Treasury bill is $538 million, the agriculture bill is $550 million, and the fourth bill is the only one that really meets the requested level.

Collectively, these bills add up to $1.8 billion above the request. We have to have the money from some place. In order to pay for the increased spending in these and other bills, the committee is proposing a $400 million reduction in the President's request for Commerce, Justice, and State, and a $1.8 billion reduction for the request of the Veterans, HUD, and FEMA bill, and I do not think that is right.

If the House passes the first appropriations bills at levels significantly above the request, then we will be forced at the end to either break the budget or pass a Veterans, HUD and FEMA bill at levels significantly below the request.

Should the House pass the bills that are below that request before passing any bill above the request, we will have a problem later with the budget, and I think it is important that we show fiscal discipline and do so at the very outset instead of waiting until later.

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

Mr. Chairman, I want to say to the gentleman from New Mexico (Mr. SKEEN), a wonderful man, a gentleman, a great Westerner. I grew up in rural America and he has the values of rural America, and so do I. So it will be a loss to the House, but all he has done to help parks and help the Forest Service is something that he can be very proud of, and we can be proud because of all of the leadership he provided.

Mr. Chairman, a few hours from now, the gentlewoman from New York (Ms. SLAUGHTER) will describe the benefits of the arts to our national economy and to our local communities. The arts contribute in many ways to our Nation's economic prosperity. This is well documented in an economic impact study from the Georgia Institute of Technology. The study provides a compelling argument for increased Federal funding for our cultural agencies, the National Endowment for the Arts and the National Endowment of the Humanities.

The proposed fiscal year 2003 budget provides a nominal increase for agency administrative costs, but no new funds for local projects. We can do better than that. An increase in funding for the arts would come with economic rewards for the entire country. Nonprivate arts groups generate $134 billion in economic activity every year. That is in both rural and urban America. They generate $10.5 billion in Federal income tax revenues. That is a phenomenal return on the taxpayers' investment. Investment in the arts also is an investment in our children's future. I was one who was brought up on a farm, and I still will feel there.

The Arts Education Partnership recently published a study called Critical Links. This important study provides solid evidence that arts education helps students master other critical subjects, including math, reading, language development, and writing. The study also shows that arts education helps academic achievement in young children, students from low-income communities, and those who are falling behind.

Last year, President Bush set the example when he signed a bill, the No Child Left Behind Act. This landmark legislation recognizes the arts as one of the core subjects that all schools should teach.

Learning is not limited to the classroom. The NEA and the NEH help bring the arts and cultural programs to millions of Americans, both rural and urban, including children, every year.

Mr. Chairman, I urge my colleagues to join us later this evening in supporting this amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities.

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

Mr. Chairman, as one of the most conservative members of the Committee on Appropriations, I rise in support of the bill and in opposition to the amendment. I do rise to commend the author of the amendment and the team of budget hawks that have assembled to begin the process that will last through the year at trying to hold the line on spending, because I do share that goal and think it is important, particularly in times of deficit spending; again, that we attempt to rein in the growth of government and strive for a more efficient and effective government.

However, I say today as a member of this subcommittee for the past 6 years, this is unfortunate that the process begins on this bill to try to rein in spending when this bill was very carefully put together, with extreme caution and, really, the motives on this bill to cut spending would run counter to fiscal responsibility in many regards.

For instance, would it be wise as a homeowner to allow the shingles to fall off of the roof of his home? It is not frugal, or it is not responsible to do that. I can tell my colleagues, if they want to go to the authorization committee and debate whether or not the Federal Government should own one-third of the land in America, go do that, but the truth is we do own, the Federal Government, one-third of the lands in America.

If my colleagues want to travel, as we have traveled, and go to the parks and go to the forests and go to the BLM and see the buildings, see the infrastructure, see the $14 billion backlog that we have on taking care of what we own, my colleagues will know that frugal, responsible leadership warrants investing in maintaining what we have. If my colleagues want to go fight the fight on not having so much, do that, but that is not done here.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to commend the gentleman on a very thoughtful statement, to remind those people who have spoken earlier, if there is no money, if the BLM is cut by $162 million, then there is not going to be money for them to borrow to fight the fires; these accounts in the BLM, the money that is borrowed that is used to fight the fires. So if that money is taken away in a meat ax approach like this, then they are not going to have that.

The gentleman from Tennessee (Mr. WAMP) is absolutely right about the maintenance. We have to maintain these parks, these facilities, et cetera. It has been a high priority of this committee to do a good job on that and we have increased the money for the maintenance. We still have, as the gentleman points out, this long backlog.

So a meat ax approach is not going to solve this problem. The gentleman should remind his colleagues that the President supports this bill and the chairman of the Committee on the Budget supports this bill. So what is the problem?

Mr. WAMP. Mr. Chairman, reclaiming my time, we also have had previous speakers talk about how twice the House has passed a budget resolution, and we have already heard the Committee on the Budget chairman speak in support of this bill. But I can also tell my colleagues that a few months ago, the House was overwhelmingly in support of the CARA bill which would have effectively tripled the spending in this bill, and if it were not for the good work, stewardship, and careful crafting of a compromise by this subcommittee, there would be an influx of spending on automatic entitlement payments on conservation and resource-type issues, and we struck a compromise and a balance.

Mr. Chairman, this is a bill that requires our stewardship. This is what Speaker Gingrich called the best subcommittee in the House, because we fund our public lands and these investments.

Let me also tell my colleagues that in a bipartisan way, I am the Co-Chairman of the Energy Efficiency and Renewable Energy Caucus in this House.

□ 1845

We have half the House that belongs. We have many Members from the conservative Republican faction that have written us saying, invest in energy efficiency and energy conservation programs. I fought for an increase in those programs. If we are going to wean ourselves off of reliance on Middle Eastern oil, Mr. Chairman, we have to invest in alternatives. We have to invest in conservation and energy efficiency technologies.

We are going to fight too many more wars at a huge cost if we do not make ourselves energy-independent. That is what this bill funds. We cannot have it both ways. We need to invest in America. This bill invests in America. It is carefully crafted.

I would encourage those who want to cut $162 million out of this bill to be specific where they want to cut it. If it is fires, that has to be an emergency. We would love to put it in the supplemental, but the administration, our President from our party, has said no, it belongs in the 2003 bill and we cannot get it in the supplemental. Either way is fine with the committee, but we cannot do it that way, so it is very essential that we move this bill forward.

We are going to slug it out here on the floor for a few hours. At the end of the day, though, this is one of those bills that comes from the Committee on Appropriations that needs to pass in very close to its current form. It is a puzzle putting it together to make sure

that we balance the stewardship needs of the Federal Government. We have done just that.

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

Mr. Chairman, I want to thank the gentleman for some very important remarks. I appreciate the work of the Committee very much. I am sure everything in this bill is important and could be useful.

But as all of us know, this country is going through very difficult times; difficult with our economy, difficult with enemies all around the world. There are many priorities.

As we go through this appropriations process, it is very important that we look at our priorities and look at the means that we have to accomplish them, and make sure that we make the tough decisions now, rather than later.

We know that we need additional money to fight the war, to build our military, to equip our soldiers, and to pay them. That is going to cost more money.

We know that our Social Security system, which is a very important promise to our seniors, that must be kept, and we must begin the debate on how we can improve and guarantee that Social Security is always there.

But we know with this budget this year that we are already spending money that is coming in for Social Security, and we need to scrutinize every dollar that we spend to make sure that we do not spend the Social Security surplus unnecessarily.

Across the country, we see devastation with the problems with health care and the cuts at the Federal level with Medicaid, and we look at our own Medicare system and see that it is going to become increasingly difficult to fund it. Seniors all across the country are being turned away from physicians who no longer take Medicare because we do not pay enough.

We have to scrutinize this budget. We cannot continue to spend and to grow the government and make new promises when there are promises that we have made to seniors, as well as the promises we have made to other citizens, such as the children of this country in our education plan, because we have promised more money to education from the Federal level, new promises.

In this bill this year we are making new promises that we are going to have to keep out of money that we do not have. I rise in support of this amendment because it looks closely at this Interior bill, looks at the management area, not cutting any programs, but just makes a small cut. If we continue this process throughout appropriations, then maybe we can save the money that we need to keep the promises that we have already made, and not make new promises to folks when we cannot keep the promises and do not have the money to do it.

I do support the amendment, and I urge all of my fellow Members to do the same.

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

Mr. Chairman, I rise to enter into a colloquy with the chairman of the Subcommittee on the Interior of the Committee on Appropriations.

I would say to the gentleman from New Mexico (Mr. SKEEN), I want to commend him on the excellent legislation that he has brought before the House floor. I wanted to bring to the gentleman's attention an energy research program which I believe holds great promise.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I would be pleased to engage in a colloquy with the gentlewoman.

Mrs. MORELLA. I thank the chairman. I note, Mr. Chairman, that the chairman of the subcommittee has included increases in the bill for fuel cell research.

There is a program in this area which I believe has tremendous potential. I am specifically referring to technologies to investigate and encourage power management systems, which facilitate the application of fuel cells to reduce peak electricity demand.

This so-called peak shaving, through the use of fuel cell technology, has the potential to reduce costly utility excess capacity requirements, minimize local conflicts related to transmission capacity upgrades, and provide emergency standby power for law enforcement, fire, and rescue, as well as other emergency response operations.

Over the past few years, fuel cell technology has experienced steady progress toward commercial reality. However, work remains to be done. Mr. Chairman, research into fuel cell technology for peak shaving is needed to demonstrate the extent to which fuel cells can provide essential power for emergency operations facilities, for homeland defense, and provide cost savings to reduce peak electricity demand in other operations.

Mr. Chairman, would this type of program qualify for funding under the budget recommendations in the Interior bill?

Mr. SKEEN. If the gentlewoman will yield further, as the gentlewoman knows, Mr. Chairman, the energy research program in the Interior bill is awarded through a competitive procurement process, and this program certainly sounds like it is worthy of consideration. It is a process by the Department of Energy.

Mrs. MORELLA. I thank the gentleman, Mr. Chairman.

POINT OF ORDER

Mr. DICKS. Point of order, Mr. Chairman. How can we have colloquies going on when there is an amendment being considered? Is there not an amendment still being considered by the House?

The CHAIRMAN. There is an amendment pending before the House.

Mr. DICKS. Should we not be debating that amendment?

The CHAIRMAN. The Chair waits for someone to raise a point of order on the question of relevancy.

Mr. DICKS. I make a point of order that we not have any colloquies; that we address this amendment, and we vote on the amendment.

The CHAIRMAN. The gentlewoman engaging in a colloquy has already yielded back her time.

Mr. DICKS. That is fine. I object to any future ones.

The CHAIRMAN. The Chair will keep that in mind.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words. I am speaking on the amendment at hand.

Mr. Chairman, I would like to address a bigger issue that is at play tonight with the bringing of this appropriations bill to the floor; that is, our budget resolution is unraveling before us.

The reason we set budget resolutions in Congress is so that we make the entire Federal budget fit into a comprehensive plan. When we wrote the budget resolution earlier this spring, we had a budget surplus. Now we see, as of a few days ago, we have a budget deficit, but we are still moving with that budget resolution, hopefully. But as we see this appropriations process unravel, it looks as though this budget resolution will even be broken.

So, Mr. Chairman, I am very much enlightened by the comments by the senior delegation member from my own State who I know to be a man that not always is in agreement with me, and I do not always agree with him, but I know he is a straight-shooter and I know he usually calls it like he sees it.

Earlier, under consideration of the rule, this senior member of the Committee on Appropriations basically laid out the following scenario. He said what the leadership plans to do is to take the easier-to-pass bills, raise the levels of spending on that, and then do so at the expense of lowering spending on other more difficult-to-pass pieces of legislation.

What this will end up doing is breaking the budget resolution, breaking any fiscal discipline we have in place for this fiscal year for this Congress.

This is a problem, Mr. Chairman. This is a problem because, quite simply, we have a budget deficit now on our hands. We are at war. We are trying to fix the problems in our homeland, so our priorities ought to be a line such as this: Win the war on terrorism, give the troops what they need, win the war on our homeland security, fix those vulnerabilities that we have here in the country, make sure that our domestic infrastructure is prepared for terrorist attacks.

But when it comes to fixing the budget deficit, we realize those are the areas we cannot go to. We need to hold the line on domestic spending. That

means we need to have some budget discipline here in this body. But by moving forward with the appropriations process that we are engaging in this evening, and for the rest of the next few months this year, we are unraveling the very process that has a little bit of discipline left in it to try and get our hands around this budget deficit.

If we do not fix this budget deficit, Social Security will be dipped into for years. If we do not fix this budget deficit, we are going to see problems in the stock market. The markets are watching this body. The markets are watching to see if we have corporate accountability legislation passing, as we just did today; the markets are watching to see if there is accountability in accounting standards; but the markets are also watching to see if we have budget discipline. If Congress shows no discipline in balancing its budget, the markets are going to react in a way we are not going to like.

Mr. Chairman, our constituents are seeing their 401(k)s cut in half, they are seeing the market volatility take place in affecting their very livelihoods. This Congress can do a lot to reinstill confidence in our government, in our fiscal balance sheet, and in the stock market and the markets by making a stride for fiscal discipline.

That means taking this bill and the entire process and retooling it so that we actually do meet our budget resolution, a bill we have passed twice just this year through the House of Representatives. We did it once, we deemed it again, and we need to make sure that this budget resolution holds, that we do not break the ceiling on spending.

I am afraid the process we have right now is doing just that. That is why I urge passage of this amendment, Mr. Chairman. I thank the chairman of the committee for indulging me.

I do want to say one last point: They do a good job. The gentlemen are all here working hard, and I know that this is tough work. But I also know that the American people are watching, and that they want to see this budget deficit dealt with. They want to see fiscal discipline here in Congress.

We know how to make it happen, and we know how to make sure that it does not happen. I suggest we do more actions to make sure it does happen.

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

Mr. Chairman, I rise in opposition to the amendment. I feel inclined to do this at this time. I listened to my friend, the gentleman from Wisconsin (Mr. RYAN), who is my friend, and I have said many times on the floor I believe in years to come he will become one of our very strong leaders. He is right to want fiscal discipline in the Congress. Congress should not be spending any more money than is needed.

But I have to disagree with some of the comments that he made. For example, he said the appropriations process has unraveled. On the contrary, the appropriations process is one of the few processes in this Congress that has not unraveled. The appropriations process works.

Look at some of the others. Why is it that appropriators are asked to include nonappropriations issues on appropriations bills? Because the other processes are not working, we are asked to do a lot of things that are not even appropriations matters. The appropriations process has not unraveled, not at all.

Let me tell the Members what has unraveled: The budget process that the gentleman seems to like so much has totally unraveled. We do not have a budget process, I will say to my friend, the gentleman from Wisconsin. There is no budget process in this Congress.

Here is the way it is supposed to work. Under the law, the House should pass a budget resolution. We did that. The Senate should pass a budget resolution. They did not do that; but nevertheless, they are supposed to. Then the two houses come together and we decide on what the top number is for the budget, referred to as a 302(a) number. That did not happen this year.

The House deemed, then, a budget resolution. But let me tell the Members what this budget resolution does when the Senate does not have the same top number.

How do I reconcile appropriations bills with my colleagues in the other body if their top number is $9 billion higher than the House number? How do I force them down? Well, we try. On the supplemental we are working on, we have brought the Senate down almost to the House number that we passed. There are still some differences there, but we did bring them down. But it is very difficult if we do not have the same top number. So the budget process broke down.

And now about Social Security and fiscal discipline.

□ 1900

Spending, Mr. Chairman, spending is spending. Whether it is spending by a discretionary appropriations bill or whether it is spending by back-door spending, through mandated entitlement programs or mandatory programs. A dollar being spent as a mandated program, or back-door spending, if you will, is the same, as a dollar appropriated by the Congress.

Congress earlier this year approved an agriculture bill. That bill increased the baseline for agriculture by $90 billion. Ninety billion, I would say to my friend from Wisconsin, spread over a 10-year period. Actually, it was supposed to be spread over a 6-year period, but it looked like it was less by doing it over a 10-year period. My friend from Wisconsin feels worried about Social Security, and I applaud him for that. I am too because I represent a lot of people on Social Security. But I voted against that farm bill because it provided a $90 billion increase over the baseline.

The gentleman from Wisconsin, who just spoke talking about fiscal and budget discipline, voted for the $90 billion increase over the baseline.

Now, we have got to be consistent in this House. If you are for spending, then vote to spend. If you are against spending, then vote not to spend; but do not stand up here after having voted for a very large increase in back-door spending and then criticize a small amount of money in a discretionary bill.

I am opposed to this amendment, and I hope the House will come down in large numbers to oppose this amendment. The gentleman from New Mexico (Mr. SKEEN) has worked hard to get this bill in balance, to make it a good bill. We can show you reasons why the BLM could use additional money, but we do not have additional money; and so we are not going to recommend it to the House. I hope the House will give us an overwhelming vote against this amendment.

We will not let this appropriations process unravel, and I know there are some that would like to see that happen. I read some comments in some of the in-house news media bout how some people are going to disrupt totally the appropriations process. One of the few constitutional requirements and obligations that Congress has is the appropriations process, the power of the purse. Nobody else has the right to spend money for this Federal Government except the Congress of the United States, and we are going to protect that constitutional responsibility. We are going to keep the oath of office that we took to protect the Constitution. Stick with us on this bill. Vote down this amendment. It is not a good amendment.

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

Mr. Chairman, my grandfather used to be in town politics and county politics for about 30 years. And one of the things that he always told me is that the most dangerous thing you could do in politics is to believe your own baloney. And I think the problem that we have in this House is that there are a number of people who are so enamored of their own baloney that they do not even recognize it is baloney, and let me explain what I mean.

I appreciate the kind personal comments that the gentleman from Wisconsin made about this gentleman from Wisconsin. But I think we need to fairly analyze why it is that we have people with their noses out of joint tonight. We have a group of people in this House (and I do not attack them for it, I am simply stating fact), we have a group of people in this House who honestly believe that they can maintain the fiction that somehow the budget resolution which passed this House is a real instrument in divided government. It is not.

And the problem we face is that when you start the budget process with an erroneous initial set of assumptions,

then everything that happens after that point is a colossal waste of time. And so because we started with a budget resolution, which for the third year in a row makes an unrealistic assumption about what in the end the collective judgment of people on both sides of the aisle is going to be with respect to the budget, we wind up starting from a false base to begin with. And now you have a number of people in this House who are upset because we will not stick to that false base.

Now, the previous gentleman from Wisconsin (Mr. RYAN) who spoke has me confused because he talks about the Committee on Appropriations unraveling the budget process. I would say that if he wants to look to a committee that has unraveled the process, he ought to start with his own committee. Our committee operates in an unusually bipartisan fashion. We do not agree on everything, but we often resolve our differences. We had some major differences on this bill which we resolved.

In contrast, my observation is that the Committee on Ways and Means, the other side of the financial ledger, is so polarized that they often are barely speaking to each other. And the products that they bring to the floor demonstrate that as well. Because those products have essentially said that over the next 10 years we are going to spend $1.7 trillion on tax reductions, and that is going to come largely out of borrowed money.

Now, I happen to think that tax cuts in the short term make sense because if the economy is sagging, you need to give the economy a kicker. And I do not think there is anything wrong with in the short run having some stimulus in the tax side as well as the spending side. But the problem with the markets is that they are looking at the long-term result of that decision, and that $1.7 trillion in lost revenue over the next 10 years makes the differences on appropriations bills appear to be minuscule by comparison.

Does anybody really think the budget is going to be balanced if this amendment is passed tonight? Come on, give me a break.

The other thing I would point out is that I am, frankly, a little baffled because I have one gentleman from Wisconsin on that side of the aisle say we are going to spend too much money; and yet we are noticed by another gentleman from Wisconsin on that side of the aisle that he is going to ask us to spend more money on a program that is important to him and to me, Chronic Wasting Disease. Now he has an offset for that amendment, and I congratulate him for it; but the problem is that offset is going to be met with bipartisan opposition because the program that is being cut means as much to the folks who want that program as the program that the other gentleman from Wisconsin wants to see money added to, the Chronic Wasting Disease for the deer herd and the elk herd means to us.

So the Committee on Appropriations has committed the unpardonable sin of bringing to the House floor a realistic document which represents our best professional judgment on a bipartisan basis.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, our best professional judgment about what the realistic level is that Members want to see provided in this bill.

Now, we may have been on point. We may have missed it a little bit. Who knows? Nobody is perfect. But the fact is that I think the problem we have here is that on that side of the aisle there are a number of people who resent the fact that the Committee on Appropriations in the end has to deliver a reality message to both sides of the Capitol and both parties, and that is what this bill is attempting to do.

If people think it is wrong, then they ought to vote for this amendment. If they think we have made a reasonable effort to get through the week and move the process forward, then they ought to vote it down. I hope they vote it down.

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

Before I speak on the amendment, with the permission of the subcommittee ranking member and the chairman of that committee, I want to make a couple comments on JOE SKEEN.

JOE is a hero of American agriculture; and that is when I got to know him, doing the excellent job on the Committee on Appropriations Subcommittee on Agriculture. JOE first ran for Congress as a write-in candidate. Amazing. And most of us are politically aware enough that we know that that is an almost impossible task at local government, let alone for the United States Congress.

JOE served in the Navy. He was a graduate from Texas A&M, a farmer, a sheep rancher on a 15,000-acre-plus operation. JOE, maybe it has gotten bigger since I read the 15,000. At age 33, he was one of the youngest State senators in New Mexico. Later he ran for Governor, and lost by 1 percent point.

JOE, I am proud to have had the opportunity to serve with you. So my best compliment to you and your family.

Now, on the amendment, my nose probably is out of joint on overspending. Some of us in desperation do not know exactly what to do to try to reduce the tendency to spend a lot of money to try to please the Senate. Sometimes we say it is to please the other side of the aisle. So when an amendment comes forth to save $162 million, it influences what I came here to Congress to do, and that is to keep Social Security solvent. I introduced my first Social Security bill the first year that I entered Congress and every session since. Each has been scored to keep Social Security solvent.

So if this amendment saves some money and if this appropriations bill is the start of overspending, it has been my experience throughout my 9½ years in Congress that we pass a budget which may be irrelevant in terms of controlling spending. Obviously, if you look at the number of times that the budget numbers have prevailed, it is irrelevant because we never stick to it. But what happens is in the Committee on Appropriations when we come up with the 302(b)'s, the first bills that we pass and put before this Chamber are easy to pass because there is something in it for everybody. And so we pass the early bills that are somewhat popular, somewhat overspending and then we end up with the tough bills later on for veterans, for education; with an appropriation level that is so low, so below anybody's request that you have to increase the amount—overspend the budget, and you come up busting the budget.

Look, Republicans have done a bad job in terms of holding down spending. Sometimes we blame it on Democrats. Sometimes we blame it on the Senate. But somehow, someplace, somewhere we have to do the cutting that is tough.

Let me give you the statistic from the Heritage Foundation. Most of the benefits of government go to a population that pays less than 1 percent of the income tax. So we are evolving into a society where most of our constituents say, well, a little more spending and a little more help from government is good, because a lot of those constituents do not pay their equivalent share of the income taxes. That is because we have made the income tax so progressive.

This chart represents the biggest financial problem that government is facing, and that is where we are going on the future of Social Security. It is an entitlement program. We have made the promise. We have made the commitment. People have gauged their savings and their lives for their retirement to include what they are going to be getting from Social Security. We are moving into an era of spending frenzy that will lead us to a time when we will not be able to pay those benefits.

So I say, every chance we have, let us grit our teeth and let us come up with the courage we need to do what is right and that is to reduce spending and not dig ourselves into a kind of hole where we are forced to overspend in the last two or three appropriations bills.

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

Mr. Chairman, when I go back to my district in Maine and I try to explain what goes on in the people's House, I try to explain that only in this House, as contrasted with my constituents' houses, do we talk about revenues and

expenditures at different times, and it is as if they were completely disconnected from each other. And I think in some places I should tape this discussion on the proposed amendment and send it back to the people in Maine and say, this is what I am talking about, because I rise in opposition to the amendment. But what I have heard tonight calls for fiscal discipline, calls for being tough on spending, not one mention of the revenue side.

If I went to a businessman, businesswoman in Maine and they said to me, Here is my plan for next year: I am going to reduce my revenues, reduce my sales significantly by discontinuing a product line, but I am going to increase my expenses dramatically by spending more on staff, and I know that we will be in deficit for the next year and the year after that, but I have a plan.

□ 1915

The plan is I am going to borrow money from my children in order to get me through the next few years. There is not a businessman, a businesswoman in the State of Maine that would think that is the right approach. They would say go back and take another look.

Sure, take a look at the spending, but in this House, at this moment in our history, we have some serious security and defense expenditures that we all agree on.

The alternative is to go back and take a look at our revenues, and last year, when the rallying cry in this House from those who supported the President's tax cut was it is not the government's money, it is your money, there were those of us who said, wait a minute, we can support a tax cut of an appropriate size but not one that uses all of the non-Social Security surplus for the next 6 or 7 years.

Today, and what we see when taxes are discussed in the House here at other times, it is always that we have to make permanent the damage that was done last year. The urge to make permanent the tax cuts is a determination to make sure that people earning $1 million a year, $1 million a year, will be able to enjoy an average tax cut of $53,000 every single year. That $53,000 is more than 60 percent of what the American people make in a year.

All I am asking, Mr. Chairman, my friends on the other side is if we are going to talk about fiscal discipline, if we are going to talk about balanced budgets, if we are going to worry about the spending of the Social Security surplus, the least we should do is what every American family who is fiscally responsible does when they sit down to do their family budget and every responsible American businessman or businesswoman does when they sit down and do their budget for their company. They look at revenues and expenditures together and they say what is the right balance, how can we do this in a responsible way.

I submit that this House will never do its budgeting in a responsible way if it does not look at revenues and expenditures together. We are not doing that tonight. It is irresponsible not to do it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point is that, what is it, 67 percent of the budget is entitlements. We are talking about one-third of the budget, when we look at discretionary spending, a significant part of that is defense. A significant part of it is HHS with very crucial and sensitive programs.

I just hope that the same zeal and vigor will be applied by the people who are bringing us the Agriculture bill with that big expenditure that just went through this House of Representatives and when they look at tax cuts for the wealthiest people in this country. But to come after these bills that have been worked out on a bipartisan basis, that restrains spending, we can go through this exercise, but we all know what this is about.

As the gentleman from Wisconsin (Mr. OBEY) would say, you have a few people here posing for holy pictures, that is what this is all about. I would hope that we would quit wasting the committee's time and move forward and vote on this amendment and defeat it like it should be defeated.

Mr. ALLEN. Mr. Chairman, I align myself with the comments of the gentleman from Washington (Mr. DICKS), the ranking member.

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

Mr. Chairman, let me say as a person who has been here for 7 years, been through the 1995 period where we did not pass appropriations bills, 1996 we went through the process of not passing appropriations bills at the end of the process, we ended up spending more money than anybody wanted. So these 13 bills are bills we have to pass, and I think the point that is being tried to being made by many of us on the committee who worked through all this and do not like it exactly the way it is, but realize that there are votes on this side of the aisle and there are votes on that side of the aisle, and there are perspectives that differ broadly among the constituencies that are represented in this Congress, in this House.

We cannot pass a bill out of the committee if we do not have the votes. We cannot pass a bill out of the subcommittee or the full committee if we do not have the votes, and if they do not have the votes and they do not pass the bill, then what happens is that at the end of the process we get a bigger bill, we get an omnibus bill because we have to fund the Federal Government, whether we want to or not. We have to fund the Federal Government.

This attempt in this bill is an attempt to be balanced, to be fair. Is it too much in some accounts, too little in others? Probably so. Does it frustrate us from time to time? I am from the West. I wish we had less money for certain things and more money for others to make sure we can manage ourselves in the West, but I tell my colleagues, we have worked diligently.

This chairman has worked his heart out. Our full committee chairman, the gentleman from Washington (Mr. DICKS), the gentleman from Wisconsin (Mr. OBEY), everybody is working hard to make this balance so we can get a bill out of committee, get a bill out of the full committee and then pass it and hopefully have the President sign it.

I caution my colleagues who are using this tactic to slow down this process. We get the message. We understand it. We are going to have to deal with it, but I think if we pass no appropriations bills other than the ones we have, we are in for a mighty difficult time at the end of the process as we pass nothing and we end up getting a bigger bill.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I do not think we want to go back to the days of massive continuing resolutions where this House has not even had a chance to exercise its goodwill and judgment on these individual bills. That is where the real mischief can occur.

These bills are responsible. We ought to deal with them, each one of them. That is the most effective thing we can do, fight amongst ourselves, get the best numbers that we can. But to go straight to continuing resolutions puts the power in just a handful of people, and this House, and its views on spending issues will be completely ignored.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time, I appreciate the gentleman's point.

My colleagues had to have been here because if we look at what happened in the wee hours of the day and night, with my own leadership and the leadership on the other side sort of sticking things in and taking things out and putting things in nobody really knew about, we ended up with a massive omnibus package that is not in the best interests of our constituents, of the House or anybody else, and frankly, let me say, I do not think it is in the best interests of our constituents to sort of delay this process, to frustrate the process, to obstruct the process. In the final analysis, it is something that probably is going to be worse than we all are looking at today.

So, again, I come at this as conservative as anybody else, but I am sitting in the room working on these bills and trying to figure out how to balance them, and that is what the chairman has done, the gentleman from Tennessee (Mr. WAMP) and the gentleman from Florida (Mr. YOUNG) and others, and the gentleman from Wisconsin (Mr.

OBEY) and Mr. DICKS. We are not all on the same page, but we have got a package that we think makes some sense, trying to get it through the process and work through and get 13 appropriations bills signed and into law and fund the Federal Government to the extent that a majority of the Members of the House and Senate and the President feel should be funded.

So I just say let us vote on the bill, on this amendment. Let us either defeat it or pass it, but I urge my colleagues, move the process along. Let us get through this system, get this bill passed and move on to the next one, and we will have more attempts, more opportunities to craft a bill, but we have to get through this first step first, and I think that is what we ought to be doing and moving along and respecting the chairman of the subcommittee and all of the people who have worked so hard to make this right.

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

I thank the Chair for allowing me these 5 minutes to speak on this, and the gentleman from Washington (Mr. NETHERCUTT) certainly raises some very good points here, and ones that we as the fiscal conservative group, that some, a renegade group as we have been branded here, suggested have discussed that, and we certainly do not want that type of an omnibus bill where the shenanigans take place where there are so many riders and additional spending that gets thrown in and it is thrown up at 9 o'clock in the morning and voted on at 10 o'clock in the morning, like what happened in my first year here with the smaller omnibus bill. I voted no on that one, just as I would vote no on any new one.

Still, it just frustrates me that those of us that are sincerely frustrated with the increased spending, especially at a time of decreasing revenues, are somehow branded as intellectually dishonest by the other gentleman from Washington, or somehow I forget the name that he called us, but the fact of the matter is that I am sincerely worried about the type of spending that we are engaging in; that I came here because I wanted to restrain spending; that I felt that that was important to our children's future; that we were taking out a credit card and passing the bill to our children.

The other gentleman from Maine had a very sincere discussion about family budgets and that at times the family budgets need restraint, and the businesses, a person certainly would not take away revenues and criticizing those of us, including me, and I am proud of the tax votes that we have taken because I think empowering families and allowing them to keep more of their own money, especially at a time of an economic downturn, is just simple, common sense, good economic family policy.

We have to adopt in coordination with a tax-cutting policy fiscal restraint. Certainly, most every family has to live on a budget, even we in Congress, even though I get a lot of e-mails suggesting otherwise. We have to live on a budget, and if my revenues are running short, that means we take less trips to Target, and I am not apologetic that I stand up here and support amendments to decrease our trips to Target because that is what we are doing.

This Interior bill is $950 million over last year's spending, $775 million over what the President had suggested. All we are standing up here and doing is asking for a little bit of fiscal restraint on particularly these types of items. This amendment that I rise in favor of reduces the Bureau of Land Management's land and resources to $664,678,000. It just simply takes $162 billion out of it. It just reduces it by a small percent. What we are trying to do here is find little bits of money here and there so at the totality of this bill, we bring it down or maybe even below last year's spending level.

That is just the purpose here. It is not as malicious as the gentleman from Washington suggests.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding for a question.

Does the gentleman realize that that BLM increase is 1½ percent over last year? I am from the West. I know what the challenges are in environmental advocacy out in the West and some of the Federal lands that are subject to being under BLM authority. I know it is just numbers, but there is an impact on the ground that comes from the gentleman's amendment and the comments that he has made.

Mr. TERRY. Mr. Chairman, the amendment, as I understand it, was not a dramatic spending increase, but, as the gentleman from Maine suggested, that we have other priorities such as defense spending, national security, and he is absolutely right, and I think all of us in the House share those priorities. So it becomes a time where if we want to have the secondary goal of saving money, where do we cut?

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. TERRY) has expired.

(On request of Mr. YOUNG of Florida, and by unanimous consent, Mr. TERRY was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Chairman, I have a very simple question. If he would explain to me and to our colleagues in the House the difference in discretionary spending and mandatory spending, back-door spending in effect, and compare that to this amendment versus the farm bill that the gentleman voted for and that spends $90 billion over the baseline. If he could just explain the difference, explain the consistencies or inconsistencies.

Mr. TERRY. Mr. Chairman, I assume that is more of a rhetorical question to put me on the spot for voting for a farm bill, and I am anxious to see the Agriculture appropriations bill.

□ 1930

But I will admit to the gentleman, coming from the State of Nebraska, that I will have leanings towards securing, especially in a time when we are in a severe drought and I have already been told that for the State of Nebraska, from the gentleman's committee and the White House, not to expect any disaster relief; that we will have to find it within the budget. I am glad to do that. I am glad to take those type, instead of going off-budget like we had done when Texas certainly needed disaster relief. I am willing to take our money out of that.

Mr. YOUNG of Florida. If the gentleman will yield further, I commend the gentleman for that, for being realistic about the needs. But what is the difference in the mandatory dollar versus the discretionary dollar? It seems to me they are both the same. They are both spending.

Mr. TERRY. Well, granted.

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

I also very much appreciate the hard work that has gone on in trying to put all these numbers together and the long hours and the sincere efforts that have been made by everybody. I suppose I am a little concerned that maybe people worked about $775 million too long on it, and that is what I wanted to try to talk about just briefly.

My concern is to try to put this thing into perspective. I understand the long hours that are spent, but perhaps the result of that is to take us a little too close to the trees to see the forest. The concern I have is that when I was just a little 2-year-old and we had an average family in this country, mom and dad and just two little kids, and dad would go off and earn a dollar at work, at the end of the time he had earned that dollar, three pennies of the dollar was spent on direct taxation, Federal, State, and local. All added together, three cents on the dollar.

Five years ago, that three cents had jumped to 38 cents. Mom and dad, two kids, with dad earning a dollar, 38 cents on the dollar goes to direct taxation. That is more than the average family pays for food, clothing, and shelter combined. My question is: Are we perhaps buying too much government?

The nation of Rome collapsed, apparently, with a 25 percent tax rate. We are talking about direct taxation on our families of 38 cents, and that was 5 years ago. So the question we have before us tonight is really how much government can we afford?

I think the first thing is to try to put that into perspective and to say, well,

what then is the state of our economy? If our economy is robust and thriving, then perhaps we can afford a little more government. But it does not seem to me that that is the case. In fact, there seems to be a great deal of jitters and concern about the condition of our economy.

So if we go ahead and ask people who have made a life study of economics, as we did, we had a conference call with all kinds of different people who are experts on the economy and asked them what it is Congress can do. We have these things we call economic stimulus packages. We pull a magic lever and somehow the economy is supposed to take off like a jet. What exactly is it we can do? These economists told us we only have two things we can do. The first thing is we can cut taxes. And if we cut taxes, it is not going to do a hoot of good if we do not follow it with the second thing we have to do, which is to cut spending.

I think that is what the concern is here. We are talking about too much spending. And I understand that there are priorities. I understand there are things we have to fund. But the bottom line is we have to take a look at the big picture. We have gone from three cents to 38 cents just in my own lifetime. I am not quite dead yet. And so the question is, can we continue to buy more and more and more government? That is the concern here.

It is not only this amendment, which makes an honest effort to try to reduce some of this $775 million, but the overall question is just how much can our constituents afford? How many of the people, those little families, that instead of spending three pennies when dad goes to work, are now carrying more government than food and clothing and shelter combined? I think that this amendment is at least a step in the right direction to try to move us toward cutting that, cutting that $775 million.

I do not pretend to be an expert on the details of it, but certainly we have to say something eventually to the point of where are we going to draw the line.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. AKIN. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I just heard the gentleman say he is not an expert on the details of the request, that he just wants to cut money. And I appreciate that and understand that, and I respect the point of view of the gentleman. But the budget request that the President sent up, and by the way the President supports this bill, the administration has already said they support this bill, the interior appropriations bill. So it is not the President that is against this; it is Members of the House.

The budget request cut PILT funding, Payment in Lieu of Taxes. We have the Western Caucus, of which I am a member, who went nuts. That hits our small counties out in the Northwest and the western States. So that is $65 million. The science and water programs of the U.S. Geological Survey, two-thirds of those requests were from Republicans to restore U.S. Geological Survey money, $61 million. The national fire plan. We have the Western Governors Association and the National Governors' Association and the Western Caucus that want that in.

So it is important what is in the details. It is not just money; it is not just the big number. It is what is in the details. I challenge the gentleman to look at these and to say where he does not like them.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

To the gentleman from New Mexico (Mr. SKEEN), the gentleman from Florida (Mr. YOUNG), the gentleman from Washington (Mr. DICKS), and the gentleman from Wisconsin (Mr. OBEY) I want to say thank you for the leadership that you provide.

The reason I came down tonight, and to my friend, the gentleman from Washington (Mr. NETHERCUTT), is simply because I am extremely concerned about the next generation's future, quite frankly. I have been coming to the floor for the last 3 weeks. I have written to Secretary O'Neill and to the gentleman from Indiana (Mr. BURTON), because in the report from the Secretary of Treasury, Secretary O'Neill, the ''2001 Financial Report of the United States Government,'' they acknowledge in this report that we have lost $17.3 billion of the American people's money. I would hope somebody in this House, both Democrat and Republican, would join me in asking Mr. O'Neill where is $17.3 billion of the American people's money.

Certainly I must say to my good friend, the gentleman from Maine (Mr. ALLEN), who is a good friend, that certainly many of my colleagues did not realize this, and I want to be very honest about it, I did not either until the July 4 break listening to a talk show host in Raleigh, North Carolina, reading a New York Post article and chastising the American Government and the Congress and the Secretary of the Treasury for reporting that we had lost $17.3 billion. So I came down here tonight to speak on behalf of this amendment simply because I am concerned about the next generation's future.

We all hope that we do the right things when we are here on the floor of the House voting. But I really think about the way we are going with increased spending. And I was a former Democrat, by the way, who joined the Republican Party in 1993 because I believed that my party, quite frankly, would do the best job of holding down the growth of government. That has not happened yet, and I am somewhat surprised and disappointed. But as we continue to expand the Federal Government and the spending of the Federal Government, what we are doing to the next generation is that by the year 2012 or 2015 we are going to be asking the next generation and those who are working that we need to increase their Federal taxes by 20 to 25 percent, 20 to 25 percent.

To everybody on this floor tonight, staff as well as Members, you know what you are paying in taxes. Think about the working people of this country who are making $30,000, $40,000 a year, maybe $50,000 trying to raise their children and take care of their family. Think about their taxes. That is what we do when we increase the spending of the Federal Government.

Mr. Chairman, I must say that, again, there is a whole lot in this bill that I do like and I do support. But, again, when we expand the spending over what was requested, then that is when we have sincerely, I think, an obligation to the American people. Yes, we pay our taxes. We all work hard. I am always back home in my district, when I go into a school, I praise every Member of the United States House of Representatives, liberal or conservative; and I praise the staff, and I talk about how hard they work and how they do what they think is right for the American people. I believe that sincerely. But I will say that if we, in a bipartisan way, do not work to hold down the growth of government, then when our grandchildren, when many of us, not George and Tom, but when many of us are in our 70s and 80s, we will have our children who are trying to raise our grandchildren say to us, how in the world could you serve in the Congress and we are having to pay 35 and 40 percent in taxes?

This is just the beginning of the appropriation process; and, Mr. Chairman, I will yield to you because I did support you on the military issues, but let me say to you that all of us are guilty, including myself, of not doing a better job of holding down the growth of this Federal Government. And I hope that we will work together, and whether we agree on every issue, we can work together to do a better job.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for that, and I do not want to be combative about this, but I am looking for an explanation. I want to ask the same question that I asked of the gentleman from Nebraska (Mr. TERRY). What is the difference in back-door spending dollars versus the discretionary spending dollars?

Mr. JONES of North Carolina. Mr. Chairman, reclaiming my time, and since the chairman asked the question of the gentleman from Nebraska (Mr. TERRY), if I might, the one thing about the farm bill is it was consistent with the budget resolution. This is not.

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

Mr. Chairman, I reluctantly rise tonight to support this amendment, but, more importantly, to begin to raise the issue and the consciousness of this Congress about what has been happening in this Congress for the last 3 or 4 years.

Now, the gentleman from Washington (Mr. NETHERCUTT) and a number of us came here in 1994, and we were very serious about balancing the Federal budget. We were serious about controlling the growth in discretionary spending. And every time we passed an emergency supplemental bill, for the benefit of some of the Members who have come here in subsequent years, when we passed an emergency supplemental bill, there was an offset. And as a result, we balanced the budget in 4 consecutive years. We paid down over $450 billion worth of publicly held debt. And that was the right thing to do.

Now, last year, after September 11, and because of the slowdown of the economy, we have begun to slip back into deficits. But we have a chance, as we go through this appropriation process, to begin to get the ship of state headed back in the right direction.

Now, I regret, I want to say to the gentleman from New Mexico (Mr. SKEEN) and all the members of the Subcommittee on Interior of the Committee on Appropriations that it just so happens that his bill is the first out of the chute, because I know that he does good work, and there are a lot of important things for all kinds of constituencies in this bill. But the question we ought to all ask ourselves is this: Why should the Federal budget grow at a rate of twice that of the average family budget?

The average family budget in America today is growing a little more than 3 percent. Discretionary spending, and I will be happy to talk to the chairman of the Committee on Appropriations, but discretionary spending is going to grow this year, unless we get serious about controlling that growth rate, by more than 7 percent. Now, at a time when the average family budget is growing 3 percent, discretionary spending is 7 percent.

The question is: How much is enough? When are we going to say enough is enough? Because, my colleagues, if we stay on the path we are on right now, and last week the House passed what is very important legislation as regards prescription drug coverage, but if we look at the charts that have been prepared by the Republican study committee, with that bill and with the continuing growth in discretionary spending in this budget and the next, we are going to be looking at $250 billion deficits as far as the eye can see. Now, that is not what the American people sent us here to do.

So, unfortunately, we have to begin to stand and draw a line in the sand and say, enough is enough. And unfortunately, it happens to be that this is the first bill. What this amendment does, as I understand it, we simply go back to what we agreed to back in 1996, where we said we are going to adjust this account to what the spending would be if that account had gone up every year at the rate of inflation.

□ 1945

Now, do not talk to us about draconian cuts. We are saying let us go back to what we thought we agreed to in 1995, 1996 and 1997 when this Congress was serious about balancing the budget.

There was a Pepsi commercial a few years ago that said life is a series of choices. What we do on the floor of this House every day is a series of choices. We have to decide whether we are going to allow the Federal spending machine to continue to grow at double the rate of the average family budget, or are we going to start to say enough is enough.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, my understanding is that this bill is about 2.8 percent of an increase over last year. That is below what the family budget of most families would be if you look at inflation in this country. So this bill is staying within the guidelines, and we did so diligently, and with a lot of effort.

Mr. GUTKNECHT. Mr. Chairman, reclaiming my time, I will give all Members a medal and a kiss on the cheek.

But the point is that this account has grown by more than double the inflation rate. All we are saying is let us take this account back to the 1996 levels adjusted for inflation. I am not here to be critical of the Committee on Appropriations because they have done a good job.

Mr. TOOMEY. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Pennsylvania.

Mr. TOOMEY. Mr. Chairman, if we exclude emergencies and look at the bill from last year and the bill that is proposed, my number suggests that this is an increase of 5.54 percent, to be exact, which is, of course, way above the rate of inflation and way above the growth of most families' budgets.

Mr. WAMP. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, we obviously have been wasting our time for quite some time because the gentleman is wrong. Without the emergencies that the gentleman is referring to, this bill is a 2.8 percent increase. That is a fact. I hope we are not held up all night long on an unfactual basis.

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

Mr. Chairman, I point out to Members that yes, it is true that we are facing budget deficits once again. But the reason we are facing these budget deficits is not because of the incremental increases in some of these budgets, and as was just pointed out by the gentleman from Washington (Mr. NETHERCUTT), the increase in this particular budget is not a budget-breaker at all, it is quite modest.

The problem that we have is last year this Congress passed a tax cut which was way out of line. That tax cut is what is causing us to have these enormous budget deficits. Members do not want to admit that is the problem, but that is at the very root of any financial difficulty we have, and the reason why we are facing substantial budget deficits today and into the future.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one of the things about this bill, it generates $6 billion in revenue. This is a revenue-producing bill, and a large amount of that revenue comes from the Bureau of Land Management. I want to point out to Members, this amendment will cut into the BLM and will hurt our ability to gain this revenue. This comes from oil leasing, cattle leases, mine leases, grazing leases, all of the various ways that we raise money through this bill.

Also, some Member said this is not a big cut. This is a 20 percent reduction in the activities of the Bureau of Land Management. It is $149 million below the President. It cuts $6.8 million from wildlife and fisheries. It cuts $21.4 million from energy development. It cuts $19 million from transportation on Federal lands. It cuts $15 million from resource protection, and many other important accounts.

The chairman of the Committee on the Budget said he can support this bill. The President has set up his statement of administration policy. He can support this bill. What we have here is a small group of Members who are intent on making a point. I think they have made it, and I think the House now has to vote down this amendment and show them that they support the work of the Committee on Appropriations, and that we are in a position now to get some action on these 13 bills. We have a responsibility to the country. Let us get moving on these bills.

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

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Chairman, I think we are getting close to the end of this debate, at least I have consulted with some of the potential speakers, and I think we are near the end.

I have to say I am a little uncomfortable here today because these Members who are proposing this amendment, I find myself more philosophically tuned in to their position than to my friends

who are supporting my position on this amendment. However, I still think these Members are wrong in this case.

I want to correct a couple of things. First of all, the President's budget, when he sent it down here, was $768 billion for discretionary spending. The budget that we are working under in the House is not the $768 billion that the President requested, it is $759 billion. We are under the President's budget request by $9 billion, but we are working with it.

One of the earlier speakers, the gentleman from Wisconsin, talked about how this is unraveling the appropriations process. He talked about how we are going to spend all the money on the easy bills, and then we are going to rip off the bills at the end. The gentleman specifically mentioned the Labor-HHS bill, the Veterans Affairs-HUD bill, and the Commerce-State-Justice bill.

The Labor-HHS bill under the Committee on Appropriations' 302(b) is exactly at the President's request.

The 302(b) for the Commerce-Justice-State bill is only one percent below the President's request.

The 302(b) for the VA–HUD bill is less than one percent below the President's request. So we are not messing up the appropriations process. It is not unraveling.

As I said, philosophically I tend to be more in tune with these Members, but in this case it is important that we defeat this amendment. The Bureau of Land Management is involved in processes that bring in $6 billion a year because of leasing arrangements that have been ongoing. We do not want to unravel that process.

I want to close with this comment, and I did not ask all of my colleagues this question because there were too many of them. But what is the difference in a dollar spent by back-door spending in a mandated spending bill, and a dollar spent in a discretionary spending bill? The way I look at it, there is no difference. A dollar spent is a dollar spent. What is magic about mandatory programs versus discretionary programs?

I was happy to remind some of my friendly colleagues who support this amendment that they in fact voted for the farm bill, and I am not saying that it is a good vote or a bad vote, but it spent $90 billion over the baseline. That is a $90 billion increase over a period of years. What is the difference in $90 billion spent there. And now they want to unravel this bill for $162 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 332, not voting 18, as follows:

[Roll No. 305]

AYES—84

Akin
Armey
Barr
Bartlett
Barton
Bass
Berry
Boehner
Boozman
Brady (TX)
Burr
Burton
Cantor
Chabot
Coble
Collins
Cox
Crane
Culberson
Davis, Jo Ann
DeLay
DeMint
Doggett
Duncan
Flake
Forbes
Fossella
Goode
Goodlatte
Graham
Graves
Green (WI)
Gutknecht
Hart
Hefley
Hill
Hilleary
Hoekstra
Hostettler
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
Kirk
Lucas (KY)
Manzullo
Mica
Miller, Jeff
Myrick
Norwood
Nussle
Paul
Pence
Petri
Pitts
Platts
Portman
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Smith (MI)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiberi
Toomey
Turner
Upton
Weldon (FL)
Wilson (SC)

NOES—332

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Stark
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Blagojevich
Bonior
Clay
Dooley
Ehrlich
Gilman
Harman
Hastings (FL)
Istook
Lynch
Mascara
Nadler
Quinn
Riley
Smith (WA)
Spratt
Sununu
Traficant

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Messrs. COMBEST, OTTER, RANGEL, WYNN and SAXTON changed their vote from ''aye'' to ''no.''

Messrs. TERRY, FORBES, LUCAS of Kentucky and FOSSELLA, and Mrs. JO ANN DAVIS of Virginia changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GILMAN. Mr. Speaker, earlier this evening, I attempted to vote on the Toomey Amendment to H.R. 5093 but my vote was not recorded. Accordingly, if I had been able to vote on rollcall No. 305, I would have voted ''no.''

Mr. ALLEN. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the distinguished chairman of the Subcommittee on Interior Appropriations.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I certainly will yield.

Mr. NETHERCUTT. Mr. Chairman, on behalf of the chairman of the subcommittee, I would be pleased to have a colloquy with the gentleman from Maine.

Mr. ALLEN. Mr. Chairman, I would like to bring to the attention of the chairman of the subcommittee, the gentleman from New Mexico (Mr.

SKEEN), the need for land acquisition funding at the Rachel Carson Natural Wildlife Refuge at my district in Maine. I appreciate the chairman's past support for the refuge and its land acquisition program, which purchases critical coastal, estuarine and upland properties from willing sellers in order to conserve critical wildlife habitat that is being lost to development up and down the coast of Maine.

While I understand the difficulties the chairman faced in crafting this bill, I also must point out that in fiscal year 2003, there was a continuing need for funding to acquire a number of properties within the Rachel Carson refuge boundary.

The refuge, working in partnership with other organizations, has agreements with willing landowners to purchase several properties. If funds are not available this year, these critical natural resource lands could be lost forever to development.

As the chairman is aware, the Senate Interior appropriations includes $3 million for Rachel Carson National Wildlife Refuge. I respectfully urge the chairman to consider including this amount in the final conference report.

Mr. NETHERCUTT. Mr. Chairman, if the gentleman will yield, I thank the gentleman for his comments; and we appreciate the gentleman's arguments on behalf of the Rachel Carson refuge. On behalf of the chairman of the subcommittee, we can assure the gentleman that we will consider his request as we work towards completion of this bill.

Mr. DAN MILLER of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask to have a colloquy with the chairman of the subcommittee, or if the gentleman from Washington (Mr. NETHERCUTT) would engage in a colloquy with me.

Mr. Chairman, I would like to add my compliments to the great job that the gentleman from New Mexico (Mr. SKEEN) has done over the past years. I have had the pleasure of serving for the past 8 years on the Committee on Appropriations with him. It has always been a pleasure and he has been a real leader. I will be retiring with the gentleman, and we can look forward to the next years.

I would like to talk about Egmont Key. As the chairman may know, I will be authorizing legislation, bipartisan legislation very soon to convey a small island in my district named Egmont Key in the mouth of Tampa Bay to the Florida State Park Service. This island in Tampa Bay is currently under the jurisdiction of the U.S. Fish and Wildlife Service, but it is operated by the Florida State Park Service, and it has three full-time State park rangers already stationed on the island.

Egmont Key is unique and is natural in its cultural history, and that has made that island a very valuable resource to our area. Area residents, including my family and I, have enjoyed Egmont Key's cultural and recreational benefits for years, and the local support for conveying the ownership of this island to the Florida State Park Service is strong, and I do have bipartisan support. I anticipate the legislation will be enacted before the commencement of the conference committee on interior appropriations for the fiscal year 2003, and upon enactment of authorization legislation, I will be requesting appropriations from the distinguished gentleman's subcommittee.

This island in the middle of Tampa Bay is really kind of in three Members' districts, including the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations, and the gentleman from Florida (Mr. DAVIS) of the Tampa area, and he will be working with me on this issue.

Let me make one other comment. Upon conveyance of land by the Federal Government, the Federal Government will actually save money in the long term, and I want to make sure my colleagues are aware that there will be a savings in the long term.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. DAN MILLER of Florida. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, the subcommittee is aware of the gentleman's good work and also has the same understanding as the gentleman that there will be a savings of money.

Mr. DAN MILLER of Florida. Mr. Chairman, I yield to my colleague from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I would just like to join in the gentleman's comments and to thank the chairman for his recognition of this very important issue. This is one of the most historic parts of the Tampa Bay area. It is a convergence of the gentleman of Florida's (Mr. DAN MILLER), the gentleman of Florida's (Chairman Young), and the district I represent; and we will be introducing legislation shortly to transfer title, and there certainly will be appropriation issues accompanying that. This is also a piece of land that the gentleman from Washington (Mr. DICKS), the ranking member of the subcommittee, is very familiar with as well.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DAN MILLER of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, we certainly will help and cooperate and do everything we can to be supportive.

Mr. DAN MILLER of Florida. Mr. Chairman, I might add in concluding that the Florida State Park Service, under the authorizing legislation, will have to continue to preserve the wildlife, habitat, and the environment that exists on the island. I look forward to working with the Committee on Appropriations once we get the authorization legislation moving forward. I thank the chairman for hopefully working with us on this.

Mr. NETHERCUTT. Mr. Chairman, if the gentleman will yield further, the committee will look forward to working with the gentleman after the Egmont Key transformation legislation has been enacted.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word to engage in a colloquy with the distinguished gentleman from New Mexico (Mr. SKEEN) or his representative.

Mr. Chairman, I very much appreciate the gentleman from New Mexico. He is truly a man of the West. He has distinguished himself as such, and I just wish to offer my congratulations to him on his service here and well wishes for the future after his service is concluded.

Mr. Chairman, I thank the gentleman for agreeing to engage in this colloquy. As the chairman is aware, my colleague, the gentleman from California (Mr. RADANOVICH), and I both sent letters expressing our support for funding in the amount of $2,943,150 from the fiscal year 2003 interior appropriations measure to compensate the High Sierra Packers Associations for losses incurred as a result of a recent injunction issued against the United States Forest Service.

The injunction resulted in tremendous decreases in pack use within the Ansel Adams and John Muir Wilderness Areas located in both the Inyo and Sierra National Forests within California. Losses accumulated from this court mandate were based on the forest service's own violation of the law. This is simply unacceptable. Therefore, my colleague and I respectfully requested that the Federal Government reimburse the High Sierra Packers Associations in the sum of $2,943,150 for the unjust decision dealt to them.

We look forward to working with the distinguished gentleman from New Mexico to see what avenues may be available to help the packers who, through no fault of their own, have been injured.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, on behalf of the subcommittee and the chairman of the subcommittee, we thank the gentleman from California for bringing this important issue to our attention. The staff and the chairman are prepared to assist the gentleman and the gentleman from California (Mr. RADANOVICH) in finding alternative means to rectify the situation.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to also engage in a colloquy with the subcommittee chairman or his representative.

First of all, I would like to extend my congratulations too for the hard work that the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee, has given to us, not only this year, but in many past years.

We are going to miss him in the next Congress.

Mr. Chairman, I would like to call to the attention of the Congress and this subcommittee an issue that is of serious concern to my constituents in the Chattahoochee-Oconee National Forests area in the State of Georgia.

Additional funding is needed to correct a shortfall in law enforcement funding for these forests that are at the doorstep of the metropolitan area in Atlanta, Georgia. Additional law enforcement personnel are needed to provide adequate protection for visitors, adequate protection of the forests' natural resources, and to increase efforts to combat illegal drug production and trafficking. Viable options include hiring additional personnel or increasing cooperative law enforcement agreements with State and county law enforcement agencies.

I realize that tough decisions will be made in this year's budget, but I believe that safety of the users of public lands rises to a high priority level. I am encouraged by the chairman's efforts to work with me, and I expect that he will be able to address this request as he moves this bill through conference.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I wanted to take a minute to thank the gentleman from New Mexico (Mr. SKEEN) too and thank the gentleman from Georgia (Mr. DEAL) for their hard work on this issue. Since I hope I will be representing many of the forests in question that we are discussing here in the 108th Congress, this issue will continue to be very important to me.

Securing sufficient dollars for law enforcement to ensure the safety, environmental quality, and the security of the Chattahoochee-Oconee National Forests is critically important, as future generations deserve to enjoy this treasure as those have in the past. I look forward to working with both gentlemen in the coming weeks to preserve this objective within our Georgia forests.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding, and I want to say that I support the efforts of my colleagues from Georgia and know of their efforts to try to get this corrected.

I have been disappointed that we as a committee have not been able to come up with a satisfactory solution, but I know the gentlemen from Georgia (Mr. DEAL) and (Mr. NORWOOD) have a serious local problem here that we have got to address on a national basis, because I think there are some issues that have been inherited from past administrations that we are now suffering from.

So I wanted to say to my colleagues from Georgia that I stand in support of what they are trying to do; and I want to say in terms of the conference, I want to do everything I can, Mr. Chairman, to try to get this thing corrected.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Washington.

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Mr. NETHERCUTT. Mr. Chairman, on behalf of the chairman of the subcommittee, I thank all three gentlemen from Georgia for their kind words about the chairman on this issue, and I can assure the gentlemen that the chairman and the committee will work in conference to address their concerns regarding adequate protection of visitors and resources in Georgia's national forests.

Mr. DEAL of Georgia. I thank both gentlemen for their cooperation. I do look forward to working with them in conference.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to make a statement, and then to engage in a colloquy with the chairman or his representative.

Mr. Chairman, I rise today to talk about a crisis in my home State of Wisconsin, something that folks around here may not have heard much about, but I fear that they will. The subject is chronic wasting disease, which is a disease that afflicts elk and deer. There is no cure. There is no treatment. In fact, we are not even sure, quite frankly, how it is spread.

It was first recognized in the State of Colorado back in 1967. Now, sadly, some nine States, including my home State of Wisconsin, have been afflicted by it. It is a health challenge because we do not understand how this disease is spread, and we want to make certain that it cannot spread into other species.

It is obviously an environmental challenge, and it is also a cultural challenge, because deer hunting and wildlife management is a critical part of the culture in my home State and some other States. It is certainly an economic challenge, because there are 1.6 million deer in Wisconsin, 600,000 hunters, and the deer harvest each year is approximately 300,000 animals.

The sad news, Mr. Chairman, is that we are short on research, and we are just as short on testing capacity. I came here today with an amendment which would have provided money to relevant agencies to try to implement part of a comprehensive plan, but in discussing this matter with the chairman in his office, I am confident that we can reach that goal without an amendment.

Mr. Chairman, I would like to engage in a colloquy with the distinguished chairman of the subcommittee, the gentleman from New Mexico (Mr. SKEEN), or his representative.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would say to the gentleman, I know that we have agreed we need to take quick action to deal with this chronic wasting disease. From the information the gentleman has shared with us, it appears that more funding is needed in order to address this problem.

Mr. GREEN of Wisconsin. That is correct, Mr. Chairman. As part of the new Federal task force on chronic wasting disease, the U.S. Geologic Survey needs additional funding. The current estimated total dollar funding need for the USGS for chronic wasting disease activity is about $6.6 million for fiscal year 2003 alone.

Keeping in mind that my colleague, the gentleman from Wisconsin (Mr. OBEY), has already secured $2.7 million for the needs in the bill before us today, we are left with a need of an additional $3.9 million which is required to meet the funding goal. That is why I was going to offer this amendment.

Mr. NETHERCUTT. If the gentleman will continue to yield, Mr. Chairman, the gentleman and other Members of the Wisconsin delegation are to be congratulated for their hard work on this matter.

The chairman believes we can meet that goal as the appropriations process goes forward. We have his pledge to the gentlemen from Wisconsin, Mr. GREEN and Mr. RYAN, and to the other Members that the chairman will use his position in the conference committee on this bill with the Senate to do everything that we can to see that the needed funding is provided.

Mr. GREEN of Wisconsin. I thank the chairman very much, and my colleagues from Wisconsin, for their cooperation and hard work, and I look forward to working together with them and with the chairman in the future on this issue that affects our home State.

I will not offer my amendment, but I thank the gentleman for engaging me in a colloquy.

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

Mr. Chairman, I simply want to, in a continuing comment on the previous subject, note that this committee has been quite generous, I think, in helping us to meet our responsibilities in dealing with this problem, chronic wasting disease.

Last year, the committee provided $2.25 million for the Department of Agriculture and the Centers for Disease Control. In the supplemental appropriation bill, which passed the House and the Senate, the committee provided $12 million in the House version, and thanks to the efforts of the other body, Senators KOHL and FEINGOLD, they have provided $21 million in the Senate bill.

In the Interior bill so far we have $2.7 million, and in the Agriculture bill, which will follow on, we have $16.4 million. So I think we have received fine

cooperation on the legislative end from the committee, and I appreciate it.

Mr. KIND. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding to me. I just want to commend the ranking member on the Committee on Appropriations for his attention to this very serious issue that has afflicted the State of Wisconsin, chronic wasting disease.

Mr. Chairman, I am an avid hunter myself, with two little boys, and this has sent shock waves across the entire State of Wisconsin. This is the first time the disease has been detected east of the Mississippi. It has now been detected west of the Continental Divide. It has also been detected down in New Mexico.

This is a disease that is spreading across the continent, and the paucity of scientific research has led to a lot of bad options on how to contain it. That is why earlier this year I introduced legislation to establish a comprehensive scientific research program so we can start getting some answers in regard to CWD, and what we can best do to contain it and hopefully eradicate it, so future generations may enjoy the sport of hunting whitetail in the State of Wisconsin.

But this has received a lot of attention. We have been working in a bipartisan fashion within the Wisconsin delegation. Our leader here, the gentleman from Wisconsin (Mr. OBEY), on the Committee on Appropriations has been very attentive to these issues, and the mounting expenses and the great concern we have in Wisconsin over the impact of this disease.

I am heartened to hear the assurance from the other Members of the committee, the ranking member and the chairman himself, whom we have been in touch with, in regard to their attention to this issue. I am confident that if we can continue proceeding in a bipartisan fashion, hopefully we will be able to get things in place in order to prevent the further spread of this disease, and hopefully, eventually the eradication of it.

Ms. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Wisconsin.

Ms. BALDWIN. Mr. Chairman, I thank the gentleman for yielding to me.

Last February, when the first case of chronic wasting disease was documented in my district, a quiet panic began to race against south central Wisconsin. People wondered how seriously this disease would affect the health of the deer population, as well as the health of their own families.

On behalf of my constituents, I would like to thank the chairman, the gentleman from New Mexico (Mr. SKEEN), the ranking member, the gentleman from Washington (Mr. DICKS), and the dean of our delegation, the gentleman from Wisconsin (Mr. OBEY), for understanding the importance of this needed funding. This funding will be vital in slowing the spread of the disease, as well as learning a lot more about it.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman. I simply want to say, a lot more money will be required in the future, not just in Wisconsin but in a number of States around the country. We will have to deal with this as a national problem, because it is a national problem.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I would be happy to have a colloquy with the gentleman from North Carolina.

Mr. HAYES. Mr. Chairman, I would like to share with my colleagues an issue of importance regarding the Energy Star program.

Over the last 18 months, the Department of Energy has solicited public comment for proposals to change the criteria applicable to its Energy Star windows, doors, and skylights program. A recent decision by the Department of Energy confirms that no new criteria will be implemented, and the current Energy Star criteria for windows, doors, and skylights will remain in effect.

I would like to take this opportunity to commend the DOE for removing from consideration the proposal to change the criteria so that the Department of Energy may more carefully analyze the significance of solar heat again in certain regions of the country. By withdrawing this proposal from consideration, DOE has averted the creation of a government-sanctioned monopoly, and determined that competition is preferred and marketplace forces should prevail.

I would also like to commend DOE on their intention to complete additional research concerning technical issues before proposing any future change to the current criteria.

Is it my colleague's position that any proposed changes to the criteria for this program by DOE should be based on sound science, should rely on the collective input of stakeholders in the program and, above all, should continue to rely on the marketplace to determine the structure of the industries affected by this program?

Mr. NETHERCUTT. If the gentleman will continue to yield, the gentleman from North Carolina makes a very good point. We commend him for his excellent work in this area. I note on behalf of the chairman of the subcommittee that we look forward to working with the gentleman from North Carolina to ensure the continued integrity of the Energy Star program. We thank the gentleman very much for bringing this to the committee's attention.

Mr. HAYES. Mr. Chairman, I thank the chairman of the committee, the gentleman from New Mexico (Mr. SKEEN), for all his wonderful work.

Mr. FORBES. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman or his designee.

Mr. Chairman, I would first like to thank my colleague, the gentleman from New Mexico (Mr. SKEEN), for his hard work on this bill before us today. I recognize the difficult choices that must be made, and appreciate the fair and balanced bill he has developed.

The Fourth District in Virginia is home to a large part of the Great Dismal Swamp National Wildlife Refuge. The remaining portion is in North Carolina. This refuge was established nearly 30 years ago with the express purpose of protecting a unique ecosystem. Its 109,000 acres are home to a large diversity of fish, bird, animal, and plant species.

As of late, it has become an increasingly popular attraction for ecotourists from across the region, the State, and the Nation.

The U.S. Fish and Wildlife Service is currently in the process of developing its comprehensive conservation plan for the Great Dismal Swamp. As part of this process, the service is planning the construction of a visitors center. It is my hope that ultimately the service will determine that the most appropriate location for the visitors center is on the Virginia side of the refuge.

In fact, according to a letter my office received from Lloyd Culp, the refuge manager, on January 18, this outcome is the most logical and efficient conclusion. As Mr. Culp indicated, ''One cannot plan for visitor access to the Great Dismal Swamp National Wildlife Refuge without working on improved access to Lake Drummond, which is undoubtedly the most popular attraction for the refuge. All current land access to Lake Drummond is within the city of Suffolk, Virginia, and I don't see that changing.''

I would appreciate the opportunity to continue working with my colleague, the gentleman from New Mexico, towards ensuring that the conference report on this bill and future appropriation bills leads to the establishment of a topnotch visitors center for the Great Dismal Swamp refuge, which makes the most of the natural advantages of spots like Lake Drummond to ensure its success.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, we appreciate my colleague's interest in this matter, and certainly offer to work with him toward that end. I speak on behalf of the chairman and the entire subcommittee.

Mr. FORBES. Mr. Chairman, I thank the chairman.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

On page 2, line 13, insert after the dollar amount ''(reduced by $51,300,000).''

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. TOOMEY. I object, Mr. Chairman.

The CHAIRMAN. The Chair hears an objection.

MOTION TO LIMIT DEBATE OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I move that all debate on the amendment and all amendments thereto be limited to 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Washington.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 79, not voting 31, as follows:

[Roll No. 306]

AYES—324

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Callahan
Calvert
Camp
Capito
Capps
Cardin
Carson (OK)
Castle
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Conyers
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hilliard
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—79

Akin
Baird
Bartlett
Barton
Blunt
Brady (TX)
Burton
Cantor
Capuano
Carson (IN)
Chabot
Clay
Condit
Cox
Crane
Cubin
Delahunt
DeLay
DeMint
Doggett
Doolittle
Filner
Flake
Fossella
Frank
Gilchrest
Graham
Graves
Gutknecht
Hart
Hayworth
Hilleary
Hinchey
Hoekstra
Hostettler
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Jones (NC)
Lee
Lewis (GA)
Luther
Matheson
McCollum
McDermott
McGovern
McKinney
Miller, George
Moran (KS)
Myrick
Otter
Pastor
Pence
Pitts
Platts
Pombo
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Serrano
Sessions
Shadegg
Shimkus
Smith (MI)
Souder
Stark
Stenholm
Stump
Sullivan
Sununu
Tancredo
Terry
Toomey
Waters
Wilson (SC)
Wu

NOT VOTING—31

Blagojevich
Boehner
Bonior
Burr
Buyer
Cannon
Clayton
Cooksey
Coyne
Dooley
Gordon
Hall (OH)
Hastings (FL)
Hinojosa
Isakson
Kirk
LaTourette
Lynch
Mascara
Nadler
Nussle
Paul
Quinn
Riley
Roukema
Smith (WA)
Spratt
Tauzin
Traficant
Watts (OK)
Wicker

□ 2105

Messrs. TERRY, ROHRABACHER, BURTON of Indiana, MCGOVERN, Ms. JACKSON-LEE of Texas and Mr. FOSSELLA changed their vote from ''aye'' to ''no.''

Ms. DEGETTE and Ms. WOOLSEY changed their vote from ''no'' to ''aye.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

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

Let me just say I feel particularly honored that they have chosen to limit the debate on my amendment. I am not sure what the opposition is afraid of, but in any event, we will move ahead.

The last amendment that we voted on, it was said by the Democratic opposition that that was a meat ax approach to this bill. I am pleased to say that this is more of a machete kind of approach. The last one cut about $162 million from the Interior bill. This will cut about $51 million. It is about a third of the original amendment. If they do not like that, then we will take, I guess, the scalpel approach. The next amendment offered by the gentleman from Indiana (Mr. PENCE) will cut, I believe, $13 million from the bill. So we are here to please and to offer a variety of amendments.

A lot has been said about the farm bill. In fact, many Members were asked if they had voted for the farm bill, yet were supporting the amendments that were offered here.

I would gladly yield to the gentleman from Florida if he wants to ask if I voted for the farm bill. I did not. I will be glad to yield if anybody asked if I voted for the airline bailout. I did not. I will be glad to yield if anybody asked if I voted for the President's education bill. I did not.

I have not voted for any of the big spending bills. I think they are spending far too much. The average American has to work 181 days of the year simply to pay the cost of government. That is, I believe, six days longer than we had to work last year. We are spending simply too much.

Early this year Citizens Against Government Waste identified $20.1 billion in Federal pork projects. This is an increase of 9 percent over last year's total. The money was spread out over 8,341 projects injected into the appropriations bills in fiscal year 2002. This is an increase of 32 percent.

The report also identified $1.2 trillion in savings over 5 years in its prime cuts report. For those who say that we simply cannot cut anymore, that is wrong. We can cut. We are simply spending too much. The problem is not tax cuts. The problem is spending. We are spending far more this year than we spent the year before. We spent far

more last year than we did the year before that. We have got a long way to go before we reach fiscal discipline.

In fact, we have heard a lot over the last couple of weeks about corporate crooks. Let me tell my colleagues, over the past 5 years, lawmakers have spent a total of $142 billion above the levels in corresponding budgets. These are our own budgets that we passed, and yet we go above, $142 billion over 5 years. That is more than 12 times the misstated earnings from Enron, Xerox and WorldCom combined. For us to lecture the private sector on what they have to do to have transparency and to get their books in order when we are ourselves $142 billion over 5 years in excess of our own corresponding budgets.

It has been said that the farm bill, $9 billion, and we are talking here just a couple of hundred million dollars. I am not here to defend the farm bill, believe me. I think that was the worst piece of legislation passed in a long time here, but we are talking here, if we go ahead with the appropriations request, $9 billion this year above the President's request. We have to remember that the President's request was modified to match the House budget. So we are $9 billion above this year's request. That, over 10 years, is more than the farm bill.

As I said, I am not here to defend the farm bill, but there are some who point out the farm bill, $9 billion over 10 years, that is a lot of money. I am not here to defend the farm bill at all, but we need to put it in perspective. We are over the President's request.

Mr. Chairman, on January 30, 2002, President George W. Bush said, To achieve these great national objectives, to win the war, protect the homeland, to revitalize our economy, our budget will run a deficit that will be small and short term so long as Congress restrains spending and acts in a fiscally responsible manner. That is the case. The problem is spending. We simply need to get it under control.

That is why we are offering amendments. That is why we are stepping in tonight and making sure that we restore a bit of fiscal discipline. That is all we are trying to do here, and when I took to the floor last week, we were being lectured on lifting the debt ceiling. We were told that we were acting irresponsibly because we wanted to lift the debt ceiling because we had to lift the debt ceiling. We were being lectured over here by those who had approved and had voted for big spending projects that we had never approved and we had never voted for. Yet we were being lectured on that.

My time is ending, but I just want to say that I urge everyone to vote for this amendment.

Mr. SKEEN. Mr. Chairman, I rise in opposition, and I yield 2½ minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Chairman, the Bureau of Land Management, just in case some people would like to know, for the multiple use management protection and development of a full range of natural resources, including minerals, timber, rangeland, fish, wildlife habitat and wilderness of about 262 million acres of the Nation's public lands, and for management of 700 million additional acres of federally owned subsurface mineral rights, the bureau is the second largest supplier of public outdoor recreation in the Western United States.

Under the multiple use and ecosystem management concept, the bureau administers the grazing of approximately 4.3 million head of livestock on some 161 million acres of public land ranges and manages over 48,000 wild horses and burros, some 262 million acres of wildlife habitat, and over 117,000 miles of fisheries habitat. Grazing receipts are significant as are other receipts.

I would just like to ask the gentleman who sponsored the amendment, tell me one account in this bill that he would like to cut. Can the gentleman tell me one specific line item that he would cut with his meat cleaver instead of his meat ax? Can the gentleman tell me one line item in this bill that he would like to cut, and name it specifically?

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, the one I just proposed. I just proposed going back to the fiscal 2002 levels.

Mr. DICKS. What is it the gentleman wants to cut?

Mr. FLAKE. Mr. Chairman, we are in a situation now, since the gentleman yielded, where American families all over the country are having to cut their own budget.

Mr. DICKS. I take it the gentleman is not going to answer the question. Let me give my colleagues a few choices.

□ 2115

Range management, wild horses and burrow management, oil and gas, coal management, mineral management, Alaskan minerals for the gentleman from Alaska (Mr. YOUNG), hazardous materials management. I mean, I think if the gentleman is going to cut something, he ought to be able to at least identify an account or two and how he would like to cut it.

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

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

Mr. Chairman, I object to the amendment. Like the previous amendment, it cuts entirely the good programs under the guise of fiscal responsibility. This is not a responsible approach. We have before us a good balanced bill, and I urge my colleagues to vote ''no''.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 85, noes 337, not voting 12, as follows:

[Roll No. 307]

AYES—85

Akin
Armey
Barr
Barrett
Bartlett
Barton
Berry
Boehner
Boswell
Brady (TX)
Burr
Burton
Chabot
Chambliss
Clay
Coble
Collins
Cox
Crane
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Doggett
Duncan
Flake
Fossella
Gilchrest
Goodlatte
Graham
Graves
Green (WI)
Gutknecht
Hart
Hefley
Hill
Hilleary
Hoekstra
Hostettler
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
Kirk
Luther
Manzullo
Miller, Gary
Miller, Jeff
Myrick
Norwood
Nussle
Otter
Paul
Pence
Petri
Pitts
Platts
Portman
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Souder
Stearns
Stenholm
Sullivan
Sununu
Tancredo
Taylor (MS)
Terry
Tiberi
Toomey
Turner
Upton
Wilson (SC)

NOES—337

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Herger
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Blagojevich
Bonior
Buyer
Cooksey
Dooley
Hastings (FL)
Hinojosa
Mascara
Nadler
Riley
Roukema
Traficant

□ 2135

Ms. PELOSI changed her vote from ''aye'' to ''no.''

Mr. FOSSELLA changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I would like to discuss briefly a little bit about what we are trying to do here procedurally. This is not a happy occasion for anyone. This is not something that we enjoy doing. In fact, this is a painful process. We have no interest in making this any more of a painful process than it needs to be, but we think that there is an important issue that we need to discuss.

The issue is very simply some of us think that our budget process has gone awry, and if we continue down this road, we will not adhere to the budget resolution that we have passed. Some of us do not want to adhere to that budget, and I understand that. Some of us think in light of the economic downturn and other things that have happened since budget resolution, we should be spending less than that budget resolution.

But we want to have an opportunity for all Members to have this discussion, have this debate, have a chance to air their amendments. We have 75-odd Republicans and 8 or 10 Democrats vote in favor of some dramatic cuts right out of the block on the first line of this bill.

As we move through the process, I strongly suspect there will be more interest in some of these cuts because I believe there is a recognition that there is a problem here. As we work to try to reach a consensus, and we would like to, we are open to rolling votes and finding whatever way can cause the minimum inconvenience for our Members. We are open to reaching a unanimous consent agreement, and we are prepared to speak with Members about that. But it is very important that we have this discussion. We think that it is vitally important that we have this debate and give every Member to have their day and represent their constituents on each and every amendment that we offer.

I do not think that it was appropriate to limit the discussion on the amendment of the gentleman from Arizona (Mr. FLAKE) to 10 minutes, but let me assure Members we are trying to find a way, find a procedure under which we can do this expeditiously, but we are going to have this discussion.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is obvious to Members what exercise we are going through here and why. There has been a lot of debate. I remind Members of a very famous Member of this House, Morris Udall, and I think many know him, if not personally, by reputation. If I can paraphrase what he said, everything that needs to be said has already been said; the problem is that not everybody has said it yet.

We have had a fairly good debate here. I would like to ask someone representing the organized effort to amend this bill, if someone could tell me how many amendments we might be looking at in title I of this bill, for example. We have some colloquies and some points of order we need to get to. We could open up title I and deal with the amendments that are at the desk, but I am wondering how many amendments are at the desk or would be if that request is made. I wonder if some Member could respond to me with an answer.

Mr. TOOMEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Pennsylvania.

Mr. TOOMEY. Mr. Chairman, I do not know exactly how many amendments we have. I would be happy to step off the floor and have this discussion, and see if we can reach an agreement on this vote. I am not prepared to do that at the moment.

Mr. YOUNG of Florida. Mr. Chairman, I think that is fair; but before we make any motion to open the title or close the title, I think we need to have an idea. If Members intend to keep us here all night, we ought to know that.

Mr. WAMP. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I would like Members to know we have 17 other amendments besides the untold number of amendments from this group, from the rest of the House, that we would like to consider as well, plus the colloquy, so we can get on with the business of other amendments from both sides of the aisle.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, what process are we going to go through in terms of recognition? There have been several amendments recognized on that side. There has not been an amendment recognized on this side. Is it the Chair's intention to recognize our side for amendments?

The CHAIRMAN. The Chair attempts to alternate between majority and minority Members.

Mr. DICKS. But we have to go right at the point we are in the bill, until the bill is opened up.

THE CHAIRMAN. The gentleman is correct.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, it is now almost 10 p.m., and Members have a right to know what the plan is for the balance of the evening or the morning, whatever the case might be. Maybe as the gentleman from Pennsylvania (Mr. TOOMEY) suggested, we can have an offsite conversation about this. That being the case, we will report back.

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

As the chairman of the Committee on Science, the committee with jurisdiction over a number of the energy conservation programs funded under the bill, I rise to engage the floor manager of the bill in a colloquy.

First, I want to compliment the committee for providing the needed funding for these important research, development and demonstration programs that do so much to advance new energy technologies. One program I am particularly interested in is residential micro cogeneration of energy. In my district, I am familiar with companies that are developing new combined heating, cooling, electricity and hot water that is far more efficient than residential systems which are commercially available today.

It is my understanding that funding provided in the bill will allow DOE to undertake the needed testing, evaluation and demonstration of residential cogeneration technologies.

Mr. WAMP. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, the gentleman is correct. The committee has provided $79.7 million in funding for distributed generation technologies in the power technologies account under the energy conservation appropriation, an increase of $15.5 million over the amount requested by the President, and $15.9 million over the amount provided last year.

□ 2145

These funds are available to assist with a variety of projects, including residential cogeneration systems. I would like for the chairman to know that this is just one of many very justified requests by Republicans to increase accounts in this bill above the President's request.

Mr. BOEHLERT. I would like to thank the gentleman and pledge to work with the chairman and members of the committee as this bill moves forward to ensure that the funding needed to carry out these important projects is made available.

Mr. WAMP. We look forward to working with the gentleman on this important issue.

Mrs. CUBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise because I have seen something tonight that I have not ever seen in the 8 years that I have been in Congress. And I think it is a sad night tonight. I do not believe that our party would limit the debate by a Member on an open rule on an appropriations bill. They would not do that to the other side, and I do not believe the other side would do that to us. Yet we have done this to one of our own tonight. While I oppose the goal of the gentleman from Arizona, I am in favor of this bill, I think it is a good bill, and I intend to support it and vote against the amendments; but I think what happened here procedurally tonight was very wrong. If we have an open rule, then we need to have an open rule and to limit one gentleman, Mr. Chairman, is not right. I hope that we do not fall into that later because we do not like the issue that someone is bringing forward.

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

Mr. Chairman, I rise tonight finding myself feeling like it is early in the day and not late in the day. I am invigorated by this debate. I am invigorated by the quality and integrity of the debate on both sides of the aisle and that 85-some-odd colleagues of mine still believe in what the gentleman from Wisconsin referred to earlier as baloney.

Mr. Chairman, I have often associated many things with Wisconsin, usually cheese; but henceforth I will always associate Wisconsin with baloney as well because it was the distinguished member of the minority, the ranking member, who said on this floor tonight that the problem with this group of conservatives was that we did what his late father, a man active in public life, said one should never do: we believe our own baloney. I would amend the record to say his late and distinguished grandfather, who said that politicians should never believe their own baloney.

Let me give a few examples as we try and talk about the issues that we confront tonight. We are not here in some vain exercise to exact a torturous schedule on our colleagues this early in the legislative week. Neither are we ignorant of the long days that are ahead of us before we break and return to be with our families. But the enforcement of the budget resolution that we adopted in this Chamber once and deemed another time is at stake. This bill that we consider today is $775 million over our budget. Treasury-Postal is $538 million. The agriculture approps bill is $550 million. We will have to extract severe cuts in VA-HUD and Commerce-Justice-State. Those two pieces of legislation will have to give off over $2 billion from previous-year levels just to stay within our budget resolution.

The truth is when we speak about the vision of a balanced Federal budget, that is not baloney. That I argue, Mr. Chairman, is what most of our constituents sent us here to do. I would even argue that, with very few exceptions, the constituents who voted for my Democrat colleagues to come to this august institution sent them here to advocate some basic American values, believing in the American dream that if our generation works hard and makes sacrifices, we can actually leave our children a better life and a better future than we inherited.

Another simple piece of the American dream was the dream of a balanced Federal budget, the dream that governments, like families, just like my wife, Karen, and my children who may well be sitting at home in our living room tonight in Bartholomew County watching, they live within their budget at our home on the Flat Rock River, and Americans looking in tonight, Mr. Chairman, expect us to do no different. We have written a budget. Chairman JIM NUSSLE led this institution with vigor and with vision and with commitment; and we gave the American people, in the midst of recession and war, the vision for a budget that returns to balance within 24 months. Yet tonight, however inconvenient it might be to some, we are actually laboring over whether or not we will endorse and embrace that budget.

Some, and I say this with respect and no small attempt at humor, some may consider that baloney. Some may consider it baloney that people in Congress ought to make the income meet the outgo to the best of their abilities, that we ought to balance the Federal budget. I say rather, Mr. Chairman, that it is what we are all, Republicans and Democrats, sent here to do: to be careful stewards of the public resources that are entrusted to us.

The Good Book has this admonishment, and with this I close. It admonishes the shepherd. It says, ''Pay careful attention to your herds, keep careful watch over your sheep, for riches do not endure forever.'' It is precisely because we do not know the future, Mr. Chairman, and the challenges that our Nation may face in even darker days ahead that this skirmish that happens on this floor tonight matters, that we must enforce the budget resolution that we labored to adopt, that we endorsed twice in this institution. It is my hope that even if we are here when the sun is peeking its way through the windows, that we will do just that, living within our means.

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

I would like to discuss the process that brings us here, but first I want to begin by expressing my strong admiration for the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), for the work he does and for the dedication he brings to his job. But also on this particular night, I want to express my deep respect for and admiration for the chairman of this subcommittee. You come here as a young freshman and you get various assignments. Some of them you do not anticipate, and some of them you are unaware of. I am elected from Arizona. I did not know JOE SKEEN when I was first elected, but I got assigned here and I became a deputy whip. As a whip, I was assigned to whip various Members. One of the Members I was assigned to whip was JOE SKEEN. I think that happened just as a matter of serendipity. It was not preplanned. As it turned out, someone was already whipping the Arizona delegation, and so I suppose it made sense to somebody that I should whip the New Mexico delegation. And so I did.

For the duration of my tenure here in Congress, I have had the privilege of whipping JOE SKEEN. What that has meant is that I have had the honor to have conversations with him week in and week out and have him impart to me his wisdom and his knowledge of this institution, of the pressures that move in each direction, of the people that are at play, of the great traditions of this institution. It would be difficult for me to express how many times JOE SKEEN in those days when I have chatted with him has been able to educate me, to give me as a younger Member of this House advice and counsel.

JOE is leaving this institution after this session of Congress, and I simply want it to be known to my colleagues here in Congress and the people across America that this institution will be diminished by his departure. He is indeed a dedicated public servant. He is a man of the people, revered by the people of New Mexico and of his district.

He is a man who has come here from his ranch and who has brought the common knowledge and the common understanding of the people across America to his job here. I would be remiss if I did not say thank you, JOE, for all you do.

We tend to look at our inconvenience tonight being here on the floor at approximately 10 p.m. at night as a great imposition. Yet there is not a one of us who wears this pin, not a one of us that is elected to this institution that does not understand the immense privilege and the immense honor it is to serve in this institution. For those who are perhaps frustrated that on this particular Tuesday evening we might debate late into the night these issues and for those who are frustrated and do not like the amendments that are being offered, I would simply remind you, I would urge you to perhaps step outside and look at the dome that is above our heads, contemplate the task we are about, because each and every amendment offered here tonight, and I have three or four that I would like to offer, is a serious amendment offered by a Member with deep beliefs.

I happen to be embroiled in a scandal in my own State on the issue of firefighting. I feel very strongly about fighting wildfires. It is vitally important that we fight wildfires. But this institution is the people's House. This is the place where debate should occur. This is the institution where we should talk about whether it is appropriate to put $700 million into this bill, as the gentleman from Washington (Mr. DICKS) offered in committee and as was adopted by committee or whether it would be more appropriate to put that money into the supplemental bill which can become law much sooner.

We are engaged in a huge debate and it is a serious debate, as my colleague from Pennsylvania pointed out. These are grave issues. Spending is running out of control in this Congress, and the American people are worried about it. Go home and ask them. Go home this weekend. Think about the conversations you had last weekend. I would remind my colleagues that when we adopted this budget, we thought there was going to be a surplus or perhaps a small deficit. The reality is last weekend's paper, at least my home paper on Saturday morning blared with a gigantic headline, ''$165 Billion Deficit.'' It occurs to me that when we adopted the budget resolution and we believed we were going to have a surplus and we are now here tonight recognizing we are going to have not a small deficit but a massive deficit, not only is it wrong to limit debate as we just did on the dimensions of this budget and our spending but it is what the American people would want us to do. They would want us here debating these issues.

One of the definitions of insanity is to do the same thing over and over again. We are in changed circumstances, and those changed circumstances demand that we debate this budget tonight in a serious fashion.

Mr. FARR of California. Mr. Chairman, I move to strike the last word. Let me just remind the other side that we have had a big debate tonight about appropriating money which is spending money. But the other side is collecting money. And the other side led the biggest tax cut, created the biggest hole in our ability to carry out the functions of this country. So let us be a little bit more reasonable about being balanced. It is an income and an outflow. This is the discussion about the outflow, but you have already taken the biggest bite in history out of the income, and that has also affected this picture; and that is what has caused the great big deficit that we have.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Washington.

Mr. DICKS. I can remember the debate on this on the floor. Many of us on this side of the aisle said the tax cut was going to be too big and that it could result in deficits, that we could see our surplus go away. I see that OMB said today that it is lack of revenue coming in, some of it to deal with the stock transactions. These were all foreseeable things. If you want to be fiscally responsible, if somebody wants to get serious over there, why do we not have a budget summit where we go back and revisit the tax cut and then we will talk to you about spending. But to pick out one-third of the budget is hypocrisy, and everybody in this place understands that. So you can continue to pose for the holy pictures and say we are going to cut spending, but you are not going to deal with the problem except in a very marginal way. The only way this is ever going to get fixed, the budget gets fixed, is if we go back and review everything; and that is what you are not willing to do.

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

It is interesting as my colleagues talk about the spending side and the revenue side, we have had the discussion on the revenue side; now we are talking about spending. It is amazing that the Federal Government at a time where the economy is not growing, where there is not a high rate of inflation, there are some that believe that growing the Federal Government at twice the rate of inflation may not be enough; that as household incomes grow at a smaller rate that somehow the Federal Government is entitled to grow twice as fast as the rate of inflation, that the Federal Government has priority over other sources of income and revenue in this country.

□ 2200

I do not know where that has been established. This House has set out a mandate. We have said that we will grow spending to a level of $748 billion in 2003. We have not done it once, we have done it twice. The other body has yet to pass a budget. President Bush has embraced the spending level of the House. President Bush has indicated that, if necessary, he will use the veto to make sure that we control spending and achieve the number of $748 billion at the end of the process.

Because the House's number is almost identical to the President's, it is important that we take a look at each individual bill as it goes through the process. Each bill where we spend more than what the President has proposed means that later on in the process, we will have to reduce those bills significantly from what the President's recommendation is. Three of the first four bills or the nondefense bills that have been reported by the Committee on Appropriations are significantly above the President's request.

The Interior bill is at $775 million above the request, without including the $700 million in emergency firefighting money. Treasury-Postal is $538 million above the President's request, and the Agriculture bill is going to be $550 million above the request. Collectively, these bills are about $1.8 billion above the request of the President.

In order to pay for these increased spending levels, the Committee is proposing a $400 million reduction from the President's request for the Commerce, Justice, State bill, and a $1.8 billion reduction for the request from the Veterans, HUD, and FEMA bill. These bills are scheduled to move later in the appropriations process.

If the House passes the first appropriations bills at levels significantly above the request, I think there are many of us that question whether we will be able to pass the other bills because they will be so far below the President's request. If that is the strategy that we are going to have where we are going to have significant differences between the levels passed by the House and the levels requested by the President, we should bring to the floor first those bills that are significantly lower than the President's request, move those first so that we can show and demonstrate that we are disciplined and that we will make those tough decisions, and that we can then accumulate that money and move it into some of these other bills. But we should not begin the process by fattening up the earlier bills with the belief that later on in the process we will be able to deviate significantly from the President's request.

This bill is a good place to start. We should try to move that back down to the President's request.

Mr. Chairman, today in the Committee on the Budget, Mitch Daniels talked about the projections. We are no longer in an era of surpluses. We are projected to have a deficit of $165 billion. What we need to do to get back into surplus is we need to control that area that we have significant control over.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, the gentleman seems to be suggesting that we should stick to the budget, to the President's request. If a family loses income, a family loses their job and they go on unemployment, the budget they started when they had a full job is not going to continue spending as usual. Maybe we should even reduce it below the budget.

Mr. HOEKSTRA. Mr. Chairman, reclaiming my time, I think what my colleague points out is the fallacy in this process if we increase over the President's spending.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, I want to address and comment on two things that I have heard, if I could. I am somewhat bemused as I sit here tonight listening to some of the comments about the sanctity of open debate and legislative alternatives. Some of the same people who have been uttering those platitudes are the same people who voted to deny the minority an alternative on prescription drugs. They voted to deny us the opportunity to debate and produce an alternative to the very budget resolution which has this place wrapped around the axle. They voted to deny us the opportunity to debate and offer an alternative to the economic stimulus package, to the airline bailout, to the antiterrorism bill, to the fast track trade bill, and they have engaged in incredible legislative legerdemain in order to avoid the regular processes of this House, but now suddenly express tonight their concern for open debate. I find that quaint, to be polite.

Second, I would simply note a comment of my old friend, Archie the Cockroach. Archie said this once: ''Man always fails because he is not honest enough to succeed. There are not enough men continuously on the square with themselves and with other men. The system of government does not matter so much; the thing that matters is what men do with any kind of system they happen to have.''

The fact is that the reason we are having such problems here tonight is because the budget resolution that passed this House early in the year was not on the square; it contained tricky accounting. It rejected CBO accounting after, several years earlier, our Republican friends were willing to shut down the Congress in order to require it. I would simply say that if Members feel that they are on the hook tonight, they have not been put there by the Committee on Appropriations; they have been put there by their own votes on their own budget resolution. That budget resolution essentially picked a number of numbers out of the air in order to pretend that there was room to do everything for everybody and, now, the chickens are coming home to roost.

That is why tonight what we are seeing really is not a mini filibuster; we are seeing a philosophical war within the majority party between the realists, those who are still trying to function and produce bipartisan product that this House can pass, even though none of us may be thrilled by what it produces; and those who would like to reject realism. It will be interesting to see how that fight comes out. I hope it is decided in time to get some productive work done in this institution, but we do not have very many days to go before that August recess. But only time will tell.

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

Mr. Chairman, I want to agree, in part, with what the gentleman from Wisconsin just said. He said that there is not enough money to do all of the things that we want to do. That is exactly right, and that is why we have a budget, and that is why the family has a budget. What we are saying tonight is you cannot allow the Federal budget to continue to grow at twice the rate of the average family budget. You have to make some choices.

Now, we had a Committee on the Budget meeting today and we talked about what has happened to the Federal budget in the last 12 months. A lot of what has happened to the budget is the result of what happened on September 11. Revenues are about $234 billion less than we expected.

Now, let us be honest. About 14 percent of that is because of the tax cuts that we passed. Frankly, I think if we had that vote again, every one of us who voted for those tax cuts would vote for them again. It was exactly the right thing to do and, as it turns out, with the economy slowing down, I think it was a brilliant thing to do. So we are not going to back off on the tax relief.

Let me tell my colleagues something. I was visiting with a farmer friend of mine a few years ago, and we were sitting on bales of hay. He said something pretty profound. He said, the problem with you guys in Washington is not that we do not send enough money into Washington; he said, the problem is you spend it faster than we can send it in. And that is the problem.

Now, we have said earlier that we do not fault the Subcommittee on Interior of the Committee on Appropriations; we think they have done a pretty good job. But they are part of the problem. Let us be honest. Let us look at this chart. Do my colleagues see the green line right here? That is the inflation rate. For a few years, we were doing a pretty good job. We were keeping spending at just slightly above the inflation rate. But then somehow in about 2000, and it might have something to do with the fact that we began to have these big surpluses, that rate began to increase. That is the red line.

The question we have to answer tonight and during the next several weeks is, will we be able to slow the rate of that growth back to the inflation rate, or are we going to continue to allow it to grow? If we do, here is what we are going to face. We are going to face big, big deficits. We are going to lead to perpetual deficits.

It is not the Interior appropriations, it is not Treasury-Postal, it is not any one of those individual bills, it is not even prescription drugs; it is a combination of that. We wind up with a chart that looks like this.

Now, how many of us really want to go home this November and explain to the folks back home why we started with a chart just a few years ago where we were paying down anywhere from $100 billion to $200 billion worth of publicly held debt every year and go home and explain, but now we have decided that we are going to go on a spending spree? We can blame Agriculture, we can blame all of the various committees, but it is like Pogo. We have met the enemy and the enemy is us.

As I say, it is unfortunate that the Skeen bill is the first one out of the chute, but I say to my colleagues, we have to start getting serious about this budget. I think every person that we represent understands that there is absolutely no reason that the Federal budget ought to grow at a rate twice that of the average family budget. So tonight the only option that some of us have is to come to the floor of the House and ask our colleagues to slow the machine down, just slow down the spending. We are not asking to cut the Interior appropriations; all we are asking to do is bring it down to the rate of inflation. If we do that, good things will happen. The good thing is that within 2 years, I believe we will be back on the path towards a balanced budget and paying off that debt.

One other thing. Back in the Midwest, it used to be that part of the American dream was to pay off the mortgage and leave your kids the farm. Well, I think that is still a dream. But unfortunately, we are going to go back to that old saw here in Washington where we are literally going to sell off the farm and leave our kids the mortgage, and every one of us knows that it is wrong. It starts tonight, and the question is, do we have the discipline, do we have the courage to do what we really know is right, and that is to get off this spending track, get back on a reasonable spending track of slowing the rate of growth in the Federal Government to roughly the inflation rate and, if we do that, we can balance the budget and, yes, we will have plenty of room to provide tax relief to the American families as we go forward.

So the money is there. It is not that they are not sending it in fast enough; it is that we want to spend it faster than they send it in.

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

Mr. Chairman, I certainly agree with my colleagues that just like all of our

families, we try not to spend more than we take in. I do not think, though, that for most Americans, given the fact that we are now going through a very important, dangerous, and necessary war on terrorism that we ought to give up the war on terrorism because it is going to cost us some money in the short term, and we have to spend what it takes to protect our homeland and to bring to justice or bring justice to those who have attacked us. Nor do I think we can do much, although we are trying, in terms of corporate accountability, to deal with our coming out of this recession or our lack of confidence in the markets.

But we do have another tool at our disposal to eliminate perhaps as much as 45 percent of the financial hole this Congress, or the majority, has created over the next 10 years; a financial hole created by the majority in this Congress of about $1.7 trillion over the next 10 years.

□ 2215

I am speaking of the tax cut that the Republican Party and a handful of Democrats, but most of the Members of the Republican Party, passed; a tax cut costing $1.7 trillion over 10 years that benefits disproportionately the top 2 percent of Americans.

I think most Americans today, given the war on terrorism and the difficulties in the stock market, would say, maybe we ought to hold off for 1 year on that tax cut. Let us see how the war on terrorism goes. Let us see how the stock market rebounds, hopefully, within that 1-year period, before we execute on this tax cut, just for this 1 year; postpone it 1 year. Would that not be the prudent thing to do?

But my colleagues on the other side of the aisle say, no, we are going ahead with this tax cut, which will cost $1.7 trillion over 10 years, benefiting disproportionately the top 2 percent of Americans, and then cry or complain that we are spending too much money, and too much money is going out and not enough is coming in.

I think average Americans would say let us postpone this tax cut for at least a year and see what the economy, what the world situation is like; take all that savings that was going to the top 2 percent of Americans, who, by the way, are doing very well, and God bless them, and not have this battle today over which essential program we are going to cut or not cut, rather than mess with this tax cut.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I simply want to note, since we have heard of this so-called spending spree that the Committee on Appropriations is engaging in, I want to simply note that since 1980 through today, the percentage of our total national income which we spend on domestic discretionary programs financed by this committee and approved by this House has dropped by 35 percent.

It seems to me that a 35 percent contraction as a percentage of the total national family income that we spend on domestic needs is some pretty hefty fiscal discipline, no matter how myopically some other Members might view it.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the ranking Democrat on the Subcommittee of the Interior of the Committee on Appropriations, the gentleman from Washington (Mr. DICKS), but before that I would like to join my colleagues in thanking the gentleman from New Mexico (Mr. SKEEN) for his outstanding leadership.

I remember one of the first things he said to me when I came to this body was that the best legislation was bipartisan, and I have appreciated how he and the gentleman from Washington (Mr. DICKS) have worked together on this subcommittee in a bipartisan way to help our country in so many ways.

I want to especially thank him for his leadership on the Parkinson's Task Force, in which he, along with many of my colleagues, called upon the National Institutes of Health to come forward with a 5-year plan to cure Parkinson's, and he has worked diligently to implement that plan. We will miss the gentleman.

As the gentleman knows, I say to the gentleman from Washington (Mr. DICKS), he may be aware that Governor's Island at the entrance to New York harbor has played an extremely important role in the history of our country.

Two forts on the island, Fort Jay and Castle Williams, helped protect New York harbor from invasion in both the War of 1812 and the Civil War. New York gave the island to the Federal Government to serve as a military base. For more than 200 years it served our country, first for our Armed Forces, and since the 1960s, as a Coast Guard base.

One of President Clinton's last acts was to declare the fort a national monument, and one of President Bush's first acts was to publish this executive order in the Federal Register.

I am very pleased that President Bush has continued to show his support for the island with the promise to give it back to New York State so that it can be developed for the enjoyment of all Americans.

We hope that the forts will remain national monuments under the jurisdiction of the Park Service. The forts should soon be included in one of the most revered park systems of the Nation, along with Ellis Island and the Statue of Liberty, at the gateway to New York harbor.

Unfortunately, the forts are in very bad shape. In fact, they are on the National Trust for Historic Preservation's list of the 11 most endangered historic sites and buildings, a measure both of their bad condition and their historic importance.

The Park Service needs appropriate funds to protect the forts from further destruction, and to help restore them so that the public may soon have an opportunity to visit them and to learn more about the important role that they played in the history of our country.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thank the gentlewoman for the work she has done on this important issue, and for bringing it to the subcommittee's attention. I share her concern for protecting national monuments.

I want to assure the gentlewoman that I will work with her and the majority to find the best source of funding for this important project.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for his leadership and his assistance on this matter, and I look forward to working with him and the gentleman from New Mexico (Mr. SKEEN) in a bipartisan way to preserve these forts for our country.

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

Mr. Chairman, I appreciate some of the comments of the previous speaker, because he kind of laid out the character for the debate tonight, or really, the essence of what the debate is all about.

I believe one of my colleagues suggested that maybe, instead of giving Americans tax relief, that we withhold that tax relief so that we can spend more here in the Congress, instead of taking the time to have the debate on the floor, look through these 13 spending bills carefully and determine if there are ways that we can save, so that we can keep more money in the pockets of Americans and continue to improve consumer confidence in spending, which has really held up our economy over the last year.

We have some tough decisions to make. On our side, while we might be fussing and arguing tonight, our whole point is to try to keep spending at its lowest level. If we look back at this chart that was reviewed a minute ago, we know that we are on a course for some pretty heavy deficits.

But I want to give just one example of why these deficits are so detrimental to the future of this country, and why it is so important that we take the time tonight to go through this appropriation bill, and all of the ones that we have this year, to see if there are some things that we can do to reduce the growth of the spending.

That is really all we are talking about, because this deficit we see does not take into account doing anything to secure the future for American seniors by improving and strengthening Social Security. We are doing nothing

over the next 10 years to guarantee that future Americans have the Social Security that they have been promised.

We have to remember, as Members of Congress, that this is not some handout to Americans, this is something they have paid for. It is something they have paid for, with a promise that we have to be prepared to keep. And instead of spending every dime that comes in, we need to establish a mechanism where we can really save at least part of what people put into Social Security.

There are several goals that we have to have for Social Security in addition to reducing spending so that we can really save for the future. One is, we need to reassure every American, regardless of age, that they will never receive less from Social Security than they are receiving today. This talk of cutting benefits needs to be thrown out the front door of this House. We need to guarantee the benefits for every American and establish where we are as the floor.

In addition, instead of spending every dime that people put into Social Security, as we are doing today, we need to establish a mechanism within Social Security so that individuals can save part of what they are putting into Social Security for their future, so that when they retire they own something and have some control of their lives; and particularly for the poor, that they have something to pass on to the next generation.

If we leave Social Security the way it is today, within 15 years, just a few years after this chart ends, we will begin to take money from the general fund just to pay the benefits of seniors, without changing anything on Social Security.

Over the next 75 years, Members have heard some figures thrown out tonight, like $1.7 trillion over the next 10 years, but we are talking about, with no changes to Social Security, $25 trillion from the general fund that has to be transferred in addition to what is being paid into Social Security now so that we can continue to pay benefits in the future.

We cannot continue to overlook this promise that we have made to Americans and continue to spend on everything, even though these are important things that we are talking about. All of us probably have something in these appropriation bills, but all of us have to be willing to give a little, and to at least slow the spending so that we can keep the promises to the seniors that we have made, and to help them really save and really own and really have independence when they retire.

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

Mr. Chairman, to begin, I want to join the gentleman from Wisconsin in welcoming those to the ''don't-shut-off-debate'' club. I voted against the motion to limit debate to 10 minutes. I am sorry it lost. But I am also sorry that we had rule after rule this year that brutally shut down this House. We had rule after rule where we had hours of free time on Tuesdays and Wednesdays and Thursdays, but the minority was not allowed to offer amendments.

I voted not to shut down debate, and I hope that the commitment to open debate was not simply a fleeting one.

Beyond that, I want to talk about what is really a very important philosophical issue. I am pleased that this has come forward, because we are talking here not about petty issues, we are talking about one of the most fundamental questions we can, as elected representatives, discuss: What is the appropriate level of public activity in our society?

I think what is happening here is that it is being made clear that the reduction in revenue that went through in 2001 was unsustainable, according to the majority. After all, and it is very important to note in this debate, I have not heard those offering amendments and pushing for cuts denouncing the spending as bad. That is very important. This is not a case where people are saying, that is a bad thing; do not do it. What people are saying, and I respect the philosophical fount that it comes from, people are saying, yes, that is a good activity, but we cannot afford to do this much of it.

No one is saying that the appropriations bill is funding things that should not be funded. The argument is that we are fiscally constrained. Well, that is a serious problem. I would have some sympathy for the majority Members of the Committee on Appropriations who found themselves in this dilemma if they had not put themselves in the dilemma.

What we have here is a very clear example of a fact: The Republican Party is more committed to spending reduction in general than it is to spending reduction in particular. Unfortunately, they cannot cut spending in general, they have to cut spending in particular.

So when it comes to cutting revenues, everybody wants to cut, but then when it comes to cutting programs to meet those revenue cuts, nobody wants to cut; not nobody, I take it back, about a third of the Republican Party, or maybe 40 percent wants to, and I honor them for having the courage of their convictions.

But I must say, the majority of the Republican Party, I have heard of wanting to eat one's cake and have it, too. When they vote for tax cuts, and then they vote for appropriation bills above the level that the tax revenues will now support, they have a variation on eating the cake and have it too. They want to eat their cake, but also get credit for giving it away. First they reduce the revenues, then they commit themselves to spending more than they get in revenues.

I am reminded of a piece of philosophical wisdom I got from a Boston city councillor in 1968 when I complained about what seemed to me to be inconsistency on the part of the voters. He patted me on the knee and said, hey, kid, ain't you heard the news: Everybody wants to go to heaven, but nobody wants to die.

They want to cut taxes and get credit for reducing the revenues of this government, but then when their own majority brings forward appropriations, which they acknowledge are for good purposes, they say we cannot afford them. Why can we not afford them? Because they cut the revenues too much.

Mr. Chairman, people ought to understand this, go back to David Stockman. In his book he said, here is why we cut taxes under President Reagan: We knew that if the money was there, the American public would want it spent. We knew that there were programs that were popular, and the only way to control the spending was to cut the revenue.

If it was done to stimulate the economy, boy, that did not work, did it? In fact, the President in 2000 said, as a candidate, let us cut the taxes because the economy is doing so well. In 2001, he said, let us cut taxes because the economy is not doing well.

Why cut taxes? To prevent spending from going forward. It turns out that much of this spending is essential, it is desirable, and only the Federal Government can do it. Only the Federal Government can fight the fires and do the other things in this bill.

And again, I want to stress, I have not heard people denouncing the spending as bad spending.

□ 2230

There is an implicit acknowledgment that these are good things that we cannot afford. So what we are seeing today is an example of what I think, frankly, is a philosophical incoherence on the part of the Republican majority. There is a Republican minority that is philosophically consistent and is prepared to live up to the tax cut, but the rest of the Republican Party wants to have it both ways.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Washington.

Mr. DICKS. I would just say to the gentleman, I just went through this. We were looking at this. I want these Members who have been so critical of the Committee on Appropriations in a sense, although they have been very kind towards the chairman and all of the rest of us to be aware of this.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, I want you to know we made some cuts in the subcommittee. Some of these are very painful. For example, the Cooperative Conservation Initiative, minus 100 million; Stateside Land and Water conservation, minus 46 million; Park Service Construction, minus 62 million;

Land Acquisition National Parks, minus 31 million; Technology Road Maps, Department of Energy, minus 4.5 million; the Kennedy Center, minus 4 million. So we made some cuts.

Mr. FRANK. Reclaiming my time, I appreciate that, but do not expect too much credit for the cuts. I will be ready to come down here and apologize the day I read that Member after Member who voted for the tax cut went back to his or her district and said, I have good news for you. Thanks to the tax cut I voted for, we will not get the following project. Are we not glad for what we did for America?

The day I hear Members who voted for the tax cut take credit for its consequences, I will acknowledge error.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is easy to say we should spend more money, but think for a moment of what is happening to American families. A lot of individuals around the United States are losing their jobs. Do you think they will be spending as usual? No, they are not. And all we are suggesting is simply to limit our increase in discretionary spending to inflation. We are not talking about cutting the interior budget or any other budget. If we could simply limit our spending to what the rest of the American people are doing. They are tightening their belts.

We have had an emergency in this country. That emergency was being hit on September 11 by terrorists. That means we have got to come up with more money for that war on terror. If you have a war, if you have an emergency, it is reasonable, it is logical, it is practical to reduce some of the other spending that has lesser importance, not to go on spending as usual. That is not what an American family can do. That is not what an American business can do.

I know we are in a situation where the people that lobby us say let us have more spending for this, for that. I know that we tend to go to the committees that we support and that we push for more spending as we gain seniority on those particular committees, but that is a problem we have got to deal with. Somehow we have got to realize that what made this country great was not being overtaxed. What made this country great was a Constitution that says that those that work hard, that try, that invest, that educate themselves are going to end up better off than those who do not. Yet we have continually pushed for increased taxes on corporations, increased taxes on bills.

If a young couple decides to get a second job so they can have more for their families, we not only tax them at the same rate, we increase the rate of taxation so they have to pay more taxes to the Federal Government.

Let us get back to our roots. Let us get back to what makes this country great. Let us not overtax ourselves and discourage business expansion. Let us do what we need to do in this House. We have let, and the gentleman from Washington (Mr. DICKS) has said that a lot of this is now entitlement spending; and we have got to deal with that too. But the discretionary spending is what we are talking about tonight. That is what we should deal with. That is what we should say is reasonable, to limit that spending increase to inflation.

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

Mr. Chairman, I rise to enter into a colloquy with the Chair.

Mr. Chairman, I listen with great interest to this debate this afternoon, and it is always amazing to me that these debates always take place at night, and they always take place by a majority of those participating in it who come from the west coast, which just happens to be prime time there. I am not making that innuendo that that is the reason that they are doing that now, but I rise to ask you a question.

Mr. Chairman, the legislative appropriations that we will pass that we, most everyone, will vote for this year will be $3.4 billion. And, Mr. Chairman, if you break that down into 8 months of annual sessions, which is generally where we are in, at 5 days a week, which generally we are only in 3 days a week, that amounts to 160 legislative days. If you break the 160 legislative days down into weeks or to 1 day, it amounts to $21 million a week, or 2.65 thousand dollars an hour in which we debate.

So every 5 minutes we spend debating an issue, it is costing the American taxpayer $44,000. By my calculations, if I have 5 minutes under the House rules to engage in this discussion with you, Mr. Chairman, if I yield back 2 minutes of my time, will I not save the American taxpayers $88,000?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. CALLAHAN. Mr. Chairman, I was just engaging in a colloquy with you because we all respect your judgment and know your tremendous knowledge of the operations of this House.

The fact is it costs $44,000 a minute to run this House. It would appear to me that every time they talk about reducing a bill by $10,000, if they are going to spend $44,000 of Social Security money, it looks to me like we are losing money, and I would encourage them to try to work out something and they ought to do it in advance. They ought to go to the chairman of the Committee on Appropriations. They ought to go to the people who write the various appropriations bills and suggest to them before prime time television and then try to iron out their differences.

But, Mr. Chairman, I want to be sure and yield back 2 minutes of my 5 minutes so I can save the American taxpayers $88,000.

Mr. TAYLOR of Mississippi. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I do commend anyone who tries to save the taxpayers a buck, and I have actually voted with you guys on these things tonight. But the net effect of what you have done tonight is sort of like a flea biting into the hide of an elephant and saying, I have really got him now.

The last vote was for 50 million. To give you some idea of just how broke this Nation is, at the end of last month our Nation was $6,126,468,760,400.48 in debt.

When the gentleman from Illinois (Mr. HASTERT) was sworn in as Speaker, the Nation's debts was only, comparatively, $5,615,428,551,461.33. That means in the approximately 1,290 days he has been Speaker, $511,040,208,938 have been added to the debt, and you are worried about 50.

See, in those approximately 1,290 days the Speaker has not allowed this body to vote on what really matters, and that is in the cutting a little bit here or a little bit of a tax break there, it is a constitutional amendment to balance the budget. So whether the R's or the D's or the I's or the chickens are running this House, the rules are you cannot cut taxes more than it takes to balance a budget, and you cannot spend more than you have in the bank.

See, the biggest problem with this country is that we are squandering a billion dollars a day on interest on the national debt. I really appreciate what the gentleman from Alabama (Mr. CALLAHAN) had to say. Where I come from, $44,000 is a heck of a lot of money. So if $44,000 is a heck of a lot of money, what do you think a billion a day is? A billion a day is a thousand times a thousand times a thousand. This year we will spend a thousand times a thousand times a thousand times 365 just on interest on the national debt. It will not educate one kid. It will not fight one fire. It will not help the farmers. It will not defend our Nation. It is just squandered interest on the national debt.

If you guys want to do something about it, why do you not ask the Speaker for a straight up-or-down vote on a balanced budget amendment to the Constitution? It just says we will live within our means. We passed it 7 years ago through this body. It went to the other body. It only failed by one vote. Maybe some of you think it might interfere with the $50 billion a year that we lose to the estate tax vote. Maybe some think it means we will not have money for social spending.

Maybe all of us ought to be willing to give a little something up because all we are doing is sticking our kids with the bill. And in the past 23 years we have added over $5 trillion to the national debt. Just the Speaker's bill alone is more than this Nation borrowed between George Washington becoming President and 1975. That is 199 years of this Republic has been surpassed in debt during the Speaker's watch. I am ready to say enough is

enough, but the only way we can do that is get a vote on a balanced budget amendment.

I will help you with some of our amendments. I will vote against some of the amendments. If you are really sincere about doing something for the American people, if you want to leave a legacy, let us pass a balanced budget amendment to the Constitution, so that regardless of who is running this House it lives within its means. And before somebody gets too ambitious with tax cuts, they do not do it at the next generation's expense. All we have really done is the equivalent of someone going off to the car lot and saying, I want the most expensive car out there. And by the way, bill my 6-year-old kid. Or I want the most expensive house in the State of Mississippi; and, by the way, I have a 3-year-old grandson; just stick him with the bill, plus interest.

That is what we have been doing for the past 23 years in this Nation. I am ashamed of that. I think in your heart of hearts you are too.

We have a few days left in this session. We can pass that. We can send it to the other body. If you are really serious about the spending, let us not go after the fleas. Let us go after the real problem. Let us balance the budget.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, to my friend from Mississippi (Mr. TAYLOR), and he is my friend, I concur with you 110 percent; and there are many on this side of the aisle that do concur with you.

I also want to say something else. I came in 1995 to my first year in the United States Congress, and I am proud to be a foot soldier here in the United States House, and I consider myself a foot soldier. There are a number of us on both sides of the aisle who are foot soldiers, who believe and hope that the majority of the time we are doing what is right for American people.

I mention that because recently my friend from Mississippi, who is in the back of the Chamber, kept us here until like 2 or 3 in the morning making motions; and because he believed so strongly in what he was doing, I never was offended. Some Members on both sides of the aisle, I heard grumbling; but quite frankly, I did not because I thought that the gentleman was doing what he was elected to do if he believed what he was doing. I know the gentleman well enough to know that he believed in what he was doing.

I want to say that tonight because we have Members on our side of the aisle and certainly those on the Democratic aisle that feel very passionately about these issues tonight. I want to mention, again, I did the first time I spoke 30, 40 minutes ago, that I have been on the floor once a week with a chart that I would hope some of the Members here tonight and those that will be in their offices would join me in a letter that I wrote to Secretary O'Neill.

Now, we have been talking about billions of dollars here and billions of dollars there and millions of dollars here. Let me just read to you who might not be familiar with this. In the ''2001 Financial Report of the United States Government,'' which came out in March of this year, in March of this year, the report provides minimal data and information regarding these unreconciled transactions. Not only is the Federal Government missing $17.3 billion, but there is no reason given for this loss.

Now, that is in the report to the American people. I know that makes the taxpayers of this country feel real good about their tax money.

Now, I know this is not part of this interior bill or this debate, but I wanted to have this opportunity to say to my colleagues on both sides of the aisle, we should be demanding that the Secretary of the Treasury come forward and explain where $17.3 billion has been lost by this Federal Government.

□ 2245

I am just as upset as anybody about the fact that WorldCom and Enron and the corporate executives cheated and committed fraud to those investors, but what I want to say to my colleagues, the taxpayers do not have a choice. They have to pay their taxes. I am not defending those who created the fraud because those people made investments, which we all do, most of us do from time to time, but the fact that the taxpayers of this country cannot get an explanation as to why in the 2001 report we have lost $17.3 billion.

So as this debate continues tonight or tomorrow or both days, it is, and we do agree, I agree with the gentleman from Massachusetts (Mr. FRANK) a while ago in what he was saying. We have got to make decisions. We cannot cut taxes and expand government at the same time.

That is the problem in my State of North Carolina. They are $2 billion in debt today, and I do not know how my State of North Carolina is going to work out of this problem in the next 3 years, but part of that problem is when they did cut the taxes, they expanded the governmental programs, and it caught up with them.

I just want for my children and grandchildren and my colleagues' children and grandchildren that they are not going to have to be paying a tax on the Federal taxes that they owe this government of 35 and 40 percent over what we are paying today. In my opinion, that would be the economic downfall of this country.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to add my voice to the debate that is taking place tonight. What this debate is about is trying to get our arms around this budget process. When the budget resolution passed earlier in the spring, it was passed at a time when we still had a budget surplus, and now when we find out just a few days ago we actually have a $165 billion budget deficit, and yet even still we are having a hard time getting an agreement to stick to the budget resolution that we created when we had a budget surplus.

What this debate is all about, Mr. Chairman, is trying to make sense in the process. The men and the women who serve on the Committee on Appropriations who are managing these bills this evening are hardworking, good people, but the concern is bigger than just the appropriations process. It is bigger than the Committee on Appropriations.

The concern is, are we going to put together a process, absent with the fact that the Senate did not pass a budget resolution, that gives us some spending discipline here in Congress? We have serious challenges facing our country this year, Mr. Chairman. We went to war. We are just trying to get ourselves out of a recession, and we have serious vulnerabilities on our homeland that we are trying to protect. At the same time, we have a very significant and large budget deficit that just popped onto us for the first time in 5 years.

We need to deal with this and we need this Congress to deal with it in a very serious way, and that is why we see these amendments coming through on the floor tonight because tonight is the first time we are approaching domestic discretionary spending. We passed defense bills for military construction. We passed a defense bill to fund the Pentagon, and we passed the supplemental to fund homeland security and to fund the ongoing operations in Afghanistan.

Tonight is the beginning of the funding of domestic discretionary spending. That is why this debate is taking place tonight, because now as we move forward on funding domestic priorities, we realize that these priorities have not been adequately addressed by this Congress yet.

That is why we are saying this, hold the line on domestic spending, address the need to fight the war, address the need to protect the homeland, and let us get a handle on getting rid of this budget deficit. That is why this debate is taking place.

When we take a look at the budget process and we take a look at the budget resolution we have, the process has always broken down along the following logic, put the easier-to-pass bills earlier in the process, put them in the queue, raise the spending level on those bills and then lower the spending levels under levels that are not acceptable by this conference for the difficult appropriation bills. My own senior delegation member, the ranking member of the Committee on Appropriations, probably put it better than anybody has on the floor tonight; that is, that this is a process that is doomed to fail and that is doomed to spend more money at the end of the day.

That is what we are trying to get our arms around right now. We are trying

to make this a process that is not doomed to fail, that is not a process that is doomed to spend more money at the end of the day. We are trying to bring sense to this process so that it is a process that helps us get our handle on this budget deficit while fixing our problems in the homeland, while fighting our priorities in the war and making sure that we go to the American people and we show them that we are being good stewards of their money.

Mr. Chairman, we have corporate accounting scandals that are popping up in the Wall Street Journal and the New York Times every week, and these corporate accounting scandals are showing that corporations are misrepresenting the facts, that they are overreporting income. Mr. Chairman, look at the kind of accounting problems we have had here in effect. It has already been mentioned over and over again that just in the last 5 or 6 years the corresponding budget amendments that have passed this House have been exceeded by this Congress by about $142 billion, five times the reported scandals that have occurred in the private sector.

So we need to get our handle on our fiscal responsibilities. We need to put our fiscal house in order, and we need to bring some common sense to this budget process because this is not a common year.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to any amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of the remainder of title I is as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $655,332,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

For an additional amount for ''Wildland Fire Management'' for fiscal year 2002 in addition to the amounts made available by Public Law 107–63, $200,000,000, to remain available until December 31, 2002, for the cost of fire suppression activities carried out by the Bureau of Land Management and other Federal agencies related to the 2002 fire season, including reimbursement of funds borrowed from other Department of Interior programs to fight such fires: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $10,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $70,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $49,286,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, *implementing*, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50

percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $918,359,000 to remain available until September 30, 2004, except as otherwise provided herein, of which $69,006,000 is for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That not to exceed $9,077,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $5,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $51,308,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the expansion of the Clark R. Bavin Forensics Laboratory in Oregon may be issued, which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $82,250,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $121,400,000, of which $42,929,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $86,471,000 is to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $19,414,000, of which $5,000,000 is for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and

Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $43,560,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, notwithstanding any other provision of law, amounts in excess of funds provided in fiscal year 2001 shall be used only for projects in the United States.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $5,000,000, to remain available until expended, and to be for conservation spending activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,800,000, to remain available until expended, and to be for conservation spending activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

STATE WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned, together with funds appropriated in 2005, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,605,593,000, of which $9,000,000 is for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits and of which $10,892,000 for research, planning and interagency coordination in support of Everglades restoration shall remain available until expended; and of which $90,280,000 to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: *Provided further*, That none of the funds in this or any other Act may be used to fund a new Associate Director position for Law Enforcement, Protection, and Emergency Services.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,431,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $56,330,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $30,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $76,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2004, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, of the amount provided herein, $2,500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided*

further, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $325,186,000, to remain available until expended, of which $53,736,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to predesign, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects: *Provided further*, That the National Park Service may transfer to the City of Carlsbad, New Mexico, funds for the construction of the National Cave and Karst Research Institute to be built and operated in accordance with provisions in Public Law 105–325 and all other applicable laws and regulations. Title to the Institute will be held by the City of Carlsbad.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $253,099,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, of which $150,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: *Provided*, That of the amounts provided under this heading, $20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That notwithstanding any other provision of law, funds provided in this Act and in prior Acts for project modifications by the Army Corps of Engineers pursuant in section 104 of the Everglades National Park Protection and Expansion Act of 1989 shall be made available to the Army Corps of Engineers, which shall implement without further delay Alternative 6D, including acquisition of lands and interests in lands, as generally described in the Central and Southern Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement, dated July 2000, for the purpose of providing a flood protection system for the 8.5 Square Mile Area.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended. Heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $928,405,000, of which $64,855,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $15,650,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; of which $24,448,000 shall be available until September 30, 2004 for the operation and maintenance of facilities and deferred maintenance; and of which $170,414,000 shall be available until September 30, 2004 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That of the amount provided herein, $25,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and

payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may use cooperative agreements for joint research and data collection programs with Federal, State, and academic partners and may obtain space in cooperator facilities incident to such cooperative agreements.

MINERAL MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $164,721,000, of which $83,284,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2004: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,367,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $184,745,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,859,064,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $89,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $454,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,536,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $49,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2004, may be transferred during fiscal year 2005 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2005.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $345,252,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2003, in implementing new construction or facilities improvement and repair project

grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; of which $31,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, and 106–554: *Provided*, That of the amount provided for implementation of Public Law 106–263, $3,000,000 for a water rights and habitat acquisition program shall be derived from the Land and Water Conservation Fund.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,424,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $73,217,000, of which: (1) $67,922,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for Northern Mariana Islands Covenant grant funding, $1,000,000 shall be granted to the Prior Service Benefits Administration: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure, with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $21,045,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $72,533,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $47,473,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $36,239,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $2,000,000, to remain available until expended.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $141,277,000, to remain available until expended, including not to exceed $15,000,000 to perform a historical accounting of each Individual Indian Money Account open on December 31, 2000, covering the period from the date on which the account was opened or January 1, 1985, whichever is later, to December 31, 2000: *Provided,* That hereafter no funds provided under this or any other Act shall be available to conduct a historical accounting of Individual Indian Money Accounts other than an accounting for the period specified in this Act of accounts open on December 31, 2000, unless such accounting is specifically provided for in a subsequent Act of Congress: *Provided further*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further,* That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior hereafter has ongoing authority to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity, for all or part of the property within Fort Baker administered by the Secretary as part of the Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall remain available until expended, without further appropriation, for the preservation, restoration, operation, maintenance, interpretation, public programs, and related expenses of the National Park Service and nonprofit park partners incurred with respect to Fort Baker properties.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 118. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 119. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 120. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is further amended by striking ''2002'' and inserting ''2003''.

SEC. 121. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 122. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

WHITE RIVER OIL SHALE MINE, UTAH—SALE

SEC. 123. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 124. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 125. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 126. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 127. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 128. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 129. Notwithstanding any other provision of law, the United States Fish and Wildlife Service may use funds appropriated in this Act for incidental expenses related to promoting and celebrating the Centennial of the National Wildlife Refuge System.

SEC. 130. The National Park Service may in fiscal year 2003 and thereafter enter into a cooperative agreement with and transfer funds to Capital Concerts, a nonprofit organization, for the purpose of carrying out programs pursuant to 31 U.S.C. 6305.

SEC. 131. No later than 30 days after enactment of this Act, the Secretary of the Interior shall provide to the House and Senate Committees on Appropriations and the House Committee on Resources and the Senate Committee on Indian Affairs a summary of the Ernst and Young report on the historical accounting for the five named plaintiffs in Cobell v. Norton. The summary shall not provide individually identifiable financial information, but shall fully describe the aggregate results of the historical accounting.

SEC. 132. None of the funds in this or any other Act for the Department of the Interior or the Department of Justice can be used to compensate the Special Master and the Court Monitor appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 133. Within 90 days of enactment of this Act the Special Trustee for American Indians, in consultation with the Secretary of the Interior and the Tribes, shall appoint new members to the Special Trustee Advisory Board.

SEC. 134. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of

Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 135. Section 124(a) of the Department of the Interior and Related Agencies Appropriation Act, 1997 (16 U.S.C. 1011 (a)), as amended, is further amended by inserting after the phrase ''appropriations made for the Bureau of Land Management'' the phrase ''including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs''.

SEC. 136. Public Law 107–106 is amended as follows: in section 5(a) strike ''9 months after the date of enactment of the Act'' and insert in lieu thereof ''September 30, 2003''.

SEC. 137. Notwithstanding any other provision of law, the funds provided in the Labor, Health and Human Services, Education and Related Agencies Appropriations Act of 2002, Public Law 107–116, for the National Museum of African American History and Culture Plan for Action Presidential Commission shall remain available until expended.

SEC. 138. Activities of the Restoration, Coordination and Verification team, as described in the final feasibility report and programmatic environmental impact statement for the comprehensive review of the Central and Southern Florida project, shall be directed jointly by the Secretary of the Army, the Secretary of the Interior, and the South Florida Water Management District.

SEC. 139. The U.S. Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks released from Federally operated or Federally financed hatcheries including but not limited to fish releases of the coho, chinook, and steelhead species. The requirements of this section shall not be applicable when the hatchery fish are produced for conservation purposes.

SEC. 140. The visitor center at the Bitter Lake National Wildlife Refuge in New Mexico shall be named for Joseph R. Skeen and, hereafter, shall be referred to in any law, document, or record of the United States as the ''Joseph R. Skeen Visitor Center''.

SEC. 141. COMMISSION ON NATIVE AMERICAN POLICY.

(a) ESTABLISHMENT.—Hereafter, there is established a commission to be known as the ''Commission on Native American Policy'' (in this section referred to as the ''Commission'').

(b) MEMBERSHIP.—The Commission shall be composed of 13 members appointed for the life of the Commission by the President as follows:

(1) A representative from the National Governors' Association.

(2) A representative from the National Association of Attorneys General.

(3) The Attorney General, or a designee.

(4) The Secretary of the Treasury, or a designee.

(5) The Secretary of the Interior, or a designee.

(6) The Secretary of Commerce, or a designee.

(7) The Chairman of the National Indian Gaming Commission, or a designee.

(8) 2 representatives from Indian tribes that operate Indian gaming facilities.

(9) 2 representatives from Indian tribes that do not operate Indian gaming facilities.

(10) 1 representative from a unit of local government that is located near an Indian gaming facility.

(11) 1 representative from the chamber of commerce of a unit of local government that is located near an Indian gaming facility.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission. The term of office of the Chairperson shall be for the life of the Commission.

(f) BASIC PAY.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(g) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—The Commission may, for the purpose of carrying out its duties, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(h) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(j) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(k) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties.

(l) CONTRACT AUTHORITY.—To the extent or in the amounts provided in advance in appropriation Acts, the Commission may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(m) STUDY; REPORT.—

(1) STUDY.—Not later than 18 months after funds are first made available for this section, the Commission shall complete a study on the following:

(A) Living standards in Indian country, including health, infrastructure, economic development, educational opportunities, and housing.

(B) The effectiveness of current Federal programs designed to improve living standards in Indian country, including health, infrastructure, economic development, educational opportunities, and housing.

(C) Crime control on Indian reservations.

(D) The influence of non-Native American private investors on the Indian Federal recognition process.

(E) The influence of non-Native American private investors on the establishment and operation Indian gaming facilities.

(F) The influence of organized crime on Indian gaming.

(G) The impact of Indian gaming facilities on local communities, including the impact on economic, environmental, and social issues.

(2) REPORT.—Not later than 6 months after completion of the study required by paragraph (1), the Commission shall submit to Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its legislative recommendations for improving—

(A) the welfare of Native Americans, including health infrastructure, economic development, educational opportunities, and housing;

(B) the relationship between tribal entities and nontribal communities that live in the same area as tribal entities or Indian gaming facilities; and

(C) regulations that govern tribal gaming to reduce the potential for crime and exploitation of Indians and Indian tribes.

(n) TERMINATION.—The Commission shall terminate 30 days after submitting its final report pursuant to this section.

(o) FUNDING.—Of the amount appropriated in this Act for ''BUREAU OF INDIAN AFFAIRS—OPERATION OF INDIAN PROGRAMS'', $200,000 shall be available to carry out this section.

The CHAIRMAN. Are there any points of order to title I?

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I make a point of order against the language contained in section 138 of the bill. This section, on page 68 of the bill, requiring the Army Corps of Engineers and the Department of Interior to jointly manage the central and southern Florida remediation project without delay, constitutes legislation on an appropriations bill in violation of clause 2(b) of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. SKEEN. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from New Mexico is recognized.

Mr. SKEEN. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The language is stricken.

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I make a point of order against the language contained at pages 29–30 of the bill. This language, starting with the word ''provided'' at page 29, line 22, through line 11 at page 30, requiring the Army Corps of Engineers to implement so-called alternative 6D without further delay, constitutes legislation on an appropriations bill in violation of clause

2(b) of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. SKEEN. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from New Mexico is recognized.

Mr. SKEEN. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The language will be stricken.

AMENDMENT OFFERED BY MR. HANSEN

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

The Clerk read as follows:

Amendment offered by Mr. HANSEN:

Page 8, line 16, after the dollar amount insert ''(reduced by $1,800,000)''.

Page 15, line 1, after the dollar amount insert ''(increased by $1,800,000)''.

Mr. HANSEN. Mr. Chairman, this amendment would shift $1.8 million from Bureau of Land Management land acquisition for Utah's Grand Staircase Escalante National Monument to the Fish and Wildlife Service construction account. The purpose is to provide the final installment of $1.8 million that is required to start construction and provide for the completion of the Bear River Migratory Bird Refuge Education Center in Brigham City, Utah.

This center has been previously authorized by the House pursuant to its recent passage of H.R. 3322 which approved the project for a total of $11 million. This $1.8 million provides the last and final installment which allows the project to move forward to completion.

According to the Congressional Budget Office, and this is the important part, this amendment is revenue-neutral and does not increase outlays or spending rates. This amendment does not affect projects in any other State.

Mr. SKEEN. Mr. Chairman, I have seen the amendment by the gentleman from Utah and the chairman of the House Committee on Resources and my good friend. I note that it moves money from one project in Utah to another, and as such, I have no objection.

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

Mr. Chairman, I would just say that I hope that the gentleman will make certain that the commitments that were made about matching funds are made and kept on this project. From the majority staff, we have been told that there has been a question about that, but if the gentleman has assured me that those questions will be answered affirmatively and positively with his personal commitment, I will have not have any objection to the project.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I would be happy to make that commitment to the gentleman. I was personally involved in some of the fundraisers that have been involved in this, and I have no problem taking care of the gentleman's concern.

MOTION TO RISE OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 210, not voting 15, as follows:

[ROLL NO. 308]

YEAS—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—210

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Blagojevich
Blunt
Bonior
Boucher
Dooley
Hastings (FL)
Mascara
Moran (VA)
Nadler
Ney
Reynolds
Riley
Roukema
Sabo
Traficant

□ 2319

Messrs. SULLIVAN, NORWOOD, GILMAN, SMITH of Texas, BURTON of Indiana, COLLINS, HYDE, ADERHOLT, FLAKE, WHITFIELD, HOUGHTON, SAM JOHNSON of Texas, HORN, and Mrs. MYRICK changed their vote from ''aye'' to ''no.''

Mr. BARCIA changed his vote from ''no'' to ''aye.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. HANSEN).

The amendment was agreed to.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, had come to no resolution thereon.

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 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.)

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

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

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

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

HONORING SAM MORRIS

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

Mr. HAYES. Mr. Speaker, 2 weeks ago the 8th Congressional District of North Carolina lost one of its treasures. Sam Morris was the epitome of a newspaperman who cared deeply about his community, the City of Raeford in Hoke County, North Carolina. Sadly, my friend, Sam Morris, recently passed away.

Sam played a number of roles in his community. He was a respected historian, long time newspaperman, prominent civic and political leader, and a leader in the Raeford Presbyterian Church. Sam was the former general manager of the Dickson Press, and a former Raeford City councilman. Additionally, Sam proudly served his State and country as a member of the North Carolina National Guard, rising to the rank of first lieutenant.

Sam stepped down from his official role with the Raeford News Journal back in 1982, but kept up his weekly column until the very end. His column, ''Around Town,'' focused on people, social events, weather, politics, and anything else that caught Sam's eye. The column was a widely read and widely respected one in Hoke County. As a matter of fact, I would gladly trade a week of national TV interviews for one good mention in Sam's column.

Sam had a reputation for always doing the right thing in all of his pursuits in life. His time at the newspaper was no different. He was a stickler for accuracy and doing the right thing during his newspaper career.

I am going to miss Sam. I know that Hoke County is going to miss Sam and miss reading his weekly insights. He is survived by his loving wife, Mary Alice; son, John Arthur Morris of New Bern; daughter, Sarah Morris Moore of Virginia Beach; and four grandchildren. My heartfelt condolences go out to his family for their loss and the community's loss.

While his presence in Hoke County will be missed, his legacy will remain with us forever.

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

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

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

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

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

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

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

(Mr. RUSH 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 Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

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

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

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

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

□ 2330

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. SCHIFF 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 Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. NADLER (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for July 15 and today until 2:00 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Ms. BALDWIN) to revise and extend their remarks and include extraneous material:

Mrs. THURMAN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

The following Members (at the request of Mr. SIMMONS) to revise and extend their remarks and include extraneous material:

Mr. GILMAN, for 5 minutes, July 18.

Mr. HAYES, for 5 minutes, today.

ADJOURNMENT

Mr. HAYES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 17, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7978. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Texas [Docket No. 02-021-1] received June 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7979. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [OPP-2002-0043; FRL-6835-2] received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7980. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [OPP-2002-0043; FRL-7180-1] received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7981. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hydrogen Peroxide; An Amendment to an Exemption from the Requirement of a Tolerance; Technical Correction [OPP-2002-0042; FRL-6835-3] (RIN: 2070-AB78) received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7982. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP-2002-0112; FRL-7183-6] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7983. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0117; FRL-7184-2] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7984. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Capital: Qualifying Mortgage Loan, Interest Rate Risk Component, and Miscellaneous Changes [No. 2002-19] (RIN: 1550-AB45) received June 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7985. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Payment of Post-insolvency Interest In Receiverships With Surplus Funds (RIN: 3064-AB92) received June 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7986. A letter from the Associate General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Loan Interest Rates — received June 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7987. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions — received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7988. A letter from the Director, Office of Management and Budget, transmitting a supplemental update of the Budget, pursuant to 31 U.S.C. 1106(a); (H. Doc. No. 107—245); to the Committee on the Budget and ordered to be printed.

7989. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Disability and Rehabilitation Research Projects (DRRP) Program — received June 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7990. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Obstetric and Gynecology Devices; Effective Date of Requirement for Premarket Approval for Glans Sheath Devices [Docket No. 99N-0922] received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7991. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Louisiana; Control of Emissions of Volatile Organic Compounds from Industrial Wastewater Facilities [LA-35-2-7339a; FRL-7234-3] received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7992. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Commonwealth of Puerto Rico: Control of Emissions from Existing Hospital, Medical, and Infectious Waste Incinerators [Region II Docket No. PR9-242, FRL-7232-4] received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7993. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area [LA-58-1-7522; FRL-7235-9] received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7994. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Salt Lake County — Trading of Emission Budgets for PM 10 Transportation Conformity [UT-001-0042; FRL-7238-5] received June 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7995. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan [MI78-01-7287a, FRL-7226-6] received June 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7996. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: South Carolina: Nitrogen Oxides Budget and Allowance Trading Program [SC-037; SC-040; SC-044-200226; FRL-7238-6] received June 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7997. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN122-3; FRL-7235-2] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7998. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; Deletion of Total Suspended Particulate Designations in Michigan [M179-01-7288a; FRL-7242-8] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7999. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; Deletion of Total Suspended Particulate Designations in Minnesota [MN71-7296a; FRL-7242-6] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8000. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0113; FRL-7183-2] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8001. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production [FRL-7243-9] (RIN: 2060-AH82) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8002. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances [AD-FRL-7244-1] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8003. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-402, ''Tax Clarity and Recorder of Deeds Temporary Act of 2002'' received July 16, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8004. A letter from the Vice Chairman, Federal Election Commission, transmitting the

Commission's final rule — Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money [Notice 2002-11] received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8005. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Stellar Sea Lion Protection Measures for the Groundfish Fisheries Off Alaska; Final 2002 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska [Docket No. 011218304-1304-01; I.D. 121701A] (RIN: 0648-AQ02) received June 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8006. A letter from the Assistant Secretary, Land and Minerals Management, Department of Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations on the Outer Continental Shelf--Supsension of Operations for Exploration Under Salt Sheets (RIN: 1010-AC92) received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8007. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Bycatch Rate Standards for the Second Half of 2002 [I.D. 043002A] received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8008. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 052402A] received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8009. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule — Allowing Eligible Schools To Apply for Preliminary Enrollment in the Student and Exchange Visitor Information System (SEVIS) [INS No. 2211-02] (RIN: 1115-AG55) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8010. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Civil Monetary Penalty Inflation Adjustment Rule [FRL-7231-7] received June 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8011. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Georgetown Channel, Potomac River [CGD05-02-041] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8012. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Liquefied Natural Gas Tankers, Cook Inlet, AK [COTP Western Alaska 02-001] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8013. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC [CGD07-02-056] (RIN: 2115-AE46) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8014. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Skull Creek, Hilton Head, SC [CGD07-02-045] (RIN: 2115-AE46) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8015. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Naval Submarine Base Bangor, Puget Sound [CGD13-02-010] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8016. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2001-NM-35-AD; Amendment 39-12767; AD 2002-11-06] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8017. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP CHARLESTON-02-065] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8018. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; San Francisco Bay, San Francisco, CA and Oakland, CA [COTP San Francisco Bay 02-014] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8019. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Detroit River, Grosse Ile, MI [CGD09-02-037] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8020. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Festa Italiana 2002, Milwaukee, Wisconsin [CGD09-02-032] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8021. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Fees for FAA Services for Certain Flights (RIN: 2120-AG17) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8022. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Sturgeon Bay Fireworks, Sturgeon Bay, Wisconsin [CGD09-02-042] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8023. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-401, AT-401B, AT-402, AT-402A, AT-402B, AT-501, AT-802, and AT-802A Airplanes [Docket No. 2001-CE-36-AD; Amendment 39-12766; AD 2002-11-05] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8024. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Saginaw River, Bay City, MI [CGD09-02-039] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8025. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc. RB211 Trent 875, 877, 884, 892, 892B, and 895 Series Turbofan Engines [Docket No. 2001-NE-17-AD; Amendment 39-12769; AD 2002-11-08] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8026. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 892, 892B and 895 Series Turbofan Engines [Docket No. 2001-NE-12-AD; Amendment 39-12761; AD 2002-10-15] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8027. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones; Port of New York and New Jersey [CGD01-02-062] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8028. A letter from the Chief, Regulations and Administrative Law, Acting USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Saginaw River, Bay City, MI [CGD09-02-036] (RIN: 2115-AA97) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8029. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Textron Lycoming Reciprocating Engines [Docket No. 2000-NE-36-AD; Amendment 39-12779; AD 2002-12-07] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8030. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Savannah Waterfront Association July 4th Fireworks Display, Savannah River, Savannah, GA [CGD07-02-049] (RIN: 2115-AE46) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8031. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Model S-70A and S-70C Helicopters [Docket No. 2002-SW-10-AD; Amendment 39-12771; AD 2002-11-10] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8032. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica

S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-68-AD; Amendment 39-12730; AD 2002-08-18] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8033. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; APBA Off-Shore Boat Race, Tybee Island, GA [CGD07-02-074] (RIN: 2115-AE46) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8034. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and EC130 B4 Helicopters; Correction [Docket No. 2002-SW-09-AD; Amendment 39-12681; AD 2002-03-52] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8035. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters Inc. Model MD-900 Helicopters [Docket No. 2001-SW-39-AD; Amendment 39-12751; AD 2002-10-05] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA330F, G, J, and AS332C, L, and L1 Helicopters [Docket No. 2002-SW-34-AD; Amendment 39-12786; AD 2002-12-14] (RIN: 2120-AA64) received July 1, 2002; to the Committee on Transportation and Infrastructure.

8037. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Navy Pier, Lake Michigan, Chicago Harbor, IL [CGD09-02-035] (RIN: 2115-AA97) received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8038. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1 and -3B1 Series Turbofan Engines; Correction [Docket No. 99-NE-49-AD; Amendment 39-12670; AD 2002-05-02] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8039. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600 and A300 B4-600R Series Airplanes, and Model A300 F4-605R Airplanes [Docket No. 99-NM-322-AD; Amendment 39-12765; AD 2002-11-04] (RIN: 2120-AA64) received July 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8040. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Siesta Drive Drawbridge, Gulf Intracoastal Waterway, Sarasota, Florida [CGD7-00-123] (RIN: 2115-AE47) received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8041. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Shipment by Government Bills of Lading (RIN: 2700-AC33) received June 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8042. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Non-Commercial Representations and Certifications and Evaluation Provisions for Use in Simplified Acquisitions (RIN: 2700-AC33) received June 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8043. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-49] received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8044. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deduction for Contributions of an Employer to an Employees' Trust or Annuity Plan and Compensation Under a Deferred-Payment Plan [Rev. Rul. 2002-46] received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8045. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deduction for Contributions of an Employer to an Employees' Trust or Annuity Plan and Compensation Under a Deferred-Payment Plan [Notice 2002-48] received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8046. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Agent for Consolidated Group [T.D. 9002] (RIN: 1545-AX56) received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2990. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes; with an amendment (Rept. 107–580). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3815. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing a Presidential National Historic Site, in Hope, Arkansas, and for other purposes (Rept. 107–581). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 417. Resolution recognizing and honoring the career and work of Justice C. Clifton Young (Rept. 107–582). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1577. A bill entitled the ''Federal Prison Industries Competition in Contracting Act of 2002''; with an amendment (Rept. 107–583). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. SENSENBRENNER: Committee on the Judiciary. S. 1834. An act for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit (Rept. 107–578). Referred to the Private Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2245. A bill for the relief of Anisha Goveas Foti (Rept. 107–579). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALLENGER (for himself and Mr. DELAHUNT):

H.R. 5128. A bill to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to require that certain claims of expropriation by the Government of Nicaragua be filed within a specified time period for purposes of the prohibition on foreign assistance to that government; to the Committee on International Relations.

By Mr. BOYD:

H.R. 5129. A bill to modify certain water resources projects for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama; to the Committee on Transportation and Infrastructure.

By Mr. COX (for himself, Mr. FOLEY, Ms. HART, Ms. LOFGREN, Mr. FILNER, Mr. DREIER, Mr. SHADEGG, Mr. SCHAFFER, Mr. TOWNS, Mr. MCKEON, Mr. SENSENBRENNER, Mr. OWENS, Mr. WILSON of South Carolina, Mr. GRAHAM, Mr. CUNNINGHAM, Mr. BALDACCI, Mr. OSE, Mr. SANDERS, Mr. BARR of Georgia, Ms. BROWN of Florida, Mr. BURTON of Indiana, Mr. CALVERT, Mr. ROTHMAN, Mr. HORN, Mr. ISSA, Mr. GARY G. MILLER of California, Mr. KUCINICH, Mr. PENCE, Mr. PITTS, Mr. PASCRELL, Mr. POMBO, Mr. ROHRABACHER, Mr. ROYCE, Mr. TANCREDO, Mr. TIBERI, Mr. WALDEN of Oregon, Mr. GILLMOR, Mr. DUNCAN, Mr. TRAFICANT, Mr. FOSSELLA, Ms. MILLENDER-MCDONALD, Mr. GILCHREST, and Mrs. MORELLA):

H.R. 5130. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. WAXMAN, Mr. LATOURETTE, Mr. OSE, Mr. SCHROCK, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. CUMMINGS, Mrs. MORELLA, Mr. HORN, Mr. TOM DAVIS of Virginia, Mr. GILMAN, Mr. SHAYS, Mr. ALLEN, Mr. PLATTS, Ms. WATSON, Mr. TURNER, Mr. SOUDER, Mr. MCHUGH, Mr. LANTOS, Mr. DUNCAN, Ms. NORTON, Mr. BARR of Georgia, Ms. ROS-LEHTINEN, Mrs. MALONEY of New York, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Florida, Mr. SULLIVAN, Mrs. MINK of Hawaii, Mr. KUCINICH, Mr. DAN MILLER of Florida, Mr. SANDERS, Mr. OTTER, Mr. PUTNAM, Mr. CANNON, Mr. LYNCH, Mr. MICA, Mr. LEWIS of Kentucky, Mr. BLAGOJEVICH, Mr. KANJORSKI, Ms. SCHAKOWSKY, and Mr. OWENS):

H.R. 5131. A bill to ensure that requests or petitions for executive clemency are treated as lobbying contacts, and for other purposes; to the Committee on the Judiciary.

By Mr. SKELTON:

H.R. 5132. A bill to express the sense of Congress concerning the fiscal year 2003 end strengths needed for the Armed Forces to fight the War on Terrorism; to the Committee on Armed Services.

By Mrs. CHRISTENSEN:

H.R. 5133. A bill to expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, Territories, and Indian Reservations; to the Committee on Education and the Workforce.

By Mr. DOYLE (for himself, Mr. CARDIN, Mr. CLAY, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. MASCARA, Mr. NADLER, and Mr. SCHROCK):

H.R. 5134. A bill to amend the Older Americans Act of 1965 to authorize appropriations to provide supportive services to older individuals who reside in naturally occurring retirement communities; to the Committee on Education and the Workforce.

By Ms. GRANGER (for herself, Mr. MICA, Mr. SAM JOHNSON of Texas, Mr. FROST, Mr. PASTOR, Mrs. MEEK of Florida, Mr. KINGSTON, Mr. BRADY of Texas, Mr. HALL of Texas, Mr. BONILLA, Mr. BARTON of Texas, Ms. KILPATRICK, Mr. SESSIONS, Mr. ISAKSON, Mr. LEWIS of Georgia, Mr. CUNNINGHAM, Mr. GIBBONS, Ms. JACKSON-LEE of Texas, Mrs. MYRICK, Mr. COLLINS, Mr. HAYWORTH, Mr. BARR of Georgia, Ms. MCCARTHY of Missouri, Mr. LUCAS of Kentucky, Mr. COOKSEY, and Mr. PENCE):

H.R. 5135. A bill to amend title 49, United States Code, to provide for the modification of airport terminal buildings to accommodate explosive detection systems for screening checked baggage, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HUNTER:

H.R. 5136. A bill to amend the Salton Sea Reclamation Act of 1998 to reauthorize activities relating to river reclamation and wetlands projects for the Alamo River and New River, Imperial County, California; to the Committee on Resources.

By Mr. JONES of North Carolina (for himself and Mr. MCINTYRE):

H.R. 5137. A bill to authorize the Secretary of the Army to make beneficial use of dredged material for shoreline protection and restoration; to the Committee on Transportation and Infrastructure.

By Mr. KING (for himself, Mrs. MALONEY of New York, Mr. ENGEL, Mr. WATTS of Oklahoma, Mr. STEARNS, Mrs. ROUKEMA, and Mr. TANCREDO):

H.R. 5138. A bill to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes; to the Committee on Financial Services.

By Mr. OBERSTAR:

H.R. 5139. A bill to amend title XVIII of the Social Security Act to provide certain caregivers with access to Medicare benefits, to amend the Internal Revenue Code of 1986 to provide a long-term care tax credit, and to provide for programs within the Department of Health and Human Services and Department of Veterans Affairs for patients with fatal chronic illness; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Veterans' Affairs, 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:

H.R. 5140. A bill to provide for a Federal program to stabilize medical malpractice insurance premiums; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 5141. A bill to amend title XVIII of the Social Security Act to direct the Secretary of Health and Human Services to establish a continuous quality improvement program for providers that furnish services under the Medicare Program to individuals with end stage renal disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 5142. A bill to provide that the standard for soundproofing a residential building under section 47502 of title 49, United States Code, for Los Angeles International Airport shall be a community noise equivalent level of 60 decibels instead of 65 decibels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WATERS:

H.R. 5143. A bill to amend title 49, United States Code, to make Los Angeles International Airport a priority airport for the purposes of receiving grants for airport noise compatibility planning and programs; to the Committee on Transportation and Infrastructure.

By Ms. WATERS:

H.R. 5144. A bill to limit the expansion of Los Angeles International Airport; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Florida (for himself, Mr. SHAW, Mr. BILIRAKIS, Mr. STEARNS, Mr. GOSS, Ms. ROS-LEHTINEN, Ms. BROWN of Florida, Mrs. THURMAN, Mr. MICA, Mr. DAN MILLER of Florida, Mrs. MEEK of Florida, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. HASTINGS of Florida, Mr. WELDON of Florida, Mr. FOLEY, Mr. BOYD, Mr. DAVIS of Florida, Mr. WEXLER, Mr. PUTNAM, Mr. CRENSHAW, Mr. KELLER, and Mr. JEFF MILLER of Florida):

H.R. 5145. A bill to designate the facility of the United States Postal Service located at 3135 First Avenue North in St. Petersburg, Florida, as the ''William C. Cramer Post Office Building''; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma:

H. Res. 487. A resolution expressing the sense of the House of Representatives that General Benjamin O. Davis, Jr., should be recognized as a courageous warrior, an extraordinary officer, and a great American hero; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

331. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to Senate Resolution No. 99 memorializing the United States Congress to approve and authorize the establishment of a sister-state relationship between the state of Hawaii of the United States of America and the municipality of Tianjin in the People's Republic of China; to the Committee on International Relations.

332. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 65 memorializing the United States Congress to enact legislation requiring the Medicare program to cover all oral anticancer drugs; jointly to the Committees on Energy and Commerce and Ways and Means.

333. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 71 memorializing the United States Congress to request that the United Nations consider the establishment in Hawaii, of a center for the health, welfare, and education of children, youth and families for Asia and the Pacific; jointly to the Committees on International Relations and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. BALLENGER, Mr. DOOLITTLE, Mr. TAYLOR of Mississippi, Mr. DICKS, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Mr. WU, Mr. GRUCCI, Mr. POMEROY, Mr. JOHN, and Mr. HEFLEY.

H.R. 397: Mr. LINDER.

H.R. 440: Mr. TANNER.

H.R. 572: Mr. BARTLETT of Maryland.

H.R. 596: Mrs. MALONEY of New York.

H.R. 702: Mr. GEORGE MILLER of California.

H.R. 984: Mrs. BONO.

H.R. 1021: Mr. HASTINGS of Washington and Mr. WILSON of South Carolina.

H.R. 1090: Mr. SCHROCK, Mr. JACKSON of Illinois, Mr. QUINN, and Mr. ROTHMAN.

H.R. 1220: Mr. EDWARDS.

H.R. 1268: Mr. ROTHMAN.

H.R. 1274: Mr. HASTINGS of Washington.

H.R. 1304: Mr. WILSON of South Carolina.

H.R. 1452: Ms. BALDWIN.

H.R. 1624: Mr. KINGSTON.

H.R. 1672: Mr. WAXMAN.

H.R. 1811: Ms. BERKLEY and Mr. CANNON.

H.R. 2071: Mr. MCGOVERN and Mr. HOEFFEL.

H.R. 2117: Mr. KILDEE, Mr. BISHOP, and Mr. DAVIS of Illinois.

H.R. 2145: Mr. SKELTON.

H.R. 2220: Mr. THOMPSON of Mississippi.

H.R. 2280: Mr. NEAL of Massachusetts.

H.R. 2322: Mr. KILDEE.

H.R. 2349: Mr. POMEROY.

H.R. 2357: Mr. FORD.

H.R. 2483: Mr. CLAY and Mr. BISHOP.

H.R. 2527: Mr. MATSUI, Mr. PLATTS, Mr. SPRATT, Mr. NADLER, Mr. HOLT, Mr. LEWIS of Kentucky, Mr. NORWOOD, Mr. MCDERMOTT, Mr. FRANK, and Mr. SCHIFF.

H.R. 2807: Mr. RAMSTAD.

H.R. 2929: Mr. CARSON of Oklahoma.

H.R. 2966: Mr. SANDERS.

H.R. 2974: Ms. LEE and Mr. HOEFFEL.

H.R. 3037: Ms. SCHAKOWSKY.

H.R. 3132: Mr. CULBERSON, Mr. HASTINGS of Florida, Mr. MCDERMOTT, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3192: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3207: Mr. GUTIERREZ.

H.R. 3236: Ms. MCKINNEY, Mr. MCDERMOTT, Mr. DOGGETT, and Mr. BARRETT.

H.R. 3278: Mr. FILNER and Ms. HARMAN.

H.R. 3320: Mr. GILCHREST.

H.R. 3372: Mr. PRICE of North Carolina.

H.R. 3449: Mr. SOUDER.

H.R. 3450: Ms. SANCHEZ, Mr. SMITH of New Jersey, and Mr. ETHERIDGE.

H.R. 3509: Mr. MATHESON.

H.R. 3612: Ms. VELAZQUEZ.
H.R. 3794: Mr. GONZALEZ and Mr. HEFLEY.
H.R. 3887: Mr. WU and Mr. MARKEY.
H.R. 3974: Mr. WELDON of Pennsylvania.
H.R. 3995: Mr. LOBIONDO, Mr. PETRI, Mrs. MORELLA, Mr. ENGLISH, Mr. WOLF, Mr. NUSSLE, Mr. LARSEN of Washington, Mr. DOYLE, and Mr. OSBORNE.
H.R. 4030: Mr. SHAYS.
H.R. 4032: Mr. LAFALCE, Mr. PAYNE, and Ms. ROYBAL-ALLARD.
H.R. 4037: Ms. PELOSI.
H.R. 4071: Mr. SMITH of Michigan.
H.R. 4099: Mr. DEAL of Georgia.
H.R. 4205: Mr. HONDA, Ms. NORTON, Ms. DEGETTE, Ms. ROYBAL-ALLARD, Mrs. MINK of Hawaii, and Ms. SCHAKOWSKY.
H.R. 4483: Ms. DEGETTE.
H.R. 4524: Mr. LANTOS and Ms. KAPTUR.
H.R. 4634: Mr. SMITH of New Jersey.
H.R. 4653: Mr. FROST.
H.R. 4680: Ms. RIVERS, Mr. EVANS, Mrs. DAVIS of California, Mrs. MINK of Hawaii, and Ms. SCHAKOWSKY.
H.R. 4683: Mrs. MINK of Hawaii.
H.R. 4701: Mr. BURR of North Carolina, Mr. DOYLE, Mr. FLETCHER, and Mr. BRYANT.
H.R. 4718: Mr. BALDACCI, Mr. ROGERS of Michigan, and Mr. PETERSON of Minnesota.
H.R. 4720: Mr. SCHAFFER, and Mr. BROWN of Ohio.
H.R. 4728: Mr. RODRIQUEZ.
H.R. 4738: Mr. STUPAK.
H.R. 4793: Mr. BERRY.
H.R. 4796: Mr. LAMPSON, Mr. MATSUI, and Mrs. THURMAN.
H.R. 4799: Mr. OLVER.
H.R. 4831: Mr. MENENDEZ, Mr. HOLT, Ms. DELAURO, Mr. GOODE, and Mr. FROST.
H.R. 4889: Mr. ENGLISH, and Mr. SMITH of New Jersey.
H.R. 4904: Mr. PASCRELL, Mr. DOGGETT, Mr. GUTIERREZ, Mr. UDALL of Colorado, Mr. GIBBONS, Mr. LYNCH, and Ms. WATSON.
H.R. 4916: Mr. LAFALCE, Mr. LANTOS, Mr. THOMPSON of California, and Ms. LEE.
H.R. 4950: Mr. BARR of Georgia, Mr. RYUN of Kansas, and Mr. GOODE.
H.R. 4965: Mr. CHAMBLISS, Mr. MORAN of Kansas, Mr. HEFLEY, Mr. OSBORNE, Mr. SHERWOOD, Mr. CULBERSON, Mr. ISTOOK, Mr. SKEEN, Mr. REHBERG, and Mr. CRENSHAW.
H.R. 4967: Mrs. MINK of Hawaii.
H.R. 5002: Mr. BURTON of Indiana.
H.R. 5026: Mr. PHELPS.
H.R. 5027: Mr. PHELPS.
H.R. 5029: Mr. FROST and Ms. BROWN of Florida.
H.R. 5035: Mr. BOUCHER.
H.R. 5040: Mr. LYNCH, Ms. MCKINNEY, Mr. POMEROY, Mr. NEAL of Massachusetts, Mr. KILDEE, Ms. SCHAKOWSKY, and Ms. MILLENDER-MCDONALD.
H.R. 5047: Mr. MCDERMOTT.
H.R. 5060: Ms. CARSON of Indiana, Mr. PAUL, Mr. EVANS, Mr. HEFLEY, Mrs. MINK of Hawaii, Mr. MCGOVERN, Mr. FROST, Mr. KILDEE, Mr. LYNCH, Mr. SPRATT, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. FALEOMAVAEGA, and Mr. GIBBONS.
H.R. 5064: Mr. OTTER, Mr. ROHRABACHER, Mr. WAMP, Mr. BONILLA, Mr. SHIMKUS, Mr. BOEHNER, Ms. HART, Mr. REYNOLDS, Mr. LUCAS of Kentucky, Mr. BROWN of South Carolina, Mr. HOSTETTLER, Mr. KERNS, Mr. HUNTER, Mr. TANCREDO, and Mr. SMITH of New Jersey.
H.R. 5085: Mr. SHOWS, Mr. NORWOOD, Mr. HILLEARY, Mr. ROSS, and Mr. WOLF.
H.R. 5107: Ms. RIVERS, Mr. BROWN of Ohio, Mr. LEVIN, Ms. NORTON, Mrs. TAUSCHER, Mrs. THURMAN, Mr. LARSON of Connecticut, Mr. SHERMAN, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. HINOJOSA, Ms. SOLIS, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. CRAMER, Ms. BROWN of Florida, Mr. CROWLEY, Mr. STARK, Mr. MCDERMOTT, Mr. ENGEL, Mr. CONDIT, Mr. BRADY of Pennsylvania, Mr. BALDACCI, Ms. BALDWIN, Mr. BACA, Mr. ISRAEL, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. OWENS, Mr. BERMAN, Mr. BECERRA, Mr. KILDEE, Mr. MCINTYRE, Mr. SKELTON, Mr. ABERCROMBIE, Mr. HONDA, Mr. HOLT, Mr. PETERSON of Minnesota, Mr. PHELPS, and Mr. SHOWS.
H.R. 5118: Mr. OXLEY, Mr. FRELINGHUYSEN, Mr. WALDEN of Oregon, Mrs. CAPITO, Mr. BAKER, and Mr. REHBERG.
H. Con. Res. 99: Mr. HOEFFEL, Mr. PASTOR, Mr. KENNEDY of Rhode Island, and Mr. JACKSON of Illinois.
H. Con. Res. 164: Mr. DOGGETT.
H. Con. Res. 181: Mr. DAVIS of Florida.
H. Con. Res. 287: Mr. MEEKS of New York, Mr. HOUGHTON, and Mr. ROYCE.
H. Con. Res. 385: Mr. EVANS.
H. Con. Res. 401: Mr. DICKS.
H. Con. Res. 411: Mr. POMBO.
H. Con. Res. 429: Mrs. MEEK of Florida, Mr. DAVIS of Illinois, Ms. WATSON, Ms. NORTON, Mr. LEWIS of Georgia, Ms. LEE, Mrs. JONES of Ohio, Mr. CLYBURN, Mr. PAYNE, and Ms. MILLENDER-MCDONALD.
H. Con. Res. 432: Mr. SHIMKUS, Mr. LEACH, Mr. DOYLE, Mr. BROWN of Ohio, Mr. SHERMAN, Mr. ENGEL, Mr. WOLF, Mr. ROTHMAN, Mr. SPRATT, Mr. FRANK, Ms. KAPTUR, and Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 439: Ms. LOFGREN, Ms. BROWN of Florida, Mrs. WILSON of New Mexico, Mr. MURTHA, Mr. HALL of Ohio, Mr. HINCHEY, Mr. WOLF, Mr. SHERWOOD, Ms. BALDWIN, Ms. HARMAN, Mr. REGULA, and Mr. MOLLOHAN.
H. Res. 94: Mr. FARR of California, Mrs. EMERSON, Ms. WATERS, Mrs. NORTHUP, Mrs. CLAYTON, Mr. BISHOP, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. UNDERWOOD, Mr. WALSH, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Ms. WATSON, Mr. BERMAN, Ms. LEE, Mrs. MALONEY of New York, Ms. VELAZQUEZ, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. KAPTUR, Mr. KUCINICH, Mr. SCOTT, Mr. WATT of North Carolina, Mr. CLYBURN, Mr. LEWIS of Georgia, Mr. HILLIARD, Ms. MCKINNEY, Ms. SOLIS, Ms. MCCARTHY of Missouri, Mr. FRANK, Ms. BERKLEY, Mr. LANGEVIN, Mr. GARY G. MILLER of California, Mr. SHERMAN, Mr. DREIER, Ms. SLAUGHTER, Mr. MARKEY, Mr. DOGGETT, Mrs. MCCARTHY of New York, Mr. OWENS, Mr. PORTMAN, Mr. COX, Mr. GOSS, Mr. ADERHOLT, Mr. MANZULLO, Mr. DOOLITTLE, Mr. ISSA, Mr. HORN, Mr. REYNOLDS, Mr. JACKSON of Illinois, Mr. WICKER, Ms. HART, Mr. KINGSTON, Mr. SHOWS, Mr. TURNER, Ms. SCHAKOWSKY, Ms. DELAURO, Mr. RANGEL, Mrs. LOWEY, Mr. DINGELL, and Mr. WEINER.
H. Res. 407: Mr. SMITH of New Jersey.
H. Res. 410: Mr. BONIOR, Ms. MCKINNEY, Mr. FALEOMAVAEGA, and Mr. BURTON of Indiana.
H. Res. 416: Mr. VITTER.
H. Res. 443: Ms. BALDWIN and Mr. FROST.
H. Res. 454: Mr. LUTHER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Omitted from the Record of July 15, 2002]

H.R. 5120

OFFERED BY: MR. MORAN OF KANSAS

AMENDMENT NO. 9: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries).

[Submitted July 16, 2002]

H.R. 5093

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 10: Page 50, strike line 16 and all that follows through line 13 on page 52.

H.R. 5093

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 11: Strike section 141.

H.R. 5093

OFFERED BY: MR. HOEFFEL

AMENDMENT NO. 12: Under the heading ''NATIONAL FOREST SERVICE'', insert after the dollar amount on page 76, line 13, the following: ''(reduced by $5,000,000)(increased by $5,000,000)''.

H.R. 5093

OFFERED BY: MR. SHADEGG

AMENDMENT NO. 13: Under the heading ''WILDLAND FIRE MANAGEMENT'' in title I, insert after the dollar amount on page 4, line 5, the following: ''(increased by $23,089,000)''.

Under the headings ''BUREAU OF LAND MANAGEMENT'' and ''LAND ACQUISITION'' in title I, insert after the dollar amount on page 8, line 16, the following: ''(reduced by $36,000,000)''.

H.R. 5093

OFFERED BY: MR. SHADEGG

AMENDMENT NO. 14: Under the heading ''WILDLAND FIRE MANAGEMENT'' in title II, insert after the dollar amount on page 77, line 8, and the dollar amount on page 78, line 9, the following: ''(increased by $46,900,000)''.

Under the heading ''LAND ACQUISITION'' in title II, insert after the dollar amount on page 83, line 22, the following: ''(reduced by $46,900,000)''.

H.R. 5093

OFFERED BY: MR. SHADEGG

AMENDMENT NO. 15: Under the heading ''WILDLAND FIRE MANAGEMENT'' in title II, insert after the dollar amount on page 77, line 8, the following: ''(increased by $1)''.

Under the headings ''NATIONAL ENDOWMENT FOR THE ARTS'' and ''GRANTS AND ADMINISTRATION'' in title II, insert after the dollar amount on page 114, line 7, the following: ''(reduced by $1)''.

H.R. 5093

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 16: Page 77, line 8, after the dollar amount insert ''(increased by $43,000,000''.

Page 78, line 8, after the second dollar amount insert ''(increased by $8,000,000)''.

Page 78, line 9, after the dollar amount insert ''(increased by $35,000,000)''.

Page 114, line 7, after the dollar amount insert ''(decreased by $50,000,000)''.

H.R. 5093

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 17: Page 47, line 8, after the first dollar amount insert ''(decreased by $5,000,000)(increased by $5,000,000)''.

Page 47, line 8, after the second dollar amount insert ''(decreased by $5,000,000) (increased by $5,000,000)''.

H.R. 5120

OFFERED BY: MR. BARR

AMENDMENT NO. 10: Insert at the end before the short title the following:

SEC. . None of the funds made available in this Act under the heading ''Special Forfeiture Fund (Including transfer of funds)'' to support a national media campaign shall be used to pay any entity that has entered into a settlement to pay claims against that entity by the United States under the False Claims Act.

H.R. 5120

OFFERED BY: MR. COX

AMENDMENT NO. 11: Page 47, line 7, after the second dollar amount, insert the following: ''(reduced by $500,000)''.

Page 49, line 18, after the dollar amount, insert the following: ''(reduced by $500,000)''.

Page 54, line 5, after the dollar amount, insert the following: ''(increased by $500,000)''.

H.R. 5120

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to prevent the rehabilitation of urban and rural post offices.

H.R. 5120

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 13: In the item relating to ''UNITED STATES CUSTOMS SERVICE—SALARIES AND EXPENSES'', after the second dollar amount, insert ''(increased by $700,000)''.

In the item relating to ''INTERNAL REVENUE SERVICE—PROCESSING, ASSISTANCE, AND MANAGEMENT'', after the first dollar amount, insert ''(reduced by $700,000)''.

H.R. 5120

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 14: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used by the United States Customs Service to permit the importation of municipal solid waste originating in Canada for deposit in the State of Michigan.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, JULY 16, 2002 No. 96

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

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

William James gives us a thought for today and a call to prayer:

We and God have business with each other. And in opening ourselves to His influence our deepest destiny is fulfilled. The universe, at those parts of it which our personal being constitutes, takes a turn genuinely for the worse or better in proportion as each one of us fulfills or evades God's demands.

Gracious God, we open ourselves to the influence of Your Spirit. Think Your thoughts through our minds; express Your love through our emotions; accomplish Your plans through our wills. We invite You to take control of our lives and use us today. Bless the Senators with an awareness of Your presence, an assurance of Your help, and an accountability to You for the work of this day. Help us all to fulfill our destiny as Your faithful servants today. Thank You for the privilege! You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

In my capacity as a Senator from the State of New Jersey, I suggest the absence of a quorum. Without objection, the time for the quorum call will be evenly divided.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MEETING THE SENATE CHALLENGES

Mr. THOMAS. Mr. President, let me take a couple of minutes to speak on a couple of subjects which I feel very strongly about and that we are facing.

First of all, I want to talk about energy. Certainly, during this whole year we have been giving consideration to and having some emphasis on energy. The public interest has been higher, and we have problems. When gas prices are higher, everybody recognizes the issue that we have with energy. But when those settle down a little, the problem is still there. We in the Congress have tried to deal with it for this whole year. Now we are in the process of having a conference committee try to come out with conclusions. I just wanted to urge that we move forward with the conference committee and that we finally come up with an energy policy in this country. We do not have one.

We find ourselves in the position of being nearly 60 percent dependent on importation of oil in order to meet our needs. We don't want to be in that position, particularly with the unrest in the Middle East from where much of our oil comes. We certainly need to find solutions that will make us less dependent. It is not only an energy issue, it affects our economy. I do not know of anything that affects our economy more than energy. We use energy when we turn on our lights, when we have heat, and when we have air-conditioning.

In terms of the economy itself, nothing is more important than energy.

I am hopeful that we can move forward. We have put together a conference committee. The House bill is somewhat less extensive than the Senate bill. On the other hand, certainly there are a great many things in which there is common interests. Someone reviewed it and found that there are probably 55 issues in which we have a common interest.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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We need to move forward. We are ready to do something. The committee has not yet actually met. Staff is meeting. I just can't say how important it is for us to move forward and complete that conference committee and bring those issues back to the Senate and the House before the September time expires.

We are talking, of course, not only about the idea of having increased production in our country, which we can have, we are also cognizant about renewables. We are talking about research to make coal cleaner for the air. We are talking about all kinds of issues with a balance between production and conservation. That is what we ought to be doing in policy.

I am really anxious that we find a way to move forward. Obviously, there are some issues on which there is disagreement: For example, an opportunity to have production in ANWR on the North Slope, which is part of the House bill and not part of the Senate bill. We ought to resolve that and come to a conclusion. That ought not be what holds up having an energy policy in this country. We can deal with the idea of having access to public lands so we can have production. And we can conserve and protect the environment at the same time. We have done that for a very long time in the West where most of the public land is located. We can do that.

There are those who try to make the point that if you have access to the land, it suddenly is going to be spoiled, and so on. That doesn't need to be the case. There are ways in which we can have effective production and at the same time have effective maintenance. Obviously, there are areas in which we don't want to have that kind of use, whether it be wilderness or the national parks or special parts of the forest. But, in general, half of Wyoming belongs to the Federal Government. The largest percentage of that is Bureau of Land Management lands. Those are lands that ought to be available under law for multiple use. Certainly, it should be used carefully. We want to do that.

There is also a great debate over what we do in terms of trying to get better efficiency out of our energy. And we can do that. There is a great debate on CAFE standards and mileage standards and whether that ought to be the best we can do or whether that ought to be put in law over a certain length of time. Again, we can resolve those issues.

The idea of using ethanol can also be resolved. We need to work at it.

The other issue that obviously is going to be on the floor right away is one that we have worked on in the Finance Committee for some time; that is, prescription drugs and pharmaceuticals, which we will be talking about today, and, as I understand it, from the leader's comments, probably for the next 2 weeks, which is fine. It is an issue that really needs to be resolved. Obviously, it impacts a great many people in this country, particularly those on Social Security, the elderly.

More and more, we find ourselves utilizing pharmaceuticals. Hopefully, that has been helpful to health care. Utilization is one of the reasons, of course, the costs per individual have gone up, in addition to the price of pharmaceuticals.

In the Finance Committee we worked on this bill, which is where the jurisdiction is. But I am disappointed that coming to the floor with a bill that has been approved by the committee is apparently not going to happen. The leader is going to go ahead and has already put a bill on the floor that has to do more with the patent rights than it does on the whole question of pharmaceuticals, and then to bring a bill as he chooses to do it as opposed to the committee approving a bill.

Interestingly enough, that is exactly what happened with energy. The bill was taken out of the Energy Committee by the leadership here, and then we dealt with it on the floor for I don't remember how many weeks. But that is not the way we are supposed to work.

We have committees and committees are supposed to report and bring their recommendations to the floor so that the great detail of these things has already been done. When you do not do that, then it comes to the floor, and we find ourselves, as we are now, frankly, behind in the work we ought to be doing towards the end of this session, and largely because of the idea of going around the committees and then bringing these controversial issues to the floor.

I do not think pharmaceuticals are controversial in terms of us wanting to deal with it, but there are lots of things in it. It is a very difficult issue. I am disappointed—if that is finally the way it works out—that we don't have a bill reported from the committee of jurisdiction.

It is a tough issue. There are lots of issues to talk about. Who should be the beneficiaries of a pharmaceuticals program of this kind? There are some who want it for everyone. There are some who want it simply as part of Medicare. And then, should the emphasis be on low-income individuals or should it be for everyone? I do not know the answer, but that is one of the issues that has to be talked about.

What can we do in terms of trying to get better prices, in terms of having prescription drugs available for people to buy? Or do we simply want to subsidize them at whatever price comes out? It is a very difficult issue, and one with which we have to deal.

Since we are talking about a kind of stand-alone situation with pharmaceuticals, we have to talk about a delivery system. How do you do this? How do you do this to allow for the local pharmaceutical, the local drug stores, the local pharmacies to be able to participate, as well as mail distributors? I think that is very important, particularly for those of us in rural communities. We need to make sure the drug system—whatever we come up with—and the delivery system are available in rural areas. We find some problems with that generally in terms of health insurance. In low-population areas, there are not the choices available as in other places. We need to ensure that is the case.

And then there is the cost, of course. There are at least three proposals that will be before us. One of them—I think it is called the Graham bill—will be one that gives very extensive coverage but over a 10-year period costs nearly $1 trillion, apparently. At least that is the best sort of pricing that we can get so far.

There is one that is the tripartisan bill. That comes out to a price of about $370 billion over 10 years. Again, it is difficult to get the scoring on these, but we have that.

And then, of course, there is another proposal out there. I think it is the Hagel bill. That is largely one in which there is a group purchasing process, and you would belong to the purchasing card arrangement and basically use the idea of volume to be able to have substantially less cost. I think it would cost about $150 billion. I never thought I would be talking about $150 billion being less, but that, nevertheless, is the way it is.

So we are faced with some tough decisions. Unfortunately, we will not have a committee-approved bill before us to deal with, I am afraid. The difficulty with that, of course, is that in the Senate we also do not have a budget; therefore, a point of order rises on anything that is above what was considered to be in the budget, which is $300 billion. So a point of order can be raised on two of these three bills that I mentioned; and then it takes 60 votes to get those passed. If there are not 60 votes, they will not be successful.

I think we find ourselves in a real difficult situation in dealing with something that almost everyone wants to complete. Unfortunately, it now becomes something of a political issue in terms of what you can do during the election period to talk about what an advocate you were on the floor. That should not be the purpose. The purpose ought to be to come up with a workable program designed to deal with the people in most need of assistance, designed to have a delivery system that gives people some choices which comes through the private sector; and those choices would exist all around the country, not simply in cities and highly urbanized areas, with some control over cost.

We are finding ourselves, obviously, in a great spending spree. Part of it, of course, is the result of terrorism and some of the events that have happened, and partly as a result of less revenue coming in as a part of the economy.

So I guess on balance I am saying we find ourselves in a tough position. I

hope we can zero in on what it is we want to accomplish and find the best method of accomplishing that and get it done in the very near future.

So I think we have lots of challenges before us. I mentioned a couple: energy, pharmaceuticals. We ought to be able to get a budget so we have limitations on our spending. In the Senate, we obviously have not yet begun to deal with the 13 bills that we need on appropriations. We have not started on that.

So I think we have allowed ourselves to get into a pretty tight situation in terms of dealing with the issues. I am pleased that yesterday we were able to at least complete something in the accounting area that will deal with some of the problems we have seen in terms of corporate misbehavior. Hopefully, that will work. So I just wish we could move and get on with the work we know we have to do.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to be recognized in morning business.

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

14TH INTERNATIONAL CONFERENCE ON AIDS

Mr. DURBIN. Madam President, last Friday, July 12, the 14th International Conference on AIDS closed in Barcelona, Spain. This year's theme was ''Knowledge and Commitment for Action.''

More than 14,000 doctors, activists, and government officials gathered in Barcelona for the largest AIDS conference ever.

At the last conference, hosted in Durban, South Africa, in the year 2000, the concluding plan, by all the nations that assembled, was to take action on the following items: To spread the use of condoms as a means of avoiding infection; to curb mother-to-child transmission of AIDS and HIV; to empower women to choose their relationships and method of contraception freely; and, finally, to educate people about the risks.

The last 2 years have shown that all four of these activities can be done successfully.

Another success achieved in the past 2 years is the focus shift to providing treatment for all. This has been a result of lower drug costs and the realization that people will not get tested unless there is hope of treatment.

The opening session featured the Barcelona Declaration, which called for action on the following goals by the year 2004: Secure a donation of $10 billion per year for Global AIDS—$10 billion—provide 2 million people in the developing world with antiretroviral treatment; third, provide affordable drug treatment in the developed world and universal access to generic brand drugs in the developing world; and fourth, develop a new global partnership between government and nongovernment organizations, recognizing the crucial roles that NGOs play in the fight against AIDS.

The Barcelona conference has brought a great deal of attention to HIV/AIDS. Newspapers daily provide America with devastating facts. UNAIDS warns that the AIDS epidemic is just starting. An estimated 5 million new HIV infections occurred worldwide during 2001. That is about 15,000 infections every single day. More than 95 percent of these occur in developing countries. In 2001, 5 infections each minute occurred in young people age 15 to 24, approximately 6,000 young people in total. Worldwide, 13.4 million children have lost at least 1 parent to AIDS. That number is expected to grow to more than 25 million by the year 2010.

We tend to view AIDS and its growth as a Third World problem. We hear the statistics: 40 million infected people in sub-Saharan Africa; 15 million AIDS orphans or more in sub-Saharan Africa; projections by the World Bank that there will be over 20 million infected people in India alone in the next 5 to 10 years; all of the talk about China and Russia.

Never should we overlook the problem in the United States. AIDS is still a problem; HIV infection is a reality. It is growing particularly among the African-American population in America. It is growing particularly among heterosexuals and among women. This is a problem we have not conquered. In fact, we have not confronted it honestly in the United States for too long a period of time.

UNAIDS has just issued a report on the situation in China. The report is called ''China's Titanic Peril'' because the U.N. agency said, if China doesn't act now, this boat will sink. The Chinese Government estimates 850,000 are infected. The U.N. report indicates the Chinese Government lacks political commitment and thus far has not provided sufficient resources to deal with it. Seventeen percent of the people in China have never heard of the disease. China, India, and Indonesia are on the brink of outbreaks that could dwarf the current epidemic.

AIDS is the leading cause of death in sub-Saharan Africa. More than 28 million Africans are infected with it. HIV/AIDS weakens economic and political stability, national security, and agricultural output, all necessary for continued development.

The cost of AIDS rises each minute that the epidemic grows. Without a drastic change in the global approach to the HIV/AIDS epidemic, it is expected that an additional 45 million people will be living with AIDS by 2010. From the facts reported in the daily newspapers, it is clear that current spending levels are grievously insufficient to address the global epidemic.

In 1993, experts asked the world for $2 billion annually to slow the spread and to save $900 billion in associated costs. Only recently, the level of global spending has climbed to $2.8 billion. Think of that, a 9-year period of time when we did not respond to this epidemic as it spun out of control. This is well below the actual need today of $10 billion every year to fight this epidemic that is circling the globe.

A World Health Organization mathematical model estimates that only $9 billion can be usefully spent per year: $4.8 billion on prevention, $4.2 billion on treatment. This number assumes the medical infrastructures in developing countries will remain at current capacities. Jeffrey Sachs, a well-known development economist based at Columbia University in New York, suggests that investing in infrastructures would raise the yearly cost to about $15 billion.

I have been to some of these countries suffering with AIDS. Many of my colleagues have. You see that the medical infrastructure is virtually primitive. Not only do they not have clinics, they don't have water that is safe to drink. Imagine trying to treat an epidemic under those conditions. An investment in the public health infrastructures of these countries can mean we could put money into stopping and slowing this epidemic.

The United States spends more than $10 billion domestically to fight the disease, but we contribute only $1.1 billion to fight AIDS abroad. A few weeks ago, I brought an amendment to the floor asking that we make a commitment on an emergency basis to put $500 million more into fighting the AIDS epidemic. I am sorry to report my colleagues would not support me on that amendment. It is unfortunate. I believe, sadly, that in years to come we will look back on this as a missed opportunity to do something about an epidemic that will literally affect the lives of all of our children and grandchildren and affect the stability of the world.

What are the contributing causes to the global epidemic? No. 1 is lack of education. Eighty percent of those most at risk receive no information or any help with prevention. Just a few years back, 10 or 12 years ago, 30 percent of the pregnant women in Uganda were HIV positive. That number is now down to 11 percent. Was there a massive infusion of money into Uganda? There was, a selective infusion of money into public education. It worked. They preached ABC, which is very basic: Abstinence, which is the first advice to be given; make certain that if you are going to be sexually active, you are monogamous; and third, make certain you rely on condoms for protection if you don't accept the other two as a premise for your lifestyle. It is very fundamental, but it worked. It dramatically reduced the HIV infection rate among those who were pregnant.

We need programs that are going to change the habits of people. We have to understand poverty creates desperation. There is something we have to

understand, which the Presiding Officer made a point of in the city of Chicago many years ago after she had returned from a trip to South Asia—I heard her speech; I remember it well—in which she said, the biggest single indicator of the likelihood of progress in a developing nation is the way they treat their women. If women are treated with respect, if they are given a voice in the society, if they can help decide their fate, you will have a more progressive society; you will find a country able to respond to many crises, not just the health crisis.

We in the United States have to understand that though we don't lead the world in foreign aid, per capita, we certainly want to make certain that our investment in foreign aid focuses on improving the role and voice of women in developing countries. Women who are not treated as slaves or chattel can make life decisions that will save their lives, enrich their children's lives, and give them a marital situation with hope instead of despair. That should be part of our approach in dealing with AIDS as well.

This epidemic is going to get worse before it gets better. We have to understand that the United States has, beyond a moral responsibility, a political responsibility in terms of this HIV/AIDS epidemic. There was a time a century ago when the problems around the world were in fact on the other side of the world; they couldn't, frankly, make it to the United States; many of these people who were sick would die on the way. We now know that any problem on the other side of the world is a 10- or 12-hour airplane flight from being our problem.

Let us understand we cannot take the current course that is being suggested by this administration. To give a symbolic amount of money this year to the global AIDS effort is in fact to invite further disaster on the people around the world and on the people of the United States. To go, as the administration has said, along the route that would suggest next year we would make no contribution to the global AIDS fund suggests perhaps that they believe the epidemic is going to wait for us to catch up with it. It won't. Then finally to say that maybe 2 years from now we will put another $300 million in, that kind of halfhearted, weak attempt to meet our moral and political obligation will mean the AIDS epidemic will continue to grow, not just in Africa, not just in Asia, but around the world.

Taking a meaningful, positive step forward in supporting prevention of AIDS research and education is in the best interest of the United States.

I note that major donor organizations such as the Gates Foundation and the Kaiser Foundation and others have made a commitment to this. The United States has to meet and exceed that commitment as well. We have to make certain that the Senate reverses the sad, terrible vote we cast just a few weeks ago, saying that we are not going to put more money on an emergency basis to fight the AIDS epidemic. I hope my colleagues in the Senate, as they reflect on the Barcelona conference and the commitment of thousands of leaders around the world, the HIV/AIDS epidemic, will put pressure on this administration to go beyond the rhetoric, beyond juggling the books, about $500 million over a 3-year period of time, and make a meaningful commitment that will save lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

PRESCRIPTION DRUG COVERAGE

Ms. STABENOW. Madam President, I first commend my friend from Illinois for his advocacy on this critical issue. He has been here time and again with amendments to do what needs to be done. I thank him for his advocacy and concern, deep concern, about this issue.

In a related issue—relating to health care—this morning I am in the Chamber with my colleague from Florida to urge our colleagues on the other side of the aisle to join us in proceeding to the critical debate on the issue of prescription drugs. I cannot think of a more important issue facing our country than making sure that lifesaving medicines are available to our seniors, to our families, to anyone who needs them, and that we are lowering prices so that our small businesses can see their health care premiums go down to a reasonable level.

Large manufacturers, such as the big three automakers, that are in Michigan, and others all across the country who are seeing explosions in their health care costs need to know there is some relief in sight, there is a way to get this into a manageable situation. We have plans to address that, to provide Medicare coverage for our seniors—it is long overdue for prescription drugs—and to lower prices to everybody through increased competition and making sure our laws work and the opportunities for competition exist.

I was concerned to come to the floor last evening and find that a simple motion to proceed to debate the bill was objected to by our friend from New Hampshire and by others on the other side of the aisle—just to proceed to the debate. The leader told us we will have a full 2 weeks in a very crowded schedule to focus on this issue because it is so incredibly important. There is nothing more important to the quality of life of our citizens, to the cost to the economy, and there is nothing more important right now than addressing this issue of lowering prices and the issue of corporate responsibility, quite frankly, with the drug companies and how we make sure that lifesaving medicine is available to all of our citizens at an affordable price and that our seniors have a real promise of Medicare caps, because without covering outpatient prescriptions, we are no longer keeping the promise of Medicare.

So I come to the floor today to urge our colleagues to take away their objection and allow us to proceed to the debate. We have 2 weeks to work out the specifics, to work together on the right kind of plan. But we need to get to that debate.

The Governors of the country are meeting right now, and in fact the Governor from Michigan leads that organization. The Governors' conference, according to the paper, focuses on health costs. This morning, I tuned in to C-SPAN to listen to some of the discussion they were having on prescription drug prices and the costs to our Governors. It says in the paper:

Despite signs of a gradual national recovery, the State's woes are expected to persist well into the current fiscal cycle. Their biggest problems are the ballooning costs of prescription drugs and Medicare.

We in the Senate have an opportunity to do something about that right now. The Governors are asking us to do that. Businesses are asking us, as are families, seniors, and workers. Every worker who has had to have their salary capped or frozen so that the employer can afford the rising cost of their health care plans has asked us to do something about this.

I want to take just a moment to bring forward the urgency of this issue by sharing some stories that have come into my Web site. I have set up something called a prescription drug people's lobby, asking people in Michigan to share their stories and join with us. We know the reason this is being held up, unfortunately, in the Senate is that there are far more drug company lobbyists than there are people's voices talking about what is affecting them and their families. There are six lobbyists for every one Member of the Senate. So we have a responsibility to speak for them and make sure their stories are told.

I start with Melissa Askin from Romulus, MI, who was the first person to sign up for our Michigan prescription drug people's lobby on May 22. I thank Melissa for that. She wrote in her story:

I guess my story is no different from the many Americans, when it comes to deciding if I can afford food to live or medications. It boils down to a choice these days: what can I afford to keep myself alive once I pay my bills.

I am 68 years old, my husband is deceased, and I have no family. I have had a heart bypass, both carotid arteries in my neck cleaned out, and now in April I was operated on for cancer, not to mention several other surgeries. I am supposed to be on nine medications, however, at the price of these meds, I can only afford three.

I don't know what will happen with me by not being able to be on the meds I can't afford, but it makes me wonder what I'm living for. I feel like nobody cares.

Melissa needs to know that we care, we in the Senate care—not by our

words, because people have heard enough words, but by our actions. That is what this is about right now. Are we going to proceed to this debate? Are people going to use procedural motions to stop us from even getting to the debate, or are we going to move forward together, find ways and common ground in a bipartisan way to do what needs to be done? Will we do that so that Melissa Askin, 68 years old, of Romulus, MI, knows that someone cares? When she needs nine medications in order to live and have quality of life, she should be able to get all nine medications and not have to settle for three. That is what this is about.

Let me share a story from a young woman, Shawn Somerville, from Ypsilanti, MI, who e-mailed me:

Just this last Christmas, my grandmother was hospitalized because she stopped taking her prescription so that she could afford presents for all of us grandkids. She later died from an undiagnosed ulcer. It was very sad to me that these drugs are so expensive. Do they need to be?

Well, Shawn, no, they don't need to be. We as American taxpayers underwrite the cost of research and invest in and support the companies and provide patents so they can recover costs, and work with them in one of the most subsidized industries certainly in the country and in the world, because we want to make sure your grandmother has access to her medicine. We want to make sure the grandmothers and grandfathers of this country don't have to stop taking their medicine in order to have Christmas with their grandkids.

Unfortunately, today this system is just plain out of control. When we see prices rising three times the rate of inflation in the most profitable industry in the world and we see people who cannot afford their medicines, I argue that this is a debate about corporate responsibility.

We just finished an important debate last night in a unanimous vote to improve the oversight of publicly held corporations in this country so that in fact we can guarantee corporate responsibility, information for investors so that people's pensions will be protected. It was an important, bipartisan effort that ended up in a good result for the American people.

This is also about corporate responsibility. That is what this is about. I believe it is about corporate responsibility and ethics and, in fact, even morality. We can do better in the greatest country in the world than we are doing now as it relates to the affordability of lifesaving prescription drugs and the spiraling, out-of-control costs of our health care system as a result.

I urge people to get involved with us today. If someone is listening to what we are debating now on the Senate floor, I urge you to get involved right now. We need you to call your Senator. We need all of us to be engaged in this battle, and we welcome you to come to a Web site that has been set up—fairdrugprices.org.

We are asking people to share their stories. We are asking people to sign an online petition drive sending a message to the House, the Senate, and the President to act now. We do not need one more Christmas to go by with grandmas and grandpas trying to decide whether or not they can buy Christmas presents for their grandchildren or take their medicine.

Fairdrugprices.org is about getting involved and together getting our voices heard, and then through my colleagues and me, we will bring those stories that are shared through this Web site to the Chamber of the Senate and continue to make the case that this is real, it is about real people. We are not making this up. This is one of the most critical, if not the most critical, issues we will debate this year in terms of touching people's lives. The bill we just finished on corporate responsibility certainly is right up there with it, making sure we have confidence in the markets and people's pensions are protected, but if they have to take every single dime of that pension to pay for prescription drugs, they will still have a very difficult time in their retirement.

It is my pleasure right now to yield to my colleague from Florida who has been an outspoken advocate. I know he has been working with people as well and sharing stories and hearing from his constituents about this issue.

I simply say, as I yield to my colleague, that we are out of time. Now is the time to act. Now is the time for us to at least get started on the debate. We have the next 2 weeks to work together to figure out the specifics and bring it to a close.

I yield to my colleague and good friend from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I am delighted to join my colleague from Michigan, who has given such tremendous leadership on this issue. It is very important that in the next couple of weeks, before we break for the August recess—and my colleague from Michigan will certainly agree with this—that we in the Senate pass a prescription drug benefit.

The problem is, under Senate rules, we do not have the opportunity to pass something unless we get 60 votes. It is not the typical majority plus one, otherwise 51 votes, but under the rules of the Senate, we have to get an extraordinary majority of 60 votes to prevent a filibuster in a parliamentary procedure that is known as a cloture motion, to cut off debate. That takes 60 votes.

Therefore, on one particular plan that is proposed for a prescription drug benefit, it makes it extra difficult for us to get those extra votes because out of every plan, there is going to be something in the plan with which somebody disagrees.

I wish to talk about one of those plans and talk about the reason why it is so important for us to modernize Medicare.

If we were designing a health insurance system for senior citizens today, would we design it to include prescription drugs? The obvious answer to that question is yes, because every day lives are benefited by virtue of an increased quality of life, an enhanced quality of life, enhanced health with the miracles of modern medicine that we know as prescription drugs. But Medicare, the health insurance system for senior citizens, was not designed today. It was designed 37 years ago.

In 1965, when state-of-the-art health care was centered around the hospital and acute care, the health care system, supported by the Federal Government, for senior citizens did not include prescription drugs unless they were attendant to the care of someone who was in the hospital. Thirty-seven years later, we must update that health insurance system for senior citizens. I want to give an example.

There is a lady in my constituency in Parrish, FL. Obviously, her name shall remain confidential, but for these purposes, I will refer to her as Mrs. Smith. Mrs. Smith is 69 years old and she suffers from a variety of medical conditions, including a painful muscle disorder. Because the cost of her prescription drugs is not covered by Medicare, on a monthly basis, her out-of-pocket expenditures are over $300 just for prescription drugs.

Let's look at her financial condition. She lives alone. She has no family members to help her. Sons and daughters often help their moms and dads, but Mrs. Smith does not have immediate family members to help her with her daily cost of living, including those costs of over $300 a month for prescription drugs.

What does she receive from Social Security? This is the only income she has—a $1,030 per month benefit from Social Security.

Of that $300 that she has to take out of that $1,000 Social Security payment, she has some big expenses. She has a drug called Neurontin. It is at a cost of 125 bucks a month. She has a drug called Ultram. It is at a cost of 150 bucks a month. She cannot afford, out of her Social Security benefits, to take the daily dosage of those drugs that her doctor has prescribed for her painful muscle disorder. What does it come down to? It comes down to groceries or prescriptions.

Can you imagine that in America in the year 2002 we have senior citizens all across this land who are having to make a choice between whether they are going to eat or whether they are going to get their medicine, as in the case of Mrs. Smith in Parrish, FL? I cannot imagine it, but it is happening, and that is what brings us to the Senate Chamber now as we take up this prescription drug bill.

Mrs. Smith is obviously frustrated that in her golden years she has enormous anxiety because of the high cost of the prescriptions. Under one version of the prescription drug bill, the version that I am a cosponsor of with my colleague from Florida, BOB GRAHAM, Mrs. Smith would only have to pay $25 a month premium for a Medicare prescription drug benefit. If she chose to have a brand name prescription, she would pay a copay of $40, but if she wanted a generic prescription, Ultram—that drug that I mentioned she takes at 150 bucks a month—it does have a generic alternative so she would only have to pay $10 for the prescription for the generic. That coverage for Mrs. Smith would begin upon enrollment, and Mrs. Smith would not be subject to any initial deductible, as is the case in the legislation that passed in the House.

It is another personal example, a real-life example, of why we ought to have a prescription drug benefit enacted to modernize Medicare.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Minnesota.

Mr. WELLSTONE. I thank the minority leader for his courtesy. I ask unanimous consent that I be allowed to follow the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, is the Senator going to be debating the drug issue?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Mr. GREGG. Yes, but I believe the Senator from Minnesota wishes to proceed after the minority leader.

Mr. WELLSTONE. That is correct.

GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT OF 2001—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 812, which the clerk will report.

Mr. WELLSTONE. I say to my colleague, I would like to speak for about 10 minutes.

The PRESIDING OFFICER. If the Senator will withhold.

The assistant legislative clerk read as follows:

A bill (S. 812) to amend the Federal Food, Drug and Cosmetic Act to provide greater access to affordable pharmaceuticals.

Mr. LOTT. Madam President, what is the parliamentary situation at this time?

The PRESIDING OFFICER. The Senate is on the motion to proceed to S. 812.

Mr. LOTT. Madam President, I ask unanimous consent that I be allowed to speak under my leader time, probably for 8 or 10 minutes, on the issue that is related to this motion, and others may want to add to it.

Mr. WELLSTONE. Madam President, with the indulgence of the Senator from Massachusetts, I wonder if I could have 10 minutes after the minority so I could go back to a markup?

The PRESIDING OFFICER. The Republican leader has the right to speak at this time.

Mr. LOTT. Madam President, I know others are going to want to speak on the pending motion.

Mr. KENNEDY. Will the Senator yield so I can respond?

Mr. LOTT. I yield to Senator KENNEDY if he wants to make some clarification.

Mr. KENNEDY. We were going to get started. We all are under pressure, but I would be glad to have the Senator from Minnesota speak.

Mr. WELLSTONE. I thank my colleague.

Mr. KENNEDY. Then we will move on the regular order with the presentation of the legislation.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Madam President, I understand there was discussion last night, and in the HELP Committee, about how to proceed on the substantive issue, and there was some understanding that some language would be worked out. I do not know the details of it, but I am hoping that whatever was agreed to in committee can be resolved in a satisfactory way.

Without getting into how it was reported out of the committee and how we will proceed once that is clarified, I want to talk about the overall situation that causes me major concern. The Finance Committee has been meeting off and on for probably 5 years trying to decide the best way to proceed on prescription drugs. We have had repeated bipartisan meetings of the full committee, even this year. I have met, I think five times for as much as a couple of hours talking about the substance but it has always been a general discussion with no markup.

Last week, even though we did two minor bills, there was no markup on prescription drugs in the Finance Committee. This week we were scheduled to take up another bill, but the meeting at 10 was cancelled and now the meeting at 2 was cancelled because I assume the chairman realized that the so-called tripartisan bill was going to be offered in the Finance Committee to whatever bill might have been brought up.

This is legislation that has been developed by Senator BREAUX, Senator SNOWE, Senator GRASSLEY, Senator JEFFORDS, and Senator HATCH. It is truly a bipartisan bill and tripartisan because it does have the support of Senator JEFFORDS.

There is a determination not to allow the Finance Committee to act on this bill. The Finance Committee, for years, has been known as one of the most effective and bipartisan committees, whether it is welfare reform or trade legislation, Medicare, whatever it may be, but in this instance the Finance Committee is basically being told if they cannot get the votes for the so-called Kennedy-Graham-Miller proposal, they cannot act.

I think we are beginning to debate once again in the wrong way on the Senate floor on a very important issue. The majority leader has twice before tried to ignore the Finance Committee and basically come straight to the floor. We saw what has happened, how long it takes for us to work through a bill that has not gone through a committee markup. That is why I continue to urge that the homeland security issue go to a regular markup in the Governmental Affairs Committee, and I am being told that is what is going to happen, because so many of the problems can be resolved at the committee level. If we bring these important issues to the Senate floor without them having been worked through committee, it is a prescription for a real problem, long debate and in this case likely no result.

Last fall the majority leader and the Finance Committee chairman rammed a partisan stimulus bill through the Finance Committee. We told them at that time that process would fail because it set up a situation where we had to get 60 votes and we more than likely could not do that.

Two months ago, the majority leader used a flawed process to bring trade legislation to the Senate floor, and we saw as a result of that it took us, I think, about a month to get it done, even though it was a bill that had bipartisan support on both sides. Four bills were brought together, the trade promotion authority, the Andean trade provisions, the GSP provisions, as well as trade adjustment assistance. It was very difficult to get that work done.

But what we have today worries me even more. We are calling up the drug pricing and patents bill out of the HELP Committee. Then I understand at some point, a prescription drug bill, or bills, will be offered. No matter what is offered, it will have to get 60 votes.

Prescription drugs would have to get 60 votes in the Senate. Why is that? One, we do not have a budget resolution, so we are going under the existing law which says a prescription drug bill cannot be brought up that exceeds, I believe it is $300 billion. If it does, it takes 60 votes. Also, a bill that is brought to the floor without going to the Finance Committee requires 60 votes.

So we have two things that are happening with no budget resolution: we have a limit with the amount. If a bill exceeds $300 billion, it takes 60 votes. If it has not come through the Finance Committee, it will have to have 60 votes.

I do not know what the scoring is on the so-called Kennedy-Graham bill. As

of last Friday, or even yesterday, it was not clear. I am under the impression that it is well in excess of $800 billion, probably closer to a trillion over 10 years. It is a universal coverage provision, without being targeted to catastrophic problems or the elderly poor. We do not know for sure what the costs will be. I am being told that the costs might be less because, instead of it being for 10 years, it will be for 5 years, or maybe even 4 years.

So we are setting up a situation where we cannot act. I think that is a tragedy. It is time we provide the elderly poor who are sick an opportunity to get help with their prescription drugs.

Some States are dealing with this issue, but they are to the limit of what they can do. Others have not been able to deal with it.

I certainly do not agree with this strategy, and the tragedy is that we are going to wind up without getting a result once again. Why not allow the Finance Committee to act?

Let us see what is reported out. Maybe it would not be the tripartisan bill or the Kennedy bill. Maybe it would be something more along the lines of what Senator HAGEL and Senator ENSIGN have proposed. I understand there are other Senators on both sides who will try to work together to find a way to get a result, something that can get 60 votes that would produce a result in this very critical issue.

Senator GRASSLEY has always worked to get bills out of the Finance Committee. They have always been bipartisan bills. I know he is disturbed by this and I believe Senator BAUCUS is disturbed that the Finance Committee has been cut out once again and that we are going with this convoluted process which, I guess, will provide some action on the pricing and patent bill.

That is fine. If we want to bring up that bill and have debate and have some action on it, I think we ought to have debate and some votes and we could get to conclusion of that. But I think to use this as a vehicle to avoid the Finance Committee is a very big mistake. It is not just about politics, it is about results.

Do we want to get a prescription drug provision through the Senate? If we want to do this, we can do it. But what we have before us will not produce a result, a product.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Madam President, I have just very brief remarks. I thank my colleagues. I have to go back to a committee hearing. I will be back for this debate day after day after day for the next 2 weeks because it is so important to the people of Minnesota.

I take exception to the remarks of the minority leader, as is quite often the case. I think it is an honest disagreement. I think, whether it be 50 votes or 60 votes, if we have a will there is a way. We voted 97 to 0 for a piece of legislation last night. We should have passed it. It was extremely important security reform legislation that was critical for people in the country.

Frankly, affordable prescription drug coverage is also critical for people in the country, for senior citizens, and others as well.

So if there is a will there is a way. We need to get started with this debate. I don't think we should be putting it off at all. It is a compelling interest, a compelling issue in people's lives.

In Minnesota, 40 percent of senior citizens have no coverage whatsoever. I remember a couple of months ago, actually, Helen Dewar from the Washington Post came out to Minnesota to cover the campaign. She spent time with different people. I wanted her to go to Northfield, which was really our home where I taught college, because I wanted her to go to the Quality Bakery—just a great place, a family-run bakery.

We were sitting in there talking and she was meeting with people and this man came in. I don't remember his name. I should have, but I did not remember his name, but I recognized him. It was a small town. We shook hands, and as soon as we shook hands I knew he had Parkinson's disease. I know that disease like the palm of my hand. Both my parents had Parkinson's. I could feel the shaking.

We were talking and I said: Are you on Sinemet?

He said: Yes, but there is another drug people are talking about that would be more helpful.

And I said: What about that?

And he looked at me and he said: I can't afford it.

This is unconscionable.

I want to say just a couple of things. These are the principles. Everybody is talking about getting together. That is absolutely critically important, but these are the principles.

No. 1, it ought to be affordable. You can't have the premiums too high. If you are going to talk about a premium or a deductible, we can't just suggest it. People have to make sure it is there. That is the problem with the House. There are suggestions about a deductible, but it is not part of Medicare, not a defined benefit. People don't know for sure.

No. 2, you bet it has to be catastrophic expenses. But if you have, for example, like on the House side it is between $2,000 and $3,700—no coverage at all. People are saying it will not make sense. We are paying premiums and you are not going to help us when we have bills over $2,000 a year—that is when we need the most help.

No. 3, absolutely make sure, for low-income seniors, they are not having to pay a lot or maybe anything. But if you are going to say that, then don't have stingy means tests where you say if they have a car worth more than $4,500, or a burial fund worth more than $1,500, they could be disqualified. Don't do that. Don't do that. Make sure it is affordable.

Finally, make sure as a matter of fact there is some way that people know this is really, again, going to be a benefit for them, and it will make a real difference.

I think that is why you put it on Medicare.

I understand what is going on here. The pharmaceutical industry—any bill that sort of meets their test is a little bit suspect. I know they are not interested in having the affordable coverage. I know they are not interested in broad coverage. And they are also, of course, not interested in any potential cost containment. If it becomes a part of Medicare, it is absolutely true that at a certain point in time we may very well say: Look, what we are doing here is giving a blank check to the industry, and you are filling in the amount and it is exorbitant prices and there has to be some cost containment.

I want to make a humble suggestion. It is a bill I will be bringing out with Senator DORGAN, Senator STABENOW, and others. Here is one thing we could do that could be a part of our overall getting the work done for people right here in the Senate. We could pass a provision which would say that our citizens, American citizens, can reimport back from Canada these prescription drugs meeting the strictest, same FDA guidelines, consumer protection guidelines. They ought to be able to do so. That not only helps senior citizens, it helps all the citizens.

Do you know what is interesting? You are talking about widely used drugs for depression, for cancer, for heart disease, at 30, 40, 50 percent discount. This is a winner, colleagues, and I believe that ought to be part of the mix as well.

I think the minority leader is wrong. Time is not neutral. I think people are expecting us to do the work. I think we should. If we believe we ought to do this, there ought to be a strong vote for it. I think the Graham and Miller and Kennedy bill is an extremely important start. I think there will be other amendments to strengthen it. But the main thing is we make this part of Medicare. It is not a suggestion. It is a benefit people can count on. We make sure it is affordable in terms of the premiums and the payments, and we make sure it covers the catastrophic bills that put people under.

I don't want to talk about the problems anymore. We have been talking about the problems forever. Let us talk about the solution. Let us get going. Let us start the debate. We should

start. We should not delay anymore. We should have amendments out here. I am ready with an amendment and a provision which I have worked on for years on drug reimportation. Other Senators have amendments. We should get this work done.

My last point is that I think people are counting on us. There is a critically important issue. There is important work to be done. No more delay; let us all come out here and have the debate. Let us be accountable.

I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, today is a very important day for all American families, and certainly for families who have suffered and have been diminished in a very important and significant personal way because of the high cost of prescription drugs. The Senate of the United States is debating an issue introduced by our colleagues and friends, Senator SCHUMER and Senator MCCAIN, to reach out a helping hand to the families of this country in order to get a handle on the cost of prescription drugs.

The cost of prescription drugs as well as the accessibility and the availability of prescription drugs are very closely related. We will have an opportunity to debate that issue later in the week. We are hopeful we will be able to work through this process in a way that will command broad bipartisanship on the floor of the Senate.

We invite the American people to give focus and attention to this debate. Certainly for me, this is most important because it is related to a commitment that we as a country made to our senior citizens back in 1964 and 1965 when we enacted Medicare. It is an issue which is front and center to every family in America today. It was an issue to families early this morning when many of our seniors went to their drugstores and tried to get the prescription drugs which are absolutely necessary for them and found that the costs have been continuing to escalate and wondered whether they could afford the prescription drugs and the food they need. It will be there this afternoon, at noontime, or this evening when workers return and they need prescription drugs to try to help a sick child.

The issues are front and center for every family. I don't think we will debate an issue which is of such central importance to every American family as this one. This issue is not a new issue for this body, but it is a new issue by the fact that we are debating this or have an opportunity to debate it on the floor of the Senate today.

Prescription drug legislation has been introduced and referred to committees over the last 5 years which has never emerged from those committees. I won't take the time of the Senate to go back prior to even 5 years ago. In 1978, Senator THURMOND and I introduced prescription drug legislation. We were never able to get it to the floor of the Senate. Now we will have a debate on this.

I take a moment of time to respond very quickly to the comments of my friend, the Republican leader, about the process of procedure.

Legislation is now before the Senate. It was voted on in our committee 16 to 5. We had a very similar vote on the legislation we just concluded, as a matter of fact. We found after the debate and discussion that we were able to get a unanimous vote on that legislation. We might not end up with a unanimous vote on this, but let us not discount the possibility that we can do something that is important for our seniors.

The point has been made about whether this procedure is consistent with the Senate rules. Clearly, it is. The legislation we are considering was reported out in a bipartisan way. I am hopeful and confident that we will consider other legislation to expand the access to prescription drugs.

I will not take much time to remind our Republican friends about actions they have taken on important legislation that also circumvented committee action. There were a number of instances. I think that is important. I think the needs of families in this country are by far more important.

I regret very deeply that we are going to have to take the Senate's time before we are permitted to actually get consideration of the bill. All Members know we are facing effectively a filibuster on the motion to proceed to this legislation. It is under the guise that some technical language wasn't satisfactory to the members of the committee. I reviewed last night the history on that technical language indicating that if it was just technical in nature, we would be glad to consider those proposals this morning and to clarify the language. If it is substantive, let us get on to the debate and let us get on to amendments. Why delay the Senate of the United States from considering this legislation?

We shouldn't be surprised that there are powerful financial interests that do not want this legislation, that are strongly opposed to this legislation, and that want Members in this body to filibuster to their last breath. This is because they have been taking advantage of the existing legislation to expand their profits at the expense of consumers in ways which we will describe during the course of this debate—the greed and collusion with other companies in order to deny quality drugs and generics being available at cheaper prices.

What this debate is about in many respects is corporate greed by those companies that are ripping off the public. They are able to get, in effect, a delay by this body in considering this important legislation. Let us make no mistake about what is going on. We will see it over the continuation of this debate.

There was a strong belief that we would never have the opportunity to report this legislation out of Committee. We were successful in doing it in a strong bipartisan way. We are grateful to our Republican friends for their support. But we don't underestimate the strong opposition that has been voiced by drug company after drug company that are abusing the process under the old Hatch-Waxman. As a result of that, they are experiencing incomes of billions of dollars more than they ever should, and they are receiving that at the cost of the American consumer. They do not want to lose that privileged position. As a result, they are in support of delay, delay, delay, delay, delay, delay. That is what is happening. Prescription drug legislation is going to be opposed by those that are profiteering.

There are many within the drug industry who support our efforts to try to work through a process because they understand the importance of the health factors that are involved in this. We are grateful to them. We hope we can work with them in trying to come up with real legislation that can benefit people. But we should not have to spend a great deal of time in reviewing what has been happening in terms of the escalation of the costs of prescription drugs.

The cost of prescription drugs has been escalating and far exceeding the average cost of living. It has been going up at the most extraordinary levels.

We see from this chart the fact that the increase in the cost of prescription drugs has been going up and exceeding the cost of living by about three or four times in recent years.

In 1996, we had a 3.23-percent rate of inflation, CPI, and the increase in the cost of prescription drugs was 10 percent. The increase in the cost of prescription drugs was 14 percent in 1997, 15 percent in 1998, 16 percent in 1999, 17 percent in 2000, and 17 percent in 2001. Look at the yellow bars that indicate the rate of inflation.

Why is it so important? It is important, obviously, for the health and consideration of our fellow citizens. But the fact remains, in 1965, when we passed the Medicare legislation, we went on record—the Congress went on record—with a solid commitment to our seniors and to the American people: Work hard, pay into the system, and at the time you are 65 years of age, you will have health security in this country. That was our commitment, and we did it. We have done it with regard to physician services, and we have done it with regard to hospitalization.

But what we have not done this with is prescription drugs. Every single day we fail to enact a prescription drug benefit program that is affordable, accessible, and available to seniors we are violating that solemn commitment and promise to our seniors—every day, every day; today, tomorrow. And that is a solemn commitment.

We will hear: We have X provision or Y provision that isn't clarified. The seniors understand what is out there. They understand what is important. We have a responsibility to meet the needs of our senior citizens, and to do it in a way that is affordable and accessible.

This legislation that is before the Senate now will have a significant impact in terms of the escalation of costs, make no mistake about it—if we are able to, and when we are able to, get a debate for the consideration of it. But what we are being told now, with only 3 weeks left before the August recess, is: No, we are not satisfied. No, we are not going to be able to take this up. No, we are not going to be able to consider this legislation.

If they have differences, let's hear those differences. Let's consider those amendments. Let's debate those amendments this afternoon. Let's vote on those amendments. But let's not just hide behind the questions about clarifications of language.

We have seen what has happened in terms of our senior citizens with regard to the coverage on prescription drugs. If you look at this particular chart, you will see where our seniors are now with regard to prescription drugs.

Thirteen million of our senior citizens have virtually no coverage whatsoever in the United States today. Ten million have employer-sponsored plans. We will come back to that. But keep that in mind: 10 million have employer-sponsored plans. Five million are under Medicare/HMO. Two million are under Medigap. Three million are under Medicaid.

The only Americans who can be guaranteed prescription drug coverage that will be available and accessible are those under Medicaid. Those are the only Americans who are not at risk today. We are trying to do something about it. But the drug companies say no. They will not even let us begin the debate on it. They say, no, we are not going to permit you to even proceed to the debate on this issue, even though we are finding out what is happening to our seniors.

We have 10 million who have employer-sponsored plans. Let's take a look at what happens to those who have employer-sponsored plans. If you take the employer-sponsored plans, the firms that have offered the prescription drug program for our seniors, look what has happened to those 10 million people. These individuals have retired. Let's look at what is happening to their coverage. It is dropping like a stone in a pond. It was 40-percent coverage in 1994; and it is going right on down and dramatically being reduced. That is as a result of the employers cutting that program out.

And 13 million do not have any coverage. As I said, 10 million have employer-sponsored plans. And this is what is happening to the employer-sponsored retirement coverage: The coverage is dropping like a stone in a pond.

Let's look at what is happening in terms of the HMOs. We said we had about 5 million who were covered by the HMOs. Take a good look at this particular part of the chart. This is Medicare coverage. HMO drug coverage is inadequate and unreliable. A drug benefit is offered only as an option, and 30 percent offer no drug coverage. And 5 percent of Medicare beneficiaries in rural areas have it.

But look at this bullet line: Medicare/HMOs are reducing the level of drug coverage. Seventy percent of Medicare/HMOs limit their drug coverage to $750 or less—$750 or less.

Fifty percent of the Medicare/HMOs with drug coverage only pay for the generic drugs.

So you can say we have all of those who are covered by employers. That is phony because the bottom is falling out for them. You can say you have 4.5 million of them covered by HMOs. This is increasingly phony because they have a limitation of $750. And about 18 percent of all of the seniors will benefit under that particular program.

So we go on and see what happens in terms of the next group, which would be the Medicaid coverage. We will find out that some 3 million have that program. And then, finally, you have those who are involved in what they call Medigap, where the average cost has gone up so high that it is increasingly out of range.

Our seniors are in a crisis. Our seniors are in crisis with the explosion of drug costs and the failure of coverage, and we are being told out here on the floor of the Senate we cannot even bring up the bill, even though there has been a prescription drug bill for 5 years in the Senate, and we have not had a debate on these issues.

So the question is, which way is the Senate going to go? Is the Senate going to go with the drug companies and the wealthy corporations that today are abusing and colluding with some generic companies to deny the lower prices for families in this country? Or are they going to stand up and say: We want to get this legislation passed that can make a real difference in the cost of their drugs?

If that is what they want, they should be letting those forces know here in the Senate—the Republican leadership on down—that this is the time for debate and action on this. We do not accept the fact that it is going to be complicated, it is going to be difficult, it is going to be hard to try to reach a coalition.

We are committed to getting something done. We believe we have the way to be able to do it.

I want to also mention another feature. We know that the House of Representatives took some action recently in order to try to address this issue. We welcome the fact that at least they passed some legislation. We would not be able to get legislation unless, obviously, the House passed it and the Senate passed it. We would not be able to get legislation unless we were able to have the House of Representatives pass legislation.

But I want to just review, very quickly, with the Members about what happens in the Republican proposal in the House of Representatives.

First of all, there is an assets test. What they have is an assets test. You will hear: The Republican program really covers and reaches out and covers individuals in the lower income levels. That is where the real need is.

Right, that is where the real need is. There is a great need when you figure two-thirds of seniors have incomes below $25,000. The average income is less than $14,000.

We talk about individuals, wealthy seniors. When two-thirds of them have an income of less than $25,000 and the average income is $13,000, certainly our seniors are hard pressed to be able to do this.

It is interesting. It has been suggested that for low-income people, they won't have any premiums. They won't have deductibles. They will not have any copays. That sounds good, but just take a look at the print. There is the assets test. Any senior can't have any more than $4,000 in savings. You can't have a car that is worth more than $4,500 or you are out. You are telling seniors who might be driving around in the cold of winter that they can't have a dependable car in order to go to the drugstore to get their prescription drugs or have a car in the heat of the summer, in the areas of this country that are scorching hot and have a decent car to be able to make sure they get to the drugstores. If they do, they will lose eligibility.

Burial expenses worth more than $1,500—isn't this wonderful? If it is more than $1,500, it moves against the assets test and moves to disqualify them. Personal property, a wedding ring, no more than $2,000 in furniture or personal property. A wedding ring counts as personal property. Let alone if it goes over that $2,000, it counts in the assets test, as does $4,000 in savings. In other words, you have to just burn every nickel and dime that you have been able to save over your lifetime in order to qualify for this.

Not only is this process unconscionable and it has been rejected by Senator GRAHAM and Senator MILLER in their particular proposal, but it is a very important part of the Republican program in the House of Representatives. It is not only that this is demeaning, but what do we ask our elderly people to do? Go in to fill out a little form. Can you imagine how demeaning that is? People who need that prescription drug as a lifesaver have to go in there to try to qualify. They have to count their wedding ring, their furniture, personal property, and whatever is in their savings when they go to qualify for this program. That is when we know from a financial statement that they are individuals in need.

Beyond this, you have the paltry coverage benefits under the Republican

plan. On this left side you have the percent of seniors that purchase, for example, 18 percent spend $250 or less on drugs; 18 percent spend $250 to $1000; 17 percent spend $1,000 to $2000; 23 percent spend $2,000 to $4,000; and 7 percent spend $4,000 to $5,000. The beneficiary payments and the Medicare benefits, if you are spending $250 on drugs costs, you are still going to pay $658 because you are going to pay the premium and the deductible. So virtually we are telling these 18 percent of the Americans under the Republican program, no benefit, none. You don't get any at all.

If you are at 18 percent and you have drug costs of $1,000, you pay the payments and you pay the deductible. You pay your premiums and you pay your copay. That is $808. The Medicare payment is $192. The cost paid by the senior citizen is 81 percent. Some help and assistance that is.

The list goes on. The 17 percent with drug costs of $2,000 pay 65 percent of the cost themselves. Those with drug costs of $4,000 pay 83 percent; and the 7 percent with drug costs of $5,000 pay 82 percent. Some drug benefit that is.

It is important we have a debate to find out exactly what program does what. But we are denied that opportunity. We are denied that opportunity in the Senate to get on to what is happening with costs. We are strongly committed on our side to try to do something about one aspect of it, and that is the escalation in the drug costs to the American consumer.

We have a strong bipartisan proposal sponsored by our friends and colleagues, Senator SCHUMER and Senator MCCAIN, strong bipartisan legislation that came out of our committee and can save as much as $71 billion over the next 10 years and make a real difference. There are other ideas that our colleagues have in the Senate that can show how the consumers can get an additional break in terms of the high cost of prescription drugs. We ought to have the opportunity to debate them.

But no, we can't do that. We can't do it today. We are prepared to get into the debate. We are prepared to get into amendments. We are prepared to have votes in the Senate. But, no, we are told by our colleagues from the other side of the aisle that we can't because there are language changes in here that are not satisfactory. If it is not language, it is substance. I might say that we are glad to work out language. And if it is not language, if it is substance, let's get to it in terms of a vote. We are being denied not only to consider the basic underlying bill, the Schumer-McCain proposal, but we are unable to consider other amendments that can also have a positive impact in reducing the cost of prescription drugs. We are denied that opportunity.

There are several of those. I see my friend from Michigan in the Chamber now. She knows a number of those and she will be an effective advocate for many of those. We can have an important debate, and we can have action that can have a meaningful impact in terms of seeing a leveling down of the escalation of the cost of prescription drugs in the future. But, no, we can't consider that.

There are certainly those who would say, if we are going to take that very important step, that will be important in and of itself, but what about the coverage? We are being denied consideration of various proposals including those by Senator ENSIGN, Senator HAGEL, and the tripartite group. However, we are unable to even consider and debate those. We are being closed out.

We will have to take the time of the Senate this week to just go ahead with what this body has done so well over a long period of time on prescription drugs, and that is to talk and talk about it but not take action.

We are prepared to take action. Majority Leader DASCHLE said weeks ago that we would take up legislation dealing with prescription drugs. He has met that commitment. That is a strong position of those of us on this side of the aisle. We were able to get that legislation out. We don't just say that it is only the Democrats who are interested, as I have said repeatedly; we have strong Republican support for the underlying legislation. If it had been so egregious at the time, I would have expected they wouldn't have supported it.

So we have important legislation. It is bipartisan in nature. We agreed, Republicans and Democrats, we want to take action, but we know where many of the drug companies, not all, but many of the drug companies are. They are saying: No, we do not want action on this bill. No, we do not want action on coverage. No, we don't want to have consideration of this legislation. No, we don't want any action whatsoever to protect the seniors and sick people of this country in terms of prescription drugs.

There are many of us who reject that attitude and that position.

We are strongly committed to having action here in the Senate on this proposal. We believe that the quicker we get to this legislation, the better off we are going to be.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, there have been a lot of representations by the Senator from Massachusetts as to why we are in this position. He need only turn to himself to answer that question.

When we marked up this bill in committee, there was an unequivocal, unquestioned agreement, in my opinion, that we would reach accommodation on two parts of this bill. There was significant discussion about the 45-day rule and about the fact that what the language in the bill represented, what the sponsor of the bill represented the language to do, was the opposite of what the language did. It was agreed to by the Senators there—both Republican and Democrat—that that language would be corrected. There was an agreement between the Senator from North Carolina and the Senator from Tennessee that the language dealing with the bioequivalency issue, which is critical in this bill, would be corrected before it got to the floor.

The essence of this bill was presented to the committee on Thursday and marked up. Now it is on the floor. That is rather prompt action, to say the least. But the understanding was that, before it got to the floor, these two items would be corrected so that the bill would be in the proper form when it reached the floor.

The reason there is delay occurring is that there continues to be a stonewalling of the agreement that was reached in the committee as to correcting those problems. It is pretty hard to reach an agreement in the committee and suddenly find it means nothing when you get to the floor. It makes it very hard to do business around here when that happens. But that is the reason for the delay of this bill being available for amendment.

The debate is going forward rather intensely. The Senator has numerous charts, and I am sure other Senators will be down here with numerous charts to discuss this bill. But I thought it was important we make the point that when an agreement is reached in committee during a markup that the bill will be corrected before it gets to the floor, on two specific and important points, that agreement should be upheld.

Now, obviously, at some point we are going to go to this bill and we will start amending it. It doesn't look as if the agreements that were reached in committee are ever going to be fulfilled, which is regrettable and inappropriate, in my opinion. It makes future markups very tenuous, because how can you mark up something and have an understanding, and then suddenly find that the understanding was meaningless once you agreed to move forward with the bill? It changes the whole tempo of how you do things around here.

So it has nothing to do with greedy drug companies. I am sure there are a lot of greedy companies out there. We have seen that everywhere. It has to do with the appropriate process in the Senate and the movement from the committee to the floor, as to why we are delaying this specific bill's ability to be amended. We are not delaying the ability to discuss the bill. There is a great deal to discuss, and I will take a few minutes to do that.

I am talking about the underlying bill, not the drug bills that are going to be coming as amendments to this bill. The underlying bill, which was Hatch-Waxman and has been amended by Edwards-Collins, has a very legitimate purpose: To get generics to the market quickly but at the same time protect the incentive of brand name companies to do research and have protection in

the research and the products they produce, but at the same time allow generics onto the playing field quickly. It is a very technical bill, with technical language, which will have a big impact on the ability of Americans to buy drugs more cheaply and also to have new drugs come to the marketplace, which drugs will be able to save lives.

You have to remember that. I think something is often forgotten in the demagoguery of ''let's reduce the price of drugs,'' which dominates the political marketplace today, as buses drive to Canada and people claim they can buy this or that at cheaper prices. The basic benefit that we as the American society have is that we have a vibrant research community in the area of producing new drugs. That has taken us from being a society where people were operated on all the time, and put under the risk of a knife, to a society where in health care drugs are able to take care of many of the issues that were not able to be cured before; and if they were not, you were put at risk of being put under a scalpel.

We need to continue to expand that, to have an expanding research base in the area of drug production. But in doing that, we see the costs going up. So how do we address that? The hope is that, as the drugs come on the market and after the people who have developed the drugs have a reasonable period of time to get a return on that so that they recover the costs—and it takes about 12 years and $500 million to bring a new drug to market—that was the last number I saw; maybe it is higher. But once the costs have been recovered at a reasonable rate in a typical market system, then you allow other people to produce the same drug. That is called the generics. They come in and produce it at a much lower cost.

What we don't want to do, as we are making those lower cost drugs available, is wipe out the incentive of people to go out and produce new drugs for the marketplace. So it is a very delicate balance, and it cannot be effectively handled by suddenly going to the Canadian system. The reason the Canadians are able to offer low-cost drug prices is that they take our research and they basically don't pay us back for it. They sell the drugs in Canada without the research factor as part of the cost.

Of course, there are other things we can do in this area—and, hopefully, we will get into those debates—such as marketing drugs and how you control the cost more effectively. Those are other issues. But this question of how we balance bringing generics into the marketplace versus creating continued incentive to research is absolutely a critical question of maintaining a healthy society and getting more drugs to the market, which will benefit more people within our society.

Hatch-Waxman has been an extraordinary success. When it was drafted by Senator HATCH and Congressman Henry Waxman, I don't think they would have anticipated they would produce something so successful. It has accomplished its goal very effectively. But, unfortunately, as so often happens, as time has gone on, we have seen some holes in it. It has mutated a bit, and smart lawyers have figured out ways around it. As a result, unfortunately, both the brand companies and the generic companies have found ways, in some instances—not all but some—to game the system. Brand companies are keeping generics out of the market longer by using the mechanisms available under Hatch-Waxman, and keeping other generic companies off the playing field by also using the mechanisms under Hatch-Waxman.

So there has been an attempt to reform it. It began with a bill called McCain-Schumer, which mutated into Collins-Edwards, which actually took as its base a significant amount of language that I developed for an amendment within the committee. So the underlying bill is basically moving in the right direction and is a good bill.

It has four major problems, however, two of which I thought had been fixed before we got out of committee—at least I think it was pretty clear that everybody at the markup believed there was an agreement that they would be fixed before it got to the floor. Two of the others still require amendment activity—or they are all going to require amendment activity now, but they should not. Only two of them should have to require amendment activity.

Where are these problems? They are technical in nature, but they have a huge impact on the process. The FDA has looked at the bill, and it has found these problems to exist. They are not my creation. They are not some brand name drug company's creation. They are not even the generics companies' creation. They are a problem which is highlighted by the way the language is drafted.

I want to read now the FDA's concerns because they basically make the case for these problems. The FDA, I believe, is the fair arbiter of this issue. In a memo dated July 10 from Frederick Ansell of the FDA to Diane Prince and Patrick McGarey, he points out a variety of issues. I will highlight the ones I think are the most significant.

The introductory paragraph:

> This memorandum follows up on my July 9 memorandum on technical issues with S. 812's substitute amendment. This memorandum addresses substantive concerns—

Substantive concerns—

about the legislation.

The first point they make deals with something called civil actions. This is a change in patent law which is rather dramatic. It deals with the 30-month stay issue and how that works.

> Civil action to correct or delete patent information. The civil action can be brought against patent holder to ''correct'' patent information required to be provided under the bill. Since there is no requirement that the plaintiff have filed a par. IV certification, does this mean there is an alternative available to an ANDA holder to file suit in lieu of certifying under par. IV? That language also means that a suit can be brought not only to delete a patent that should not have been listed, but over whether the listing was ''correct.'' If the incorrect or missing information means that the NDA or patent holder ''fail[ed] to file information on or before the date,'' (even if it is later ''corrected,'' since the correct information was not filed as of the due date), then a potentially technical failure to provide information will make the holder ''barred from bringing a civil action for infringement of the patent against a person'' who filed an ANDA.

Skipping a few sentences:

> This is a change in the patent law that would provide pharmaceutical patents less protection than any other category of patent and would presumably harm innovation in drug research area.

I reemphasize this point: This language ''would presumably harm innovation in drug research.'' That is the FDA evaluating the effects of the 30-month rule as it is structured in this bill.

Going on to another section, the 45-day rule. This was something on which we thought we reached an agreement in the committee. It is a complicated issue, but the 45-day rule means that under the bill as it is drafted, if the holder of the patent, the brand company, the primary developer of the patent does not bring a suit in 45 days, they essentially lose their ability to bring suits against anybody, not just the generic company that filed a plan against their patent—against anybody.

This is a radical departure and would essentially mean that for most brand companies, they would just have to file suits interminably or else be put at risk of losing any rights to their patent.

To quote the FDA, which is summarizing their view of this language:

> The same considerations raised about barring patent lawsuits altogether raised about an earlier provision of the bill apply to this language concerning patents that would not, following the notice and suit, permit a 30-day stay.

Skipping down again:

> That may make preparing an infringement case sufficient to obtain a preliminary injunction difficult, making illusory the ability to protect the patent or forever be barred.

Making illusory—emphasizing ''the ability to protect the patent or forever be barred.''

Essentially this language, which we had thought we had agreement to correct, in the FDA's view would make ''illusory the ability to protect the patent or forever be barred''—obviously not constructive to creating new research in the area of drugs.

The third area is the 180-day issue, which is a major issue. If a generic company files a challenge under the present law and comes on the playing field, so to say, then they get 180 days exclusively to put their product in the marketplace. This is an attempt to encourage generics to come into play.

The Edwards-Collins bill has an incredibly complex new system to try to

address this issue. The language I proposed would have essentially eliminated the 180 days if there had been collusion between the brand name company and the generic company.

One way the system is gamed is a brand name company and a generic company get together. A generic company comes in, files, and, as a result, with the consent of the brand name company, essentially locks down the product for another 180 days, and then they continue to roll that out.

In an attempt to address that, I proposed language which would basically be use-it-or-lose-it language. In other words, if they came in and did not produce their product, they would not get their 180-day exclusivity.

The Edwards-Collins bill sets up a very convoluted system where you can have a rolling 180 days and can actually end up with this going on forever. The FDA memo describes this, and then it says in conclusion:

> And if in that circumstance, the second applicant cannot go to market within 60 days, then the third applicant obtains 180 day exclusivity.

Talking about how this becomes a rolling event.

Then it says:

> This does not seem to make a great deal of sense, given that the supposed purpose of exclusivity is to encourage a challenge to a patent by a generic. It is also possible that exclusivity could roll and roll on forever. It also means that it will not be clear which applicant if any should receive exclusivity. Finally, whereas under current law, only one applicant (the first) or none can receive exclusivity, the ability of one of multiple applicants to receive exclusivity means that there will be more instances of exclusivity, delaying the date that the public will be enabled to obtain generic versions of a drug generally, and at a cheaper price, than during the duopoly of the innovator and the generic with exclusivity.

In other words, the language actually works against bringing generics to the market according to the FDA view.

We have these four major issues, the fourth one being the fact that a new cause of action is created under this bill which is a private cause of action and which, in our opinion, is a very bad idea and very poor policy, and I will enter into the RECORD a number of letters, including one from Susan Estrich, reflecting the view that this is bad policy, to create this new cause of action.

The reason I raise these points is to make clear that this bill, which was first introduced on Thursday, which came out of committee on Thursday and which is now on the floor, has some substantive problems with it. Some of these substantive problems could have been corrected if the markup procedure had been followed. They were not. But I do believe it is appropriate we have a few days to air the issues so people can get a little window of knowledge on this bill before we suddenly jump into it. That is what we are asking for as a result of this delay in the ability to amend the bill.

The Senator from Massachusetts made the statement, or at least he was reported to have made the statement, that the first he heard of these concerns was 5 minutes ago—or to quote, ''the first I heard there was an objection was 5 minutes before.''

I presume before the objection, quoting Senator KENNEDY. That was in an AP story by Janelle Carter.

The fact is, that is not accurate. We had made it very clear that we expected the agreement in the markup to be followed, and one would presume if the agreement was not followed there would be an objection. How else would one proceed?

So the 5 minutes either implies that he was not at the markup, or that if he was at the markup he did not hear the agreement. The fact is, there was an agreement. So it is not reasonable to say that we were delaying this bill when, in fact, all we are trying to do is accomplish what was represented to us was going to be done originally, when the bill was ran through committee.

To lay the blame for this delay at the hands of greedy corporations is to throw red herrings and smokescreens over a process which, in my opinion, is being abused from the standpoint of the markup process. It has nothing to do with winners and losers under a delay. As a practical matter, this delay is probably going to have virtually no impact on this bill, or on the drug bill, because the debate is going to go forward today and we are going to discuss all the different issues, as I have outlined the problems—the FDA memorandum and the other issues which are of concern. Then when we get to the amendment process, people will be up to speed. Hopefully, a little more light will have been shined on this bill, which needs light on it, and then hopefully we can pass it. Of course, this bill is going to be totally overwhelmed by the actual bills that are going to deal with the overall drug bill.

While we are on that topic, let me make a couple of points. The Senator from Massachusetts held up a chart which showed a line that went straight down about drug coverage and other coverage that insured individuals are getting. He also held up another chart with a line that went straight up about people being added to the marketplace who were uninsured. I suspect he will probably refer to the fact there are so many uninsured.

It is a little like that story of the fellow who kills his parents and then goes to the court and throws himself on the mercy of the court because he is an orphan. The fact is, the reason the amount of coverage is going down and the reason the number of uninsured is going up is because this Congress continues to pass mandates on to the price of the premium, all sorts of different things which feel good, sound good, are good ideas but each new mandate significantly increases the cost of insurance for everyone. As a result of increasing that cost, either the other items of insurance have to be reduced in order to keep the price stable—which sometimes is what happens in reducing the availability of drug coverage or dental coverage or something else that one might have had before the new mandate hit—or you have to increase the price of the insurance, thus people and businesses cannot afford it, especially small businesses, so more people become uninsured.

We are complaining coverage is less and that more people are uninsured while we are basically creating the problem by adding more and more mandates into the marketplace, which inevitably forces up the price of insurance and inevitably forces people out of coverage. In the end, it may be the goal of some in this body and in the other body to accomplish that so there will be more pressure to generate a national health care plan along the lines of what was presented by Senator CLINTON back when she was First Lady, a plan which would basically have the Federal Government take over all health care so everybody would have some form of coverage, much like the Canadian or the British system. If more uninsured are created, there will be more pressure created, obviously. That may be the goal of some. The goal of others may be: I am especially concerned about this ailment or that ailment and I really want it to be covered by insurance; I have an anecdotal experience in my life that says this part of health care definitely needs to be covered because I know somebody who did not have coverage and who had this problem. So we add that as a mandate.

Whatever the reasons are, the facts cannot be denied: Every time we add these new mandates, we increase the cost of insurance or we reduce the other coverages under insurance, and the result is we are adding more uninsured to the marketplace, or alternatively we are reducing the availability of various types of coverage in other areas that are not mandated. And that is why that chart occurs. That is why we are seeing drops in coverage; it is us.

It is like the famous Pogo cartoon: We know the enemy, and he is us.

On that issue, the Senator from Massachusetts attacked aggressively the House-passed plan. The House plan does not happen to be the Senate plan—and that would be the Senate Democrat plan or the Senate Republican plan or the tripartite plan or bipartite plan, or however many different plans we have floating around. There are some very legitimate plans that have been proposed in the Senate, though, and if we are talking about procedure and how we get these plans discussed and properly voted on, one must ask the question: Why is the Finance Committee being bypassed? Why is this new drug plan being written in an office across the hall instead of in an open committee room where it should be written?

The answer is very simple. Because if the Democratic leadership went to the Finance Committee, it is very likely

that a bipartisan bill would be reported out and it would be the tripartisan plan which has been offered by Senator BREAUX, Senator JEFFORDS, and Senator SNOWE. That plan, I suspect, has a majority vote—I do not know because I do not serve on the committee, but I certainly heard this from a lot of members of the committee—that plan has a very reasonable chance of having a majority on that committee. That is why the committee is being bypassed, because the Democratic leadership does not like that plan for some reason. I guess it does not cost enough.

That plan costs about $400 billion. That is still over the $300 billion we had in the budget, but it is nowhere near the pricetag of what I suspect will be the plan we will see proposed by the Democratic leadership, which may be scored as high as $700 billion, which is a huge amount of money, which leads me to the next question: When Senator KENNEDY talks about how little coverage the House plan had—or maybe others in this body do not feel the Snowe-Jeffords-Breaux bill has enough coverage and they want to expand that coverage dramatically by reducing copays or reducing deductibles or essentially reducing the catastrophic threshold, and so they get up to a number of $700 billion in their scoring of what their bill ends up costing, which is a huge amount of money. The $300 billion is a lot of money, I think; $700 billion is two and a half times that, almost. So that is really a lot of money.

Somebody has to ask the question: Where does it come from? We do not have a surplus. Where is the $700 billion going to come from, this extra $400 billion on top of the $300 billion that we have? It comes from the younger generation. It comes from those Americans who are working today, going to be working tomorrow, and going to be working 10 years from now, and who are going to have to support the baby boom generation when it hits retirement—my generation, the generation of Bill Clinton, the generation of George W. Bush, the generation of the Senator in the chair, the Presiding Officer.

Our generation is huge, absolutely huge. We know that. In every segment of American society that we have impacted, from when we started a dramatic run on baby carriages and cribs back in the early 1950s, to when we pushed the limits of our educational systems in the 1960s and 1970s, to our music in the 1980s—we have changed fundamentally the way this society has worked, simply by our size.

When we hit retirement we are going to have a huge impact on this society and the impact, the most significant impact we are going to have is that we as a massive generation that will be in retirement will have to be supported by the smaller generations that are younger than us who are working for a living—our children and our grandchildren. We are going to end up passing on to them huge costs to maintain the standard we have set and which we think is reasonable as a society for senior citizens to have, both in the area of health care and in the area of retirement benefits—Social Security. We know the Social Security system is headed toward a crisis because of this generation, because of our generation, and the demands we are going to put on the system.

When we add a new drug benefit, of which we are basically going to be the biggest beneficiaries—obviously people who are in the system today will benefit significantly, too, but the big cost of the benefit is going to kick in when we start to retire, beginning in the year 2008, which is not that far away—that cost is going to be passed on to our kids in the form of taxes. Their taxes are going to have to go up. They are going to have to work harder or they are going to take home less in order to support their young families so we can get that drug benefit.

When we start throwing out these new benefit ideas on the floor of the Senate, and we start to malign other programs—whether it is the House program or whether it is the tripartisan program put forward by Senator GRASSLEY and Senator BREAUX and Senator COLLINS and Senator JEFFORDS, or whether it is the proposal put forward by Senator ENSIGN and Senator HAGEL—when we start to malign these programs because they do not cost enough, they do not give enough benefit, somebody should be asking the question: Who is going to pay the bill for the increase to bump these programs up above what they are proposed at?

They are all extremely generous, $300 billion being the floor for these programs. Who is going to pay the cost? It is going to be younger Americans; our children and our grandchildren who are going to pay that cost. We need to be careful about what we do to them because if we continue on this path as our generation retires, we are going to significantly impact their quality of life. We are going to reduce it because we will have put so many burdens on them to support us.

Let's put some balance into this debate. Let's not just talk about how many new benefits we can put on the books. Let's talk about how many new benefits we can afford to put on the books, how many new benefits can our children afford to pay so we can help in the area of drug coverage.

Yes, we need a drug package. We need a Hatch-Waxman reform package absolutely—in fact, I drafted a large part of the package we are debating today, the Collins-Edwards package. That was borrowed from language which I was successful in putting in.

I appreciate the fact the Senator from North Carolina and the Senator from Maine chose to use language which I had developed because I believe very strongly that we need a strong generics industry and we need to have the capacity of generics to compete aggressively in the marketplace, coming quickly—or as quickly as reasonable—after you have a reasonable return to the brand companies, to accomplish the goal of reducing prices of drugs.

The basic bill is a good bill with some significant reservations, the most significant being the ones I have outlined.

Of course a new drug benefit for senior citizens is critical. We have gone from a society where, as I mentioned earlier, we treat people by putting them under the knife to where we treat people by giving them these miracle drugs. They are expensive. If you are a senior and you are trying to make ends meet and you get hit with a drug bill, it can be very difficult, in some instances. So we need a benefit. Low-income seniors especially should be completely covered—and all these programs do that and do it effectively. Middle-income seniors should have some sort of relief. Certainly anybody who has a catastrophic event which involves the cost of drugs over a threshold of any significance should have coverage. We can design a plan to do that.

But in doing that, let's be sensitive to the fact that it is costing somebody something. This is not money that grows on trees. This is money that comes from somebody's hard day's work. And that hard day's work is going to be done by our children and our grandchildren. They would like to have that money to maybe help them educate their children or their grandchildren or buy a new car or live a better life. So we have to be judicious in our approach, not simply be political.

Let me, for the record, put in the record, parts of the record of the markup so that it is clear at the markup there was an understanding, I believe, reached that this language would be corrected.

The first issue went to the ''use it or lose it'' language. I quote Senator CLINTON.

> My staff at least believed that it was intended to be as I have described it, that generic ''X''——

And then Senator EDWARDS intervened and said:

> Why don't we just clarify it—Mr. Chairman, if we can just clarify this language. I think Senator GREGG is right about intent, and I actually read the language the same way he does—

Then I speak and I say:

> Well, that is a major step in the right direction.

That went to that issue. Then on another issue—this may be the same issue actually—Senator CLINTON said:

> —so I think we need to go back to the drawing board to clarify this.

Senator EDWARDS said:

> Yes, we can fix this.

Further to this issue why we—I, not we—have delayed going to this bill until tomorrow when cloture ripens, and the point about the representation being made by the Senator from Massachusetts that it was because of the

greed of some corporations out there, that they want to delay, my representation is that there was an understanding in the markup—in the markup that was very clear, in my opinion—that two items in the bill would be corrected, two major items, one dealing with the 45-day rule, and the other dealing with bioequivalency, and that had to do with Senator FRIST, that those would be corrected before we took the bill to the floor.

Because of the rapidness of the bill coming to the floor without a report, within less than a week of its being actually filed in the committee, it seems to me that it was reasonable to shine some light on these two issues before we move to the bill—to actually amending the bill.

So I want to return to the language here of the markup to make it clear why I believe my presentation is correct on this point. The first item I quoted was Senator EDWARDS saying:

Why don't we just clarify it—Mr. Chairman, if we can just clarify this language. I think Senator GREGG is right about the intent. . . .

This deals with the 45-day issue, and the question of whether or not it cuts off all lawsuits, all rights of remedy if you do not bring a suit; it cuts off all rights of remedy under the patents so that a person—the company basically loses its patent if it doesn't bring a lawsuit against filing generically in that 45 days. You lose your patent against everybody. Nobody wanted that, but that is what the bill ended up doing in its present language.

Then the second part of that discussion went to—Senator CLINTON:

—so I think we need to go back to the drawing beard and clarify this.

Senator EDWARDS says:

Yes, we can fix this.

Then I said:

Good.

The Chairman said:

All right. Now we are going to instruct the staff to make that clarification, along with the rest of the bill.

That is my point.

There was, at the same time, some discussion of language which Senator COLLINS was straightening out. I believe that was actually straightened out.

Then I went on to say:

I think that significant progress has been made here in these discussions, obviously on the 45-day issue and on Senator COLLINS' proposal.

I believe there is middle ground that can be reached on the new cause of action, and much of this bill is excellent. In fact, it came out of ideas that I strongly endorse and was supportive of and hoped we could reach agreement on.

With the cause of action language in its present structure, I cannot vote for the bill, but certainly I hope that by the time we get to the floor and as we move through the floor that we can adjust it enough so that I can feel comfortable with voting for the bill.

I was talking about cause of action.

That is really a point on which I still hope we can reach agreement. If we can, the bill becomes, in my opinion, a very workable piece of legislation that should be passed.

Then wrapping up, I said:

I would also note for the record that we do wish to have our procedural days which are available to us to review this, and I would hope during this time we could work out the few—obviously, get the language straightened out—but work out the few substantive kinks and get this to a point where it could have unanimous support.

The Chairman. We will certainly work with you and your staff in working out the language on this.

That is more vague and not as much to the point as the 45-day exchange. But the point I was making there was that the traditional way we bring a bill to the floor is we do a report. The minority then has 3 days to file. Then there are 3 more days. You usually have 6 days after a report is filed under a bill before the bill comes to the floor. That has been totally shortened.

By not filing the report, the majority was able to put themselves in the position where they can call up a bill after 1 day. That is their right. That is the rule. But it is not the traditional way things have happened when you report a bill out of committee. You usually have the report and then have 3 days to respond to it. I was under the assumption, wrongly obviously, that we would have 3 days to work this out, put some light on the bill, and address the issues which were highlighted by me here.

There was another exchange—unfortunately, I don't have a copy—between Senator FRIST and Senator EDWARDS in which Senator FRIST raised the point about the bioequivalency issue that goes to whether or not the generic drug comes to the market and is actually equivalent to the drug that it claims to be copying. If it is not, you have significant health questions. I don't want a drug out there that comes to market claiming to be equivalent but is not equivalent, because then you have different absorption rates. As a result, you could have serious medical problems.

This was the point that Dr. FRIST made very well. Obviously, he is a doctor. Senator EDWARDS said to Dr. FRIST rather specifically: All right. We will work that out. I understand your concern. I am paraphrasing. We can work that out. Unfortunately, that was also not worked out.

Those are the reasons. Those are the issues that lie here on the question of why we are holding this bill over for 48 hours before we proceed to the amendment process, which will begin occurring tomorrow after cloture is voted, or cloture is vitiated. Either way, I do think it is appropriate that we have this time to discuss the bill because it is a complex bill and it needs to be aired.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from North Dakota.

Mr. DORGAN. Madam President, I must say that is one of the more tortured explanations I have heard about why a bill has been delayed coming to the floor of the Senate. Of course, everyone has that right.

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

Mr. DORGAN. I haven't finished the first sentence. Of course, I will yield to my friend.

Mr. GREGG. Does the Senator consider it tortured that a Senator feels a representation made in markup is not being pursued?

Mr. DORGAN. No. Let me just say that I heard the explanation the Senator gave, and I heard the explanation also by Senator KENNEDY on the floor that, in fact, we have people who do not want to bring this bill to the floor of the Senate. They never wanted it on the floor of the Senate.

They described a ''good'' bill in the House which was passed by the House. It is referred to as a credible bill. A senior with $1,000 in annual drug costs would still pay 81 percent out-of-pocket costs under a bill passed by the House. Is that a good bill? I don't think so.

A senior citizen with $2,000 in yearly drug expenditures would still pay 65 percent of the cost out of their pockets. Is that a good bill? I don't think so.

A senior citizen with $3,000 in annual drug costs pays 77 percent of the money out of their pocket. That is not a drug benefit that makes sense.

My only point is to say there is no reason to delay. Let us just proceed with the legislation, understanding that we are going to do a bill that deals with prescription drug benefits and Medicare. Let us proceed with the amendment process. If there are representations that need to be honored, let them be honored.

I think everyone understands that the chairman of the committee who brought this bill to the floor is an excellent legislator, and he works with everyone in this Chamber. I am certain that before the final consideration of this bill, the concerns that were expressed and the representations that were made in that committee, if they have not been fully met at this point, they will be met.

My only point is that was a long, tortured explanation of why to delay this bill. They do not need to delay this bill. The fact is, we all understand what needs to be done. We ought to get about the business of doing it now—not later, not tomorrow, and not the day after tomorrow.

It is true, as the Senator from New Hampshire said, that not too many decades ago most health care was treated under a knife. If you had a big problem, you went and had surgery.

It is also true that now we have miracle, lifesaving drugs that have been created in this country, in large part

by public research at the National Institutes of Health, by research funded all across America, and also by private research by pharmaceutical manufacturing companies, which, incidentally, we provide a tax credit for that research. I support that tax credit. But the fact is, we have produced miracle, lifesaving drugs and those prescription drugs are now available to people who have problems with their health. The difficulty, however, is that you can only see a miracle happen with miracle drugs, or you can only save a life with lifesaving drugs if the person who needs them can afford them.

We have so many people living so much longer these days who reach their retirement years and declining income years who can't afford these lifesaving drugs. That is the reason we ought to put a prescription drug benefit in the Medicare Program.

My colleague who just spoke said: Who is going to pay for this? I found that interesting because we never heard any of those questions when recently we had a bill on the floor of the Senate and we were talking about repeal of the estate tax for the highest income earners in America. One of my colleagues said: Well, at least let us just repeal it for everybody under $100 million. And only people with more than $100 million will have to pay any estate tax at all. But that wasn't good enough. They voted against that. Who is going to pay for the estate tax of people whose estates are higher than $100 million? Did anybody ask that question? No. They only ask the cost when it comes to trying to provide some help for senior citizens—those who live on $400, $500, or $600 a month who are 80 years old, have heart disease and diabetes, and who have to take several different kinds of prescription drugs and can't afford them.

The two issues we are going to deal with are coverage; that is, shall we, will we, can we put a prescription drug benefit in the Medicare Program? The answer to all of those questions is yes. It is long past the time to do that.

We should provide coverage for prescription drugs in the Medicare Program, but it ought not be an illusory kind of coverage. It ought not be the case that we passed the bill and let us just tell everybody we passed a bill. Is it a good bill if you have $3,000 in prescription drug costs and the House of Representatives says, oh, by the way, we have given you a prescription drug benefit and you still get to pay 70 percent of your $3,000 cost out of your pocket, and we will cover the rest? That is like giving someone a $5 coupon and saying go buy a Mercedes. It isn't worth anything. But they say: We gave a discount with the coupon.

We have to provide coverage. We have to provide effective coverage that really does provide help.

I have described, before, meeting many senior citizens, especially senior citizens who are affected by drug prices. One evening, at a meeting in a small town in North Dakota, at the end of a meeting a woman came up to me, perhaps 75 or 80 years old, and she grabbed me by the elbow and said: Mr. Senator, can you help me? I said: I will sure try. What is the problem? She said: Well, I have these health problems that are very serious, and my doctor says I have to take this prescription drug medicine, but I can't afford it. As she spoke, her eyes welled with tears and her chin began to quiver. She began to cry. She said: I can't afford it. I don't have the money to get the medicine the doctor says I need.

This happens all across the country. We need to do something about that. That is why we want to put prescription drug coverage in the Medicare Program.

The second thing we need to do—and very important, in my judgment—is to do something that puts downward pressure on prices, because if we just put a prescription drug coverage provision in the Medicare Program and do nothing about prices, we will have done very little in the long term, because last year's prescription drug costs—that is, spending on prescription drugs—increased nearly 18 percent in this country; the year before that, 16 percent; the year before that, 17 percent. We will hook up a hose to the Federal trough and suck it dry. We can't do that.

We have to provide a prescription drug benefit in the Medicare Program, one that works, one that is sensible, thoughtful, and provides real benefits to senior citizens. But if that is all we do, we have failed miserably, in my judgment. We must also put downward pressure on prescription drug prices—for the benefit not only of the Medicare Program that will be saddled with these costs, but also for the benefit of all other Americans who are also required to take these prescription drugs.

Let me say—I have said it before on the floor of the Senate—we have prescription drug manufacturers that are good companies. I am not here to tarnish all companies that manufacture prescription drugs. We have some great companies out there. We have great men and women doing terrific research.

Incidently, I support the tax credit they have that exists for that research, experimentation, and development. I have always supported that tax credit. So good for them. I support those companies. But I do not like their pricing policies. So I am going to offer an amendment.

The underlying bill, incidentally, deals with generic drugs, the ability to substitute a virtually identical drug to be sold at a lower price. That is the underlying amendment. I support that. I and my colleagues—Senator WELLSTONE, Senator STABENOW, Senator SNOWE, and many others—intend to offer an amendment dealing with the reimportation of prescription drugs, as well, that will put downward pressure on prescription drug prices here in this country.

I do not want Americans to buy prescription drugs elsewhere. That is not the point of it. I want to force a repricing of prescription drugs in this country. I do not want to force Americans to go to Canada, for example.

The question is, Why should an American citizen have to go to Canada to get a fair deal and fair price on prescription drugs that were made in America? That is the question.

Let me, if I might, by unanimous consent, show several pill bottles on the floor of the Senate.

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

Mr. DORGAN. Just to make the point: This is a drug called Zocor used to lower cholesterol. In fact, there is a football coach whom you see on television almost every day in this country who talks about his heart problems. He had surgery, and now he takes Zocor for a healthier life.

Zocor, likely, is a wonderful drug. You will see, it is sold in two different bottles. For this bottle, sold in the United States, it is $3.03 per tablet. If you buy it in Canada—the same drug, put in the same bottle, by the same company, FDA inspected—it is not $3.03, it is $1.12 per tablet. That is Zocor—nearly triple the price in the United States.

Let me demonstrate another prescription drug and the pricing policies. This is Vioxx, used for arthritis. It is sold in identical bottles in the U.S. and Canada. It is an FDA-approved prescription drug. If you buy it in the United States, it costs $2.20 per tablet. If you buy it in Canada, it costs 78 cents per tablet. Why nearly three times the price in the United States for the U.S. consumer?

Finally, if I might demonstrate one additional prescription drug, this is the prescription drug Paxil. It is used to treat depression. It is sold in identical bottles, made by the same company. It is the same tablet, produced by the same company. It costs $2.20 for the American consumer, 97 cents for the Canadian.

These examples beg the question about pricing policy: Why does the U.S. consumer pay the highest price in the world? My colleague from New Hampshire said that is because we are paying for all the research and development. That is not the case. It is just not accurate.

In fact, 37 percent of the research and development of prescription drugs is done in Europe; 36 percent is done in the United States. Slightly more is done in Europe than done in the United States, yet every European consumer is paying less money than the United States consumer for prescription drugs.

So that is not an argument that works. They try it, and I assume we will hear it again, so we will trot out these studies again to demonstrate it is not accurate.

We need to do two things, as I indicated. We need to provide a prescription drug benefit to the Medicare Program. We are going to do that, if not

this week, next week. We have the patience to get this done. It needs to be effective. It cannot be what the House did, which is essentially a hollow vehicle that says: Hey, we passed a bill. They passed a bill that provides precious few benefits to senior citizens.

We are going to pass a piece of legislation that has a prescription drug benefit to it. We are also going to pass some legislation—and I hope a reimportation amendment, which is bipartisan and, incidentally, received 74 votes the last time it was addressed here on the floor of the Senate. We have narrowed it and changed it so it now deals with only reimportation from Canada, which has nearly an identical chain of custody supply and then can be accessed only by licensed pharmacists and licensed distributors in the United States.

So there is no safety issue. All there is, is a price issue. We are going to offer a reimportation amendment. We had 74 votes for it previously. I expect it to be added to this bill.

I expect, at the end of the day, we will have done something very important: Added a prescription drug benefit in the Medicare Program and also imposed some cost containment measures. By cost containment, I am saying, let the market system and the global economy apply downward price pressure on prescription drugs.

So there has been a lot said. My colleague from New Hampshire also talked about us running out of money in Social Security. I might observe that those who are trying to create privatized accounts in Social Security, and hook them to the stock market, might take a look at the market in recent days and see whether they might run out of money really quickly with their plan.

I think it would be nice to debate that plan one of these days. They have been pushing for the notion of privatized accounts inside the Social Security system, which falls about $1 trillion short. They create a $1 trillion hole but then connect Social Security to the stock market.

One might enjoy, it seems to me, having a discussion about the merits of that idea one of these days. There is very little enjoyment talking about what is happening in the market. This is a very important, serious issue in the country.

I just wanted to make the point that there are those who talk about the Social Security problem, and I will tell you how you make that problem much worse, and that is, embrace those who want to connect the Social Security revenues to the stock market in some way. And that includes the President and those in Congress who feel they want to do that.

This would be a good time, perhaps, to have a discussion about the dangers of taking the Social Security Program, which has the word ''security'' in it, and connecting it with the stock market.

But getting back, finally, to the question of prescription drugs, let me say to the Senator who chairs the committee, the underlying bill you brought to the floor of the Senate is a good bill. I held a hearing on this in my Consumer Affairs Subcommittee in the Commerce Committee.

This bill makes great sense. I fully support it. I hope, of course, for his support, and others', on the issue of reimportation, which is the amendment we will offer to try to impose some downward pressure on prescription drug prices. And then it is my fervent hope we find a way to do something that the House of Representatives could not or did not do, and that is to pass a prescription drug benefit in the Medicare Program that provides real benefits.

There are so many people in this country, senior citizens and other citizens as well, who just cannot afford lifesaving drugs. There is nothing lifesaving about a prescription drug you need but can't afford. That is what we are trying to address in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, earlier in the debate, there were questions about what was agreed to and what was supposed to be clarified. For those who have any question, I will reference two provisions that were discussed during our markup and also what was included in the bill.

As I have indicated, several times last evening and earlier today, if it is technical language, we are prepared to address the technical language now during the lunch break. We were also prepared to address these last evening. But if it is substantive, we ought to have a change in the form of an amendment. That is the way we proceed around here.

We agreed with Senator FRIST to technical language to clarify one provision. That language is in the bill. It deals with the section:

Shall not be construed to alter the authority of the Secretary of Health and Human Services to regulate biological products under the Food and Drug and Cosmetics . . .

He was concerned about whether it did or didn't and whether the language was sufficiently clear. We have included that particular section in it. Those who want to look at this can see that.

We agreed with Senator GREGG to instruct the staff to make a clarification on another provision stating that a patent can still be enforced against subsequent, future generic applicants. That technical language was added last Thursday. Senator GREGG received it last week but raised no objections. That language is on page 35:

The owner of a patent shall be barred from bringing a civil action for infringement on the patent in connection with the development, manufacture, offer to sell, or sale of a drug for which the application was filed or approved under this subsection.

That is new language. The last three lines, 18 through 20, are new language. That language was available to the minority last Thursday night. We were not notified Friday or Saturday; we were not notified on Monday. We were notified about 10 minutes after the leader indicated he was going to offer the motion to proceed to the bill. I don't think it really carries much weight.

Before we recess for the lunch hour, I want to discuss the abuses of the existing legislation that the proposed legislation will remedy. Also, I would like to discuss why it is important to close these loopholes because of the impact it will have on the costs of drugs to consumers.

In 1984, Congress enacted the Hatch-Waxman Act, which provided a framework for allowing generic drugs to come to market while protecting the patents of new medicines that are breaking new ground each and every day. But as recent hearings before our Health Committee and the Committee on Commerce have revealed, there are abuses of the Hatch-Waxman Act by both name brand and generic drug companies that have delayed the approval and marketing of generic drugs. These findings are confirmed by numerous studies by the Federal Trade Commission and other independent experts.

The basic structure of the Hatch-Waxman Act remains sound. It has been a tremendous success in promoting competition and innovation. But there are clearly weaknesses in the Act which are being exploited to delay competition and shore up the bottom lines of drug companies with empty pipelines.

These abuses force American consumers to pay four times more on average for some prescription drugs.

This must be stopped.

Everyone agrees that drug companies are entitled to fair profits on their research and innovation. But when patents expire, those companies must innovate to succeed and help patients, not block competition to their old drugs.

When we passed Hatch-Waxman, we believed we were going to see a whole series of breakthroughs in new prescription drugs, but that hasn't really taken place. What the drug companies have done is reshuffle the old formulas, put them out, and tried to maintain their privileged position under the patent laws. That is what has happened. We have had these abuses.

We have seen the patent abuses, as this chart indicates, where we show the cost to date to consumers, the additional cost to date, and now the various prescription drugs themselves. This delay has benefitted the patent holder.

Instead of having the patent expire and the generic being able to come on and offer this drug to consumers at a considerably lower price, the generic is not being made available.

Here's what we're talking about. Today, of the top fifteen best-selling

drugs potentially subject to generic competition, the basic patents on at least five of them have long expired. Their exclusive rights to market their drugs have long expired. Yet, there is no generic competition.

Drug spending rose at double digit rates between 1996 and 1999, and experts expect the growth in prescription drug spending to continue to outpace the growth in health care spending. Some of this increase is due to increased use of drugs. But experts agree that spiraling drug prices have accounted for almost two-thirds of growth in drug spending, especially the higher prices of new, aggressively promoted drugs.

Generic drugs are clearly part of the answer. Simply put, a 1 percent increase in generic use can decrease the Nation's yearly bill for drugs by a billion dollars.

These savings are easy to understand. For patients and health plans alike, the costs for a brand drug are four times higher than for a generic equivalent. That difference is even higher for the elderly and uninsured, who must often pay full price for their medicines. On average, a month's supply of a generic drug costs a patient $4 and the health plan $16; the costs for a brand drug are four times higher: $16 for the patient, $64 for the plan. For the uninsured, and seniors who lack prescription drug coverage, the full costs are either $20 for the generic or $80 for the brand drug.

Prozac is a clear example. This antidepressant recently went off-patent after generic companies challenged and defeated a Prozac patent. Today, you can buy 30 generic Prozac tablets for less than $30, less than a third of what brand-name Prozac will cost you.

There are two key loopholes in the law that our legislation will end. The first is the practice of ''ever-greening'' patents, filing patent after patent, many of them entirely frivolous, to try to bar generic competition long after the basic patent on the medicine has expired. The second is the outrageous tactic used by some drug companies of buying off a potential generic competitor to prevent it from marketing its drug and using a quirk in the law to bar any other competitors from the market.

Those are the two loopholes and abuses. This legislation is targeted to the abuses. The abuses result in billions of dollars for drug companies, and that is why many of the major drug companies are so strongly opposed to this legislation.

Schumer-McCain closes the evergreen loophole by permitting only one 30-month stay to apply to each generic drug. For the other patents, the drug companies are free to defend its patents the same way any other company does.

A second tactic used by the drug companies is to collude with a generic drug manufacturer to block other generic versions of the drug from getting to consumers. Under the Hatch-Waxman Act, the first generic drug company which gets to market has that exclusive right for six months before any other generic can compete. In some cases, brand drug companies have bribed the generic drug company never to go to market. The clock on the six months exclusivity never starts to run, and every other generic competitor is locked out forever. But the ones who pay for these unconscionable sweetheart deals are American patients.

Those are the two abuses. Schumer-McCain prevents collusion between brand name companies and generic competitors by opening generic challenges to invalid patents. Closing those two loopholes will make an extraordinary difference.

Finally, Gov. Bill Janklow of South Dakota told our committee that the savings for his State's Medicaid Program would be enormous. He added:

That's a drop in the bucket compared to what the real costs are out there for the General Motors of this world, and Roy's Blacksmith Shop, and everyone in between. It's some individual or retired person that's paying for their own on Social Security, or a working person. The point is, they all pay more.

Madam President, we will all pay more until Schumer-McCain becomes law. That is what we are about with this legislation. That is why it is so important. It is going to have an important impact in calming down the increase in the cost of drugs for the American consumer, and we think the quicker we get on this bill the better.

There are other ideas that can also help us in getting a handle on the escalation of costs. Then, hopefully, we will have an opportunity to consider the issues of coverage as well. I know there has been a previous agreement for the lunch break.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that I be allowed to speak for a few minutes.

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

Mr. REID. Madam President, at 2:15, or thereabouts, either Senator DASCHLE or I will offer a unanimous consent request to move on to the Military Construction Subcommittee appropriations bill. We have been working on this for more than a week. I have spoken to the Republican leader and I have spoken to the Senator who has been stopping this from going forward.

Everybody should be aware, as I have told the Republican leader and the Senator who is objecting to this, we are going to do this this afternoon. I hope that during the Republican conference they will work things out so that we can move to this legislation.

I was in the White House this morning. The President wants us to move forward on the appropriations bills, especially MILCON. This will be our first appropriations bill. I think it is a shame there are issues that normally are not handled in this bill, and it should not hold us from moving forward. Under the agreement we will propose, we will finish the bill in a little over an hour and have an appropriations bill sent to the conference committee and we can wrap it up quickly. In the next week, this bill could go to the President.

I think it is too bad we are being held up from moving forward on this bill. The two leaders of the committee, Senator BYRD and Senator STEVENS, have worked extremely hard to get us to this point. I repeat that, this afternoon, we are going to ask unanimous consent to move forward on this. I hope there is no objection to it.

Madam President, I simply say this. I have been listening to the debate this morning, and if this were a jury, like I used to have when I practiced law, this would be a quick verdict. We have the merits on our side. The American people support what we are trying to do, and I want the RECORD spread with how much I appreciate and applaud the leadership of the Senator from Massachusetts. This is something he has been working on not for days, weeks, or months but years. It is too bad we are being prevented from moving forward.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no more than 1 minute.

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

EXPLANATION OF VOTE

Mr. CRAIG. Mr. President, I was absent yesterday during that most important vote that was cast on S. 2673. Friday morning I spoke to the importance of that legislation and the importance that we move it rapidly. I was extremely pleased that happened. I knew I would be in Idaho yesterday. The Secretary of Energy was with me in Idaho Falls to announce a new mission for our National Laboratory, the INEEL, so I was unable to make that vote.

Had I been here, I would certainly have been with the unanimous majority who supported that very important piece of legislation. It is time we restore within the American people confidence that corporate America is doing all it can to manage its affairs appropriately and honestly for the integrity of the stock in which the citizens of our country invest.

That is important legislation. I hope we can move quickly now to get it to

the President's desk after a conference with the House so that the American people know that it is law, know that there are penalties for the bad actors and the criminal activity that has occurred in certain instances at the corporate level.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT REQUEST—H.R. 5011

Mr. REID. Mr. President, as I indicated this morning, we are tremendously anxious to move to our first appropriations bill. I repeat, the President has been pushing us on these bills. We marked up in the Defense Appropriations Subcommittee today the largest Defense appropriations bill in the history of the country.

We have already reported out of the subcommittee and the full committee the military construction appropriations bill, and we have not been able to get it to the floor. There has been an objection on the other side to moving forward.

Mr. President, some have suggested we just bring it to the floor. We cannot just bring it to the floor because then we get into the cloture process and that takes many days. We are now trying to go forward on the prescription drug bill, and we are in a cloture situation there, having filed cloture on the motion to proceed, and we are going to vote on that tomorrow unless something comes in the meantime.

I am basically going to propound the same unanimous consent request I did before. The majority leader was on the floor. The Republican leader has been on the floor. The Republican leader, to his credit, has said he thinks we should move forward with this. Today, I spent some time with him and indicated what we can do to move this forward. He had just finished a meeting with the President.

We want to move forward with this bill. We are doing everything we can to move forward. We were told the last time the reason we are not moving forward—and I spoke with the junior Senator from Arizona, and I know how strongly he believes we have to do something about the firefighting problems. I am from the West. We have two big fires burning in Nevada right now. I am concerned about them, but the firefighting problems of our country have never been funded in the military construction appropriations bill.

We are going to have the ability in the supplemental where it should be done. It is an emergency. We have been blocked from doing that by the administration, but it will be done, as it has always been done during my tenure, if not in a supplemental, in the Interior appropriations bill, chaired by Senator BYRD, the President pro tempore of the Senate. I hope they will allow to us move forward on this.

There are military projects that will have to wait until we pass this bill. So here I go: I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate may proceed to the consideration of Calendar No. 486, H.R. 5011, the military construction appropriations bill, and that it be considered under the following limitations:

That immediately after the bill is reported, all after the enacting clause be stricken and the text of Calendar No. 479, S. 2709, the Senate committee-reported bill be inserted in lieu thereof; that debate time on the bill and substitute amendment be limited to a total of 45 minutes, with an additional 20 minutes under the control of Senator MCCAIN; that the only other amendment in order be an amendment offered by Senators FEINSTEIN and HUTCHISON of Texas, which is at the desk; with debate limited to 10 minutes on the Feinstein-Hutchison amendment; that upon the use or yielding back of time on the amendment, without further intervening action or debate, the Senate proceed to vote on adoption of the amendment; that all debate time not already identified in this agreement be equally divided and controlled between the chair and ranking member of the subcommittee or their designee; that upon disposition of the Feinstein-Hutchison amendment, and the use or yielding back of all time, the substitute amendment, as amended, be agreed to; the bill, as amended, be read three times; that section 303 of the Congressional Budget Act be waived; and the Senate then proceed to a vote on passage of the bill; that upon passage of the bill, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. Reluctantly, I must object at this time on behalf of a group of other Senators and myself, not to the terms of the unanimous consent agreement as has been outlined by the Senator from Nevada, but rather to bringing up the bill until there has been an agreement reached on how to deal with the supplemental funding for dealing with these wildfires.

I think the Senator from Nevada is absolutely correct that that funding should be on the supplemental appropriations bill. Unfortunately, it has not been put on that bill so far. There are a lot of different reasons alleged to exist for that. It seems everybody is willing to do it but somehow or another they cannot all get together to make it happen, and if it does not happen on that bill, the only other alternative is to try to do it on the military construction bill.

The Interior Department appropriations bill is not likely to be able to come before us in a timely fashion so the money that is needed for replenishing these Forest Service accounts can be replenished before the end of the fiscal year, and that is the reason we have to retain this option.

I hope that within the next several hours an agreement can be reached and these funds will be put on the supplemental appropriations bill, as the Senator from Nevada suggests, and then we can move on with this important legislation. Until then, we do need this as a possible way to move forward with the funding that it seems everybody is for but they just cannot find a way to make happen.

The PRESIDING OFFICER. The objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, I think this is too bad, for lack of a better way to describe things. This bill is not the proper place for this type of funding. With all due respect to my friend from Arizona, this does not create any pressure, holding up the Military Construction Subcommittee bill.

We have to understand that if we are going to take care of the men and women who are defending our country, we need to take care of the bills that fund them.

I have indicated I am concerned about firefighting in Nevada. We have fires burning as I speak, but never in the history of this country, that I am aware, have we funded firefighting through the military construction bill, and we are not going to do it in the future. Holding up this bill creates a false illusion that we are accomplishing something regarding firefighting in this country.

I hope that in the next couple of hours, as my friend from Arizona said, more deliberation can come and that we can move forward on this bill.

I am terribly disappointed we do not have more things declared emergencies. It is hard to believe, but the terrible disaster that occurred in Oklahoma where a barge ran into part of our interstate freeway system, dumped more than a score of cars in the river, killed at last count about 14 people, that is not deemed an emergency to fix that road. Now if that is not an emergency, I do not know what is. I do not know what we are trying to accomplish with the numbers game, but that is an emergency, if anything ever was an emergency.

Those fires that are burning, those are emergencies. They are not in the next fiscal year, they are in this fiscal year. The fires are burning right now. The fires in Arizona are not even out yet. They have them under control, but they will be burning for weeks into the future. They have large crews making sure they do not blow up again. I think books will probably be written about that fire in Arizona, if not articles. They were blowing out fireballs for miles, not a few hundred feet or a thousand feet but, by some accounts, up to 3 miles. They were blowing out big

bombs of fire and starting fires up to 3 miles away.

I do not know what is happening down at 1600 Pennsylvania Avenue, but they have to come to their senses and realize that some things are emergencies. The big fire in Colorado was started by somebody who worked for the Forest Service. The big fire in Arizona, from the information we have now, a firefighter started that fire. It is too bad, but they were started. They are emergencies no matter how they were started. It is like the fire burning some 30 miles from Las Vegas, it was started by lightning, but they are emergencies, and they should be declared emergencies, and they should be placed on the supplemental. It does not count against any of the numbers we have. They are truly emergencies.

We are going to offer this again before the day is out. We want to go forward with that bill. The managers of that bill, the Senator from California and the Senator from Texas, have done a remarkably good job. This is a fine bill. I think it is remarkable they have been able to do the job they have done. They have both tremendous interest in the military, and they have both been speaking about the needs they have in their respective States and the country.

The military construction bill goes beyond what we do in this country. We have military construction we pay for that is outside this country. So I hope my friend from Arizona will do what he can. He has tremendous sway with the White House, and that is where the bottleneck is, and it should stop.

In the meantime, let us move forward. We are only asking for a little over an hour on this bill to complete it.

The only other thing, before my friend from Florida begins, is we are expecting a very important unanimous consent agreement on antiterrorism, and when that comes, if the Senator will allow me to interrupt, we will make sure his remarks do not appear interrupted in the RECORD.

GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT OF 2001—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. What is the parliamentary position of the Senate?

The PRESIDING OFFICER. The Senate is considering a motion to proceed on S. 812.

Mr. GRAHAM. Mr. President, I am going to talk about one of the issues which will be a central part of the next several days' debate on American health care. The specific bill before us upon which we are seeking permission to proceed relates to generic drugs and eliminating some of the legalisms which have grown up around our generic drug law and have made it difficult for competitive products to come to market, even after the brand name drug has run the full course of its patent. That will be a debate for another day, hopefully as early as today.

I am going to talk about an issue that will come up somewhat later in this debate and that is adding a prescription drug benefit to Medicare.

Some would say: Look, this issue has been around for a long time. Why should we continue to spend time debating a matter which has thus far been unable to find enough support in the Congress to become law? Why is this issue important enough for us to spend time on it?

The answer is: Freda Moss. That is why this is an important issue.

In Tampa, FL, Freda Moss, an 80-year-old American, along with her 84-year-old husband Coleman, is watching this, and so are thousands like Freda and Coleman. They are also watching us.

Freda is watching and waiting to see if we can improve her life and the lives of 39 million Americans by adding a prescription drug benefit to the Medicare Program. The story of Freda and Coleman is typical of many older Americans. They live on Social Security with an income of $1,038 a month. They are both eligible for Medicare. They have no prescription drug coverage.

While Coleman has remained healthy and has relatively low prescription drug costs, unfortunately, Freda suffers from diabetes, heart disease, and hypertension. Freda is on a list of prescription drugs that include Plavix, Mavik, Amaryl, and Zocor. In 1 year alone, Freda's prescription drug costs were nearly $7,800—62 percent of that couple's total income. It is for people like Freda that we need to add a prescription drug benefit to Medicare.

As more and more Americans discover the effectiveness of prescription drugs in promoting longer and healthier lives, they have become an indispensable part of our health care system. In 1980, prescription drugs accounted for less than 5 percent of national spending on health care. In 1980, less than 5 percent. Twenty years later, in 2000, prescription drug costs accounted for nearly 10 percent of national spending on health care. It is estimated in the year 2010 prescription drugs will reach 14 percent of total health care costs.

Last year, 20 percent of the increase in the total cost of health care came from increases in the cost of prescription drugs. Even though they were only 10 percent of all costs, they were 20 percent of the increase in cost.

As there has been in the last few years, there will be a lot of debate over the next few days about the many measures that will be introduced to conquer the problems in the prescription drug market. While many of these proposals are important and even useful to seniors, the ultimate goal must be a prescription drug benefit for older Americans. For many years we have come to the Senate floor to talk about how important this is. Others, beyond Freda, have been used as an example of the urgency of action, but every year we have gone home we have spoken to our constituents about how committed we were, how hard we worked to accomplish the objective of passing a prescription drug benefit but that we had failed.

Now is the time to overcome failure with victory. We can pass this year—we must pass this year—a benefit for our older citizens who are looking to us for the protection of their health care.

I appeal to all of you who have heard stories such as that of Freda Moss to join me in providing a prescription drug benefit for Medicare.

Why doesn't Medicare, established in 1965 and which covers 39 million people, provide a prescription drug benefit? Virtually every other health care plan, the kind of plan that the Presiding Officer, myself, and other 98 colleagues have, provides a prescription drug benefit as part of a total health care program. Why doesn't Medicare?

The answer is basically history and inertial. In 1965, when the Medicare Program was founded, prescription drugs were a very small part of health care. Few drugs were used by the very ill. Can you believe this? In the year Medicare was established, in 1965, the average spending for prescription drugs by older Americans was $65. That is not $65 a week or $65 a month. That is $65 a year was the average amount expended by older Americans on prescription drugs when Medicare was established.

What is the number today? According to the Congressional Budget Office, spending over the 37 years, from 1965 to today, has risen to an average of $2,149. That is a 35-times increase in the cost, on an annual basis, of prescription drugs for older Americans.

If the Medicare Program were to be designed today, in 2002, there would be no question that lawmakers would include a prescription drug benefit. Why? Not only because every other health care plan, the plans that most people have gotten accustomed to during their working lives, have long included a prescription drug benefit, but also because prescription drugs today are an integral part of a modern health care program.

Medications are used not only to halt the effects of a disease, but in many cases can even reverse the negative consequences of disease. After 37 years, it is unfair to ask our Nation's older citizens, one of the most vulnerable populations in our society, to continue to go without the Medicare Program offering coverage for the necessity of modern health care, prescription drugs. Everyone in this Chamber receives this benefit as a Federal employee. We should demand nothing less for our older citizens.

How do we solve the problem? I suggest there are a set of principles that we should look to as we shape a response to this problem of the missing

benefit of prescription drugs for older Americans.

The first principle is modernization of the Medicare Program. We will hear, have heard, and until this debate is concluded will continue to hear, about reform in the Medicare system. There are lots of things we ought to do to reform the Medicare system. Many of those things that are referred to as reform are not unimportant but they tend to deal with the mechanics of the Medicare Program. We should ratchet up or down a deductible. We should change an amount of coinsurance that is required—alterations such as that.

In my judgment, the most fundamental reform that we can make to the Medicare Program is precisely what we are recommending today, and that is to add a prescription drug benefit. Why is this the most fundamental reform? Medicare today is, as it was in 1965, a ''sickness'' system. If you get sick enough to have to go to the doctor, or even sicker and have to go to the hospital, Medicare will come forward and pay a significant part of your bill. On average, about 77 percent of the cost of physicians' assistance or hospitalization will be paid by the Medicare Program. What Medicare does not pay for is very much prevention, those things that we know will help keep you well and avoid the necessity of having to go to the doctor or the hospital.

It doesn't pay a dime towards the prescription drugs that you will purchase at your local pharmacy or by mail order, which for almost every one of those prevention methodologies is an absolute fundamental aspect.

For example, suppose you have developed an ulcer. The treatment for that in the past was pretty straightforward. You had an operation and the ulcer was dealt with surgically. Today, ulcer surgery is virtually like the dinosaur, an animal of the past.

We have had the good fortune of having in our office for the last several months Dr. Howard Forman. He is a professor of medicine at Yale Medical School. He says that a simple 6-week course of drug therapy today can avoid the $20,000 cost of hospitalization for ulcer surgery. Even drugs such as Timolol, a generic heart drug, is estimated to save $4,000 to $7,500 per year per patient in select heart attack victims.

Drugs to lower cholesterol and to control hypertension can ward off possible stroke or heart attack—medical conditions that not only reduce the quality of life but are very costly for treatment through the traditional Medicare Program.

Modern medicine has been significantly altered by prescription drugs, notably by improving the quality of people's lives, reducing long recovery periods, and sometimes even negating the need for surgeries altogether, as in the instance of ulcers. This is why our seniors need a universal, affordable, accessible, and comprehensive drug benefit.

The second principle behind the addition of a prescription drug benefit is to provide beneficiaries with a real and meaningful benefit. An important part of assuring that a prescription drug program will be around for our children and grandchildren is to attract a broad variety of beneficiaries.

Mr. President, you know as I do that a fundamental principle of any insurance plan is to get a broad base of people participating, knowing that some of those people will suffer whatever it is they are insuring against—like their house burning down or their car being involved in an accident—and other people will be fortunate enough to avoid those instances. It is having enough people in the pool who can all share the cost that then allows us to rebuild the home that has been destroyed by fire.

Because this program is voluntary, and because it is critical that it attract a broad base of participation, it must have a reasonable price and a benefit package that will make it attractive to those older Americans who are relatively well today and who do not have large prescription drug bills. By attracting both seniors with high needs and those who simply need modest coverage and would like to be assured that should they suffer a heart attack or some other disabling condition they will be able to access the catastrophic coverage, that is the coverage that will give them full protection for prescription drugs beyond a certain point. This program will be solid. This program will be actuarially sound for our and future generations.

Any prescription drug plan must offer seniors coverage that begins from the first prescription bill; that is, no deductible standing in the way of getting benefits. Seniors should understand that if they are receiving a benefit, the benefit should be consistent, and seniors should actually receive it without any gaps in coverage. That is a so-called doughnut profit where you have coverage for a certain proportion of your drug expenditures and then all of a sudden you are 100-percent responsible until you reach the catastrophic level.

In order to make this program easy for seniors, it should operate in a way as similar as possible to the coverage that seniors had during their working life.

A third principle is that seniors should have choice. America as a nation thrives on choice. Choice is an important part of health decisions. Choice is an important part of creating a competitive environment that will assist in controlling costs. Our seniors deserve a choice in who delivers their prescription drugs, which is why we must assure that each region of the country has multiple providers of prescription drug benefits.

This will encourage competition, helping to keep costs down to beneficiaries as well as to the Medicare Program and ultimately to the American taxpayer. The choice of who you select to deliver your drugs should be made by seniors beginning with the position as to which firm you wish to be your representative. The phrase is a pharmacy benefit manager, or a BPM, and then which specific drugstore you want to go to have your prescriptions filled or should you choose to use a mail order form of description. Those ought to be choice decisions made by the individual senior American who we will treat with respect and dignity.

Fourth, we need to use a delivery system on which seniors can rely. American seniors deserve a delivery system for prescription drug benefits that is based on something tried and true, consistent with what seniors feel comfortable with, and modeled on what has already worked. We should not convert our 39 million older Americans into some giant new social health policy on how to deliver a product as critical and as basic as prescription drugs when there are already models on how to deliver prescription drugs with which seniors are familiar and which are working well.

Medical beneficiaries should not be led into being guinea pigs for social experimentation. If we are going to spend billions of taxpayer dollars on a prescription drug program, it should not be handled with untried and untested delivery models. We are responsible to the American taxpayers to invest in what we know will work. We should look at what the private sector does for guidance in developing a delivery system for a drug benefit and evaluate what is already effective for beneficiaries so they can help us better understand what will work for seniors.

The fifth principle is to provide an affordable program for beneficiaries. The majority of seniors in America live on fixed incomes. They need to know the cost of those things in order to be able to budget. This is why seniors need a prescription drug benefit that is affordable with a low premium and low copayments that are easy to calculate. They need to be assured against wild variations from month to month, or year to year. The program must also make financial sense to beneficiaries. Seniors should not have to wait until an emergency arises before the benefit is worthwhile.

We know that when seniors do not have coverage, they do not fill their prescriptions, a practice we hope to eliminate with this legislation. The gap in coverage means no coverage for many elderly who might be caught in this doughnut of noncoverage. It means that not only will they be unable to buy their prescriptions during that period, but it might discourage them from engaging in the preventive practices of asking the very legitimate question: What is the good of my starting on an expensive drug that will help control my hypertension if 4 months from now I am going to be in a position where I will no longer have any coverage and assistance to buy the drug that I can take home, so I will never

start and get the benefits of that preventive treatment?

Cost will be a factor in order to maximize enrollment. We have been advised by a number of organizations that represent the interests of older Americans, such as AARP, that a premium in the range of $25 a month is a premium which will be able to attract broad participation by older Americans. In order for this program to be solid, we need to have that broad participation.

Sixth, this must be a fiscally prudent program. We have a responsibility as lawmakers to pass the budget and to maintain fiscal discipline. We must exercise this judgment when we look at all spending. And the case of prescription drugs should be no different.

That being said, we must look at prescription drug coverage in the context of other benefit programs. As I mentioned earlier, Medicare currently covers 77 percent of the total expenses of those services which are Medicare covered. If you go to the hospital to have an appendectomy or if you go to your local doctor for an outpatient procedure, on average, Medicare will pay 77 percent of the cost.

Prescription drugs are as important to seniors as the services which are currently covered under Medicare. If we were to cover 77 percent of drug expenses, as we do for current Medicare services, we would be spending over $1 trillion in the next 10 years to provide this benefit.

If we look at the drug coverage that those of us in this Chamber receive through the Federal Employees Health Benefits Program, if our seniors were to get the same level of Federal support for their prescription drugs as we, as Senators, get for ours through the same Federal Treasury, it would cost between $750 and $800 billion over 10 years to provide that coverage.

These numbers provide a context. Clearly, we will have to find a balance between giving seniors what they need and what the budget will allow, and what type of benefit will have the most use for Medicare beneficiaries.

I would like to briefly outline some of the details of the plan that will be introduced later this week on behalf of myself, Senator MILLER, Senator KENNEDY, Senator CLELAND, and a number of other colleagues. That plan would begin by asking the seniors, in a dignified way: Do you want to participate at all? It is your choice. This is a voluntary program.

If seniors say, Yes, I do want to participate, here is what they will get. First, they will get a bill for $25 a month. That is the cost of the premium to be a participant in this plan. Once they have made that $25 payment, then they will become eligible to participate. They will be eligible from the first dollar they expend after they join the plan; that is, there is no deductible.

Once they begin to acquire their prescription drugs, they will find a system very similar to what they used during their active years. They will make a copayment for each prescription they receive. We are suggesting that copayment should be $10 for each generic prescription and $40 for each brand name, medically necessary prescription.

Once you had expended $4,000 out of your pocket for prescription drugs, you would reach the level of catastrophic, and beyond that $4,000 from your pocket there would be no further copayments required.

Seniors with incomes below 135 percent of poverty would pay no premiums. Beneficiaries with incomes between 135 and 150 percent of poverty would pay reduced premiums.

Our plan uses the exact delivery model that America's private insurance companies utilize. It is also the same model the Federal Employees Health Benefits Plan utilizes which covers virtually, if not totally, all of our colleagues in this Chamber.

Every Federal employee health benefit plan uses pharmacy benefit managers, or PBMs, as the method of delivering and managing prescription drug benefits. PBMs are private, commercial companies that negotiate directly with pharmaceutical companies to achieve low prices. They are held accountable. Part of their fee to provide this service is based on their demonstrated capacity to contain costs and to provide quality care and service.

We would allow all seniors a choice of which PBM they wish to use by giving the seniors the opportunity to shop around for a plan that best meets their needs. PBMs would be accountable to the Medicare Program and to the taxpayers.

PBMs would be required to demonstrate their ability to keep drug costs down in order to be awarded a contract to seek to represent seniors. Further, once the PBM had the contract, they would not be paid for their services if they did not carry out their commitment to contain drug spending while, at the same time, providing a quality service to older Americans.

Our plan is estimated to cost less than $500 billion through the year 2010. We are suggesting that in that year, 2010, Congress should pause, Congress should review this plan that will now have been in effect for 7 years, and the Congress should decide what we have learned during this period, much as we are doing now as we reauthorize the welfare-to-work law. We are looking at what we have learned since 1996. And we are going to put that learning into the welfare-to-work law for the next period.

In my judgment, in light of the significance of this new program, it will be highly appropriate to examine how well the benefit is working and whether it is providing seniors with the benefits they need. Is it living up to those six principles I just outlined, which should be the cornerstone of an effective prescription drug program? We can learn from these first 7 years and apply those lessons to the future.

As I indicated earlier, this is not the only plan the Congress is considering. In fact, the House of Representatives has already passed a prescription drug plan. That will be awaiting our action in a conference committee, hopefully in the next few days, to begin the process of trying to arrive at an appropriate compromise. I would like to make a few comments about the House Republican plan which has passed and awaits that conference committee.

Providing a legitimate drug benefit that would actually help America's seniors is our goal on the Senate floor. In my judgment, the proposal passed by the House of Representatives almost 3 weeks ago fails to give Medicare beneficiaries what they need and deserve: an affordable, reliable, comprehensive, and accessible prescription drug benefit.

Unfortunately, the proposal that apparently is going to be offered by the Senate Republicans suffers from the same defects as that from the House Republicans. If a comparison is made between the House Republican plan, the Senate Republican plan, and the six principles I have just outlined, only one of the six criteria for a prescription drug benefit is met.

After many years, my colleagues on the other side of the aisle have finally come to recognize the basic need for a prescription drug benefit. The problems include the lack of a defined benefit. Seniors will not know, under either the House or Senate Republican plans, what they will get. Another problem is control is turned over to private insurance companies to determine what the senior will receive. And an additional problem is the money beneficiaries are expected to spend before they actually receive benefits.

The House Republican proposal fails to provide Medicare recipients with a stable, sustainable benefit. It would allow insurance companies to decide what type of coverage would be offered since the House legislation only requires that there be an ''actuarial equivalent'' of the basic benefits plan.

This means we have no idea what type of benefits would be offered to seniors. We do not really know what the premium is.

I have looked through all 426 pages of the House Republican bill, and I was unable to find a real hard number that guaranteed what seniors would pay every month as their premium responsibility. Although I have not looked through the Senate Republican bill, which was just offered yesterday, I suspect it is no different.

The House Republican bill could mean a $250 deductible or it could mean a deductible as high as $1,000. This means there would be a substantial delay between the time the senior signed up for the plan and when they would start getting any benefit. There is nothing reliable about this plan.

The bottom line is that America's seniors would be at risk for wild variations in the type of benefits they

would have from place to place in America and from year to year in the same place.

For the first time in the history of Medicare, seniors, for instance, in Florida would pay a different premium than seniors in Georgia or seniors in Massachusetts. In both Republican plans insurance companies make all the decisions, have all the choices—not the Medicare beneficiary. These companies would be lured with taxpayers' dollars into a market in which they do not wish to participate in order to create a complex delivery system that does not currently exist.

There is an organization that represents a number of large pharmaceutical companies which has been a principal advocate of the House Republican plan. I met some time ago with a number of representatives of that association. After they had given me the explanation of why they were supporting this plan that requires seniors to purchase private insurance with unstable and uncertain benefit structures, I then asked them this question: How do your employees, the people who work for your pharmaceutical company, including you as an executive, how do you get your prescription drug benefits?

Do you know what the answer to the question was? Exactly the way that we are proposing in our legislation. They don't use this system of a private insurance policy for drug only for themselves or their own employees. They want 39 million American seniors to become the first farm of guinea pigs for this experimentation on how to deliver prescription drugs, when we know how to deliver prescription drugs, and in a system that seniors have already experienced during their working lives.

Money that could be used to enhance the benefit to seniors would instead go to marketing and administrative costs of the insurance company.

The Republican proposal allows insurance companies to determine beneficiaries, drugs, how many drugs they will get, what kind of drugs they will get, instead of doctors making the decision on our behalf as to whether we need Lipitor or Zocor for our cholesterol. Those decisions would increasingly be driven by the profits of the insurance companies. Seniors deserve the choices, not insurance companies.

The President must disagree with his party on this because just last week in Minneapolis he said:

> I support a prescription drug benefit for Medicare that allows seniors to choose the drug coverage that is best for them.

I support President Bush in my advocacy of seniors having the responsibility and the right to make the decision as to what is in their individual best interest.

The House Republican plan would put our Nation's seniors into an untried, untested delivery system that has never before been used. Is it fair to older Americans to be used as a social experiment for the insurance industry?

The delivery model presented in the House is, in my judgment, a recipe for potential failure, with a paltry benefit. Only those who need the most prescription drugs are likely to buy into the plan.

There is an example of this scheme. We are not talking totally theoretically about what is likely to occur under the House Republican plan. Several years ago, the legislature of Nevada adopted such a structure to be used for their prescription drug program. Their proposal was used where beneficiaries soon found that they were looking at very high premiums, high deductibles and copayments, which only lured the sickest seniors into the program. As a result, beneficiary claims exceeded premiums and copayments throughout the entire first year of Nevada's experiment.

The experiment had the State paying a premium of $85 a month per member for 7,500 beneficiaries. An independent actuary found that the State-operated program, working directly with PBMs, could have provided the same benefit for $53 a month. The extra money was paid to an insurance company which could have been used to serve 4,500 more seniors in Nevada.

The program has a waiting list of over 1,000 people, no doubt 1,000 of among the sickest people in Nevada who want to get on to this program.

One of the most important factors for seniors when deciding that they will sign up for a prescription drug benefit is cost: How much will it cost monthly? How much will they have to pay before benefits begin? How much value will there be in the benefit? The Republican plan fails to give seniors this value. The plan has a $250 deductible, meaning most seniors will have to wait for the benefit to begin, even as they are paying monthly premiums during this waiting period.

This predicament gets worse in the House plan after beneficiaries have spent the first $2,000. At that point, seniors, including low-income seniors, are forced into a gap in coverage. They suddenly, after the first $2,000, have to pay 100 percent of the cost of their drugs.

For a senior like 71-year-old Jeremiah O'Conner, a Ft. Lauderdale, FL, resident who survived cancer and now pays $1,279 per month for drugs to help with high cholesterol and a prostate problem, the Republican gap would begin in March of each year. He will have to float without coverage until at least May, still paying a monthly premium.

For a low-income senior who is 150 percent below the poverty level, which is now $13,300 for a single person, this would be more than 25 percent of their annual income that would have to be used to pay for their prescription drugs while they are caught in this gap of coverage.

The Republican plan will not help those seniors who are choosing between food and medicine. The doughnut will provide them with no nutrition. All they get is the empty hole.

For example, Ms. Olga Butler of Avon Park, FL, receives a monthly Social Security check of $672, which makes her barely over the income limit for Medicaid coverage. This means that 67-year-old Olga has to pay for her own medications, sometimes having to make that choice among food, rent, and prescription drugs.

Olga is on Lipitor and Clonidine for her hypertension and high cholesterol. She pays $95 a month for Lipitor and $22 per month for her Clonidine. These prescription drugs not only improve the quality of Olga's life, but they are helpful in warding off possible strokes or heart attacks for which she is at a high risk.

In order to qualify for the Republican prescription drug plan, Olga must pass an assets test in order to get low-income assistance—the first time such an asset test has been included in any Medicare Program. I know you know the answer to this question, but some of our colleagues may not know what an assets test is. This test means that Olga must deplete her savings which is less than $4,000. She must sell off her furniture and personal property, which is worth more than $2,000. And she must sell her car, if it is valued at more than $4,500. She must place herself in poverty in order to qualify for the low-income assistance under the inadequate House Republican proposal.

Mr. KENNEDY. Will the Senator yield for a question on that point?

Mr. GRAHAM. I am pleased to yield.

Mr. KENNEDY. So is the Senator suggesting that, on one hand, the Republican proposal is suggesting that it is addressing the needs of really the lowest income seniors? I think it is always useful to review the average income of our seniors, which is about $13,000 a year, and two-thirds of them have less than $25,000. So we are talking now about the lowest income. I guess it is 135 percent of poverty.

So, on the one hand, the Senator is suggesting that those individuals are going to be covered and then he is pointing out that the Republicans have included an assets test, which includes a burial plot that is above $1,500. If they have a little cash in their bank account, which they have saved over their lifetime, evidently, this says they have to spend all of that. You cannot have personal property such as a wedding ring. You would have to give that to the pawnbroker and spend that.

Besides those cruel aspects of the assets test, what does the Senator think this does in terms of demeaning our fellow citizens—to have them go in hat in hand in this country—the greatest country in the world—and have them have to go through and bring out their little sheet and represent the value of their personal goods at home and demonstrate what that bank account is.

We have other ways of making these assessments that can be done while treating people with a sense of dignity.

Does the Senator not agree with me that this is a particularly harsh proposal as well for our fellow citizens, particularly those who are extraordinarily needy and perhaps feeling a certain amount of despondency for the way life has treated them, and then the Republican proposal adds this additional dimension? Does the Senator not agree with me that it dehumanizes our fellow citizens and humiliates them in ways that are completely unacceptable?

Mr. GRAHAM. It is a testimony to exactly those attributes that we have had Medicare for 37 years and never, never has it been proposed that we add an assets test to people's ability to secure the basic necessities of health care that sustain life and the quality of life.

The Senator mentioned a number of items that would be lost, from a wedding ring to a burial plot. I think of particular significance is the fact that you can't own a car that has a value of more than $4,500. If you want to go down to the used car lot, you can see what that means in terms of an available vehicle.

Mr. KENNEDY. On this issue, may I ask the Senator a question?

Mr. GRAHAM. Yes.

Mr. KENNEDY. In part of the country, winters can be extremely cold. The northern tier States are colder still—up in the State of Maine, across the northern tier, in Montana, across Minnesota and Wisconsin. And the last thing we want for our seniors who are going down to the drugstore to get prescription drugs is to have their car break down. Or if they are in the southern part of the country, on those superhighways where traffic is moving with such rapidity and there is such a degree of intensity in terms of the conduct of traffic, you can imagine what happens to a senior whose car breaks down on those roads as well.

We are really flyspecking our fellow citizens. We are trying to set up a system that addresses the needy people in our society. Does the Senator not agree with me that we can do that with a sense of respect and dignity? When we are talking about this point of $4,500 for a car—which is to try to say that maybe if it is $2,000, we will be more understanding.

I must say that this is a humiliating aspect for our fellow senior citizens. I find it so difficult and so unwilling to accept.

I particularly appreciate the Senator's long explanation and detailed elaboration of the Senator's own bill. I pay great tribute to Senator GRAHAM and Senator MILLER in terms of the fashioning of this proposal. I am grateful to be able to join them. I think his careful review of the other proposal should make our colleagues think of whether that kind of a proposal is worth any degree of support.

Mr. GRAHAM. I have just one last comment about the automobile. As it is for most of us, an automobile is more than just a means of transportation; it is a statement of our independence, our ability to be able to do those things that make life meaningful. This is a particularly important thing for older Americans, many of whom live in rural areas. If you say you have a choice, can you imagine the pain that a 75-year-old American living in a rural area in your State, or mine, or Senator CLELAND's, or Senator STABENOW's, would feel if they say: Here are your choices: We can give you access to some payment for a drug which, if you are unable to secure will almost assuredly decline the quality of our life, and maybe cause death, but in order to get that assistance, you have to give up your independence by giving up the vehicle that allows you to have some degree of mobility. What kind of country is America? We are saying this to the generation that we have defined as our greatest generation. These are, in many cases, the people who have not only lived through the Depression of the 1930s, when our country was in tremendous jeopardy, they fought to defend our country, or they worked in the defense industries, as did that wonderful generation of young American women who did hard manufacturing work in order to be sure that those ships, planes, and tanks were built; and now we are going to tell these people when they are 75 years old: give up your mobility and your independence or give up life because you cannot afford to buy the prescription drugs. What kind of an America is that? That is not the kind of America by which I want my children and grandchildren and great-grandchildren to judge my generation.

Beyond those points, the insult even gets worse because, to use my example of Olga, she is not going to be immune from this gap, either. So under the Republican plan, once she hit the wall, the beginning of that big nonnutritious hole in the middle of this coverage, she would have to pay between $3,450 and $5,300 of drug costs, without getting any assistance.

So we have added insult to the tearing away of dignity and independence. The Republican plan would make this gap harder to fill by only including payments directly made to beneficiaries on their behalf. This is a technical issue, but it is an extremely important issue for many of our elderly.

The typical person, when they were 45 years old, their union negotiated a contract with their employer and the employer said: All right, I am going to put on the table an additional 25 cents an hour of immediate income; or I will write into this contract a provision that says when you get old and retire, I will pay a portion of your prescription drug costs.

I happen to be a retiree of the Florida State retirement system, and I am eligible, when I go on Medicare, to get a certain amount every month toward my prescription drug costs. We are going to say that in calculating how much you have to have spent out of your pocket to become eligible for the catastrophic coverage, you can't include the money that your employer is contributing. You have paid for it back 25 years ago when you gave up that quarter an hour of additional compensation to get that benefit, but now it suddenly evaporates in terms of counting toward meeting your catastrophic number that will allow you to avoid future copayments for your drugs.

It is just blatantly unfair, and it has been one of the hidden issues. If I thought of this idea, I would want to hide it, too. It has been effectively hidden.

Mr. KENNEDY. Can I ask the Senator, and I am so glad the Senator is taking the time to explain this issue, and I hope our colleagues are going to pay some attention to it because it is very easy to say: A prescription drug bill here, a prescription drug bill there, is there really any difference? The Senator is pointing out in great detail some of the very powerful differences.

One that is enormously important is how the Graham bill treats employers. Those good employers who are trying to provide a prescription drug benefit for their employees are hard pressed, particularly smaller businesses that pay a disproportionately high percentage in premiums. Nonetheless, they are prepared to do it.

Under the Graham proposal, there are provisions which help those employers maintain at least the coverage for the employees. It seems to me that everyone wins: The employee wins; the employer wins. The objective of the Graham bill is to make sure they have the coverage, as compared to the Republican plan which has disincentives, as I understand, in terms of the employers.

There are clear disincentives for employers to maintain the coverage, which means there is going to be additional costs and a higher risk of coverage. It is a very important part of the Graham proposal. I wonder if the Senator will spell that out because that is so important when we are looking at what is going to happen to companies that are providing prescription drugs and which program is best suited to make sure we have a continuity of coverage.

Mr. GRAHAM. The Senator is absolutely right. Under the current system, about 30 percent of our 39 million Medicare beneficiaries receive some assistance with their prescription drugs through their previous employer. Frankly, that number has been declining as in more recent years employers have been less willing to add to their benefit package a prescription drug payment in retirement. But 30 percent of current seniors do have that, and there is concern that under the House plan, which has no incentive for those employers to continue to provide the service, they are going to say: Look, we do not need to continue to write

these checks to our retirees. There is now a Federal program. So we are going to cancel out and turn all these people over to the Federal Government to pay.

What we are proposing is that the Federal Government should essentially enter into a partnership with those employers. We would pick up two-thirds of the cost of what we would otherwise pay for a beneficiary. The employer would pick up the rest. It saves the employers two-thirds of what they are paying now, but it gives them enough incentive that they will continue to participate rather than have a new way of cost shift to the Federal Government and to the beneficiaries themselves since under the Republican plan it is less generous than most of these current employee plans, and so they will have to pick up—they, the beneficiaries—additional expenses.

Mr. KENNEDY. If the Senator will yield, as I understand, the CBO has estimated there would be 3.5 million people who are covered now with a good program who would lose that good program and be in the substandard Republican plan.

Mr. GRAHAM. Absolutely.

Mr. KENNEDY. That is CBO. There are the assets provisions the Senator just described. There is a provision which is a disincentive for the employers. And there is the doughnut or the wall which the Senator has described. This is enormously important because their bill fails the truth in advertising test.

Mr. GRAHAM. Mr. President, I appreciate the Senator's thoughtful, incisive questions which underscore some of the differences—I think clear deficiencies—in the legislation the House has already passed.

According to the Corporate Health Care Coalition, the benefit of employer-sponsored coverage is minimized under the Republican proposal and, as the Senator from Massachusetts said, threatens to force employers to choose between private plans or the Medicare plan, and the estimate is that a substantial number of employers would elect to dump their current coverage for retirees and let this become a full Federal plan responsibility.

This would be a threat to over 3 million seniors who today are able to rely on a reduced prescription drug benefit and which under our program would be able to, should they elect to do so, have the benefits of both their employer plan and the new Medicare plan as, in insurance industry terms, a wraparound policy.

Everyone in this Chamber understands the need for fiscal discipline, but this should not come at the cost of providing a meaningful drug benefit for Medicare beneficiaries.

The budget passed by the Senate Budget Committee provides up to $500 billion for a prescription drug benefit. Mr. President, our plan is within that range.

We do not have to provide beneficiaries a Cadillac. Rather, we would be more prudent to provide them with a Chevrolet or a Ford a reliable, useful automobile. But we also do not need to provide a benefit that is more like a moped—unreliable and cannot be driven on regular roads.

Mr. President, I say to my colleagues in the Chamber, now is the time. We have come to the Senate floor year after year promising America's seniors a prescription drug benefit, and every year the seniors have come to the beginning of the new fiscal year thinking this will be the year in which we will see the promised land, this will be the year in which these promises are delivered. Sadly, to recount, every year the seniors have found not an open door but a closed and padlocked door.

Today we can take the giant leap that Medicare beneficiaries have been waiting over the years for us to take. Just last week in Minneapolis, President George Bush said:

> We must make sure that whatever system evolves does not undermine the great innovations that take place in America.

Surely an untried, untested system such as the House Republican proposal which has already passed will have exactly that uncertain impact on medical advances. By using a system that is based on what we already know works, we do not threaten that innovation. We can, in fact, contribute and advance innovation.

That is what our proposal does. By passing the exact system that every Member of the Senate and most Americans use to get their prescription drugs, it is within our power to give America's elderly the parity, the security, they deserve in their lives and in their health care.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, I rise to speak on the underlying bill and on the background for Medicare, Medicare modernization, and strengthening Medicare.

First, I am delighted the discussion of health care security for our seniors has reached this stage of debate, active discussion, and active deliberation in this body. The House of Representatives admirably took this issue head on, worked very diligently through a committee process, and produced a bill, after debate, after discussion, and it passed. The House bill received a majority of votes and represents a very deliberate and very solid effort to address the cost of prescription drugs. More importantly, it addresses the issue of health care security—including prescription drugs as a part of the armamentarium physicians or nurses can use in looking seniors in the eyes and saying their health care security can be complete by passage of this bill. I think this is the crux of the issue.

Now is the time for us to act to include prescription drugs—that powerful tool, that powerful element of health care as we know it today—as part of the overall health care security package for our seniors. Including a prescription drug benefit within Medicare is long overdue. Prior to coming to the Senate, I was blessed to spend 20 years providing care to thousands of Medicare patients in the field of chest, heart, lungs, pulmonary status, emphysema, lung cancer, heart disease, and stroke. Thirty years ago, medicines, including prescription drugs, were used in these fields. However, 20 years ago prescription drugs were used a lot more, 10 years ago even more, and today they are an absolutely essential part of health care delivery.

As a surgeon, I do not want to say prescription drugs are more important than surgery, but it is getting to the point that medicines people take every day are equally important in acute and chronic care and in disease management. Now is the time for us to address the financing of health care delivery in this country, both in terms of the organization of health care delivery and insurance coverage.

Everybody knows the Medicare Program is absolutely critical to health care security. I think my colleagues in the Senate will agree that Medicare, health care security for our seniors and for our individuals with disabilities, is critically important and vital. It is imperative that we do not forget that the Medicare debate applies to both seniors and those with disabilities. I believe now is the time to strengthen it. Others might say to modernize it. Yet even others will say to reform it. Whatever word is used, now is the time to take a 1965 program which has been modified over the years in the way that we incrementally do things—and strengthen the program. We need to modernize the program to truly deliver what our seniors and disabled individuals expect us to do—to give them health care security.

So whether one uses the word ''save,'' ''strengthen,'' ''modernize,'' or ''reform,'' now is the time to have a discussion on the floor about the process itself.

As some people listen to the debate about Medicare and prescription drugs, many will question why we need to address the process. The process is important to help move such complex bills along in order to produce a good bill that can be married with the House bill. We can accomplish what most people want to achieve affordable access to prescription drugs for our seniors. This is a complicated issue because the overall cost of prescription drugs will continue to escalate unless we fix it.

Furthermore, health care delivery will continue to change in terms of the overall relative importance of inpatient hospital care, outpatient care, acute care, chronic management, and

disease management. The process is designed to take this complex bill which could potentially be the single largest expansion of an entitlement program and modernize it, including the coverage of prescription drugs.

It is important to enact a bill in a responsible way. The demand for prescription drugs is going to be high because people will be counting on drugs for cures and to improve quality of life. With that sort of potential growth superimposed on a Medicare Program which is not designed for such growth, the impact will literally bring the overall program down.

For some time, the President and I have argued that as we look for prescription drug coverage inclusion, we need to do it in a way that is responsible to the American people—to seniors, to individuals with disabilities, to the taxpayer, to the current generation. This is also important to the next generation coming through the system who, if we do not appropriately fix Medicare, simply will not have the Medicare Program that they expect and deserve for their parents or for them a generation from now. Therefore, Medicare must be strengthened. Medicare must be improved.

I argue we should address prescription drugs through a process that includes the committee structure, where appropriate debate can be carried out. It is not clear if people have followed the debate over the course of today, including which bills are going to be considered, if there are going to be large bills to modernize all of Medicare, if there are going to be very specific bills that look at the prescription drug package to be placed in Medicare, or whether there are going to be catastrophic plans. I am hopeful, if we are going to bypass the committee process and come directly to the floor, that we debate all of those bills so the American people and our colleagues will have the opportunity to see the range of alternatives. If we consider just one bill, especially if it is a very partisan bill and has not been taken through a committee process, the long-term risk to the American people is huge. This will not just affect Medicare beneficiaries but will impact generations who will be Medicare beneficiaries in the future and the people who are paying for Medicare today.

Pharmaceuticals are a critical component of health care delivery. Now is the time to act, so let's do it. Let's not talk about a plan that will take effect 3 years, 4 years, 5 years from now. Let's go ahead and start today and let's do it in a responsible way.

Other Medicare issues my be addressed if health security is our goal. These issues include preventive services and other benefits that are covered by private health care plans today that are not covered in Medicare. When we strengthen, reform and modernize Medicare, we need to do so in a more comprehensive fashion.

We need to look at the Federal Employees Health Benefits Plan, the FEHBP—the health insurance coverage my colleagues and I have. You do not hear us complaining very much about our health care insurance. It is the same plan through which about 10 or 11 million Federal employees get their health care today. We ought to look at that model as we look to include prescription drugs.

There are a number of principles that do need to be stressed as we look forward because we do not know exactly what amendments are going to be coming to the floor today or over the next several days as we consider prescription drug coverage. I would like to stress four principles as we consider prescription drug benefit plans.

First, a prescription drug benefit should be permanent, affordable, and immediate.

By ''permanent,'' I mean that we should not look at bills that will fix the program in another 4 to 5 years, rather, we need a bill to fix the program sooner. We need to act now. We need to have a bill that will help seniors and individuals with disabilities as soon as possible. So, I argue we should not start a bill or legislation and have its effect, say, 3 years from now.

When I say a prescription drug benefit should be permanent, I think it is dishonest for us to tell seniors that this is the fix when it only applies for 4 years to 6 years. It should be incumbent upon us to develop a plan, a proposal. We need to be smart enough to do it in a bipartisan fashion and include time for adequate discussion, so that we pass a bill that can be sustained over time—whether in times of deficit, or surplus. Additionally, a prescription drug benefit needs to take into consideration breakthroughs in medicine that find cures, treat or prevent such diseases as heart disease, Parkinson's disease, emphysema, and other lung diseases. Therefore, such a benefit must be sustainable to the best of our ability over time.

That means when we look at a plan, we don't say it starts at 2005 or 2006 or 2 years from now, and then sunsets 5 years later. I think we need to be honest with seniors and the current generation who is paying for Medicare today by ensuring that this plan is something that can be sustained to the best of our ability, and that it can be sustained over time. So, principle number 1 provides for a permanent, affordable, and immediate prescription drug benefit.

A second principle is that a prescription drug benefit should, in some way restrain what cannot be sustained long-term—the skyrocketing cost of prescription drugs that we see today. Seniors and individuals with disabilities cannot afford the high costs of drugs. Likewise, people in the private sector cannot afford it. Thus, a prescription drug benefit must lower the cost of prescription drugs. I would argue the only known way of doing that long term is through an element of competition, an element where you have informed consumers. It is an obligation of us in government to inform consumers. Consumers are those on the front line—seniors listening, to patients, to doctors, to nurses. Really, it boils down to what is happening at the doctor/patient relationship, to involve an element of educated consumers making smart, and commonsense decisions, long term.

The Congressional Budget Office has found that bills similar to Senator DASCHLE's bill, which will likely be coming to the floor later this week, would not decrease overall drug costs, but would increase drug costs. According to the Congressional Budget Office, bills that rely on public/private sector partnerships and an element of competition will help maintain the costs of drugs. For example, the House of Representatives bill that passed by a majority vote illustrates this point. Additionally, the Breaux-Frist bill, introduced in the 106th and 107th Congress, is based on the Federal Employees Health Benefits Plan model which relies on the private/public partnership. Overall, these bills include an element of competition, capturing the very best of the public and the private sector working together and reducing drug costs for seniors.

The third principle—following the first principle of permanent, affordable, and immediate prescription drug benefit and the second principle of competition to lower the cost of prescription drugs—is that a prescription drug benefit should be fiscally responsible. We need to do it. We need to act in this Congress. We need to act now so it will take effect now, and we need to do it responsibly. This is where dollar figures are important, so we know what these relative alternatives are all about.

Experts estimate proposals offered by Senator DASCHLE and some Senate Democrats would cost at least $600 billion over the next 8 to 10 years. In a time of deficit spending and in a time where the economy is tough, this would ultimately require cuts in other fields like education, national defense and Social Security. Furthermore, it would place a heavy financial burden on the current generation receiving benefits, the generation that is paying for those benefits, and the following generations.

The fourth principle I would like to stress is that a prescription drug benefit should be bipartisan. That means we need to come together. This is a big challenge. This is a big, new entitlement that at the end of the day is likely to be adopted—and I would argue should be adopted—if it is done in a responsible way. I would argue in this climate, especially in this climate where the Senate is about 50–50, where the American people are about 50–50 in terms of partisanship, that the only way for us to succeed is through a bipartisan bill. We need to have people from both sides of the aisle working together in a commonsense, rational

way. Yes, we will concede to tradeoffs on either side to come to common ground. But we need to do it in a bipartisan manner.

The good news is that if we can pull it off with the right leadership, if we can pull it off with people who recognize the importance of pulling people together, we can do it and it can be done now. This will result in seniors benefitting very soon. It can be done in a way that is sustainable. I am absolutely convinced there are enough people who will work together in a bipartisan way on both sides of the aisle—majority of Republicans and majority of Democrats—so we can pass such a bill.

That is a challenge. It is a challenge because we have about 112 days left until the elections commence. The real risk is in trying to pass such a major piece of legislation in a partisan way—partisan could bring it down to where we do not pass a bill. Amidst all the talk at the end of the day, there are not going to be sufficient votes because the bills are not bipartisan.

A lot of the discussion today has been basically the other side of the aisle reaching out and saying we are ready to move forward, we want to take action. But much of the backdrop, is that the Senate Democrats today actually canceled or postponed a markup because of a fear that the tri-partisan bill that normally—normally the bill would come through the Finance Committee to be debated and amendments could be debated and passed or failed. There could be good debate among 20 people in that Finance Committee. The committee of jurisdiction was bypassed today with these bills being brought directly to the floor.

If you agree and if the American people agree that a prescription drug benefit is big, now is the time to act.

The only way in an environment today that tends to be partisan because of these elections is to demand bipartisanship. The only way to pass a prescription drug benefit is to openly consider the bipartisan and the tripartisan bills. And we do that, I again argue, first in the Finance Committee; however that does not look like that is going to happen.

I want to make absolutely sure that the Republicans are not overstating the importance of taking a bill this big through the Finance Committee before coming to the floor of the Senate. The tripartisan bill—the bill that has the majority of votes in the Finance Committee—has not been debated and has not been voted on or marked up in the Finance Committee. Additionally, the bill that Senator DASCHLE likely will bring to the floor sometime in the next several days is a strictly partisan bill which has not been considered in the Finance Committee either. The American people need to understand that Senator DASCHLE is playing straight up politics. I asked the Congressional Research Service to look up the top 10 or so major Medicare bills which passed the Congress over the past two decades and to find out: (1) Where were they first considered? (2) Did they bypass committee and brought directly to the floor of the Senate? They responded. It is very interesting. It looks as if there are about 12 to 15 major bills that have been considered over the past two decades. With the exception of one, all of these bills were considered and reported by the Senate Finance Committee before they were enacted into law. Those bills, again for reference—were TEFRA in 1982, DEFRA in 1984, COBRA in 1986, OBRA in 1978, the Medicare Catastrophic Coverage Act of 1998, the repeal of the Medicare Catastrophic Coverage Act in 1989, OFRA in 1989, OFRA in 1993, BBA in 1995, BBA in 1996, BBRA in 1999 were considered through the Finance Committee. The only legislation out of the 13 which bypassed committee was BIPA in 2000. BIPA is the only piece of legislation out of the 13 bills that did not have Finance Committee consideration before congressional passage.

However, I should note that even that particular bill—BIPA—was overwhelmingly bipartisan and passed overwhelmingly as part of the HHS appropriations in the year 2000. I mention this because it is important for the American people to understand the importance of the process which is now being bypassed in order to consider bills, which if they remain partisan will simply not pass this body.

Let me comment briefly on what I think and what I expect will happen over the next several days. I expect tomorrow we will continue to debate the underlying reforms in Hatch-Waxman. I look forward to hearing from Senator HATCH and others about that particular bill.

There will be several existing bipartisan proposals that are currently being filed and currently being submitted that will be introduced. I think we will have a good debate on a range of issues. It will be an educational process as we go through each of the amendments in the bills that come forward.

I hope as we consider these bills that we have as a goal to make them not political issues but to make sure that they are substantive policy issues that come forward. It is simply too important to be playing politics with our seniors' health care security. I think there will be a lot of opportunity over the next few days to talk about these specific Medicare proposals.

Let me close and simply comment on the patent reform bill and the modifications in Hatch-Waxman that we will in a more systematic way begin to address tomorrow. I think access to prescription drugs clearly needs to be the focus as we go forward, but the overall cost is important too because if you have prescription drugs and other drugs escalating with skyrocketing costs, there is, I think, no system that we can contain that long term over time.

The Hatch-Waxman law, which was passed in 1984, has been tremendous, but it has an impact on cost. The cost issues that we see in the private sector today are increasing 11, 12, and 13 percent. I don't think health insurance can simply be sustained in the long term. One major component of the increase in coverage is prescription drug costs which continue to skyrocket.

But I need to caution my colleagues who did not have the opportunity to sit through the Hatch-Waxman hearings in the Health Committee, it is pretty technical. It is important that we go back and do it right, that we fix Hatch-Waxman, or that we update it and modernize it because it really hasn't had a major look since 1984. But we must do it in a way that maintains the very careful balance that legislators very smartly put together in 1984.

The balance boils down to the fact that you have prescription drugs in the pharmaceutical industry that values patents and certain protections. Because they have those protections for a period of time, they are willing to invest, they are willing to innovate, they are willing to discover, and they are willing to put capital at risk. It is imperative that we all know how important that is. The only answer to finding a cure for coronary sclerosis, for pulmonary emphysema, for acute types of leukemia, or for something as big as HIV/AIDS is going to be research. Furthermore, I would argue that most of the world's research is being conducted in the United States of America.

Nevertheless, the protection and the incentives that we give to make these great discoveries must be balanced. This is the balance that was achieved by Hatch-Waxman with access to drugs. That, in large part, is determined by a strong, a productive, a broad, a growing generic drug industry where we know that important drugs are available at a reasonable cost. When Hatch-Waxman started, generics were only about 20 percent of all drugs. Now it is much greater—greater than 50 percent. But it is time to focus on some of those deficiencies in Hatch-Waxman. It is that balance that needs to be reviewed because both generic prescription drug companies and brand name companies have abused or found loopholes in Hatch-Waxman. Now is the time to fix the loopholes. We need to do that in a correct manner. That is what much of the debate will be about as we go forward.

Another topic, we had the opportunity last week on a couple of days to talk about is bioequivalence. It too is a little bit technical. But it is very important because, if we get it wrong, it is not just a cost issue. If we get it wrong, it can affect safety issues in terms of drugs and generic drugs.

The Hatch-Waxman law allows generic companies to market off-patent drugs if they are demonstrated to be bioequivalent.

There are definitions of bioequivalence that are applied today. If you

have drug A, and you have another drug, and you are saying, well, this drug is the same as drug A, you want to make sure when you actually take that drug that it has the equivalent impact in fighting disease, the impact that it is billed to have, that the active ingredient is absorbed at the same rate, and that the side effects are the same.

The bill, which is the underlying bill on the floor today, could significantly weaken this important patient protection by giving the Food and Drug Administration, the FDA, broad authority to relax the statutory Hatch-Waxman bioequivalency standard.

Senator HATCH will be on the floor in the next several days, I am sure. I look forward to joining him in talking about a range of issues that are of concern to him—and he has been around a long time in terms of watching this bill and watching the effectiveness of this bill—and myself and many others.

Again, there are many other Members on the floor who wish to talk, so I will bring things to a close. But I wanted to bring forward the principles that I think should underline the debate as we move forward.

I wanted to point out, in the bill that is currently actively on the floor, this modification of Hatch-Waxman. There are a range of issues, such as bioequivalence, that I look forward to debating and talking with others about.

At the end of the day, in order for us to really be able to look seniors in the eyes and say, health care security is what this bill is all about, it means we are going to have to work together, we are going to have to do it in a way that is bipartisan, that clearly does not have strict partisanship. We cannot play politics with an issue that is this important.

I look forward to working with my colleagues as these bills more formally come to the floor.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from New York.

Mr. SCHUMER. Mr. President, I am glad to take the floor today because we are beginning a historic and very important debate on the issue of the accessibility and the cost of prescription drugs. It is going to be a very important 2 weeks.

I, first, thank the majority leader for giving us that kind of time. This is not an issue that should be dealt with quickly. It is an important issue. It affects all of our constituencies. And there are many different sides to it. Anyone who thinks the issue is totally cut and dry is mistaken.

We have had great advances in our health care system. Many of them are due to these prescription drugs. We knock our health care system. It is easy to do. But we often forget about its successes.

I point to my childhood where, in my neighborhood, Brooklyn, my friends would get on their bicycles and come to my house on Wednesday afternoons, and they would park their bicycles in the front and walk to the backyard and push their heads up against the window of our kitchen because sitting in our kitchen every Wednesday afternoon was something of a curiosity. It was my great-grandmother, and she was 81.

Most children in the neighborhood had never seen someone over 80. And she was billed as: ''Come see the oldest lady in the world.'' The kids from the neighborhood would come around and look at her. And God bless her, she lived a long, tough life.

But now, only 50 years later, we have Willard Scott on TV reading—he has given up reading about 80-year-olds and 90-year-olds and 100-year-olds—about people who are 105 and 106.

Being 80 is young. My parents, thank God—my dad is going to be 80 next year. He is healthy. He has had a few little bouts, but he is healthy.

That is the other point I make. We not only live longer, we live better. When I think of my dad, who is 79, and played golf Sunday—my family and I went over and had dinner with him and my mom. And I compared them to—I mentioned this to them just that night—how my great-grandmother was so very old and could hardly walk at 81, and here is my dad, just about 80, filled and vibrant.

That did not happen all by accident within 50 years. We have had enormous advances in health care. And let's give credit where credit is due.

A good number of those advances are because of the prescription drugs we have. They are wonder drugs. I did not experience any of them until a year ago when our House physician—our Capitol physician; I am still used to calling him the House physician—prescribed Lipitor because my cholesterol was high and, boom, down it went, almost like a miracle. He explained to me that increases my chances of living longer and healthier. So these drugs are very good things. We do not knock them; we like them. We are glad they exist.

I think every one of us in this body realizes that it takes a lot of work to create some of these drugs; that it takes time; it takes mistakes.

I took organic chemistry when I was in college, in the days when my parents had dreams that I would be a doctor—dreams that went by the wayside, I regret to tell my colleagues.

To do one of those organic chemistry experiments, it is 50 steps. Those are little ones, the rudimentary ones. If you mess up step 46, you do not go back to step 45, you go to the first step because you contaminated the sample. Well, multiply that a million times, and that is how difficult it is to conceive and make these new drugs.

So the companies that make these drugs deserve a lot of credit. These drugs are wonder drugs; they are terrific.

When my friend from Tennessee, Dr. FRIST, comes on the floor, with all his erudition, and says we have to make sure there is a balance, I could not agree more. There has to be a balance. If we were, tomorrow, to do something that would mean the next generation of wonder drugs would not come on the market, we would be disserving everybody: ourselves, our children, our grandchildren. So that is important.

That is why the legislation that is before us today, introduced by Senator MCCAIN and myself, was honed with such care.

Dr. FRIST is right. I am not going to talk in great detail about this. We will have another day to debate the issues. I guess the minority is going to bring some amendments. We will get into the specifics of our bill later. But I do want to say we have taken a great deal of care in how we crafted this bill, mindful of the balance.

Our goal has been to keep that balance. It is our view, Senator MCCAIN's and myself, almost by definition—the 16 bipartisan members who voted for our bill; in even Dr. FRIST's view, who voted against the bill—that that balance had fallen out of whack. Here is what I think happened.

I think for the first 10 years or so, the Hatch-Waxman Act, the Generic Drug Act, worked quite well. New companies that tried to innovate, produced a whole lot of very fine innovations, got a great rate of return. If you look at Wall Street numbers, the drug companies did just about better than any other industry in terms of their profitability. So they were not hurt.

But, at the same time, it was a pretty certain thing that after that drug had its run, and the company not only recouped its costs, and recouped the costs of the mistakes that were made—natural and reasonable—and made a very fine profit, we would let other companies come and put these drugs out on the market.

It worked. When the generic drug comes on the market—we will have a lot more to say about this tomorrow—the cost plummets from 25 to 50 percent of what it otherwise was. A prescription that might cost $100 you can get for $25. Success is shown by the fact that now 47 percent of all the drugs prescribed are generic drugs, creating the same medical benefit but costing people a whole lot less and, incidentally, costing our State governments less when they pay for Medicaid, costing our big companies less when they pay for their health care plans, costing our HMOs less, as well as costing the average person less when he or she goes to the drugstore counter.

What happened in the last 5 years, in my judgment, was that Hatch-Waxman was thrown out of whack. It was thrown out of whack because too many—not all, by the way; a company such as Merck does not engage in this practice; a few other companies are very reticent and reluctant and mild in the way they engage in this practice—in general, a whole lot of drug companies saw that they had these huge

blockbuster drugs on the market and the patents were expiring. They said: My goodness, now the generics will come along, and what are we going to do? We will make a lot less money.

What they started to do was to work with their lawyers and their advertisers and everybody else to figure out ways to basically extend the life of the drug. They have done it a whole lot of ways. In fact, I think I will submit for the RECORD five or six articles in the Wall Street Journal—hardly a publication that is anticapitalist—that showed various ways drug companies tried to get around the laws, tried to stretch the laws. Many of them involved the use of generics. But suffice it to say, they tried to figure out ways of going beyond the original Hatch-Waxman intent.

One of the key ways they did it was to, what I call, innovate, not new drugs but new patents—same old drug, new patent. And because the law had never been updated, as Dr. Frist said, they found a lot of clever ways to do it.

It began to get out of hand. They would say: Give me a new patent because I am changing the type of pill. Give me a new patent because there is a different color bottle in which I will put the drug. No one who voted for Hatch-Waxman thought these were reasons to extend patents.

Then they began to do other things. Some people came over to me and asked: What about the situation where there is a vaccine for HIV and they come up with an oral drug; why shouldn't you allow that to have a new patent? We want to. We don't want to allow the oral patent to then extend the vaccine patent. In other words, if they come up with an oral one, let them apply from scratch, get the whole 20-year patent from the day the patent is filed. But if the vaccine patent is about to expire in a year, don't use the oral patent to extend the vaccine patent. That is a little less virulent form of this kind of game.

So what Senator MCCAIN and I did a couple years ago, actually, was sit down and examine the most egregious abuses. We said: How are we going to curb these abuses? How are we going to restore the original balance of Hatch-Waxman?

The proposal we came up with did that. By the way, it made some of the generic companies not happy either. This is not a bill that is just supposed to side with the generic companies; it is a bill that sides with the consumer. When the pharmaceutical company is abusive, we go after them. But when the generic is abusive, we go after them, too.

In one part of our bill, we wanted to get at the fact that certain generic companies that were given 180-day exclusivity so they might get a leg up and give them incentive to go out on the market, they were sort of selling that right to the pharmaceutical, the brand name company, and then there would be no generic. We stopped that. It was modified by the amendment of Senator EDWARDS and Senator COLLINS. But we looked at the abuses on each side and said: Let's stop it. Let's restore the balance.

This started out as a very modest bill. In fact, I think the pharmaceutical industry didn't pay much attention. They said: Who is going to pay attention to something that is admittedly technical? But what we found was that when you looked at this bill, it was one of the most important ways to reduce cost—reduce cost not just for seniors but for everyone, reduce cost for government and get those generics out.

Over the next couple of weeks we will have a debate on this, and there will be amendments to change what we are doing—probably in the next day or two—and we will debate it.

I want to say two things, though, in addition to talking about this specific proposal. The first is the view of my good friend from New Hampshire that somehow we didn't try to include him, that he is delaying the bill because, well, we could have worked out this language. First, this bill is not brand new. It wasn't written on the back of an envelope last week; it has been around for a long time. On many occasions I would go to Senator GREGG and say: Let's sit down and work something out, and he would be amenable, but nothing much would come of it.

The only point I am making is, he knew about the bill long before. And then at the end, when in an effort to try to get this bill to be bipartisan—it is always better—Senator EDWARDS and Senator COLLINS started to work together on some changes and didn't do a terrible injustice to our bill, Senator GREGG began to get involved. And we started talking to him. Senator KENNEDY and his staff were talking to him. And basically when Senator GREGG had a few objections, we were willing to go along with them.

First, he raised earlier the clarification of the language on this 45-day provision in the bill, the idea that you would have 45 days to sue. Senator GREGG had reminded us that there was an agreement during the markup to clarify the language, to make very specific that if a patent owner chose not to sue one generic applicant, it wouldn't be precluded from suing another. He is right. We honored that agreement. It is in the proposal. Following the markup, the staff changed the language to make the clarification so there would be no confusion.

It is my understanding that those technical changes were then forwarded directly to Senator GREGG's staff. Then the first time we heard about it was long afterwards. I guess it was this morning that we heard this was a problem.

That doesn't sound to me as though you are concerned with policy. That is saying to me, wait a minute, let's delay this thing. And I don't think that is what we should do, no matter what our view is here.

We all agree on the policy. Let me clarify it. The intent of the provision and the effect, because it is now clearly written—it may have not been clearly written before—was not to cut off all the rights of a patent owner if it refrains from suing a particular generic applicant within 45 days. Rather, it just cuts their rights off to sue that company.

It says that if a brand company chooses not to sue a particular generic applicant on a particular patent, the brand company only loses its right to sue that generic applicant or anyone else who sells or distributes that applicant's version of the drug.

So if Schering-Plough chooses not to sue Mylan for a patent infringement within 45 days, if they choose not to sue Mylan, they lose their right to sue Mylan or anyone else who distributes Mylan's version of the drug, but they will have every right to sue Barr or Teva or IVAX or any of the others, in complete accord with what we said that day at the markup.

This is no reason to hold up a bill. It says exactly what my friend from New Hampshire wanted. Now, if there is some staff talk that the language doesn't say that, let's sit down and take a look, but let's do it immediately. Let's not spend 30 hours sitting on the floor, each of us fulminating and not moving the bill forward and doing the people's business.

We have a lot of issues to discuss—not just generic drugs. We will discuss the Canadian importation and the ability of States to form consortia—all to lower costs. Then there is the big debate, of course, which is accessibility, allowing more people to get the drugs.

There is a one-two punch here: Lower the cost and extend the number of people who have the ability to get the drugs. But it is just almost to the point of, at best, counting the angels on a pin and, at worst, a desire to delay, to say that we don't have an agreement.

I wanted to discuss another issue Senator FRIST brought up—the bioequivalence issue. There is a lot of debate about bioequivalence and a lot of discussion about bioequivalence. The enemies of generic drugs, early on, had tried to say that the generic is not the same as the nongeneric in terms of its active ingredient. That reminds me of the argument I had with my mother. I take a vitamin C pill. She would say: Son, drink the regular orange juice. I would say: Mom, the vitamin C in the pill is exactly the same as the vitamin C in the orange juice. She said: No, no, no. I said: Well, it has nice little orange flecks in there, and it tastes different, but if you looked at the oxygen, hydrogen, and carbon atoms lined up in the vitamin C molecule, you could not tell the difference. She said: No, no, have the orange juice.

It is the same thing my friend, the good doctor from Tennessee, is talking about. The FDA knows what bioequivalence is. While some in the brand name debate have tried to imply in the past

that the generic drug isn't as pure, or its inert ingredients may be different from nonactive ingredients, we all know it is bunk. The FDA has had rules on bioequivalence that have met every test for years and years, and no one has contested them. In all of the fighting between the brands and generic name court cases, there hasn't been an issue. All of a sudden, we are hearing that bioequivalence is an issue.

So what did we do? Senator KENNEDY, in the bill—it may have been Senator EDWARDS. Well, an amendment was added in the committee that took exactly what the FDA has done, without any dispute for the last 10 years, and codified it. Now, all of a sudden, we are hearing that bioequivalence is an issue. It is not an issue. It is a smokescreen for people who want to delay.

So my view is a simple one. Let's get on with the debate. We have two major issues before us—the issue of cost and the issue of access. The McCain-Schumer bill, the Dorgan proposal, and the Stabenow proposal on the States, all reduce the cost of the drug—here is my good colleague from Michigan now whom I just mentioned—to everybody, including senior citizens, parents who have a child who needs a serious drug, to State governments.

Then let's go on to what will probably be the main show, which is access, because so many people need access to these drugs. The one is not exclusive of the other. People ask me, Will you be happy if just the McCain-Schumer bill passes? No. I hope it will pass, but we have to go beyond that and we have to increase access. We have to have a good prescription drug plan to undo the mistake of those who wrote Medicare in 1965—except they didn't know there were so many of these drugs.

My plea to colleagues is this: Enough. We are debating about the number of angels on the head of a pin. We are debating about things that have long been settled. Let's move the bill forward. Let's lower our costs. Let's increase access. Let's disagree in a civil and fair way, and then let's vote and let the chips fall where they may.

Mr. KENNEDY. Will the Senator be good enough to yield?

Mr. SCHUMER. I am happy to yield to our leader from Massachusetts.

Mr. KENNEDY. Mr. President, I am struck by the point the Senator makes again on the floor of the Senate, which I have heard him make many times but which I think is important to understand, and that is that this is actually a very conservative piece of legislation. Effectively, if we accept the underlying legislation, which is just a version of the legislation the Senator introduced with Senator MCCAIN, really we are going back to what the original intention of the Hatch-Waxman proposal was all about.

I appreciate the Senator giving the historic perspective because at the time we passed the Hatch-Waxman, we anticipated the breakthroughs in many different areas of new pharmaceuticals to try to deal with the challenges of our time. It has never been more likely than it is now. We are in the life science century. Even since the passage of Hatch-Waxman, we have seen the sequencing of the human genome. We have this extraordinary DNA revolution. We have gone through these extraordinary kinds of basic new research. We have seen this explosion using new kinds of technology matched together with research, which is opening up extraordinary possibilities. We have heard about this in our HELP Committee.

So the opportunities are out there in terms of trying to see the day when Alzheimer's is no longer the scourge of so many families in this country. That would empty two-thirds of the nursing home beds in my State of Massachusetts. That is probably true also in the State of New York. We believe the Hatch-Waxman proposal was to try to make sure for the drug companies, the brand companies, that were prepared to go ahead and take advantage of these extraordinary opportunities, building on the incredible investment the American taxpayer has made in the NIH, which has been doubled in recent years. It is an additional reason the Schumer amendment ought to go in.

We ought to have the energy of those companies in these breakthrough new opportunities rather than in the ''me too'' drugs. This, I believe, is not only dealing with the abuses that exist, but also, if we let this continue along, it seems to me there will be a continued kind of financial incentive not to take chances for these breakthrough drugs that are out there, in terms of making such a difference in dealing with the health challenges we face, and there will be these financial incentives to game the system in order to deny people the lower cost of drugs by the generics.

So I commend the Senator. We will have a lot of debate and discussion about patent and patent laws and timing—30 months, and 180 days, and 45-day windows, and bioequivalency, and the rest. But we are talking about, as the Senator eloquently stated, a major downpayment—the first one that I know in any recent time that will bring pressure to lower the cost of drugs.

This is a major achievement and accomplishment if we do it. It is not going to solve the problem, but for the many families who are going home tonight and buying their drugs and finding out that the costs have increasingly gone up so far beyond the cost of living, it will make a big difference, will it not?

Secondly, I don't know what the argument is—I have not heard it—for the second provision of the Senator's amendment that deals with collusion between the brand names and the generics, which is taking place out there.

That is as bad as the gimmickry we have seen from these corporate scoundrels who have made out like bandits, such as at Enron, getting billions of dollars and then giving short shrift to the workers. What is the difference if those corporations make out like bandits, and in this case, instead of the workers, it is the seniors and sick people who will suffer? I do not see a great deal of difference.

The Senator has made such a strong statement. I am as perplexed as he is that we have not had a chance to get to the bill this afternoon and debate it. The Senator has correctly given the interpretation we had of the clarification of language that was raised.

I point out to the Senator and ask if he will agree with me, if they do not agree with language, we will be willing to accept the language to clarify those provisions. It is very clear what the intention was in the hearing record. We are not trying to change our position. We are still at that position. If they have language to do that, we will take it now and get on with the bill.

We should be under no illusions. That is not it. They want to change other provisions, substantive provisions. All the Senator from New York is saying is, if that is the case, why are we not out here debating those issues and taking votes on them and moving this legislation forward?

Does the Senator find any reason this can justify why we are having this delay on this important legislation that can make such a difference to many people? Why is it that on a Tuesday afternoon in July we are not doing the people's business and voting on these matters, debating these matters but instead are caught in tactical maneuvers by those who are opposed to the legislation?

I say to the Senator, it is being perpetrated by those who do not want any bill at all. If we do not have any bill at all, there will be brand companies that will make billions of dollars out of the pockets and pocketbooks of the consumers, which is in complete violation of the Hatch-Waxman bill. They are the ones who are behind this delay, and that is unconscionable.

I would appreciate any comment the Senator wishes to make on that issue.

Mr. SCHUMER. I thank my colleague. No one puts it better than he does, and he is exactly right. Let's vote; let's debate. Our differences are not very large. That is what makes us scratch our heads and think that really they do not want a bill; they hope we will give up. They hope people will lose interest. They hope something else will come along, maybe another corporate scandal. But I think I can speak for our leader, the Senator from Massachusetts, as well as the Senator from Minnesota, as well as the Senator from Michigan, that we are not letting this issue go away. They can delay us for a week or a month, and we will be back, it is so important.

I will make one other comment. My colleague from Massachusetts is just so good at this. After I am here half as

many years as he, if I can be a quarter as good as him, I will be very happy. Here is what he said and I think it is worth repeating.

We are doing not only the public but the drug companies a favor. With this amendment, we are putting them back on track. They have lost their way. They are degenerating into something that is hated. For people who create such wonderful drugs, why should they be so despised? I saw a survey just recently that the drug industry was more disliked than the oil and gas industry. The reason is they all are losing their way. It should not be for the Senator from Massachusetts, the Senator from New York, the Senator from Michigan, and the Senator from Minnesota to help them find their way; they should find it themselves. But they have lost their way, and the Senator from Massachusetts has stated it exquisitely, which is we are going to send them back on the path of innovating, of creating new wonderful drugs, of doing good for society, and making money as they do it. We want them to do that. But we want them to add value, we want them to cure new diseases, not simply find a new color of a pill that already cures a disease. We want them to find new techniques.

We are sending them in the direction they started, but they have lost their way, and the smart ones in the industry know. I hear it whispered. They are letting the worst ones, the bad apples who will do anything, extend their profitability even if they do not have a new drug in their closet. They are letting those people lead and, in a sense, what we are saying is: Go back to your sacred mission. Go back to the mission of finding new cures and finding new drugs, and not only will you make money, but you will be proud of what you do.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. SCHUMER. I will be happy to yield to my colleague.

Mr. KENNEDY. On this point the Senator makes—and I hope our colleagues will listen—we will put in the RECORD the exact figures, but if one were to look at a chart for new drugs and innovation, one would see that chart rising and rising, going up and up until almost the passage of the Hatch-Waxman bill. From that time, the innovations have gone down. It is the darndest thing we have ever seen.

I was absolutely startled by this. This might have been maybe one or two circumstances, the evergreening process which the Senator has outlined.

On the Senator's point about getting these drug companies back to doing what we had all hoped they would do and we know they can do and hopefully will do, every one of us have family members who benefit from these innovations, but we find that is not where they are going.

We have doubled the NIH budget, $33 billion, $34 billion a year. We doubled that over a period of time. Why did we double that at a time of scarce resources? The reason we doubled it is because Democrats and Republicans understood this is a life science century, and it is unlimited in its ability. It seems everybody knows this except the drug companies. That is what has been disappointing.

I thank the Senator again for outlining the basic provisions which, as he has mentioned, bring us back to ground zero. They bring us back to what was achieved with the Hatch-Waxman period, and does that to eliminate the collusion which is taking place and the gimmicking of the system which basically means higher prices for consumers. That is the challenge.

If others have better ways of doing it, I am sure the Senator will agree, let's do it, but we did not see that. My friend from Minnesota, Senator WELLSTONE, was in that markup. We did not hear other ways of doing it. All we heard was more delays, more delays, objections, objections, objections. That is because clearly there are billions of dollars at stake. We are talking about billions of dollars of profits for certain of these companies. No wonder they are out here in force trying to resist the Schumer proposal.

I thank the Senator for his excellent presentation.

Mr. SCHUMER. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Maine, and I know the Senator from Michigan is here, I will actually be very brief. This will not be a typical WELLSTONE speech. I only have about 10 minutes. I say to the Senators from New York and Massachusetts, I very much enjoyed their discussion. I thank the Senator from New York for his leadership on this issue.

I remember, I say to Senator SCHUMER, during my years here two very humorous situations; one especially where somebody tried to extend the patent for Lodine. I actually found out about this, and I think Senator KENNEDY was also involved in trying to get to the bottom of it. It was in the language of the bill, but nobody would take credit for it. Nobody would take credit for having done this, although obviously somebody put in the language. It was you laugh or you cry—the whole notion that we can extend the patent and it does not go generic and they make a lot of money. But who gets hurt as a result?

The same thing has come up with Claritin as well. This is a no-brainer of where 99 percent of the people of the country are, that is for sure.

The only issue on which I disagree with my colleague from New York—and I am sorry to be the one more hard hitting on this, and I do apologize—I do not know that the pharmaceutical companies have lost their way—as in recently. As I go back—Senator KENNEDY probably knows the history better than I do—I have done a lot of reading about Estes Kefauver in the early fifties. He took on the pharmaceutical industry, and they took him on.

David Pryor, am I not correct, really did this? We have been battling it out with him for a long time. This is an industry that has been making Viagra-like profits, if I can say that on the floor of the Senate. It would be funny and a little cute to say it, except that what this really means is people cannot afford the prescription drugs, at least the people I represent.

This legislation is very important. I know Senator COLLINS has worked very hard on it. There is quite a bit of bipartisan support. I had a chance to speak earlier this morning about other provisions. I heard Senator GRAHAM speak earlier. Senator KENNEDY has spoken about it.

I want to say one thing about two other pieces of this in about 4 minutes. One is on this whole question of, how are we going to make sure there are affordable prescription drugs? I think delivery is critically important. There is a world of difference between adding this on to Medicare and making it a defined benefit.

We are learning all about defined benefits versus defined contributions as people see what is happening to 401(k)s versus the language in the House bill that suggests this will be the deductible and suggests this will be the premium but, frankly, there is no guarantee of it. This needs to be a defined benefit, and it does need to be a part of Medicare. We ought to at least agree on that.

Then I think there are going to be these trade-offs as to how much money versus how good is catastrophic coverage. I am sorry to go sort of populist on everyone, but I think I heard the Senator from Florida say earlier that for those of us in the Senate and the House—and we make pretty darn good salaries compared to the vast majority of the people we represent—something like 80 percent of our prescription drugs are covered. We might pay 20 percent, and that is it. It seems to me we ought to do as well for the people we represent.

My dream is to someday be in the Senate when we are debating Medicare for all. That is what I want to get back to. I almost think the people we represent should have as good a plan as we have through the Federal Employees Health Benefits Plan. But that is another debate for another time.

I cannot imagine how any of us could support any legislation that says when it comes to catastrophic expenses, after someone is over $2,000 a year—the very point where people are hurting—then we say we are not going to give any coverage, not until they get up to $3,700. That is nonsense. People say: What do you mean? One of the things we want you to do is help us deal with what happens when our expenses go up year to year. That is the second point.

The third thing I want to mention is I am going to be doing a bill on the whole question of drug reimportation for the year, which Senator DORGAN has addressed. It could be Senator SNOWE and Senator COLLINS will be a part of this. I know Senator STABENOW is. We are going to have legislation or an amendment that deals with cost containment, and I want to say one more time it is a simple and straightforward proposition. We are coming out together, and I assume there will be some strong bipartisan support. I know I am going to do it with Senator DORGAN and Senator STABENOW, and I think there will be Republicans as well. Basically, what we are going to say is you use the same FDA strict safety guidelines, and our citizens ought to be able to reimport these drugs.

I want to give some examples, and then I will be finished, I say to my colleague from Maine.

Celebrex, which is used for arthritis: A bottle costs $84.95 in the United States and $30.99 in Canada.

Glucophage, a medicine for diabetes, costs $63.12 in the United States and $16.68 in Canada. Think about that. I will not do the arithmetic because people can figure it out.

Methotrexate, a drug for cancer: $51.03 in the United States, $17.30 in Canada;

Tamoxifen, a breast cancer drug: $287.16 in the United States, $24.78 in Canada—same bottle, same dosage.

Imagine that. There is nothing that infuriates people more in Minnesota, makes them believe they are more exploited and ripped off by this industry, than this sharp contrast in prices.

There is legislation that Senator DORGAN, Senator STABENOW, and I are going to introduce, as well as others—I do not want to speak for Senator COLLINS, but Senator COLLINS and Senator SNOWE have been real leaders on this issue. This does not ask the Federal Government to spend any more money. We do not have to run into that issue. We do not have to talk about how much it is going to cost. This will dramatically reduce the cost of prescription drugs for our citizens.

The only question is this, and then I will sit down: I can promise, once people know it is the same strict FDA guidelines, once we make it clear if anything ever happens, if this goes wrong, then emergency action can be taken—I will say to the Chair this will happen in Nebraska—90 percent of the people are going to say: Absolutely, this is the best kind of free trade, and we ought to be able to do this. We ought to be able to reimport, or our pharmacists should be able to do it. There is one interest that is going to be opposed—pharmaceutical companies. They are not going to like it. But at a certain point in time do we not say: Tough luck. This is going to be a test case of a vote of whether we are going to represent the people in our States, democracy for the many, or whether we are going to let the pharmaceutical companies stop it. It is that simple.

We had a 97-to-0 vote last night on legislation on which Senator SARBANES and others worked so hard. That was stuck in committee forever, and people finally said: We have had enough. Do you know what. People in the country said it. People in the country are beginning to say: We have had enough. We do not want the pharmaceutical industry to run the show. We want you, Senator, to be accountable to us.

That is what these votes are going to be about. This is going to be a test case of whether we have a real system of representative democracy working.

I have taken some positions where I know the majority of people do not agree with me, but not in this debate, not in terms of where the vast majority of people in all of our States are. Let us not disappointment them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. This week we have a tremendous opportunity to make progress on an issue that affects Americans of all ages, but particularly our elderly, and that is the high cost of prescription drugs. I hope by the time the end of next week comes along, we will have passed the tripartisan legislation to provide a prescription drug benefit under Medicare that is long overdue. I also hope we will pass the legislation to which we are about to proceed, and that is the Greater Access to Affordable Pharmaceuticals Act.

I commend my colleagues from New York and Arizona, Senator SCHUMER and Senator MCCAIN, for their leadership and hard work in bringing this issue to the forefront. I was pleased to have had the opportunity to join with my colleague from North Carolina, Senator EDWARDS, in offering a compromise in the Health, Education, Labor, and Pensions Committee last week where it was approved by a strong bipartisan vote.

I also acknowledge the hard work of our chairman, Senator KENNEDY, and our ranking minority member, Senator GREGG, on this issue.

During the last 20 years, we have witnessed dramatic pharmaceutical breakthroughs that have helped to reduce deaths and disability from heart disease, cancer, diabetes, and many other diseases. As a consequence, people are living longer, healthier, and more productive lives. These medical miracles, however, often come with hefty pricetags, raising vexing questions about how patients, employers, and public and private health plans can continue to pay for them.

Prescription drug spending in the United States has soared by 92 percent during the past 5 years to almost $120 billion. These rising costs are particularly a burden for the millions of uninsured Americans as well as for those seniors on Medicare who lack prescription drug coverage. Many of these individuals are simply priced out of the market or forced to make decisions—that no one should have to make—between paying the bills or buying the pills that keep them healthy.

Skyrocketing prescription drug costs are also putting a squeeze on our Nation's employers. We are struggling in the face of double-digit annual premium increases to continue to provide health care coverage for their employees. I know from talking to the small businesses in my State, these escalating costs are a real problem for our smaller employers. They want to continue to provide health insurance coverage for their employees but they simply are finding it increasingly difficult to do so. If they pass on the higher health insurance costs to their employees, more and more of the workers deny coverage. They decline coverage because they cannot afford their share of the premium.

One of the key factors behind the escalating costs of health insurance is the high cost of prescription drugs. These high costs are also exacerbating the Medicaid funding crisis that we hear about from our Governors back home as they struggle to bridge the growing shortfalls in their State budgets.

The Presiding Officer and I have been working very hard on a proposal to increase the Federal match for Medicaid funding to help our Governors and our families, who are so dependent on these services, cope through this difficult time when States are struggling with budget shortfalls.

In 1984, the Hatch-Waxman Act made significant changes in our patent laws that were intended to encourage pharmaceutical companies to make the investments necessary to develop these miracle drugs. At the same time, the legislation was intended to enable their competitors to bring lower cost generic alternatives to the market. In large measure, the Hatch-Waxman Act succeeded.

Prior to Hatch-Waxman, it took 3 to 5 years for generics to enter the market after the brand name patent had expired. Today, lower cost generics often enter the market immediately upon the expiration of the patent. As a consequence, consumers are saving anywhere from $8 billion to $10 billion a year by purchasing generic alternatives.

Moreover, there are even greater potential savings on the horizon. Within the next 4 years, the patents on brand name drugs, with combined sales of $20 billion, are set to expire. If the Hatch-Waxman Act were to work as it was intended, consumers should expect to save between 30 to 60 percent on these drugs as the lower cost generics become available after the patents expire.

However, despite its past successes, it is becoming increasingly apparent that the Hatch-Waxman Act has been subject to serious abuse. While many pharmaceutical companies have acted

in good faith, there is mounting evidence that some brand name and generic drug manufacturers have attempted to game the system in order to maximize their profits at the expense of consumers. News reports, for example, have detailed how the manufacturer of the lucrative drug Prilosec, the patent on which was set to expire last fall, has used the automatic 30-month stay under the Hatch-Waxman Act to tie up generic manufacturers in court, in litigation, over secondary patents in order to keep the generic version of the drug off the market.

In the year 2000, Prilosec was the best selling drug in the world and generated an estimated $4.7 billion in U.S. sales. The Medicaid Program in Maine spent over $8 million on Prilosec in the year 2000. This bill could be cut in half if the generic alternative were available. So instead of the State of Maine spending $8 million on Prilosec if the generic were available, as it should have been last fall, the State of Maine would save about $4 million. That is much needed money that could be put into other health care services.

I mention that because that is just one drug. But that illustrates what happens when a brand name manufacturer exploits the loopholes in the current law to delay consumers access to the generic equivalent. That is just wrong.

It is no wonder that this legislation is supported by a broad coalition representing Governors, insurers, businesses, organized labor, and individual consumers who are footing the bill for these expensive drugs and whose costs for popular drugs such as Prilosec would be cut in half if the generic alternative was available when it was supposed to have been. We are not talking about infringing on the legitimate patents that protect the innovative drugs developed by pharmaceutical companies. We are talking about eliminating abuses that we are finding increasingly prevalent where the brand name manufacturer exploits the loopholes in the current law by engaging in excessive litigation for the sole purpose of keeping the generic off the market.

I ask unanimous consent that letters from the Business for Affordable Medicine and the Coalition for a Competitive Pharmaceutical Market expressing support for the Edward-Collins compromise approved by the committee be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit No. 1.)

Ms. COLLINS. Mr. President, I was also disturbed by the testimony of the chairman of the Federal Trade Commission before the Senate Commerce Committee. He testified there were a number of examples where the branded and generic drug manufacturer actually conspired to game the system and attempted to restrict competition beyond what the Hatch-Waxman Act intended. One case cited in the chairman's testimony involved the producer of a heart medication which in early 1996 brought a lawsuit for patent and trademark infringement against the generic manufacturer.

This is what happened. Instead of asking the generic company to pay damages, the brand name manufacturer offered a settlement to pay the generic company more than $880 million in return for keeping the generic drug off the market. So the brand name manufacturer essentially conspired with the generic manufacturer and paid off the generic manufacturer to keep the cheaper generic alternative from coming to the market.

The consequences for consumers were considerable. This heart medication, which treats high blood pressure, chest pains, and heart disease, costs about $73 a month but the generic alternative would have cost only $32 a month. The compromise legislation that we will soon consider will make cost-effective generic drugs more available by restoring the original intent of the Hatch-Waxman Act and by closing the loopholes that are delaying competition and slowing the entry of generics into the marketplace.

First, as amended by the Edwards-Collins compromise, the legislation would limit brand name manufacturers to a single 30-month stay for patents listed at the time of the brand product approval. Now, this will eliminate the brand manufacturer's ability to stack multiple and sequential automatic 30-month stays during patent litigation in order to keep generics off the market and extend their market exclusivity indefinitely. That is one of the primary abuses that our proposal would end.

It will help ensure that key patent issues are adjudicated before the generic goes to market, while at the same time ensuring that improper late listed patents are not able to obstruct market competition.

We heard in committee examples of the brand name manufacturer making extremely minor changes, such as in the color or the design of the packaging or the scoring of the pill that really did not indicate a different or improved use for the product but, rather, were devices intended to keep the generic off the market for a while longer.

For subsequent patents for which no automatic 30-month stay is available, a brand name company can still obtain a preliminary injunction based on merit to protect their patent rights and keep the generic product off the market if it is justified, if there truly is a legitimate patent issue. However, in too many cases we found there is not a legitimate patent issue. This is just an abuse and an exploitation of the loopholes in the current patent law.

Moreover, our legislation stipulates that the court is not to consider the possible availability of monetary damages when it is deciding whether or not to grant injunctive relief. This provision is intended to address the concern expressed by the brand name pharmaceutical companies that it is difficult to obtain injunctive relief in patent litigation because it is the court's view the treble monetary damages involved in these suits as an adequate remedy.

Second, the legislation will prevent the current 108-day exclusivity provision of the Hatch-Waxman Act from becoming a bottleneck for subsequent generic competitors. Under Hatch-Waxman, the first generic drug company to file an application with the FDA certifying that the patents on the brand name product are either invalid or will not be infringed is now granted 180 days of market exclusivity, once its application is approved. Entry to the market for other generics is therefore frozen until the 180-day period runs out on the first-to-file.

This provision has made it attractive for the kind of abuse that I mentioned earlier, and that is where a brand name manufacturer pays the first-to-file generic company to stay off the market.

What that results in is nobody else can come to market, under the current law, during that 180-day period. So you can see how that is abused, when the brand name firm pays the generic manufacturer to essentially forfeit that 180 days of exclusive market rights.

Under our legislation, the first generic applicant would forfeit that 180 days of exclusive market rights if it failed to go to market during that time, or entered into an agreement with a brand name company that the FTC determines to be anti-competitive. I think that would help end or eliminate altogether the kinds of deals between the brand name manufacturer and the generic manufacturer that are such a disservice to consumers.

The original Hatch-Waxman act was a carefully constructed compromise that balanced an expedited FDA approval process to speed the entry of lower cost generic drugs into the market with additional patent protections to ensure continuing innovation.

Regrettably, however, the law now needs to be strengthened and reformed so we can eliminate the abuses that we are seeing. This bipartisan compromise bill restores that balance by closing the loopholes that have reduced the original law's effectiveness in bringing lower cost generic drugs to market more quickly. Increasing access to these lower cost alternatives is all the more important as we begin work to provide an affordable and sustainable Medicare prescription drug benefit.

Mr. President, I urge all our colleagues to join me in supporting this legislation. It will do a great deal to make prescription drugs more affordable by promoting competition in the marketplace and increasing access to lower price generic drugs.

I yield the floor.

EXHIBIT 1

COALITION FOR A COMPETITIVE PHARMACEUTICAL MARKET,
Washington, DC, July 10, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As a broad-based coalition of large employers, consumer groups, generic drug manufacturers, insurers, labor unions, and others, we are writing to advise you of our strong support for the Edwards/Collins amendment to S. 812, the Greater Access to Affordable Pharmaceuticals Act. We believe it is critical that Congress act this year to pass legislation that would eliminate barriers to generic drug entry into the marketplace. The legislation you will be marking up today clearly would accomplish this long-overdue need.

Prescription drug costs are increasing at double-digit rates, and clearly are unsustainable. Current pharmaceutical cost trends are increasing premiums, raising copayments, pressuring reductions in benefits, and undermining the ability of businesses to compete in the world marketplace. We believe that a major contributor to the pharmaceutical cost crisis is the use of the Drug Price Competition and Patent Term Restoration Act of 1984 clearly in ways unanticipated by Congress, which effectively block generic entry into the marketplace. The repeated use of the 30-month generic drug marketing prohibition provision and other legal barriers have resulted in increasingly unpredictable and unaffordable pharmaceutical cost increases.

Although the compromise amendment being offered today does not totally eliminate the 30-month marketing prohibition provisions, as would be our preference, it does make important process changes that will lead to a more predictable, rational pharmaceutical marketplace. We recognize that compromises have been necessary to garner the support of a majority of the Members of the Committee and appreciate your leadership and the hard work of your staff. However, we would strongly oppose any additional amendments that would undermine the intent of this legislation by further delaying generic access or reducing competition and increasing costs to purchasers. We also remain opposed to legislation that would increase costs to purchasers either through extended monopolies or unnecessary and costly litigation.

We are convinced that the legislation you are advocating will make a major difference in increasing competition in the marketplace and enhancing access to more affordable, high quality prescription drugs. We look forward to working with you and other Members of the HELP Committee to ensure that this important legislation is enacted this year.

The Coalition for a Competitive Pharmaceutical Market is an organization of large national employers, consumer groups, generic drug manufacturers, insurers, labor unions, and others. CCPM is committed to improving consumer access to high quality generic drugs and restoring a vigorous, competitive prescription drug market. CCPM supports legislation eliminate legal barriers to timely access to less costly, equally effective generic drugs.

CCPM Participating Members: American Association of Health Plans; Aetna; Anthem Blue Cross and Blue Shield; Blue Cross and Blue Shield Association; Caterpillar, Inc.; Consumer Federation of America; Families USA; Food Marketing Institute; Generic Pharmaceutical Association; General Motors Corporation; Gray Panthers; Health Insurance Association of America; IVAX Pharmaceuticals; National Association of Chain Drug Stores; National Association of Health Underwriters; National Organization for Rare Disorders; Ranbaxy Pharmaceuticals; TEVA USA; The National Committee to Preserve Social Security and Medicare; United Auto Workers; Watson Pharmaceuticals; and WellPoint Health Networks.

BUSINESS FOR AFFORDABLE MEDICINE,
Washington, DC, July 10, 2002.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The Business for Affordable Medicine coalition encourages you to support the Edwards-Collins amendment to the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act).

The Senate Health, Education, Labor and Pensions Committee is scheduled to vote today on legislation to close loopholes in the Hatch-Waxman Act that delay competition and prevent timely access to lower-priced generic pharmaceuticals. Your vote for the Edwards-Collins amendment will ensure genuine reform for all Americans who face barriers to affordable medicine.

BAM members hope to continue working with the Committee and the Administration on appropriate enforcement mechanisms that avoid unnecessary and costly litigation.

Consumers and institutional purchasers (including employers, and federal and state governments) can no longer afford the anticompetitive practices that are made possible by loopholes in the Act. Now is the time for Congress to restore the original intent of the Hatch-Waxman Act—no more gaming of the system at the expense of purchasers across America.

Please take a moment to review the attached information, including a letter from BAM member governors outlining their concerns about this costly issue and the need for real reform. For more information about BAM, please visit our webswite at www.bamcoalition.org.

Thank you for your assistance in making Hatch-Waxman Act reform a reality during the 107th Congress.

Sincerely,

JODY HUNTER,
BAM Co-Chair, Director, Health and Welfare, Georgia-Pacific Corporation.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I appreciate the opportunity to speak once again on this very important topic of lower prices of prescription drugs and providing real Medicare prescription drug benefit. I join my colleague in speaking to the fact that we need to pass the bill that came out of the committee to close generic loopholes and stop the drug companies from gaming the system. I think everyone should be commended for bringing this to the floor. I appreciate the fact that they have done that.

The frustrating thing at this point is, despite the fact that there was an overwhelming bipartisan vote to bring this legislation to the floor so we could begin to add to it—add medicare prescription drug coverage, add other ways to increase competition and lower prices—we come this week with great anticipation of this debate to work together and work out all the details after a vote of 16 people saying yes in committee to only 5 saying no, a bipartisan vote—we come to the floor last night, and a colleague on the other side of the aisle objects to us proceeding even to the bill.

Colleagues come and talk about concerns about working out details, which we want to do, we know we have to do, and we will do. But we are being stopped. In fact, the clock has been ticking since last night and we are not even able to bring this issue before the Senate. It is amazing to me that, with the importance of this issue and all the words that have been spoken on this floor and the House, during Presidential campaigns and all the campaigns that we have been involved with—we come to the moment of truth of being able to bring this to the floor for debate and, instead, we are seeing an attempt to stall. We are seeing an attempt to hold us up from proceeding. That is of great concern.

I have great respect for my colleague from New Hampshire, but I disagree with this approach, and I urge him to reconsider and give us the opportunity to bring this to the full Senate.

Mr. GREGG. Will the Senator yield?

Ms. STABENOW. I am happy to yield.

Mr. GREGG. Mr. President, I ask unanimous consent that we proceed to the bill; we vitiate the vote on cloture and proceed to the bill.

The PRESIDING OFFICER. The Senator cannot make such a request until he has the floor.

Mr. GREGG. Will the Senator yield for me to make that request? The Senator suggested I make the request. I am willing to make it.

Ms. STABENOW. I would be happy to yield.

Mr. GREGG. I ask unanimous consent——

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I ask unanimous consent we vitiate the cloture vote and proceed to the bill.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is an interesting proposal. It is 5 o'clock in the afternoon now on Tuesday. We had the opportunity last evening to lay down the bill. We could have considered the amendments during the course of the day and made some real progress on it. But it was the determination of the other side not to permit us to do that.

Mr. GREGG. Regular order. Regular order, Mr. President.

Mr. KENNEDY. The regular order is——

The PRESIDING OFFICER. Does the Senator object?

Mr. KENNEDY. I am reserving my right to object.

Mr. GREGG. Regular order. I ask for regular order.

Mr. KENNEDY. Mr. President, I understand that under the regular order, I have a right to object, and I——

The PRESIDING OFFICER. The Senator has a right to object. But not make a speech.

Mr. KENNEDY. Pardon? No?

Mr. GREGG. I ask for regular order. Either objection should be or not be made.

Mr. KENNEDY. Objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we had the opportunity to go to this bill last evening. We have been waiting here all day long in order to take action on this legislation. Legislation that can have a direct impact in terms of the cost of prescription drugs and also on coverage.

Now at 5 o'clock, the Senator comes here without any kind of notice and makes this request. I think the American people are entitled to know why, since the Senator from New Hampshire was the one who originally objected to bringing up the bill. I would be prepared to vote right now on whether to proceed to the bill if the Senator wants to call off tomorrow's cloture vote.

But if the Senator is objecting to the bill on substantive grounds last night, I think the American people are entitled to know where their Senators stand on considering this legislation. If the Senator wants to do it tonight, that is fine with me. If he does not care to do it tonight, we will follow the regular order and tomorrow when the roll is called—as it will be done here in the Senate—when the roll is called, we will find out. The American people will find out who believes we ought to move ahead with this legislation. That is the way it should be.

There has been objection raised to the majority leader to moving ahead. Now I think, since this issue has been raised during the course of the debate, during the course of the day, the American people are entitled to know who is going to be for this particular legislation.

That is why I have raised that issue.

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

Mr. KENNEDY. I believe I have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. KENNEDY. Mr. President, I think it is wise, if we are going to conduct our activities, that we do it in the light of day rather than the twilight of the evening. We ought to have the chance to have an open kind of a process. We have the Senator from Michigan here who has been waiting to make an excellent presentation. I was engaged in a conversation with my friend and colleague from Maine about this. Suddenly, there is a unanimous consent request to just go ahead with the legislation.

I think we ought to conduct a full debate on this issue, which is of such importance and consequence to families across the country in terms of the cost, availability, and accessibility of prescription drugs. And we ought to do it in the light of day. We ought to have a good debate on this issue.

But since there has been objection to the majority leader proceeding to this issue, because evidently the Committee did not conform to the understandings of certain Senators, and there has been objection raised from that side of the aisle during the course of discussion and debate, I am going to insist that the Senate go ahead and have a roll call vote. We are going to vote on this. And the American people will understand who is for moving ahead with this legislation and who is not. Hopefully, we can then make progress on this legislation. We will consider amendments and begin the substance of this debate rather than just the general debate.

I would be glad to yield to the Senator from New York. I believe I have the floor. The Senator from New York has asked for me to yield for a question.

Mr. SCHUMER. I thank the Senator. I appreciate his yielding. I want to make an inquiry of him. I am, in fact, in accord with what my friend from Massachusetts said.

We have now spent all day today. We could have spent it debating amendments and moving the bill forward. We might have even been able to go forward on Friday. All of a sudden, after all of this, when we can't accomplish anything, when we can't accomplish amendments, our good friend from New Hampshire comes up and says: Never mind.

Well, there is a reason we think we ought to have a vote. We ought to see where people are. We ought to avoid this from happening another time. What if it happens again 2 days from now? What if there is an amendment that gets somebody upset and they decide to filibuster again? Then we are in the middle of debating access, or in the middle of debating Canadian reimportation.

Let us see where the cards are. Let us see if there was a real reason to delay and delay and delay. Let us see where the votes are. Do people really want a delay? This idea of spending a whole day—I don't mind it. I like this issue. I have fun talking about it. I think it is good that the American people hear about it. But I would rather be voting on amendments. I would rather be crafting legislation. I would rather be reducing the cost of drugs to my constituents from Buffalo to Montauk from Plattsburgh down to Brooklyn.

I completely agree with my friend from Massachusetts. If you want to have a vote now so we can avoid these games in the future, by all means. But if you don't want to have that vote now, then let us wait until tomorrow. Let's have a vote on this. God knows we have spent enough time debating the issue.

I thank him for making that point so well and so forcefully.

Mr. KENNEDY. I see the Senator from Michigan has asked to be recognized. I yield to her.

Ms. STABENOW. Mr. President, I appreciate very much having the opportunity as well to raise the issue. I appreciate now our friend wants to move ahead with this issue. But we certainly want to make sure we have a vote so that we know that in fact we can proceed.

I ask of our leader, the Senator from Massachusetts: In order for us to guarantee that we can proceed and that this will not happen again in the future, is it his assumption that it is best for us then to move ahead to a vote so we may guarantee in fact, as my friend from New York said, that we don't have this happening again and not just a series of filibusters in order to stop us from moving ahead on this important issue?

Mr. KENNEDY. I thank the Senator. I intend to yield the floor. I will insist on the regular order so that we have a chance to vote on this tomorrow.

I see my friend and colleague, our leader from Nevada, wishes to address the Senate. Obviously, I would follow the leadership in terms of when that vote would occur. If the request is that we move ahead with a vote this evening, I will certainly support that proposal.

(Several Senators addressed the Chair).

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, crocodile tears are being shed here, I see. We agree to vitiate the vote. But we didn't want to vitiate the vote. We agree to proceed to the bill. We don't want to proceed to the bill. All day we heard about how outrageous it was that we were having to go to a vote. Suddenly, crocodile tears appear to be shed early today.

My reason for suggesting that we vitiate the vote was in response to the specific comments of the Senator from Michigan. The Senator from Michigan came to the floor and called upon me by name and by State to proceed with the bill. That is what the Senator from Michigan called upon me to do.

I ask if it is possible to read back the statement the Senator from Michigan made just prior to the most recent exchange.

The PRESIDING OFFICER. The statement would have to be obtained from the Official Reporters.

Mr. GREGG. I will represent—and hopefully people will take the representation as accurate—that the Senator from Michigan was on the floor asking why I was slowing the bill down and called on me to——

Ms. STABENOW. Will my colleague from New Hampshire yield?

Mr. GREGG. I would be happy to yield for a question.

Ms. STABENOW. I was here at 10 o'clock this morning asking that, and I

think it would have been very appropriate if you had been here at 10 o'clock this morning. We would have welcomed that. We have all day been asking that. Now we are at a point where I think the concerns of my friend——

The PRESIDING OFFICER. The Senator from New Hampshire yielded for a question.

Ms. STABENOW. I ask why you were not with us this morning. We have been asking all day.

Mr. GREGG. I appreciate that question. I wasn't here this morning when you asked that question. But there is a tempo to this body. And the tempo involves putting on the RECORD the reasons this bill was, in my opinion, being brought forward in a manner which was inconsistent with the agreements which had been reached, in my opinion, within the committee.

There are two items that were represented as being fixed before the bill came to the floor, in my opinion. Neither of those items was corrected. The bill has had a very short shelf life. It was introduced last—we saw it for the first time, I believe, last Wednesday morning. It was passed last Thursday, and it was on the floor without a report on Monday.

During that period of it being passed in the committee on Thursday, there was an understanding between Senator EDWARDS and myself that part of the bill was incorrect and it would be fixed. Between Senator FRIST and Senator EDWARDS, there was another part of the bill that was incorrect which would be fixed.

For me, it seems inappropriate to move to the bill in such rapidity without having made that point—that point I spent a considerable amount of time making this morning and this afternoon, and which I am happy to continue to make.

But as a practical matter, I think the point has been made. I am willing to proceed to the bill, as the Senator from Michigan said. She came to the floor while I was here. I wasn't here this morning. Regrettably, I didn't hear your excellent speech. I am sure it was an excellent speech. But I was here to hear your last excellent speech. In response to it, I thought: Gee, let us proceed to the bill rather than have a vote tomorrow. We can have a vote tomorrow. I would counsel everyone to vote in favor of it, if they can.

Mr. SCHUMER. Will the Senator yield?

Mr. GREGG. I will yield in a second.

But the question was why I made this statement. It was because the Senator from Michigan asked me. I was stunned, startled, and surprised by the Senator from Massachusetts who, upon—and I understand that he was in a conversation and probably didn't hear the Senator from Michigan ask me. But had he heard the Senator from Michigan ask me, I am sure he would have said that is a reasonable response to the Senator from Michigan, I agree with it, and we should move to a vote.

I am also surprised that someone on the other side of the aisle is objecting to proceeding to the issue without a vote. If that is the case, that is the case; so be it; let us have the vote tomorrow. But if you want to proceed to the issue right now, I am perfectly willing to do that without a vote.

Mr. SCHUMER. Will the Senator yield for a question, my good friend?

Mr. GREGG. I will yield for a question. I am sure it will be an excellent question.

The PRESIDING OFFICER. The Senator from New Hampshire yields for a question.

Mr. SCHUMER. I thank the Senator.

He knows from the days we played basketball together in the House gym that my questioning ability is about equal to my basketball playing ability—not very good. But I would simply ask him a question.

If he wishes to move to the bill, and understanding that some of us feel a little grieved that we debated this all day, why would he object to us having a vote right now and then moving to the bill?

Mr. GREGG. I would answer the question, because my colleague from New Hampshire is in New Hampshire attending a funeral. I would otherwise be happy to move to the vote right now.

I renew my request that we proceed to the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire still has the floor.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have the opportunity to spend a lot of time on the floor and I see what goes on here more than this very important piece of legislation dealing with prescription drugs. For months and months, I have seen this. I have watched what has gone on. And it does not matter whether it is election reform, whether it is the energy bill, whether it is terrorism insurance, the supplemental appropriations bill, the Department of Defense authorization bill, or, as a couple hours ago, trying to move to military construction appropriations, it does not matter what we do, we cannot do it because they will not let us.

This is no different. And the answer is, you know, we can talk about: Sure, let's do it today. We will do it right now—after we have wasted actually 2 days—not 1 day, 2 days. Today is Tuesday.

This is the same on every piece of legislation with which we deal. And the reason is they do not want us—''they,'' meaning the Republican minority, do not want us to deal with this legislation—this legislation, election reform, energy, terrorism insurance, the supplemental, DOD authorization.

And the game does not stop with cloture on getting the bills to the floor with a motion to proceed. It is one thing after another. No, they don't want a 3-to-2 breakdown on the conference committee. They want 4 to 3. Or it doesn't matter what it is, we can't do it right.

But, Mr. President, we have the ability to persevere. And we have been able to pass election reform in spite of their not wanting us to go to it. We have been able to pass an energy bill in spite of their not wanting us to go to it. We have been able to pass a good terrorism bill in spite of not being able to get to it for weeks and weeks and weeks. We have passed a supplemental bill that is a good bill. The Department of Defense authorization bill is a good bill.

We have the ability to persevere and we are going to do it on prescription drugs. They can stall us for days. That is what this is all about, the big stall. That is one thing I have learned. I know what this is: stall, delay. And, of course, the Senator from Massachusetts is absolutely right; that is all this is about.

I have the greatest respect for the senior Senator from New Hampshire. He is good and he knows Senate procedures. He served in the House and was Governor of New Hampshire. And he is now a Senator, senior Senator. He knows the rules. He knows they have gotten 2 days on us on this bill to prevent us from offering amendments. I would like to spend some time on the Graham-Miller legislation, which the vast majority of the Senate—Democrats—support. It is good legislation. We should have been debating that all day today, and started on it yesterday.

No, we will not be able to do it. And the word has come from the other side that the minute it comes up—the minute it comes up—they are going to raise a point of order. And so the longer they stall on that, the less opportunity it will give us to talk about substantive issues.

So I am not surprised. This is the way it has been. They are going to continue to do this because they do not want the Senate Democrats to have victories. And we are having them in spite of having to fight every step of the way—every step of the way—to get where we need to go.

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

Mr. REID. I am happy to yield to my friend from New Hampshire for a question.

Mr. GREGG. I am willing to give you a victory. I am saying: You win. Proceed to the bill.

Mr. REID. Let me respond to my friend. I also understand this, that you have stalled for 2 days, at least. I think we can count Friday as another stall day.

Mr. GREGG. The bill wasn't passed until last Thursday.

Mr. REID. You stalled for 2 days. And here we now have a situation where,

after having wasted 2 days, we now are in a situation where you say: OK, let's just go to it.

It is 5 o'clock tonight. You have told us your friend in New Hampshire has a funeral. I also spoke to our colleague from New Hampshire. He said: Do you think there are going to be any votes? I said: It looks like you're not going to give us any votes. I said: I would hope we would have a vote on military construction. Right out here at about 2:30 today he and I visited.

So I say your statement that our colleague from New Hampshire is at a funeral—I am glad he is attending a funeral. I am glad he was able to go there. I think it is the right thing to do. But what I say, if going to a funeral isn't an excuse for missing a vote, there isn't one that exists in the world. So I think that is a very poor excuse for our not voting on this tonight.

If, in fact, you want us to go forward, I ask unanimous consent that we vote on cloture right now. Let's say at 5:45. Give people an opportunity to get here. We vote. I will spread on the RECORD that anyone who questions the junior Senator from New Hampshire not being here for the vote—I will personally campaign against that person and say that it is wrong for anyone to raise that as an issue.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, I would actually note I am actually the junior Senator from New Hampshire. But independent of that subtlety——

Mr. REID. Let's say, you don't act like the junior Senator.

Mr. KENNEDY. Not all the time.

Mr. GREGG. Let me make the point, we do not need a vote because I am willing to agree to go to this without a vote. But if we are going to have a vote, let's have it when it was originally scheduled, which is tomorrow at 10:30 or 9:30, whatever it was. So I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I say to my friend from New Hampshire, we have had people who have told us they didn't want us to go forward. And I think they should be called here and cast a vote and see how—I don't like to use words like this, so I will not use the word ''phony''—let's say deceptive.

Here they are now. They are saying: We aren't going to let you go to this, but we don't want to vote on it. I want them to vote on it. Probably the vote will be 98 to 0. We will show how fallacious and foolish and wasteful it was not allowing us to go forward on this anyway.

Mr. GREGG. If the Senator will yield for a further question, I think the Senator's knowledge of process around here certainly exceeds mine and, obviously, it borders on genius. And, therefore, I suspect the Senator knows there are ways in which to get one's point across in this institution which involve procedural activities.

My purpose in raising this issue was to get my point across, that I believed the bill was coming to the floor without having been adequately structured as to how it was going to leave the committee. Now, I made my point. I am happy to move on without a vote. There will be a vote tomorrow, if you wish to have it, and it will probably be 98 to 0.

Mr. REID. Does my friend have a question?

Mr. GREGG. My question is, Why do you need a vote?

Mr. REID. For the reasons that have been outlined, in detail, by the Senator from Massachusetts, and by me.

So I ask unanimous consent that the cloture vote on the motion to proceed to Calendar No. 491, S. 812, occur at 10:30, Wednesday morning, July 17, and that the time until the cloture vote be equally divided and controlled between Senators KENNEDY and GREGG or their designees; and that the mandatory quorum under rule XXII be waived; that immediately following the vote, if cloture is invoked, the motion to proceed be agreed to, and the Senate begin consideration of S. 812.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the majority leader has asked that I announce there will be no more votes today.

I would say, after having said that, that is really too bad. What a time to do military construction today. We would take 20 minutes, plus 45 minutes. We would finish that bill and send it to the President.

Now, I would say that my friend from Arizona complained because he wants firemen. I have checked with Nevada. I will be very brief. I know people want to talk on prescription drugs, which they should, but in Nevada—you know, my friend from Arizona is complaining he wants to make sure there is going to be money to fight these fires—we have the Mud Springs fire covering 4,000 acres; Eagle fire, 10,000 acres; Buckeye fire, 850 acres; Ellsworth fire, 1,200 acres. They are burning right now—the Belmont fire, 650 acres; Cold Springs fire, 1,000 acres; Adobe fire, over 500 acres; Bridgeport fire, 250 acres; Pony Trail fire, 100 acres; Lost Cabin fire, 1,500 acres.

I am willing to do what we always have done: Wait until the money comes forward in the Interior appropriations bill. We have already established that the President should push this in the supplemental. He has not done that. Maybe he will do that. That is no excuse, no reason for not going forward with this bill.

As I outlined following Senator KENNEDY's statement, it is a sham. Everything we do here is an ordeal. It is an ordeal to get money to take care of construction needs for our military around the world. I repeat, election reform, energy, terrorism, supplemental appropriations, DOD, the corporate security bill, whatever it is, the big stall takes place. And we are able, in spite of that, to work our way through the system and declare some victories for the American people. We are going to continue to do that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a minute or two, and hopefully the Senator from Michigan will be able to complete her statement. She has been here all day long. She has yielded to all of the interventions. She has a determination that cannot be matched, but she also has patience and grace that can't be matched either. I will just take a moment, and hopefully she will be recognized.

Just as a general matter, this legislation is enormously important. We have all said that during the course of the day. I hope at the start of the substantive debate we can have a sense of civility about how we are going to proceed. If there are legitimate kinds of concerns, as expressed by the Senator from New Hampshire about being unwilling to permit the Senate to move forward, I will take those. I don't agree with them, and I think they are misplaced for reasons I have outlined, but I can understand those. Then we are going to play by the rules.

But I would hope, as we begin this extraordinarily important debate and discussion, that we will free ourselves from gamesmanship and surprises. Let's try and deal with this important issue. Let's share our amendments if we are going to call them up. Let's get back to a sense of civility. People have strong views. This is enormously important. The underlying legislation and these amendments are incredibly important.

People are entitled to have the full attention and consideration of the Members of this body and to be free of the gamesmanship that too often takes place. I hope at the start of this, we will have that as a basis on the way to proceed. I think the American people expect no less. There has been objection, as has been pointed out, to our considering this. This is too important. The American people will see with tomorrow's vote on the will of the Senate, whether this legislation is flawed in some way or whether we ought to proceed to it.

As the Senator from Nevada has pointed out, we are prepared to have that vote this evening as a roll call vote, so that the American people can see, after listening to this debate all day long and after the allegations and charges that were made about the incompleteness of the legislation, whether there are substantial Members of this body who don't feel we ought to go ahead, or whether the majority believe we should go ahead.

At the beginning of this debate, which will take some time and is very important, let's hope we can proceed in a way that is worthy of this institution.

I thank the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to comment on some of the remarks of the majority whip and some of the comments of the chairman of the committee with respect to this legislation.

No. 1, the junior Senator from New Hampshire has every right, as ranking member of the committee, to be outraged at the way this bill was brought to the floor. It is my understanding, listening to him today and from the discussion in committee, that there were certain commitments made with respect to bringing this bill to the floor. The fact is, the reason we have seen delays on the floor on the energy bill, the terrorism insurance bill, election reform, a variety of other bills, was because those bills had bypassed committees. They had been brought straight to the floor.

Now we are talking about another bill, the Medicare drug bill, which will be amended, attempted to be amended, to this underlying bill that will be bypassing the committee and brought straight to the floor. What is the underlying bill? A bill that was introduced on Thursday and now is on the floor. No one had seen it. I am still trying to understand this legislation. It is very technical, very complex. It is very important to my State, in which there is a lot of drug manufacturing. I am still trying to understand the complexity of what this bill actually does. It is here on the floor, and we are asked to just move ahead.

The Senator from New Hampshire had some understanding of what was going to be changed. As you know, when you are marking up a bill in committee, markups are not about legislative language. There are concept documents that are then put into legislative language and brought to the floor. The Senator from New Hampshire had understandings and those understandings were not incorporated into this legislation.

The Senator from New Hampshire had a right to come to the floor and explain his dissatisfaction with this procedure. We have two procedures set up: No. 1, you completely bypass the committee; No. 2, you go through committee, and then you don't bring the bill out that you say you are going to from committee.

The Senator from New Hampshire simply wanted to make that point. As you know, in the Senate we have the opportunity to put a halt on things temporarily so you can make a point. The point is, procedurally this Senate is being run amok, whether it is the work now coming out of committee or, more often than not, it is the work that is not even done in committee.

I don't know why we have a Finance Committee, much less a chairman of the committee, because every important issue the Finance Committee has had to deal with this session has been bypassed. The committee has been bypassed.

Whether it is taxes or Medicare prescription drugs, I cannot think of any two issues more important—I also include trade—the three most important issues Finance deals with: trade, taxes, and health care—of the three major issues of this session of Congress, the Finance Committee and the chairman were simply bypassed. Partisan bills were brought straight to the floor.

Why are we discussing this underlying bill? They brought this bill up because this is the vehicle by which to talk about health care because they couldn't get their prescription drug bill through the committee. They couldn't get the Democrat prescription drug bill through committee because it is a partisan approach. It will get no bipartisan support. It has no scoring. It has not even been written yet. It is still being worked on.

The bottom line is, they couldn't get that through committee. Actually, the bill that would have come out of committee—I am fairly confident—the bill that would have come out of committee would have been a bipartisan bill. But it wouldn't have been a bill that the majority leader wanted. So he takes the gavel out of the hand of the chairman and runs the bill straight to the floor; that is, his bill. That is a partisan bill.

Why does he do that? We are still operating on last year's budget agreement. Last year's budget agreement requires two things of a Medicare prescription drug bill: No. 1, that it be within the budget amount, which I believe is $300, $350 billion in number—it has to be that number or under—No. 2, it has to be reported from the Finance Committee.

So here is the state of play now because we are playing politics with prescription drugs instead of trying to do prescription drugs. We are playing politics. Why? Because any bill that is offered in the Senate that provides a prescription drug benefit for seniors will be subject to a point of order which is 60 votes. Why? Because it was never reported through the Finance Committee. Why? Because the majority leader refused to let the Finance Committee mark up a bill.

So what has he done? He has set up a game where he has placed the bar so high that no benefit will pass the Senate. Why? Morton Kondracke answered that in Roll Call when he said it is obvious the Senate Democrats wanted the issue more than the prescription drug coverage for seniors. They would rather have the issue this fall than the drug coverage for seniors as soon as possible.

I have not been around that long. I have been around since 1991. But since I have been here in the House and in the Senate, I have noticed one thing: When it comes to dealing with the big issues of the day, particularly health care, taxes, Social Security, et cetera, by and large—particularly with Social Security and Medicare entitlements—you cannot pass one of these pieces of legislation without a bipartisan consensus. You cannot do it, and I argue that you should not do it. You should try to work together to get a consensus. If you are serious about getting a bill through the Senate on prescription drugs, you cannot bypass the committee, bypass bipartisan agreements, bring a partisan bill to the floor, play games of 60-vote points of order, and claim you tried and the other side blocked you from succeeding, which is exactly the way this is going to play out.

Let's have no illusions as to how this will end. This is not a serious discussion, folks, of getting prescription drugs for seniors. This is a serious campaign rhetoric debate about who is for seniors more, knowing full well, the way the game was set up, seniors will lose, no matter what happens.

If you were serious about getting a prescription drug benefit for seniors, you would take it through the Senate Finance Committee and they would do the work that should not be done on the floor of the Senate. You have folks on the Finance Committee who have waited years and years to get on that committee and have studied these issues very hard, such as the Senator from Massachusetts, who is an expert in the areas under the Labor Committee's jurisdiction. He is an expert. He has been working on these issues. This is his area of expertise in legislating. When the Finance Committee deals with welfare, taxes, trade, Medicare, and health care, this is their area of expertise. They work together. This is a dynamic. That is how committees work. They work together and find compromise. They understand the real intricacies of the issues, and they work together to knead together legislation that will work and come to the floor without all of the different problems that confront a virgin piece of legislation that is dreamed up in some back room somewhere.

That is how the process works to help the Senate do its work. You build consensus in committee. You get Democrats and Republicans working together to form agreements and coalitions, to bring a bill to the floor so you can continue that. That has all been thrown out the window. Why? This bill is about partisan politics. This bill is about the November election. This is not about providing prescription drugs for seniors.

This is really tragic. It is amazing to me that the Senator from Nevada would complain about losing 2 days. We are going to lose 2 weeks in the Senate. We are going to spend 2 weeks debating health care issues that, because of the procedure that has been set up, will never pass the Senate, because we have set up a procedure that is doomed to fail, we have set up a procedure that does not allow bipartisan cooperation.

We have a bill introduced by members of the Senate Finance Committee—a tripartisan bill—that would have passed the committee, that could

have come to the floor. A lot of the problems already could have been worked out. We could have spent less time, not more time, here in the Senate. If we really wanted to do a prescription drug bill, we could have let the Finance Committee do its work and we would have had the issues narrowed as a result of that. We could have come to the Senate floor and worked together and tried to get a bipartisan bill that could be conferenced with the House, so we could get a Medicare prescription drug bill. But a prescription drug bill is a partisan issue now. That is the result of this procedure we have going right now.

I don't understand why we say we have lost 2 days. We just voted on the corporate accountability and accounting bill at 7 o'clock last night. We had amendments and debate going on up until then—which would be allowed. There were amendments that were not allowed to be offered. We had debate going on and we had 4 or 5 votes last night. So I don't know how we have lost 2 days. The Senator from New Hampshire, about an hour ago, said he would be willing to vitiate the vote. There has been plenty of time for Members to lay down amendments. I think I can stipulate for the record, if anybody on the other side would care to have the stipulation as a satisfactory admission on our part, the vote tomorrow will be unanimous to move to proceed to the bill.

I don't think there is any question that every Member on this side wants to proceed to the bill. We want to talk about prescription drugs. We want to have our ideas. We have three different plans on this side of the aisle that are supported by various Members. Senator SMITH from New Hampshire and Senator ALLARD have a plan, Senators ENSIGN and GRAMM have a plan, and the tripartisan plan that is supported by many Republicans, all of which I think bring a tremendous contribution to the debate. We will have good discussions about it.

I know the Senator from Nevada said he wishes we had the Democratic prescription drug bill up. I hope the Senator from Nevada offers that bill right out of the shoot. I hope we do have a vote on that tomorrow, or lay down that bill and have a discussion about it. I think it would be great.

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

Mr. SANTORUM. Yes.

Mr. REID. Would the Senator from Pennsylvania support, then, an up-or-down vote on the Graham-Miller bill that you just talked about? Do you want to debate that, and would you be willing to have an up-or-down vote?

Mr. SANTORUM. I think we should have up-or-down votes on every plan I just listed. If the Senator would agree to up-or-down votes on the tripartisan plan and the other two plans I just listed, which are serious legislative proposals, I think there would be no question you would easily get an agreement to have an up-or-down vote on the point of order on all of those.

Mr. REID. I am not talking about a point of order. I asked the Senator from Pennsylvania if he would give us an up-or-down vote on the Graham-Miller prescription drug benefit plan.

Mr. SANTORUM. Obviously, the procedure by which this bill has been brought to the floor has tainted this entire process. I believe, actually, the best chance we have to get the high-water mark—in other words, the most votes on any bill—will be the tripartisan bill because it has tripartisan support.

Mr. REID. So the answer to my question is no?

Mr. SANTORUM. Again, I suggest that you have created the atmosphere by which the point of order is available to some Members, and whether I agree or not doesn't matter. I think there will be Members on both sides of the aisle who will raise a point of order. Why? Because it is available. The Senator from Nevada knows full well if points of order are available, someone on this side—or the other side of the aisle, I might add—will raise a point of order. You have brought this bill to the floor by bypassing the Finance Committee. You have brought it with an instant point of order. That is the remarkable thing. You could have a prescription drug benefit bill that would cost $10, and if you brought that to the floor, it would have a budget point of order. Why? Because the budget says the bill had to come through the Finance Committee. So what we have done is set the bar where you now have to have every single Member of the Senate agree that this bill comes to the floor without objecting to it on a point of order.

As the Senator from Nevada knows, you hardly get anybody to agree to anything around here, much less a multibillion-dollar expansion of health care benefits, without having someone opposed to the legislation and then raising a point of order. So what we have done, as I said before, is set the bar so high that you have ensured that nothing will happen.

I will yield for a question.

Mr. REID. I would say that the bill we are working on here was reported out of the HELP Committee by a 16-to-5 vote; 5 Republicans voted to bring it to the floor. That is why we were so stunned when we weren't able to go to the bill. I also say that it appears to me that this bill didn't need to go to the Finance Committee; it was under the jurisdiction of the HELP Committee. But even if a bill went through the Finance Committee, it would still need 60 votes and we could raise a point of order on it.

Mr. SANTORUM. Mr. President, taking back my time I say not necessarily. It depends. If it were in the budget constraint and were not marked up in the committee, would it not be subject to a point of order?

Mr. REID. Being marked up in committee makes no difference whatsoever.

Mr. SANTORUM. That is not what last year's budget agreement says.

I also make the other point that, with respect to this bill—and you said you were shocked at the objection. I hope you listened to the Senator from New Hampshire in laying out what were legitimate complaints about the way this bill was brought to the floor, when certain assurances were given. As you know—and the Senator is a committee chairman and knows how markups work—certain assurances were made about issues being brought up in committee, and technical corrections or other corrections were ''agreed upon.'' And then when the bill came to the floor, those changes were not made.

Mr. LOTT. Will the Senator yield?

Mr. REID. Mr. Leader, he asked me a question. May I respond?

Mr. LOTT. I will be happy to let the Senator respond, and then I want to ask a question.

Mr. REID. I will be very quick in responding to the question. I say to my friend, in response to the question—even though you had the floor and you asked me a question—this, as far as I am concerned, is one of those excuses I have talked about. The bill was reported in a bipartisan fashion out of committee.

My friend from New Hampshire, the junior Senator, said: You told me certain things. That is what the amendment process is all about. He said: It is technical in nature. This is just an excuse not to go to the bill. This is just an excuse not to go to the bill. We are wasting time that should be used on prescription drugs. That is what we have tried to establish today. We are wasting time when we should be dealing with the bill itself, not talking about technical amendments that should not be here. It is here, it is here on a bipartisan basis.

Mr. SANTORUM. Reclaiming my time, the Senator knows fixing legislation on the floor is a lot harder than having something in the base bill. The fact is, the Senator believed certain assurances were made and those assurances were violated. He wanted an opportunity to pause to make that case. Subsequent to him making that case, he agreed to vitiate the vote. In fact, he agreed to proceed to the bill over an hour ago, and he agreed to vitiate the vote a couple hours ago.

All I suggest is, if we were serious about moving to this legislation, having a discussion about prescription drugs, we could be doing that right now. We are in some degree doing that right now. We could be on an amendment. I hope the Senator from Nevada or somebody on his side puts down the Democratic proposal that we can have this debate, begin in earnest and have votes. I will be happy to yield to the leader.

Mr. LOTT. Mr. President, if the Senator from Pennsylvania will yield, let

me clarify. There are several issues in play. First of all, there was the point the Senator from Pennsylvania was just making that there was some understanding that Members thought they had some modification of the bill that was going to be made that did not happen. Maybe that was just a misunderstanding, but that contributed to this problem.

The second issue, this is not just about this drug pricing bill. Everybody knows this is going to wind up being the vehicle for debate on prescription drugs. There is concern about going forward in this way; that this is going to be a process to which I have referred as mutually assured destruction because whatever is offered is going to have to get 60 votes because it did not come from the Finance Committee and/or because it exceeds what the budget allows. And that is the point I wish to clarify.

If I am misinformed, I would like to know that at this point. But my understanding clearly is that because we do not have a budget resolution passed by the Senate, we do not have any budget numbers, that the number we are operating on that is allowed for prescription drugs is $300 billion. That is what was identified last year, and that still is what applies.

If you exceed that amount, you have to have 60 votes to overcome a point of order. Secondly, if it does not come from the Finance Committee, that in itself would require 60 votes to overcome a point of order.

There are two reasons we will have to have 60 votes to pass any of the bills that may be offered in the prescription drug area.

If that is not correct, then I stand corrected. If we could get a bill out of the committee that was under that amount, then there would not be a problem. At least one of the approaches, or maybe a couple approaches, that will be offered—the one by Senators HAGEL, ENSIGN, and GRAMM that would cost, I understand, somewhere between $150 billion to $170 billion—would not require the votes to overcome the point of order, but it would because it did not come through the Finance Committee.

There is a simple solution to this: The Finance Committee should meet and vote. We have met for hours trying to figure out the right way to do this. It is difficult, it is complicated, and it is important. We met 4 hours, and I was there a couple hours last week. Yet we have not had a markup. Let's go to a markup, have debate, amendments, and see if the Finance Committee can report a bill. That is what I urge we do. Then we can have a bill that came out of the committee, that could have tripartisan support, and it would not be subject to a 60-vote point of order. We could pass it with 51 votes and get real help to people who need it—the elderly, sick, poor people—and we can do it this week.

Mr. SANTORUM. Was there not a markup scheduled for the Finance Committee this week?

Mr. LOTT. There was a markup. We marked up two minor bills last week, and there was a markup scheduled at 10 o'clock this morning. It was delayed to 2 o'clock and then cancelled. Why? Because Senators SNOWE, GRASSLEY, and others in the tripartisan effort served notice that they were going to offer a prescription drug package to a so-called minor bill. As a result of that, that markup was canceled.

It really bothers me. It looks to me that we are headed for a situation where, when the smoke clears next week, no package will be left standing, and we will not have passed a bill with 60 votes and the people once again will not get the help they need. We seem to be striving to find a way not to do this. I do not understand it.

I do not question the merits of the different bills. We can argue about them and we can debate them, but if the end result is nothing, is that good? As far as the underlying bill, if we knew debate was going to be on the drug-pricing issue, we could have started earlier, and we could probably have finished it this week. But there are two distinct issues that are riding on each other. It is a real problem.

Once the prescription drug bills perhaps fail, I guess we will come back to the base bill, and it will probably pass and I assume it will be a bipartisan vote: Some for it; some against it. I want to clarify, it is my understanding that clearly it takes 60 votes because of the amount involved and because the Finance Committee will not have acted.

Mr. SANTORUM. The Republican leader is correct. As I said earlier, if a drug benefit bill were brought forward that cost $10, it would be subject to a budget point of order because of this procedure.

People are asking: Why is the 60-vote procedure such a problem? The Senator from Nevada asked would I object to an up-or-down vote on one of them? I can certainly agree to that. The problem is the 99 other Senators; only one of them needs to object to an up-or-down vote and make a point of order against the underlying bill because it is not reported out of the Finance Committee, and we have a problem. We have to get 60 votes.

The interesting question is why are we in this situation? Obviously, because the majority leader has decided to bring a bill straight to the floor and not through committee. Why are we in this situation even stepping back from what happened yesterday? Because we do not have a budget. We have no budget. For the first time since 1974, we have no budget in the Senate. Now we are starting to see the consequences of not having a budget.

The other point is we do not have any appropriations bills passed. I am not the one objecting to the MILCON appropriations bill, and I hope we can work that out and I would be very supportive of passing it on a very short timeframe. The fact is, we are way behind on appropriations, and if I look at the schedule, we are talking about health care this week, next week, and talking about homeland security the week we leave. I do not see any time in here to do 13 appropriations bills that are necessary to run the Government of the United States.

We have no budget, we have no appropriations bills, and as a result of having no budget, we have a, to be very candid, screwed-up system by which we are dealing with a Medicare prescription drug bill, which to my constituents—and I represent per capita the second oldest population in the country—is perhaps one of the most important bills, maybe the most important bill, we are going to deal with in Washington, DC, for the people of Pennsylvania.

I always say we are second to Florida per capita in the number of seniors, but my comment is, my seniors care more about Medicare and prescription drugs than the ones in Florida because all my rich seniors move to Florida, and what is left in Pennsylvania are the folks who really need the coverage and cannot afford it. So this is a very important bill for the folks in Pennsylvania.

This is something we want to accomplish. This is not something I want to be held up by some procedural trick.

I will say without reservation that if we had a clean process and we had a bill that came out of the Finance Committee that was not subject to a point of order, we could begin the amending process and have the Senate work its will. Would I be happy with the product? I would probably not be overjoyed with it. I do not even know if I would vote for it. But we would move the process forward where we get a bill to conference that is conferenceable with the House, and we have the potential of getting a prescription drug benefit for millions and millions of seniors across America who are relying on us to do it. But instead of going through the process which assures us of getting a bill, we have developed a process which assures us of getting no bill.

So don't anybody next Friday say, oh, golly, we did not make it; oh, golly, we did not pass a bill and think, gee, we really gave it a good chance.

This process was scripted for failure. This process was created for a partisan issue in November and nothing more. This is not a serious debate about Medicare prescription drugs. When we are serious about doing Medicare prescription drugs, we will do it the way it was intended to be done and contemplated by the budget of last year, which is what is done with every other major entitlement bill we have ever dealt with in the Senate. What is that? Go through the committee of jurisdiction. The committee works its will. A bill is brought that has had a lot of the kinks worked out, has had bipartisan compromise by experts who study and

work on that kind of legislation—that is why they are on the committee—and the bill is brought to the floor to work out the final, in many cases major, issues. Then you get the bill done, you go to conference, and you move on.

That is not what is happening. Why? That is a good question. Why? Do we not trust the chairman of the Finance Committee to mark up a bill? Do we not trust the committee of jurisdiction to take up this legislation on which there is intense interest in the committee? There are several bills germinating out of members of that committee on both sides of the aisle. Why do we not trust this committee to do its work on the most important issue that that committee will deal with this year? Why have we said we do not trust the Finance Committee, we do not trust the chairman, we are going to go over their head, we are going to bring a partisan bill, which to my knowledge no one on this side of the aisle has seen? And I suspect there are a lot of folks on that side of the aisle who have not seen it.

The bill has not been scored. We have no idea how much it costs. The Senator from Nevada said he hoped to be debating this bill tomorrow. I hope to be debating the bill tomorrow, too, because I would like to see it.

Think about this: The largest expansion of entitlement programs in the history of the country, and we are going to bring the bill to the floor, having not gone through committee, having not seen it, and ask for a vote on it.

The rumor mill among the press is this bill costs $800 billion. Now, that may be high. I do not know. That is the number I heard outside. That is $800 billion, not over 10 years, because the bill sunsets, but only 6 years. So it is a trillion-dollar expansion of government. That is even a big number for Washington, a trillion-dollar expansion of government, and no one has seen the bill. It has not gone through committee. There has not even been a hearing on the bill. A trillion-dollar expansion of government, and there has not been a hearing on the bill, much less a markup.

Now what they are telling the American public is: We are really serious, aren't we? We are serious about passing a drug bill, aren't we? We have not had a hearing on it, we do not know how much it costs, we haven't gone through committee, haven't marked it up, we have not brought it to the floor, but trust me, we are serious about passing a bill. This is real, this is legit, we really want to do this, we really want to make this happen.

Remember, we have not drafted the bill, do not know how much it costs, have not had a hearing, have not had a markup, have not even brought the bill up to the floor, but we are serious, and it is, by the way, a trillion dollars. We really want to make this happen, and we are going to get it done in a couple of days, trust us, and we will work it out. That is the procedure.

Then we have people saying: How dare you raise a point of order against this bill that has not been finished, that costs a trillion dollars, has not had a hearing, has not been marked up, has not come to the floor. How dare you raise a point of order against this trillion-dollar expansion of government. How can you do that? You must not care about seniors. That is going to be the issue in November: You do not care about seniors because you did not allow us to pass a bill that no one had seen, costing potentially a trillion dollars, that no hearing had been held on, that no markup had been done on, and that we had not had the opportunity to even see and debate on the floor, with people wondering why we raised a point of order.

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

Mr. SANTORUM. I would be happy to yield for a question.

Mr. REID. Is the Senator aware that this legislation about which the Senator from Pennsylvania speaks has been written and authored by these two radical Democrats by the name of BOB GRAHAM from Florida and ZELL MILLER of Georgia, who both have credentials, I would suspect, that are as moderate as any in the Senate? Is the Senator aware of these two men who have sponsored this legislation, who have written it?

Mr. SANTORUM. I understand they have been involved in the writing of the legislation.

Mr. REID. Is the Senator also aware that this legislation about which the Senator speaks has been endorsed by many organizations and groups in America, including the AARP?

Mr. SANTORUM. Which I find remarkable to believe, and the answer is, I do know that some organizations support it, but I find it remarkable to believe that any legitimate organization would endorse a bill they have not seen and have no idea how much it costs. The answer to your question is, yes, I am aware that certain organizations have endorsed it. I question the responsible nature of those organizations that would endorse a bill they have not seen, have no idea what the impact is on their members, and have no idea what the impact is as far as the cost to their members and the cost to the taxpayers, because we do not know that yet.

Mr. REID. I have two very brief questions I would ask the Senator to answer.

Mr. SANTORUM. Sure.

Mr. REID. The Senator is not suggesting in any way that AARP is not a legitimate organization, is he?

Mr. SANTORUM. I did not say legitimate. I said responsible. There is a difference. They are certainly legitimate. I question how responsible they are.

Mr. REID. In the Senator's first statement, he did say legitimate.

Mr. SANTORUM. If I did, let me correct that. AARP is certainly a legitimate organization. I would question how responsibly they are acting if they are endorsing legislation they have not seen and do not know how much it costs.

Mr. REID. The Senator has indicated we should be working on appropriations bills, and I agree with the Senator. But is the Senator aware that for—I have lost track of the days, but for several days I have offered at least four, maybe more, unanimous consent requests that we move to military construction with a time of 65 minutes and I have received an objection on that side of the aisle?

Mr. SANTORUM. I would say to the Senator from Nevada, he did not receive an objection from me. All I can say is we have a Member or two on this side of the aisle who are concerned about the ability to pay for fires in their States, and I think the Senator knows that. We all have concerns about appropriations and disasters in our State. I certainly respect the Senators objecting to that. I hope we can work that out because I agree with the Senator from Nevada that we should be dealing with appropriations bills.

MILCON is one that is usually not very controversial, there usually are not a lot of amendments to it, and we should be able to pass it in a very short period of time. We are certainly working on this side of the aisle very diligently to try to take care of the objections so we can get to that issue.

I appreciate the Senator moving forward on that, and I hope the Senator from Nevada will then, after we get MILCON done, move to the Defense appropriations bill because I think it is vitally important, as we are fighting this war and we are trying to protect the homeland and we are doing things that are on the cutting edge of transforming our military, that we get that legislation passed in the Senate. When we get MILCON and DOD passed, the soldiers, sailors, airmen, and marines will know the money is there and the program dollars can be spent in a much more efficient way.

I am a member the Armed Services Committee, and that is always a concern, that there will be a delay in the release of money in the appropriations process. I think that would be a very important thing we could do between now and the August recess, if possible. I will certainly work with my colleagues on this side of the aisle to get them to have a very short list of amendments and see if we can get a DOD bill passed in short order.

Mr. REID. If I could respond to my friend without his losing the floor, as a member of the Appropriations Committee, we reported out this morning, or this afternoon—around noontime—the largest appropriations bill in the history of the country. That is why—and the Senator has taken my script—I have said basically the same thing on military construction. We have to move forward on that because we have construction projects for our men and women in the military all over the

world. Most of them, of course, are in America, but we have military construction projects around the world that are waiting, and we need to get to that.

I appreciate the Senator saying he would join with us, but the problem is we have had trouble moving all legislation, not the least of which is the military construction appropriations bill.

I appreciate the courtesy of the Senator allowing me to ask questions.

Mr. SANTORUM. The Senator from Nevada is always courteous to Members on our side when we come to the floor and we appreciate that gentility in the way he deals with questions and answers and appreciate his questions. I know we can work together in a bipartisan way to manufacture as many appropriations bills as possible between now and the August break. I know the Appropriations Committee has begun to churn out these bills in marathon sessions. That is welcome news.

Hopefully, we can get to what I believe is the most important. It is a big bill and it is complex. It is several hundred billion dollars. It is still smaller than this bill and a heck of a lot less complex, a bill that potentially could be presented here by the majority to expand prescription drugs.

Again, even though I object to the way this procedure is being done, I am very much for having this debate on the Senate floor and trying to get a prescription drug bill done that meets the needs of our seniors all across the country. I don't like the way it is structured. I don't believe it has been structured in a way that will lead us to a result that can be satisfactory to any senior. It is certainly a debate we should have. I just wish we had it under circumstances with a possibility of success. I don't think we are heading in that direction at this time.

A final point is on the underlying legislation. As I said before, I have only had a chance to look at it over the last 24 hours since I have been back in town. I have some concerns about this underlying legislation. This is more of a vehicle than a substantive issue. We have to understand, when it comes to the pharmaceutical companies, they are the great whipping boy in the Senate and certainly in the House and many places across the country. The fact is, about 50 percent of the new drugs that come on the market come from innovations in the United States of America. People are alive today who are listening to my voice because of pharmaceutical companies making billions of dollars in investments each year to create new drugs, to move the envelope forward, to improve the quality of and to lengthen people's lives.

I understand they get beat up on because they try to use their patents and they charge more money here than in other countries and all the other things said about them, but the fact is, if bills such as this pass—and I am concerned about this particularly, some of the litigation provisions—we are going to erode the incentives for pharmaceutical companies to invest in cures.

It is popular, very popular, to go around and promise seniors you are going to get them cheap drugs; that these generics are the answer. These filthy horrible drug companies, the pharmaceutical companies, the name brand pharmaceutical companies are horrible people who are raping and pillaging you, and if we just give all their patents to the generic folks as quickly as possible and give the generics an opportunity to get in there quicker, your drug prices will be lower. That is an argument that appeals very much to this generation of seniors and this generation of pharmaceutical users at the expense of future cures for them and others.

Some may say that is a good tradeoff. The politics is smart, I guess, because people would rather have the money in their pocket than the perspective of maybe something happening that may or may not affect them in the future. I understand the game. I understand the politics. The politics are great in being able to promise somebody a 50-percent reduction in their drugs, or a 30-percent reduction in their drugs. That is great. People see it, feel it, and hear it. But people also need to realize that when you do that, you limit the innovation that occurs; you limit those lifesavings drugs, the enhancing of the quality-of-life drugs that come out of this Nation's terrific pharmaceutical industry.

Sure, I will join others on this side with some amendments. I know Senator HATCH and Senator GREGG have concerns about this underlying legislation, have concerns about some of the issues, such as the reimportation of drugs.

I have very serious concerns about the safety of the reimportation of drugs. In Canada, they are cheap and they can send them back here and they are cheap. They sell them in Canada because they say this is how much you are going to charge; if you don't want this price, you cannot sell your drug in Canada. By the way, if you really want the drug, we will make it and sell it here ourselves. So you have no market and we will sell your drug anywhere.

You say: I cannot believe that happens. That happens.

Here is a pharmaceutical company that says: I charge $2 for the drugs in America; it costs me a quarter to make them. I charge $2 for the drug in America. It costs me a quarter to make it—that is, the process to make it. But the rest is to make up for the many cases, hundreds of millions, invested to get this formula to where it is. I have to make it up somehow so I have to charge more.

Canada says: I will only pay you a dollar; I will not pay you $2. I will only pay you $1 or 50 cents. The drug company has to make a decision: Do I sell it for less there and get the wrath of the American politicians who say, look how cheap this drug is, or do I sell it for less there, still cover my costs, and make a small profit—not as much, but I make a small profit—or do I not sell my drug there, have a Canadian steal my patent, make the drug and sell it there anyway?

If you are a pharmaceutical company, that is a decision you have to make. Some say: No, I don't want to sell the drug. I will not do it. Others say a little profit is better than none. And some suggest this is perhaps a unique drug, they feel a social obligation to make it available in countries because this is a drug that maybe doesn't have anything similar to it. So they sell the drug even at a very small profit because they feel a social responsibility to do so because it will save lives.

For this, they have Senators of the Senate holding up drugs and saying: Look at these rotten drug companies. Look at these rotten drug companies. Look what they are doing.

Understand the story because you are not being told the full story. You are not being told what really happens. Yes, they are cheaper, but now you understand why they are cheaper. They can say no. Fine. In some cases, saying no means people will die. Most pharmaceutical companies, contrary to what you hear, are not in the business of wanting people to die so they sell their drugs. I suggest we understand the whole story before we get into how bad these guys are for selling drugs cheaper in other places.

The bottom line is the American public, as a result of the way foreign governments operate, subsidize research in the world. Is it the right thing to do? We should have a good policy discussion on that. There might be legitimate competing arguments whether we should subsidize the research by paying more for research. However, if we do not, the research will not get done and people will die because that new drug that could have been invented had the investment been made will not be developed or it will be much later.

Those are the chances. I know that is taking the dollar you could get now for cheaper drugs for the promise of something better later. One thing drug manufacturers can point to is the promises have been made good, if you look at the quality of the pharmaceuticals that we have on the market today and for people whose lives are being saved and the quality of life that is being improved.

Understand what we are doing. This is not as simple as some would let you believe. Understand what we are doing. We are going after the big bad pharmaceutical companies that are responsible for many people being alive today.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that the Senate

now proceed to a period of morning business, with Senators allowed to speak for a period not to extend 10 minutes each; I further ask, as part of that consent, that the Senator from Michigan be recognized; that the Senator from Arkansas be recognize to speak for up to 30 minutes, and if I could get the attention of my friend from Iowa, does the Senator from Iowa wish time to speak?

Mr. GRASSLEY. No.

Mr. REID. There is time for others to come to speak, but I ask the Senator from Michigan now be recognized in morning business under the unanimous consent request, and that following that, the Senator from Arkansas be recognized.

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

MORNING BUSINESS

MEDICARE PRESCRIPTION DRUG BENEFIT

Ms. STABENOW. Madam President, it is difficult to know where to begin at this point. I feel compelled to respond to my colleague and friend from Pennsylvania, who has spoken at some length. As I listened to him on a variety of subjects, I have changed what I was going to say a number of times.

Let me just start by addressing the last issue he raised about knowing the whole story because I believe it is incredibly important. We have been trying, now, since Friday—or certainly we have been trying since yesterday—to move to this legislation which is so critical to lower prices of prescription drugs for everyone and also provide a Medicare prescription drug benefit that is beneficial. As we finally move to the bill, it is important that we understand the whole story of how the industry operates today and our role as taxpayers.

I think we need to understand that we start with basic research. This year, we as taxpayers are spending $23.5 billion that we give to the National Institutes of Health for basic research. I support that. I would support doing more. I think it is critical. But we do that, and companies take the information and then move it to the next level after we have subsidized or paid for the research.

They move to the next level and do research and development themselves, which is also very important. We subsidize that as well through tax write-offs on research and development as well as advertising and business costs and so on. So we participate through tax deductions and credits.

We then allow companies that bring a product to market to have up to a 20-year patent. That patent, then, allows them to have exclusive rights, without competition, so they can recover their costs, their research costs. It does cost a tremendous amount of money to bring new drugs to the market. We know that. We as Americans have built in a system to make sure that that innovation is recognized. We allow companies to recoup their costs, and they are then able to bring these lifesaving drugs to market.

We then get to the end of that process, and then something else is supposed to happen. The formula is supposed to be available for generic companies to be able to, in turn, manufacture the drugs and reduce the prices.

What happens today? Unfortunately, this industry, that has been supported and subsidized and is making 18-percent to 20-percent profit a year, fights every possible venue for competition. They fight everything. They fight generics going on the market. Sometimes they buy up the companies. Sometimes they just sue them to keep them off the market. They fight opening the borders to Canada which would create more competition. They fight real Medicare prescription drug coverage that would allow 40 million seniors and those with disabilities to be under one insurance plan and be able to have the clout to get a group discount. They fight everything.

That is the real story: Why we are here, seeing delay after delay after delay, because we see the lobbyists in that industry looking for every opportunity to stop us from going forward.

My colleague also said we should have brought this up in the Finance Committee. One of the things I learned is that if you are wrong on substance, you bring up process arguments. So we had a lot of process arguments. Unfortunately, not one of those process arguments would buy one prescription for one senior.

We have heard arguments about the Finance Committee. I ask my colleagues: It is my understanding there has been a bill in the Finance Committee for 5 years. How long is long enough? How long is long enough? How long do seniors in the country have to wait for Medicare coverage? How long is long enough?

We debate on the floor skipping the Finance Committee. How about the senior who is skipping supper right now? Frankly, I am more concerned about that person right now. How long do people have to wait? How many Presidential debates and campaigns? How many congressional campaigns? How long?

Now is the time to stop talking about process and start talking about real Medicare coverage and lowering prices for everyone, so the next group of employees do not have to be told their pay is frozen so the employer can pay the health care benefit; so the next round of small businesses do not see their premiums jump 30 percent, 40 percent, and they have to consider dropping insurance coverage for their employees—predominantly because of the driving costs of prescription drugs; so the manufacturers in my State do not have to struggle with this issue.

How long? I would suggest too long. And now is the time to do it. Now is the time to act. If we are operating as people of good will, we can work out the process, we can work out the details. There are philosophical differences—no question—about how to proceed. But if people of good will want to make something happen, I believe we can and we will.

I will have a lot more to say about the differences in the Medicare plans and other differences tomorrow, as we move through this debate. But this evening I would like to remind Senators, again, what we are supposed to be focusing on. I hope, anyway, with all due respect to colleagues, that we pay attention to what is really at stake. I have set up a prescription drugs people's lobby through my Web site and asked people to share with me their stories.

I close with two descriptions of real-life situations that are happening right now. One is from Rochelle Dodgson of Oak Park, MI. I want to thank her very much. I have shared this before, but I want to bring us back to what this is about. She writes:

> My mother is currently insured under COBRA after losing her job in August of 2001. While she has her basic Medicare coverage, she will lose her supplemental medical coverage in January 2003. She has recently been diagnosed with multiple myeloma and will require treatment for this blood disorder the rest of her life. The medication she was taking before this new illness costs over $500 retail on a monthly basis. I have not checked the prices of the 'chemo' she takes monthly nor the cost of the Procrit she takes weekly. I expect her monthly out of pocket expenses to be around $700 a month. Her Social Security is just over $800 a month.

Her monthly out of pocket expenses are $700; her Social Security is around $800.

> I can't imagine having to budget food and housing expenses along with medication on that kind of income. My husband and I will try to find a way to budget some of her medical costs into our own expenses. . . .

Many families are doing this across America.

> . . . but we also care for my husband's mother.
>
> My mother is still a viable part of society. She doesn't deserve to struggle just because she has chronic illness.

That is what this is about. It is not about procedures, and 60 votes versus 51 votes, and all of the other processes, objecting to proceeding with bills. This is what this is about.

Let me just share one other story. This is actually from Austin, TX. Jackie Smith wrote through my e-mail. I am sure she shared it with other colleagues as well. I appreciate it. She says:

> My prescriptions will cost $3,850 a month beginning August 15 [of this year].

Madam President, $3,850 a month for prescriptions.

> That is when my COBRA benefits—which allowed me to continue my health care coverage through my employer—will run out. I will then qualify for Medicare with no prescription drug coverage.
>
> Between my disability policy benefits and Social Security disability my fixed income is

$2,000 a month. I have no idea where to turn for help.

Madam President, $2,000 a month in income, $3,850 a month in prescription drug costs. She describes her situation and ends by saying:

Thank you so much for working for a meaningful drug benefit.

That is what this is about. If we want to fix it, we will. We don't need another campaign issue. This is about getting it done. We can do that if we want to do that. We are here thanks to the leadership of our majority leader who understands that it needs to be done and allocated 2 weeks in a schedule with a lot that needs to happen. Because of the importance of this issue, he said we will take 2 full weeks on this and work through it. Instead of doing it on Monday or on Tuesday, it will be tomorrow—Wednesday—before we start. OK. But let us get started. Let us get it done. If we want to do it—we have bright people on both sides of the aisle—we can do it. If we want to just argue process, we can argue process. But this is a bill which for 5 years has been under consideration by the Finance Committee. If it is not possible to get a meaningful, real Medicare benefit, and we instead do it on the floor—I have only been here for 1½ years; I have seen an awful lot of bills not go through committee and go directly to the floor, an awful lot of them on both sides of the aisle with both leaders of different parties. The reality is that when you are not able to do what you believe needs to happen it frequently goes to the floor.

The issue is how we are going to get it done. Are we going to do what is long, long overdue? I believe the American people are getting tired of hearing us talk. They want us to get it done. I hope we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I wish to take a moment to respond to some of the comments by my distinguished colleague from Michigan regarding the process. I agree that the process in many cases does not matter. Normally, the American people do not care about process. Instead, they care about results. They care about their pains and their families' pains, and they are concerned about the future.

But if you have a process that is a prescription for failure, then process matters. If you have a process that is set up to ensure there is no result, then process matters.

I say to my distinguished colleague from Michigan that it is easy to ridicule concerns about the process, but when the process results in 60 votes needed for passage instead of 51 votes—a process which is going to guarantee that we don't get a prescription drug benefit for our seniors, and that is exactly the situation—then process matters. If the fact that we didn't go through the Finance Committee, and the fact that we didn't have a markup in the Finance Committee results in a point of order that sets the bar so high that we are not going to get a bill through, then it matters. If the process ensures that we are going to pass a bill with a pricetag that CBO has not even given us yet, perhaps in the range of $800 billion, and we send it to conference with the House bill that is much, much smaller, and it assures we are not going to have a result, then process matters.

I would suggest that the process we have been given—for legislation that provides for an enormous change in policy and the most significant legislation that some of us will vote on and many of us will debate in our entire careers—is less than adequate because we are being given a bill that has not had the benefit of a markup in committee.

As an Arkansan, I have colleagues in this body who serve on the Finance committee who are being denied their right to have input into the product that comes out. It is my understanding that members of the Finance Committee are ready to vote on a prescription drug bill, and the votes are there; that we could send a product to the Senate floor right now that we could debate and use as our vehicle. But instead we are going to have a bill presented that no one on this side has had the opportunity to read and that has not yet been scored by the Congressional Budget Office. It is a moving target. That is no way for us to do significant and important legislation.

My colleague from Pennsylvania said he has the second highest per capita senior population in the Nation. He is accurate in that, I am sure. But I would point out to him that in my home State, unfortunately, we have one of the highest percentages of low-income seniors per capita. This is an issue that is very important to seniors in Arkansas. And it is important not so we have a political issue for the campaigns that are less than 4 months off. It is important because there are millions of seniors who are making do with a Medicare system that is out of date and that is headed towards obsolescence.

Medicare today was a wonderful system when it was developed in the 1960s. But health care has changed. Insurance has changed. It would be like going back to a 1960 model automobile. Prescription medicines today are an integral part of patient care. Medicare denies seniors those needed drugs. These are drugs to ease the symptoms of Parkinson's, Alzheimer's, and arthritis—drugs to control cholesterol, blood pressure, and to fight other life-threatening diseases such as cancer. Many seniors, even though they are prescribed these drugs, simply go without because they cannot afford them.

My colleague from Michigan is right about that. Seniors are what this debate is about. It is not whether or not at the end of next week, when all the dust has settled, we can campaign on an issue as we go into the election season. It is about whether or not millions of seniors are going to get the help they need.

Mary McDaniel from Crossett, AR, wrote and said:

I am in favor of a program that promises affordable medication to all senior citizens but not a Medicare pharmacy policy that may take away my rights to choose my pharmacy and one that offers false promises. I want to be able to get the medication my doctor prescribes and not something the Government says I can have.

The fact is that prescription drugs improve lives and in many cases they save lives. Coverage for prescription drugs needs to be a part of our Medicare system.

The 21st Century Medicare Act—called the tripartisan bill—creates a prescription drug benefit which is permanent, available to all seniors, and does not jeopardize the stability of Medicare for future generations. That is so important.

What benefit are we giving our seniors if we pass a prescription drug benefit that is so expensive that it is like a barnacle on the ship that is the Medicare system, dragging it down to bankruptcy? A responsible benefit must be one that does not jeopardize the stability of the system for future generations.

Seniors will be able, under the tripartisan bill, to voluntarily sign up for this prescription drug benefit, which has an affordable monthly premium of $24, the lowest premium of any of the prescription drug bills introduced so far.

For low-income seniors, the bill provides additional support. Madam President, 11.7 million lower income beneficiaries with incomes below 150 percent of poverty will receive a generous subsidy for their prescription drug costs. Those below 135 percent of poverty will have 80 to 98 percent of their drug costs covered with no premium at all. For the State of Arkansas, that means for those beneficiaries under 135 percent of poverty—there are 179,378 such seniors in Arkansas out of 453,598 total Medicare beneficiaries—these seniors will have their entire premiums paid for and most of their drug costs covered as well.

This legislation also provides catastrophic coverage to protect seniors against extremely high out-of-pocket drug costs that exceed $3,700 per year.

The 21st Century Medicare Act also seeks to modernize Medicare benefits by allowing seniors to choose a new, enhanced benefit called Medicare Part E. This new benefit eliminates copays for important preventative health benefits such as mammograms, prostate cancer screenings, bone mass measurements, and medical nutrition therapy. It also streamlines hospital benefits, eliminating per-day copays and other limits.

If seniors do not like this option, they can always stick with traditional Medicare. This bill does not weaken

traditional Medicare, but it makes it better and stronger. It does not make it more expensive. It does not make it less accessible.

To further ensure that seniors have choices, the 21st Century Medicare Act requires qualified providers of the prescription drug benefit to have ''bricks and mortar'' pharmacies in their network.

Let me pause here to tell you just how important our Nation's pharmacies are to seniors and to all Americans. You can give seniors prescription drugs, but if they don't know how to use them, they don't get any benefit.

Pharmacists play a critical role in counseling seniors and other patients about drug interactions and medication use in general. During the debate on how to structure a Medicare prescription drug benefit, we cannot forget that pharmacists will play, and must play, a critical role in making this a quality benefit.

So I am very pleased to be one of the cosponsors of the 21st Century Medicare Act. I intend to work to enhance the bill in regard to the role of pharmacists in the future.

I have received, as I am sure we all have, many examples of those who have written to express their support for a Medicare prescription drug benefit. I have also heard this sentiment expressed in town meetings across the State of Arkansas. During the Fourth of July recess, there was no issue more on the minds of my constituents than the rising cost of prescription drugs and how Congress is going to deal with it.

Ruth Blair, from Rogers, AR, writes:

> Please vote for help with prescription drugs for senior citizens. We either eat or take medicine. It's a tradeoff.

That is the sad situation for millions of Americans and tens of thousands of Arkansans on Medicare.

In 2001, more than 15 million Medicare beneficiaries had no prescription drug coverage at all, according to the Kaiser Family Foundation. Almost 400 new drugs have been developed in the last decade alone to fight diseases such as cancer, arthritis, heart disease, and diabetes. While 98 percent of employer health plans offer coverage of these often lifesaving therapies, Medicare does not. That is the issue before us. That is what we must address.

Dorothy Adams from England, AR, writes:

> Please support a prescription drug benefit. My husband and I have $300 to $400 drug bills every month.

That adds up to $3,600 or $4,800 per year. Under the tripartisan bill, the Adams family would have 90 percent of their drug costs covered after reaching $3,700 in drug costs. That is the kind of help we can give.

We have this phantom bill that is going to be brought to the floor by the Senate Democrats. It has not been scored by the Congressional Budget Office. We do not know what the pricetag is going to be. And there are different estimates out there as to what it is going to cost.

The original Graham-Miller-Daschle-Kennedy bill, the temporary benefit bill that was introduced, has a sunset provision. So you have a benefit that is truly an illusion. It starts late and ends early.

The Graham-Miller bill, which is the only bill we have to analyze right now, establishes a prescription drug benefit for seniors, and then it takes it away by terminating the benefit in 2010. That is the cruelest of all hoaxes. That is the ultimate use of a sensitive issue for vulnerable people for political purposes. And it is no way to fulfill our promise to America's seniors. They do not need a benefit that will disappear a few years after they sign up.

This gimmick is intended for one reason, and that is to reduce the price tag of the Democrat proposal.

AARP has said that a prescription drug benefit should be ''a permanent and stable part of Medicare.'' The key word is ''permanent.'' The benefit created under Graham-Miller bill is neither permanent nor a stable part of Medicare.

The Graham-Miller bill supposedly costs $450 billion over 7 years, according to the bill's sponsors. But by others' calculations, the bill could cost as much as $600 billion or, without the sunset, easily $1 trillion.

A benefit that costs $600 billion over the next 10 years would require cutting 10 percent of all Government programs other than Medicare. That includes education, health care, and national security programs. That is not responsible.

If we want a bipartisan bill, if we want a bill that Republicans and Democrats have worked together on and have consulted on and cooperated on—then we have a tri-partisan bill that we can vote out, and we have the prospect of actually having a responsible, realistic, achievable prescription drug bill to give the President this year.

But if the House passes a partisan bill, and if the Senate leadership insists that we are going to bypass the Finance Committee and bring a purely partisan bill to the floor of the Senate, it is a prescription for doing nothing this year. I suggest that in fact—though it will never be admitted—such failure is exactly what some people want to happen.

The Graham-Miller bill is partisan and does not currently have the support of Finance Committee Chairman MAX BAUCUS. It is apparent that the Graham-Miller bill could not pass out of the Finance Committee, and I would suggest that may be why the Finance Committee was not allowed to mark up a bill.

If the majority leader were serious about getting a prescription drug bill enacted into law this year, I would suggest that he would not bypass the Finance Committee. Is it a real accomplishment, achievement, that we want, or is it an election issue for November that is sought?

The majority leader has, I believe, turned a blind eye to the fact that there is in fact a bipartisan bill—a tripartisan bill as it is being called; it was introduced on Monday by Senators GRASSLEY, JEFFORDS, BREAUX, SNOWE, and HATCH—which I have cosponsored. It could pass out of the Finance Committee today if the committee were allowed to bring it up.

If Democrats and Republicans are willing to work together, we could make meaningful progress for our seniors.

In 1999, Republicans supported legislation based on the bipartisan Breaux-Thomas proposal which would have spent $60 billion over 10 years on a Medicare prescription drug benefit. That was 1999. But Democrats rejected this proposal and offered a $111 billion proposal. That was in 1999.

In 2000, Republicans proposed a drug benefit that would have spent $140 billion over 10 years on a Medicare prescription drug benefit, but Democrats again rejected this proposal as inadequate and offered a $338 billion proposal. That was in the year 2000.

In 2001, Republicans and Democrats agreed on a budget resolution which provided $300 billion for a Medicare prescription drug benefit. The House of Representatives has passed a $350 billion proposal, and there is a bipartisan bill in the Senate which is a $370 billion proposal. Yet the other side now says that is not enough.

I suggest that nothing will be enough because they do not want an accomplishment, they do not want an achievement, they do not want a prescription drug benefit this year. They want a campaign issue.

If we are serious about providing seniors with a Medicare prescription drug benefit, in the days ahead we should look at the only truly bipartisan bill that has a majority of support. Senator GRASSLEY, Senator BREAUX, Senator JEFFORDS, and others, who I have now joined as a cosponsor, have crafted a responsible, achievable, doable prescription drug benefit that can be conferenced, passed, and sent to the President.

So if we really mean it—when we say that the issue is not process, but our seniors—then the time to act, on a bipartisan basis, is now, instead of going down the road of a purely partisan political exercise.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

21ST CENTURY MEDICARE ACT

Mr. GRASSLEY. Madam President, Medicare has not kept pace with the

improvements in health care since its inception in 1965. It was a plan that was put together based on the practice of medicine in 1965, which you might expect to be natural for any program written at that particular time. At that particular time, the practice of medicine was to put almost anybody in the hospital who had anything very serious wrong with them. Today, the practice of medicine is to keep people out of the hospital environment as much as we can. Prescription drugs are very much a part of the medical plan to keep people out of hospitals.

Back in 1965, the cost of prescription drugs as part of the total cost of medicine was about 1 percent. Today the practice of medicine and the cost of medicine related to the total practice of medicine is about 10, 11 percent. So quite obviously, if Medicare is to be brought into the 21st century, we have to modernize it by including a prescription drug program for everybody, not just like it has been, prescription drugs for people who are in the hospital, but once you leave the hospital, no prescription drugs.

We have assumed a responsibility, some of us. I think maybe all 100 Senators agree on this issue, although they may not agree on how to do it, but we have all come to the conclusion that if you are going to strengthen and improve Medicare for the 21st century, Medicare must include a prescription drug program.

Several of us in this body—Senators BREAUX, JEFFORDS, SNOWE, and HATCH, and this Senator—have introduced a plan that we call the 21st Century Medicare Act. To cite the most obvious example of Medicare being outdated, many conditions that used to be treated in the hospital are now treated with prescription drugs. For that reason, employer-sponsored health plans have changed with the times since 1965 and now cover prescription drugs. But Medicare does not cover prescription drugs outside of the hospital environment.

Imagine that private health insurance for a long period of time has been including prescription drugs, but the Government-run Medicare Program is still back there in the 1960s, not covering prescription drugs.

There is another example of the outdated Medicare Program. The practice of medicine has evolved to focus on preventive benefits, since everyone knows that an ounce of prevention is worth a pound of cure. For this reason, many private health plans have eliminated cost sharing for preventive benefits. But the 1960s Medicare plan, run by the Government, has not covered preventive medicine in the same way that private health plans have by eliminating cost sharing. We still have cost sharing in the 1960 plan.

We ought to have Medicare come into the 21st century from the standpoint of eliminating cost sharing for preventive benefits in order to make sure that we emphasize an ounce of prevention weighed against a pound of cure.

There is a third example of Medicare being out of step. For those of us with employer-sponsored coverage—and Members of the Senate would fall into that category—these programs provide a limit on how much we will have to spend out of pocket if we become seriously ill. Yet the 1965 brand of Government-run health program, Medicare, offers no such protection for our senior citizens.

I will give three examples of the 1960-era, Government-run Medicare plan that does not give seniors adequate protection. Most important among all those is not having a prescription drug program.

I could go on and on, but I would rather focus on the good news. There is a compromise that can be enacted into law this year so that we can finally get to the business of bringing Medicare into the 21st century; in other words, to have a Government-run Medicare Program for seniors that parallels the practice of medicine in the 21st century.

This compromise, once again, is the only bipartisan compromise inside the beltway or outside the beltway. It is offered by Senators BREAUX, SNOWE, JEFFORDS, HATCH, and this Senator.

I emphasize the importance of bipartisanship. Nothing can get through the Senate that is strictly Republican or strictly Democrat. The Senate was meant to function for the last 214 years based on the proposition that minority points of view would be protected and considered. Consequently, with no limit on debate, with efforts of people to stymie the process, it is very essential that we work from day 1, if you want to get anything done, in a bipartisan way to craft a bill.

The five of us didn't just decide to do this. We started last summer to work on a prescription drug bill that could garner bipartisan support. We even announced about a year ago some basic principles, very broad principles, but we immediately got to work on filling in details. We had most of the details filled in back in March—not everything specific, but pretty much the principles and the details filled in.

I suppose people are asking: Why just now has this bill been introduced? We have even had some of the legislative language written a while ago.

Well, the reason we couldn't present our colleagues in the Senate this bipartisan approach was because we had to wait for the Congressional Budget Office to do the scoring and also, based upon preliminary scoring, some fine tuning on our part. It was just over the weekend that we, after we did our final fine tuning, got the final figures so that the bill could be put before the people of the country yesterday.

I want to mention bipartisan because obviously the President—there is one person there, one party—when he puts forth a proposal, it is partisan. There is a House Republican proposal that was passed. That is obviously a partisan proposal. There was a House Democrat alternative. It was obviously a partisan proposal. And there is a Senate Democrat proposal that is obviously partisan. There is no Republican proposal, something that represents the point of view of just Republicans in the Senate. But there is this bipartisan plan put together by Senators BREAUX, SNOWE, JEFFORDS, HATCH, and myself that is the only bipartisan plan, and not hastily put together, as 1 year of work on it indicates.

Consequently, it seems to me that if the Senate majority leader had allowed the Senate Finance Committee, which has jurisdiction, to work its will—and there is a majority of the Senate Finance Committee that is backing this proposal—we would have something out here for the Senate to consider, a bipartisan proposal.

That doesn't prove it would get 60 votes, but it has to be further down the road to accomplishing that very important goal than any of the proposals here in Washington, DC. Any coverage will have to be a compromise, a beginning. It is not something perfect.

I applaud Senator BAUCUS for seeking a reasonable compromise that can pass the Finance Committee. He has held a lot of rump sessions to discuss these things and understand them. But we have not had the opportunity to have the formal session to actually debate and amend and vote out a compromise. So after working on this for over a year, I can say this bill is that compromise. This level of total spending—$350 billion—is the level that can gain a majority of the votes in the Senate Finance Committee. In moving it up some to satisfy some people, or moving it down to a lower figure to satisfy some other people, it begins to lose votes from the high end or from the low end.

Nobody, including me, considers this a perfect plan, but it is the only deal that can be struck, and it is the only bipartisan proposal in Washington, DC. I urge Senator DASCHLE to allow the Finance Committee to work on my bill. Let any Senator, in a free exchange and consideration in the Senate Finance Committee, offer amendments. That is the only way to have a product that can get 60 votes.

As I have already written to Senator DASCHLE, to bypass the Senate Finance Committee when it can put out a bipartisan project is probably to kill any chance of a drug bill, and I hope he will reconsider.

Let me be very candid. Drug spending by the senior population is exploding. The cost between the bill a year ago, when we started, until now—as I said, it evolved over 12 months—has gone up $70 billion, but not because we as Senators working on this bipartisan compromise decided we wanted to spend $70 billion more, no; that is the way the drug market is today. So if Senator DASCHLE wants an issue instead of a program for seniors, then we come back next year, and it doesn't matter who controls the Senate. We will come

back next year and we are going to spend another $70 billion to $100 billion more. Why don't we decide to put that money into the program and save it by adopting something right now, when we know, based upon the projections of prescription drugs, what is going to happen.

Let me suggest to you that the passage of strong legislation is going to be a damper on those exploding drug prices. So we have an opportunity and, if we miss it, it is going to cost Medicare a tremendous amount of money. Maybe $100 billion is a little bit high, but $70 billion to $80 billion to $90 billion would not be out of the realm of possibility. And we should also do it now so that baby boomers who have these good corporate plans they want to retire on are not shocked with a big difference between what 1965 Medicare is and what they have. They won't have to go through that if we have this bipartisan plan that gives seniors an option of having a new and improved and strengthened Medicare plan that is much closer to what they have now in the world of work.

The baby boomers are going to start to retire in only 8 years. So a new drug benefit could be incredibly expensive and could even put the existing Medicare Program at risk. In light of these facts, the truth is that we cannot afford an extravagant benefit. If we get to work and get it done now, it is not going to be so expensive.

The other main component of the bill that I have already made some reference to is a new, enhanced Medicare option, and it is not something seniors have to take if they don't want to. If they want to keep what they have right now, they can keep it, but if they want something a little closer to what they have in the private sector, they will have that available.

I talked about Medicare or a prescription drug program, but there is a new and enhanced Medicare option that reflects 21st century health care. The enhanced option removes all cost sharing on preventive benefits. Just think. If somebody under the present Medicare has an opportunity to take a prostate cancer test, and they have a 20-percent copay, and they, say: ''I just cannot afford it,'' or ''I don't want to pay that copay,'' you are going to discourage that person from taking that test. And one out of three men might need an operation to catch it ahead of time so that cancer hasn't spread. No copay. That is more apt to be. That is an ounce of prevention worth a pound of cure. It brings Medicare into the 21st century. It adds protection against devastating costs due to serious illness. It features a single deductible of $300 and a rational cost sharing rather than the irrational cost sharing in the existing fee-for-service system. It offers new, cheaper Medigap options. And with the improved coverage, beneficiaries might decide they don't need to buy Medigap at all.

This would create a tremendous savings for them and, potentially, for Medicare. The enhanced options resemble what beneficiaries had when they were still working, and they might decide to take it. But this is all entirely voluntary. We don't say to a single senior citizen in America that they have to do this. It is their choice. If they like what they already have, what has been on the books since 1965, they can have it.

The cost of our reform provisions—this new and improved and enhanced Medicare—is only $30 billion over 10 years.

Now, the AARP held a news conference today. Everyone around here knows that Senator DASCHLE's partisan approach cannot lead to 60 votes and can only lead to deadlock. Failure is not acceptable to the people of Iowa and it is not acceptable to me.

Let me comment on the substance of my bill, the 21st Century Medicare Act. The drug benefit we offer is a voluntary benefit with affordable premiums of $24 a month. Unlike some proposals, it will provide drugs in a cost-effective manner, which is crucial. It will protect all seniors with drug costs, with special protections for low-income beneficiaries and those who incur very high costs. By law, at least two plans will be available everywhere in America, including rural areas, which is so important to me.

The Congressional Budget Office tells me that virtually all beneficiaries will find this drug benefit a good deal and will elect to take it. In fact, when you hear people demanding that ''Cadillac'' drug coverage be added to Medicare, what that tells you is that person doesn't really want legislation to pass. They just want an issue on which to campaign.

I have been very surprised and somewhat disappointed at the recent activity of the AARP on this issue. They ran ads this past weekend and they held a news conference today supporting the bill that Senator DASCHLE, we are told, plans to bring to the floor. In the same breath, they say they want a drug benefit that is permanent. They should make up their minds because Senator DASCHLE's bill is not permanent. That is because making it permanent would reveal how unaffordable it is. It is difficult to understand why they are sowing such confusion on the issue. Do they believe we should sunset the Medicare Program as a whole, as that bill does? I do not think we are going to sunset senior citizens. When the prescription drug program ends in 2009 or 2010, do they think the senior citizens of America are not going to need prescription drugs the next day? I hope AARP's members will tell Senator DASCHLE that is quite ludicrous, and they would be right.

Believe it or not, my bill—I should not say ''my bill'' because I have never had the pleasure of working with so many politically different people as Senator HATCH, Senator SNOWE, Senator BREAUX, Senator JEFFORDS, and myself—I am different, too. Over the course of a year, we had give and take by people with so many different political philosophies, bringing us to where we are with this bill. So many times along the way we thought everything would fall apart, but we would come back together because people of good will working together can get things done.

That same good will is on the Senate Finance Committee if we just have an opportunity to work the will of the committee. But we have produced a product—and I said I am embarrassed it was this Monday; it could just as well have been May 1, but we just could not get the Congressional Budget Office to score the bill. Maybe it is legitimate. It is a whole new Government program. They had to take into consideration putting people on board. I suppose CBO had to do a lot of education of their own staff. All I can say is, it is here, and it is not here too late.

Believe it or not, this bill is the only true bipartisan bill in all of Washington, DC, to add a drug benefit to Medicare. If ever there was an issue where true bipartisanship was needed, it is in this bill, it is needed beyond the authors of this bill to the entire body, and we can get something done this year rather than wait next year to spend another $100 billion more with the costs rising.

In short, the bipartisan 21st Century Medicare Act is the reasonable, pragmatic approach that can work even in an election year if Senator DASCHLE wants us to do it.

I thank the Chair.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Nevada.

Mr. REID. Mr. President, I will be brief. The Senator from Utah has been waiting for some time. I am not going to talk long in this regard, but I say to my friend from Iowa, for whom I have the deepest respect—I consider him a friend and a fine Senator—that AARP supports Graham-Miller because it is good legislation. I do not think anyone could ever consider the AARP as some wild-like liberal group. They are very careful with the legislation they sign on to.

I also say to my friend from Iowa, it is too bad we had not been able to start debating his amendment and other amendments earlier. Every time we bring a bill up, we have to fight to get it on the floor, but we are going to continue to do that. As on the other bills I listed earlier today which we had to fight to pass, we are going to work hard on this bill. We are going to pass prescription drug legislation because it is necessary we do that.

2002 NATIONAL PEACE ESSAY CONTEST SOUTH DAKOTA WINNER, JESSICA HICKS

Mr. DASCHLE. Mr. President, I am honored today to present to my colleagues in the Senate an essay by Jessica Hicks of Rapid City, SD. Jessica is a student at St. Thomas More High

School and she is the National Peace Essay Contest winner for South Dakota. ''Taking the Middle Ground: The Role of the Military in International Peacekeeping With Focus on Rwanda and Bosnia'' is a call to U.S. leaders to seek an active American role in international peacekeeping that never loses sight of our national security interests. Jessica has tackled a vitally important subject with compassion, realism, and maturity. I can only hope that she continues to share her wisdom with the world, and I commend her essay to my colleagues' attention.

I ask unanimous consent that Jessica Hicks' essay be printed in the RECORD.

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

TAKING THE MIDDLE GROUND: THE ROLE OF THE U.S. MILITARY IN INTERNATIONAL PEACEKEEPING WITH FOCUS ON RWANDA AND BOSNIA

(By Jessica Hicks)

''Never doubt that a small group of deeply committed citizens can change the world. Indeed, it is the only thing that ever has'' (qtd. Mead). The U.S. military is composed of a group of ''committed citizens'' that works to serve the U.S. and its interests. As of late, the U.S.'s interests have turned to international conflicts and peacekeeping. International peacekeeping involves outside countries aiding in stabilizing an area through mediation, presence, and humanitarian aid. The military's role in international peacekeeping has often been called into question. Many feel that the U.S. military should only work to end conflict and to ensure peace in areas of interest to the U.S. Others believe that the U.S. should take an isolationist approach toward peacekeeping, with the focus of the military on protecting U.S. borders.

Critics may not agree, but the U.S. military does have an important role in international peacekeeping, a role that was especially apparent during the 1990s. During this decade, genocide occurred in Rwanda and Bosnia. In Bosnia, the U.S. military took an active part in peacekeeping efforts (''Why the Troops Should Go''), whereas in Rwanda, the U.S. did not contribute to the United Nation's (UN) initial peacekeeping mission (Onumah). In the next decade, the U.S. military should follow a ''middle ground'' policy in international matters, so as to be able to maintain national security and to participate in peacekeeping (Hull 77).

The Rwandan genocide that occurred in 1994 was a result of past tensions (Goble). In 1919, Belgium colonized Rwanda, whose majority population is composed of two ethnic groups, the Hutus and the Tutsis (Freeman 16). Belgian colonizers increased differences between the two groups by issuing ethnic identity cards and placing the Tutsis in high government positions, though the Hutus were in the majority (Prunier 28).

Frustrated by their lack of power, the Hutus overthrew the monarchy of Rwanda in 1959 (Giles 59). As a result of this change of power, many Tutsis were killed, and approximately 200,000 became refugees in neighboring countries (''Rwanda''). In 1962, Rwanda gained independence from Belgium, and the Hutus gained control of the government (Iliffe 251). In 1973, Habyarimana, a Hutu general, became president of Rwanda. His attempts to include minority parties in the government were unpopular with Hutu extremists (Prunier 74–75).

Meanwhile, the exiled Tutsis created the Rwandan Patriotic Front (RPF), an army rebel group. In 1990, the RPF launched a civil war against the Hutus (Giles 59). The United Nations Assistance Mission to Rwanda (UNAMIR) was sent in to support Habyarimana's plan to share power with minorities (Shawcross 21). However, tensions between the Hutus and the Tutsis continued to increase, and in 1994, Hutu extremists shot down Habyarimana's airplane. Beginning in April of that year and continuing over the next three months, 800,000 Tutsis and moderate Hutus were killed in a genocide by the Hutus (Shawcross 21). The genocide ended in July, 1994, when the Tutsis regained control of the government. As a result, about two million Hutus left Rwanda, becoming refugees (''Rwanda''). When the killing began, most of the UNAMIR troops left Rwanda, and the genocide continued practically unrestrained by foreign influence (Goble). Although the U.S. sent humanitarian aid to Rwanda, it neglected to contribute much needed troops to initial UN peacekeeping efforts (Onumah).

The response of the U.S. military was different in Bosnia. Bosnia's tensions largely began with the creation of Yugoslavia after the First World War (Fromkin 135). Three ethnic groups have traditionally existed in Bosnia: the Croats, the Serbs, and the Muslims (Borden 16). Bosnia was part of communist Yugoslavia in the 1980s, and declared its independence in 1992 (Dragnich 192). Bosnian Serbs set out to create a ''greater Serbia'' by means of ethnic cleansing (Allen 44). In 1992, the UN responded by imposing naval blockades and trade sanctions on the former Yugoslavia (Ricchiardi 59). Croats and Muslims fought each other, as well as the Serbs. The United Nations unsuccessfully created six ''safe havens'' (protected cities) for the Muslims and the Croats in 1993 (Donia and Fine 243).

The U.S. helped to reduce the ethnic groups' fighting by mediating the signing of a peace agreement between the Croats and the Muslims in 1994 (''Fact Sheet: Human Rights Issues . . .''). Finally after atrocities committed by both sides, peace was reached in 1995, when, with the U.S.'s help the warring groups agreed to peace (to end war) in Dayton, Ohio (''Bosnia and Herzegovina''). To aid in peacekeeping, NATO sent in 60,000 troops as part of ''multinational military Implementation Force'' (IFOR) with U.S. soldiers comprising one-third of the troops (''Why the Troops Should Go''). The U.S. provided appropriate peacekeeping measures in Bosnia through mediation, presence, and humanitarian aid. Today, a reduced number of troops continues to remain in Bosnia to aid in keeping peace (Burg and Shoup 387).

The U.S. military has a vital role in international peacekeeping. Because of U.S. military influence, U.S. military involvement is critical to the success of peacekeeping efforts (Fromkin 49). The U.S. has access to resources that are essential to the peacekeeping process. In Rwanda, the U.S. initially did not want to be involved, and did not contribute troops, thus delaying peace in Rwanda (Jenish 24). In Bosnia, the U.S. military successfully worked through NATO to provide peacekeeping forces (Burg and Shoup 377–379). However, the U.S. should not dominate the peacekeeping process. A ''middle ground'' must be found in foreign policy. The ''middle ground'' policy involves the U.S.'s contributing military troops and aid, in cooperation with the UN, NATO, and other countries (Hull 77).

The U.S. military must determine whether its involvement is necessary in foreign conflicts. International peacekeeping turns the U.S. military away from its primary duty to protect the American borders and people. The U.S. must determine if the results of the conflict will affect its interests, such as national security (Fromkin 168). The U.S. military recognized that unrest in Bosnia could eventually cause conflict in Europe, whose stability is vital to the U.S. (''Why the Troops Should Go'').

However, the U.S. also sends in military based on its ideals, such as recognition of a need for peace and stability (Fromkin 171). The U.S. has been accused of not being consistent in its involvement in international peacekeeping, and of becoming involved only when benefits are apparent for the U.S. The U.S. became involved in Bosnia partially because civilians felt that great injustices were occurring, and that peace was needed (Vulliamy 118).

Over the next decade, the U.S. military needs to continue aiding in international peacekeeping. However, a ''middle ground'' policy is a necessity when dealing with international matters. By maintain a ''middle ground'' policy, the U.S. can sustain a sufficient force at home for national security purposes (Hull 78). The U.S. military can also work with the UN, other countries, and regional organizations in peacekeeping. By taking the middle course, the U.S. military will be able to do its part in international affairs, while still protecting the American people.

In cooperation with the UN, the U.S. can work to provide mediation, presence, and material aid. Mediation was important in solving the Bosnia conflict. The U.S. helped arrange to have Bosnian leaders meet in Dayton, Ohio, acting as a mediator at the peace talks (Burg and Shoup 408). The U.S. can contribute military troops to the UN forces to help local officials maintain peace. The U.S. military can help ensure that minority groups are not threatened. As illustrated in Rwanda, the U.S.'s hesitancy to send troops to aid the UN forces in 1994 prevented the cessation of the genocide in its early stages (''Rwanda Revisited: A Look Back . . .''. Regional organizations should be utilized or established to help in peacekeeping actions, such as the distribution of humanitarian aid (Hull 93). When such organizations are not employed, aid can be misdirected, as in Rwanda, where corruption prevented appropriate distribution (''Humanitarian Efforts Threatened . . .''). Regional organizations are at the ground level of the problem, and, therefore, know who needs aid. Misappropriations of aid, as in Rwanda, can thus be avoided. These actions of mediation, presence, and material aid will be vital in the next decade.

The U.S. military has an important role in international peacekeeping, which was especially apparent in the 1990s. The U.S. military took an active part in Bosnian peacekeeping efforts. In Rwanda, however, the U.S. military failed to help in initial peacekeeping actions. The U.S. military should have a ''middle ground'' policy in dealing with international peacekeeping. This policy would allow the U.S. to maintain national security and to be active in international peacekeeping efforts. Because of the complicated nature of peacekeeping, the U.S. goals may not always be realized; but U.S. involvement is imperative for peace. As Theodore Roosevelt said, ''. . . the man who really counts in the world is the doer, not the mere critic—the man who actually does the work, even if roughly and imperfectly, not the man who only talks or writes about how it ought to be done.'' The U.S. military aspires to take on this role in international peacekeeping.

WORKS CITED

Allen, Beverly. Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia. Minneapolis, MN: University of Minnesota Press, 1996.

Borden, Anthony. ''The War in Bosnia: Seeds of Wars to Come.'' State of the Peoples: A Global Human Rights Report on Societies in Danger. Ed. Marc S. Miller. Boston, MA: Beacon Press, 1993. 15–22.

''Bosnia and Herzegovina.'' CIA—The World Factbook 1 Jan. 2001. 27 Dec. 2001 <http://www.cia-gov/cia/publications/factbook/geos/bk.html>.

Burg, Steven L., and Paul S. Shoup. The War in Bosnia-Hercegovina: Ethnic Conflict and International Intervention. Armonk, NY: M.E. Sharpe, 1999.

Donia, Robert J., and John V.A. Fine, Jr. Bosnia and Hercegovina: A Tradition Betrayed. New York: Columbia University Press, 1994.

Dragnich, Alex N. Serbs and Croats: The Struggle in Yugoslavia. New York: Harcourt Brace, 1992.

''Fact Sheet: Human Rights Issue in the Balkans.'' US Department of State Dispatch 15 Dec. 1995. Infotrac. Rapid City Public Library. 27 Dec. 2001. <http://infotrac.galegroup.com/menu>.

Freeman, Charles. Crisis in Rwanda. Austin, TX: Steck-Vaughn, 1999.

Fromkin, David. Kosovo Crossing. New York: The Free Press, 1999.

Giles, Bridget, ed. Peoples of East Africa. New York: Facts On File, 1997.

Goble, Paul, ''Rwanda's Forgotten Genocide.'' United Press International 8 Apr. 2001. 26 Dec. 2001. <http://www.comtexnews.com>.

Hull, Mary. Ethnic Violence. San Diego, CA: Lucent Books, 1997.

''Humanitarian Efforts Threatened by Security Problems: International Tribunal Created.'' UN Chronicle Mar. 1995, 32.1. Infofrac. Rapid City Public Library. 26 Dec. 2001. <http://infotrac.galegroup.com/menu>

Lliffe, John. Africans: The History of a Continent. New York: Cambridge University Press, 1995.

Jenish, D'Arcy. ''''Preventable Genocide': A New International Report Says the 1994 Slaughter in Rwanda Did Not Have to Happen.'' Maclean's 17 July 2002:24.

Mead, Margaret. qtd. Thinking Quotes 31 Dec. 2001 <http://www.2think.org/quotes.html>.

Onumah, Chido. ''Revisting the Genocide in Rwanda.'' Africa News Service 11 Aug. 2000. 26 Dec. 2001. <http://www.comtexnews.com>.

Prunier, Gerard. The Rwanda Crisis: History of a Genocide. New York: Columbia University Press, 1995.

Ricchiardi, Sherry. Bosnia: The Struggle for Peace. Brookfield, CT: Millbrook Press, 1996.

Roosevelt, Theodore. ''Quotations of Theodore Roosevelt.'' Theodore Roosevelt Association 30 Dec. 2001. <http://www.theodoreroosevelt. org/life/quotes.html>

''Rwanda.'' CIA-The World Factbook 1 Jan. 2001. 27 Dec. 2001 <http://www.cia.gov/cia/publications/factbook/geos/rm.html>.

''Rwanda Revisited: A Look Back at the Biggest Bloodstain on the World's Conscience in the 1990s.'' The Economist 25 Dec. 1999: 5.

Shawcross, William. ''The Deadly Sin of Staying Neutral.'' Newsweek International 27 Dec. 1999: 21.

Vulliamy, Ed. Session in Hell: Understanding Bosnia's War. New York: St. Martin's Press, 1994.

''Why the Troops Should Go.'' The New Republic 18 Dec. 1995, 213.25 Infotrac. Rapid City Public Library. 27 Dec/ 2001. <http://www.infotrac.galegroup.com/menu>

FUTURE OF ANTI-TERRORIST COOPERATION IN COLOMBIA

Mr. THURMOND. Mr. President, I rise today to draw attention to the plight of the people of Colombia. For decades they have been plagued by the scourges of drugs, war, and terrorism. Today, thousands, if not millions of Colombians live under constant threat of attack by leftist guerrillas and right-wing paramilitary groups. However, in the recent elections the Colombian people overwhelmingly voted to bring the forces of terror and violence to their knees.

In support of their fight against terror, I believe it is the responsibility of our great Nation to offer its unwavering moral support to the people of Colombia and their democratically elected leaders. Since President Monroe first offered a vision for our Nation's involvement in the Western Hemisphere, the United States has been the guarantor of peace and democracy for all the peoples of the Americas. This is a tradition we must continue.

Consequently, it is time for us as a Nation to explore further extending our support, both moral and physical to the cause of developing the institutes of justice and governance in Colombia. In doing so, we help the Colombians achieve a better way of life and further our own fight against the forces of global terror.

In closing, we should not forego this opportunity to help a neighbor and an ally. I offer my firmest support to the people of Colombia and their fight to eradicate terrorists and criminals in their own country.

Mr. John Norton Moore is a distinguished professor of law and is the Director of the Center for National Security Law at the University of Virginia. He has written thoughtfully on this matter. I found his remarks to be highly valuable and wish to share them with the Senate. Therefore, I ask unanimous consent that an article written by Professor Moore be printed in the RECORD.

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

ENDING TERRORISM IN COLOMBIA

(By John Norton Moore)

The people of Colombia, after years of negotiation with the forces of terror, have courageously voted for their own war on terrorism. For almost four decades, the people of Colombia have been beset with drug lords, old-thinking leftists, and paramilitaries waging war against their democracy and their humanity. Every year in that war a much smaller country than the United States loses more people than were killed in 9/11. Kidnapping runs rampant and the force of law is held hostage to the law of force. It is time for the World to notice Colombia's plight and to join with them to decisively end the terror.

Why should the United States and others help? Simply because unchecked terrorism left free to ravage democracies anywhere ultimately affects us all. Simply because the drug business in Colombia will never be tamed without an end to the armies of terror it feeds. Simply because economic development in Latin America and an extension of hemispheric trade requires the rule of law. Simply because a decisive hemispheric victory over terrorism in Colombia will have powerful deterrent legs in the global war against terrorism. Simply because the people and democracies of Latin America matter. And simply because, as the people of Colombia have just attested, four decades of terror is enough.

How can the United States help? Visualizing the ghost of Vietnam, the body politic in the United States has been reluctant to become directly involved in what many see as a domestic struggle in Colombia. Human rights abuses from all sides have further discouraged assistance. Political consensus has only permitted an increased program of aid said to be directed at the war on drugs. Even in a post 9/11 World, it is unlikely that the American body politic wants an Afghan style American military presence on the ground in Colombia. Moreover, America has a full plate in the fight on terror at present, and an important agenda for peace in the Palestinian/Israeli dispute and now the India/Pakistan dispute. But the alternative is not, and has never been, simply a U.S. military presence in Colombia or terror as usual.

The United States should take the lead in consultations with the new leadership of Colombia and the Organization of American States to put together a powerful Inter-American coalition under the Rio Treaty to decisively and permanently restore the reach of democracy over all of Colombia. The Rio Treaty, as the security arm of the Inter-American system, preceded NATO and, indeed, NATO was largely modeled on it. The Inter-American system as a whole has as a central purpose the protection of democracy and human dignity throughout the region. The Rio Treaty pledges the collective action of all of the American states to deal with threats to the peace to those ends. It is time to put that system to the test.

To be successful such as Inter-American effort would need the full agreement and cooperation of the new Colombian Government. In addition, it must be designed to field an overwhelming response against terror on all fronts and to prevail decisively and promptly. To do this would likely require a sophisticated package with major ground units from leading Latin American states, logistics, technological and intelligence assistance from the United States, a substantial package of economic aid, perhaps coordinated from Nations around the World, and a vigorous human rights effort to accompany the necessary military action. The action should also be coordinated with the United Nations Security Council even though as a matter of international law Colombia has every right simply to request assistance from any nation or the organization of American States to deal with its problem of terror. Further, the action should properly be placed in the global war on terror. Once the plan for overwhelming response has been adopted under the Rio Treaty, a requirement experience shows will lessen casualties on all sides, then the groups in Colombia resisting the rule of law should be given an opportunity to turn over their weapons and unconditionally accept democratic rule from the properly elected Colombia officials. If the perpetrators of terror refuse, the Inter-American plan should be carried out promptly and decisively to restore the rule of law and democracy throughout the proud nation of Colombia.

For many years I have heard brave representatives from Colombia describing the daily terror in their country. I have listened to the stories of car bombs, kidnappings, and a rural judiciary that had to wear running shoes to Court in order to be able to jump out of the window and run when the terrorist arrived. It is time to put those running shoes on those who challenge the rule of law.

ACCOUNTING REFORM

Mr. NELSON of Nebraska. Mr. President, I rise to express my support for the accounting reform bill and the underlying goals of the legislation. I wholeheartedly endorse the principles expressed in this bill to root out corruption in our accounting industry.

The need for this bill is enormous. The accounting scandals that have rocked this Nation over the past nine months have shaken Americans' faith in our free market system. We simply cannot allow this attack at the bedrock of our economic system to pass unanswered. Those who have propagated corporate greed, those who have engaged in unethical business practices, and those who have willingly and knowingly turned a blind eye must be punished.

Moreover, we need to assure all Americans that they can and should have faith in American business. The loss of confidence caused by a lack of accountability has caused nearly as much damage as the economic impact of these surfacing scandals.

The perpetrators of these scandals are certainly in the forefront of our minds as we have debated this legislation. But, in the end, this bill is not about those who have violated the trusts of their employees and shareholders. This bill is really about those employees and shareholders who have been violated, it's about average Americans who are now being penalized and disadvantaged because of the corporate greed of a privileged few. And it is about those honest accountants whose integrity and profession have been scarred by a few dishonest individuals.

I need look no further than my home State of Nebraska to see the human aspect of these fraudulent accounting practices. Before it merged with Houston Natural Gas in 1985, InterNorth, the forerunner of Enron, was based in Omaha. In the year following the merger, the newly named Enron relocated to Houston, but it still had roots in Nebraska as well as thousands of InterNorth retirees.

Those retirees and employees have seen their lives turned upside down by the accounting trickery perpetrated by those at the top. Many have seen their retirement accounts evaporate while others have lost their jobs.

Not only has their trust been violated by the actions of Enron executives, they also have to witness the apparent disinterest of the accountants who were obliged to ensure honesty and integrity in bookkeeping. With the livelihoods and savings of tens of thousands on the line, a handful of accountants failed to do their duty.

When I was governor of Nebraska, we had a period of upswing in the distribution of dangerous drugs. In response, we stiffened penalties in our omnibus crime legislation. The same principle applies here. When there is an upswing in criminal and unethical behavior, we have to get tough.

Corporate greed is a scourge on Americans and those who are participating in it should be paying the price. This legislation will ensure they do pay a price commiserate with the pain they have inflicted upon the American people.

I'd like to thank my colleague Senator SARBANES for his tireless work on this bill. His efforts to crack down on unethical accounting practices are greatly appreciated.

I urge all of my colleagues to join me in supporting this bill. Through this legislation, we can move away from the failures of the past, begin to restore investor confidence, help return to our strong economy and prove that a few bad seeds cannot bring down our great Nation.

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 August 1, 2001 in Roanoke, VA. Two men and the pastor of a predominantly gay church were attacked by three men after a Bible study and prayer meeting, police and the pastor said. The Rev. Catherine Houchins was struck in the face as she tried to call 911 on her cellular phone after the initial attack. The attackers, who came out of an alley as the victims were getting into their cars, were heard to yell obscenities related to the victims' sexual orientation.

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

COMMENDING THE DISTRICT OF COLUMBIA NATIONAL GUARD, THE NATIONAL GUARD BUREAU, AND THE ENTIRE DEPARTMENT OF DEFENSE

• Mr. DURBIN. Mr. President, I rise today in support of H. Con. Res. 378, which passed the Senate by unanimous consent on July 12, 2002. This resolution commends the District of Columbia National Guard, the National Guard Bureau, and the entire Department of Defense for the assistance provided to the United States Capitol Police and the entire congressional community in response to the terrorist and anthrax attacks of September and October 2001.

I would like to thank all of those who worked tirelessly for almost five months in response to the heightened state of emergency in the Capitol complex following the terrorist and anthrax attacks of September and October 2001.

We owe so much to the over 140 members of the District of Columbia Army National Guard, specifically the 260th Military Police Command, the 260th Regional Training Institute, the 74th Troop Command, the Headquarters District Area Regional Command, and the 33rd Civil Support Team, who answered the call to duty to assist the Capitol Police in protecting the Capitol complex. We here in the Capitol saw firsthand the cooperation between the National Guard and the Capitol Police. This time presented a challenging assignment for all involved, and the combined efforts of these two agencies served as a model for managing such a difficult situation.

Because of these men and women, we were protected around the clock and the activities in the Capitol were secure. Members of Congress, congressional employees, and visitors were confident of their safety here, and we were able to continue to serve the American people.

The dedication of the District of Columbia National Guard came at a price. These men and women worked an extreme number of hours under difficult conditions. The time they spent in order to serve their country was time away from their loved ones, and we are grateful for the personal sacrifices they made for our nation.

During the course of the Civil War, Abraham Lincoln came to Washington as the new president. The States began to divide into the Confederacy and the Union. When he arrived, this Capitol dome which you see outside was under construction. Many people went to the President and said: Mr. President, we can't afford to wage a war and build this Capitol dome. He said: ''Yes, we can, because that Capitol dome represents the unity of this country and what we will be after this war.'' During the Civil War, he continued the construction of that great dome we see today. And Lincoln was right.

The National Guard protected not only the people within the Capitol complex, but the complex itself and the unity, liberty, and freedom it represents. I am honored to support this resolution commending the work of the District of Columbia National Guard, the National Guard Bureau, and the entire Department of Defense, and I extend my personal gratitude for their service.•

IN MEMORY OF THE LIFE AND LEGACY OF FRANCES RILEY

• Mr. SMITH of New Hampshire. Mr. President, I rise today in remembrance of a cherished friend and former Republican State representative, Frances Riley.

Mrs. Riley's professional career as a representative from New Hampshire

can only be described as accomplished, passionate, and revered. As a House member from 1985 to 1998, Fran cofounded the Legislature for Limited Spending and was a valued member of the Manchester Federation Republican Woman's Club. She demonstrated an unyielding respect, not only for her position but for the positions of her colleagues as well. This was an important principle from which Fran never faltered, solidifying her role as a first-rate political official.

Riley is survived by her husband, Paul; their three daughters, Katherine James, Christine Riley, and Karen Godzyk, one brother, one sister, and four grandchildren.

Frances Riley had been a resident and active member of the Manchester community since she arrived there in 1957. My friendship with Mrs. Riley began some time ago and she remained a treasured and admired presence in both my personal and professional life. Her absence will be felt by all of us whose lives she touched and who were privileged to be her friend. Fran, I'll miss you.●

APPLAUDING DIVERSITY

● Mr. BUNNING. Mr. President, I rise today among my colleagues to pay tribute to Susy Aparicio of Lexington, Kentucky. Last week, in what will surely be a giant step for Lexington's Latino community, Mrs. Aparicio officially opened Biblioteca Hispana to the public.

Susy Aparicio, a native of Ecuador, and her husband, a native of Bolivia, met while they were both students at the University of Kentucky in the late 1970s. After a short stint in Bolivia, Susy and her husband returned to Lexington. Throughout their time living in Kentucky, they have taken notice of the severe deficiency of books, magazines and newspapers available in Spanish. The public library offers a few options, but transportation and language issues serve as unavoidable obstacles to many Spanish-speaking residents. Although both Susy and her husband understand the importance of their children learning and mastering the English language, they still prefer that their children and their children's children grow up with access to resources published in their native language. For nearly two decades, Mrs. Aparicio has dreamed of opening a library where the Hispanic community could have easy access to various reading materials in Spanish. This dream has now become a reality.

Using a grant from the Partners for Youth Foundation, Susy organized a collection of about 400 books and audio and videotapes, mostly geared towards children. Eventually, Susy would like to obtain more funding to expand the library to include more adult-oriented books and offer storytelling, tutorial and family-literacy programs. She hopes this project will provide an adequate gateway for the Latino community to revel in its rich culture.

America is a diverse land full of differences in opinion, prayer and language. While I firmly believe that to succeed in America one must fully embrace the English language, at the same time the new arrivals to America should be sure to remember and celebrate their traditional roots. Diversity has always been and will remain to be one of this nation's greatest strengths.

Mrs. Aparicio has worked extremely hard for the Hispanic community in Lexington, and in the end, Biblioteca Hispana will be a place where future generations can take their children to learn about their ancestry and where they came from.●

TRIBUTE TO ATOMIC VETERANS

● Mr. MILLER. Mr. President, I rise to acknowledge President Reagan's designation of July 16 as National Atomic Veterans' Day.

Between 1945 and 1963, the United States conducted over 235 atmospheric nuclear weapons tests in the Pacific and the American Southwest. At least 220,000 American servicemembers participated in these tests, or were stationed near Hiroshima and Nagasaki immediately following World War II. While they served our country patriotically, loyally, and proudly they were not informed of the dangers from exposure to ionizing radiation. For 50 years, these veterans have been one of the most neglected groups, even though they risked their lives for our freedom.

Despite their valuable contributions to the United States, these veterans have not received the recognition they deserve. It is only appropriate that the American people remember the service of these dedicated veterans today, National Atomic Veterans' Day.●

ARTTABLE LUNCHEON

● Mrs. CLINTON. Mr. President, on April 26, 2002, I had the opportunity to attend the 10th annual ArtTable Luncheon. ArtTable is a national organization for professional women in leadership positions in the visual arts. Founded in 1981, it provides a forum for its members to exchange ideas, experience and information through various programs. ArtTable is dedicated to promoting and advancing greater knowledge, understanding, and appreciation of the visual arts. At each year's luncheon, a different woman who has given her distinguished service is honored. The keynote speaker on this occasion was Dr. Kirk Varnedoe, Chief Curator of the Department of Painting and Sculpture at the Museum of Modern Art and Professor in Historical Studies at the Institute for Advanced Study, Princeton University.

Dr. Varnedoe has more than a dozen major exhibitions to his credit, both for the Museum of Modern Art and for other institutions. His work has often been at the forefront of the history of modern art and his extensive publications on European and North American art of the nineteenth and twentieth centuries have helped reshape and open up a variety of fields in art history. His contributions began in 1972, at the age of 25, with his doctoral dissertation on the drawings of Rodin and the epidemic problem of forgeries of the later drawings. This work was so significant that its results were published in collaboration with Albert Elsen before the dissertation had even been submitted. His scholarship since that time has been instrumental in opening entire fields of inquiry, for example, Impressionism, Scandinavian modernism, and the influence of photography on painting, as well as bringing little known artists into the center of debate.

In his remarks at the luncheon, which I will ask be printed in the RECORD, Dr. Varnedoe spoke eloquently about his ''personal odyssey with the art of Auguste Rodin'' and the greater issues that journey brought to life. He discussed the ever-changing world of modern art and what it can teach us, especially during this incredibly challenging period of history through which we are living.

I am grateful to Dr. Varnedoe for his continued scholarship efforts in the area of art history and for sharing this history with us in a way that we can apply it to our experiences in the world today.

I ask that the remarks be printed in the RECORD.

ARTTABLE KEYNOTE

April 26, 2002

(By Kirk Varnedoe)

I have had a personal odyssey with the art of Auguste Rodin. It's a love that I share—along with a great regard for her late husband Bernie—with Iris Cantor. Rodin was once for me an intense and special passion, a singular entry point into the history of art. And now, that body of work seems somehow seen at a distance, more coolly, and that artist one among many with whom I've worked, and from whom I've taken inspiration. Today, I would like to take that small and really trivial personal trajectory into and through Rodin and ruminate on it in relationship to a larger pattern: to use it to think about the way that the modern tradition metes out its gains and losses, the way it gives and takes; and then also to use my little journey to suggest much larger issues about learning and growth—about what we want from art as we change and learn.

Modern art, as is notorious, kills, and it kills mercilessly. In the late 19th Century as it was just being born it laid waste to the Salon world of Gérome and Bougureau. And then as it built up steam in the early 20th Century it decided to start slaying some of its own parents and godparents. After World War II modern art killed Rodin like a bright young barbarian gladiator taking down an aging, opulently garlanded emperor—in sheer exhaustion at the achievement of Rodin's weight and complexity, people found themselves gagged to surfeit by the ancienne cuisine richness of this enormous oeuvre, and yearned for a leaner, cleaner psychic and physical life in art. That is perhaps exemplified most pointedly by the beautiful polished surfaces of Brancusi's sculpture. Where once Rodin's flesh roiled volcanically, now you had a still-waters-run-deep beautiful gleam, more like armor than palping flesh; compression/density replaced extension/elasticity;

wit and elegance took over for brooding and suffering; and abbreviated, pithy economic certainties were set up against the older anguished overflowing desire and doubt; fulfillment replaced yearning, and the sticky sweet humidity of Rodin's world was replaced by slick machine cool. And then in the 20's and 30's, the curse of the word ''Victorian'' descended on The Kiss on The Thinker and on so much else of Rodin's work. A curse that I might say is still enacted at the Metropolitan Museum of Art, if you go look at the installation of the former Andre Meyer Galleries where there is a special kind of purgatory off to the right of Cezanne Degas, and Manet, where The Age of Bronze strides in pride next to Rosa Bonheur and Bastien-Lepage.

But just as certainly as the modern movement took away, it so eventually gave back. Modern art is a sure killer but it is also a fantastic resuscitator. And it works its growth through pulses of recovery. One of those main pulses came in the 1960's with scholarship by men like my mentor Albert Elsen at Stanford, and by Leo Steinberg, who wrote a key essay at the time of Elsen's Retrospective of Rodin at the Modern in the late 60's. Elsen re-found a new Rodin, via his training under Meyer Schapiro, and by his engagement as a young man in the 50's with Abstract Expressionism. And his show in the late 60's was the culmination of new interest, in everything about Rodin's bronzes that was spontaneous, painterly, seemed to depend on accident, and broadcast a kind of heroic drama of angst that seemed in tune with Pollock, with Rothko etc.. While Steinberg, on the other hand, via his experience of Jasper Johns and Judd, pointed us to a new awareness of the formal strategies of Rodin: his techniques of repeating single molds to form new compositions; his processes of fragmenting and hybridizing the body's anatomy, against nature, towards new expressive devices. In these radical, small gestures of handling material, he found a new and more relevant Rodin for the late 60's, the age of minimalism.

Moving on, recuperating, resuscitating, the way that Modern art does it, involves, not simply leaving behind, but finding new ways to carry forward. We know that for example that Cezanne said that his goal was to redo Poussin after nature. Modern art has always had a steady urge to reinvent the past and to recapture it in terms that translate its values into ours, to reinvent, to make new, and this means not only old masters like Poussin, but its immediate forbearers. So in the 1960s, you not only have the reinvention of Rodin, but the re-invention of Russian Constructivism through minimalism, Marcel Duchamp reborn in the work of Richard Hamilton, Jasper Johns and Bruce Nauman, and Futurism in Pop Art, especially British. A whole new parentage was reinvented, often outside the traditional ''school of Paris'' lineage, for Modernism. And the ''recovery'' of Rodin was a part of this revivification.

But at what a cost? Steinberg's essay for example, was explicit in saying we have to begin by disregarding so much. We have to begin by eliminating all of the public Rodin, all of the finished works, indeed virtually all of the most ambitious parts of his work, which are seen in a scornful way, as part of the desire to please too large a public. Steinberg wants to favor instead the intransigent truculence of a private experimenter, showing no compromise at all with the tastes or demands or emotions of the public of his time. In Steinberg's case it is particularly modern irony that imposes the great divide between our cooler, sophistication, and a rejected messier world of sentiment pathos, and earnest heroism in Rodins.

''Our'' Rodin, then, relevant, sanitized and censored—not the Rodin of The Kiss, the Thinker, or the marble works, and surely not the Rodin before whom Cézanne fell embarrassingly to his knees, and to whom Ranier Maria Rilke dedicated his pen and his time. Is that the inevitable price of progress in knowing art? To narrow-hew, in order to make newly vivid/relevant? To diminish and deform as we try to reform, pick and choose?

This audience in this room is a kind of aristocracy, or meritocracy, of special knowledge about art. We work at it. We are typical of those the self-elected and self-organized elites and cenacles and Salons that have made Modern art get up and go from the beginning and all along. And this group too is typical of the kind of voluntary assemblages—shooting associations, stamp guilds, glee clubs, softball leagues and debating societies—that, far from being anti-democratic in nature, have been seen by observers since Tocqueville as being central to the health of our plural society, and indeed the unscripted backbone of democracy's difference from mere mob rule. Now it's an article of faith in this room that knowing more about art, being more sophisticated, is certainly a good way of forming a club, of defining one's self, gathering together with fellow feelers. But is it a legitimate corollary that more sophistication and knowledge is necessarily greater moral intelligence about the larger world, or indeed about all art? The dirty truth is that there is always a price to be paid, in the deadening of our capacity to respond to joys that once moved us, sealing us off from others in our iced and ironic superiority.

We have been living for years now in a time of great surprises, unpredictable events and changes that have deeply affected us—the coming of AIDS, and with it a new sense of fatality and mortality; the fall of the wall and what did not come in the wake of its euphoria; the haunted resurgence of Holocaust memory—and then, finally the massive rent in the historical fabric that took place just over six months ago. It is not just that the art of Louise Bourgeois, of Ghormley and Munoz, of Kiki Smith and Charlie Ray have for years now been asking us to rethink Rodin's heritage of the vulnerable body. Nor certainly am I dealing with only the question of suddenly now considering the specific memorial, monumental and public ambitions of the best sense of memory and tragedy in this one artist, Rodin—though both of these reinventions and rethinking seem overdue. But what seems subliminally an issue now is the broader confrontation with what our sophistications may cost us more generally—in a lack of access to the heroic, or to tragic, when these terms seem suddenly, newly apposite and relevant. Is it we slick pros who are irrelevant, and bound in? Inadequate to our time, as it has to our great surprise changed faster than we seem to be able to? This is a question I know many artists have been asking themselves, and it is one worth our asking ourselves too.

We need to rethink the balance of continuity, and relevance in art, the two things I think, that we go to art for. On the one hand for a vivid sense of our own life, of being alive, but also for a sense of things outside ourselves, other minds, other ways of feeling. And that other shifts as we change, and grow, and can include the parts of ourselves, the passions that got us here but that we have abandoned and closed up to some ostensible hipper and better good. What does it mean to grow up? (Baudelaire felt that true genius was only childhood recovered at will, now equipped with adult means of communication) What does it mean in the art world that we all inhabit, to be a pro? Is it a dead ideal that it could entail for ourselves, and those we advise and instruct an effort always towards a broadening, increasing sympathy for a wider range of life experience, more encompassing, more fully human? It might—if we could be less hidebound, a little more sure of ourselves—it might be a goal to be more alive to the possibilities of our peculiar moment in history, if we truly work at it.●

CONGRATULATIONS TO WESTMINSTER CHRISTIAN ACADEMY

● Mr. BOND. Mr. President, I would like to congratulate Westminster Christian Academy of St. Louis, Missouri for their second place award in the ''We the People . . . The Citizen and the Constitution'' competition held in Washington, D.C. from May 4–6, 2002. These outstanding young people competed against 50 other classes from across the nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government. I commend these students for their hard work and keen understanding of the Constitution and the Bill of Rights and the principles and values they embody. Congratulations to Chelsea Aaberg, Erin Aucker, Claire Barresi, David Baxter, Jordan Chapell, Eric Dalbey, Matt Frick, Brandon Furlong, Matt Georges, Megan Ghormley, Kate Gladney, Abi Haas, Elisabeth McClain, Alyson Miller, Becky Miller, Emily Munson, Amy Myers, Anu Orebiyi, Lauren Petry, Cassie Reed, Terra Romar, Matt Schrenk, Drew Winship, and Bethanne Zink.●

TRIBUTE TO LT. GEN. MICHAEL A. NELSON, U.S. AIR FORCE, RETIRED

● Mr. WARNER. Mr. President, I rise today to pay tribute to an exceptional leader—Lieutenant General Mike Nelson, United States Air Force, Retired—in recognition of his remarkable career of service to our country.

General Nelson has a truly distinguished record, including 35 years of commissioned service in the U.S. Air Force uniform, that merits special recognition on the occasion of his retirement as President of The Retired Officers Association (TROA).

Born in East Los Angeles, California, he graduated from Stanford University and entered the Air Force as a second lieutenant in 1959, then earned his pilot's wings the following year. His subsequent military career exemplifies what the Air Force expects from its best and brightest.

General Nelson demonstrated valor and leadership throughout his 35 years of dedicated military service to his country, and has been a positive role model and mentor for countless officers of all services in his dedication to protecting the welfare of those who serve and sacrifice in uniform. That dedication and excellence has not diminished in his subsequent service to our nation's military community since 1995 as President of The Retired Officers Association, the position from which he is now retiring.

Under his thoughtful and inspired leadership, The Retired Officers Association has played a continuing, vital

role as a staunch advocate of legislative initiatives to maintain readiness and improve the quality of life for all members of the uniformed service community—active, reserve, and retired, plus their families and survivors.

General Nelson has been a key supporter of the Armed Services Committee's efforts to improve long-term retention and readiness through a competitive compensation and retirement package for active and reserve forces, restoration of lifetime health care and fair disability treatment for retired personnel and their families, and enhancing protections for the survivors of deceased service members. Guided by his personal leadership efforts, TROA has been an invaluable source of information in the committee's deliberations on a long list of compensation and benefits issues during this extraordinarily productive period.

General Nelson's long and exceptionally distinguished career of leadership and personal dedication to protecting our Nation and those who serve in our armed forces is an inspiration to all who care about maintaining a strong national defense. Our very best wishes go with him for long life, well-earned happiness, and continued success in service to his nation and the uniformed service members whom he has so admirably led and served.

As a former Sailor and Marine, I offer General Nelson a grateful and heartfelt salute.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At. 6:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3214. An act to amend the charter of the AMVETS organizations.

H.R. 3482. An act to provide greater cybersecurity.

H.R. 3838. An act 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, and for other purposes.

H.R. 3988. An act to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion.

H.R. 4755. An act to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the ''Clarence Miller Post Office Building''.

H.R. 4807. An act to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 408. Concurrent resolution honoring the American Zoo and Aquarium Association and its accredited member institutions for their continued service to animal welfare, conservation education, conservation research, and wildlife conservation programs.

H. Con. Res. 413. Concurrent resolution honoring the invention of modern air-conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary; to the Committee on the Judiciary.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3214. An act to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

H.R. 3482. An act to provide greater cybersecurity; to the Committee on the Judiciary.

H.R. 3838. An act 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, and for other purposes; to the Committee on the Judiciary.

H.R. 3988. An act to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; to the Committee on the Judiciary.

H.R. 4755. An act to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the ''Clarence Miller Post Office Building'', to the Committee on Governmental Affairs.

H.R. 4807. An act to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 408. Concurrent resolution honoring the American Zoo and Aquarium Association and its accredited member institutions for their continued service to animal welfare, conservation education, conservation research, and wildlife conservation programs; to the Committee on Environment and Public Works.

H. Con. Res. 413. Concurrent resolution honoring the invention of modem air-conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2. A bill to amend title XVIII of the Social Security Act to provide for a medicare voluntary prescription drug delivery program under the medicare program, to modernize the medicare program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7898. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the 2001 Annual Uranium Industry Report; to the Committee on Energy and Natural Resources.

EC–7899. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''New Mexico Regulatory Program'' (NM–042–FOR) received on July 10, 2002; to the Committee on Energy and Natural Resources.

EC–7900. A communication from the General Counsel, National Science Foundation, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Revise National Science Foundation's Misconduct in Science and Engineering Regulations at 45 CFR Part 689'' (RIN3145–AA39) received on June 26, 2002; to the Committee on Commerce , Science, and Transportation.

EC–7901. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, transmitting, pursuant to law, the report of a rule entitled ''Child and Adult Care Food Program: Implementing Legislative Reforms to Strengthen Program Integrity'' (RIN0584–AC94) received on July 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7902. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Housing Assistance for Native Hawaiians; Native Hawaiian Housing Block Grant Program and Loan Guarantees for Native Hawaiian Housing'' (RIN2577–AC27) received on July 9, 2002; to the Committee on Indian Affairs.

EC–7903. A communication from the Associate Deputy Administrator for Government Contracting and Business Development, Small Business Administration, transmitting, the report of a delay in submitting the Minority Small Business and Capitol Ownership Development Report for Fiscal Year 2001; to the Committee on Small Business and Entrepreneurship.

EC–7904. A communication from the Secretary of Education, transmitting, pursuant to law, a report with respect to the recommendations contained in the report of the President's Advisory Commission on Educational Excellence for Hispanic Americans; to the Committee on Health, Education, Labor, and Pensions.

EC–7905. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, a report concerning U.S. General Accounting Office (GAO) employees who were assigned to congressional committees during Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7906. A communication from the Director, Office of Personnel Management, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Career Transition Assistance for Surplus and Displaced

Federal Employees'' (RIN3206–AJ32) received on June 26, 2002; to the Committee on Governmental Affairs.

EC–7907. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Annual Report for 2001; to the Committee on Governmental Affairs.

EC–7908. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 8C for Fiscal Years 2000, 2001, and 2002 from October 1, 1999 through December 31, 2002; to the Committee on Governmental Affairs.

EC–7909. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''NAFTA Procurement Threshold'' (DFARS Case 2002–D007) received on June 26, 2002; to the Committee on Armed Services.

EC–7910. A communication from the Acting Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, Amtrak's Route Profitability Systems Results Report for Fiscal Year 2001; to the Committee on Commerce, Science, and Transportation.

EC–7911. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Assistance to Firefighters Grant Program'' (RIN3067–AD21) received on June 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7912. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Twenty-Fourth Annual Report concerning the Fair Debt Collection Practices Act for 2002; to the Committee on Commerce, Science, and Transportation.

EC–7913. A communication from the Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the Federal Housing Administration's Fiscal Year 2001 Annual Report on Initiatives to Address Management Deficiencies; to the Committee on Banking, Housing, and Urban Affairs.

EC–7914. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Assessments on Security Futures Transactions and Fees on Sales of Securities Resulting From Physical Settlement of Securities Futures Pursuant to Section 31 of the Exchange Act'' (RIN3235–AI49) received on July 9, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7915. A communication from the Executive Director, Air Transportation Stabilization Board, transmitting, pursuant to law, the report of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–7916. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Columbia supporting Plan Colombia; to the Committee on Appropriations.

EC–7917. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report relative to specifying the projects and accounts to which funds provided in the Counter-Terrorism and Defense Against Weapons of Mass Destruction accounts are to be transferred; to the Committee on Armed Services.

EC–7918. A communication from the Assistant Secretary of the Army, Financial Management and Comptroller, Department of the Army, transmitting, pursuant to law, the Army Annual Financial Statement for Fiscal Year 2001; to the Committee on Armed Services.

EC–7919. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ocean Transportation by U.S. Flag Vessels'' (DFARS Case 2000–D014) received on July 9, 2002; to the Committee on Armed Services.

EC–7920. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Utilization of Indian Organizations and Indian-Owned Economic Enterprises'' (DFARS Case 2000–D024) received on July 9, 2002; to the Committee on Armed Services.

EC–7921. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan (AMP) for Fiscal Year 2003, and revisions to the Fiscal Year 2002 AMP; also included are AMPs for Fiscal Years 2004 through 2007; to the Committee on Armed Services.

EC–7922. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; CHAMPUS; Bonus Payment in Medically Underserved Areas'' (RIN0720–AA60) received on July 10, 2002; to the Committee on Armed Services.

EC–7923. A communication from the Secretary of State, transmitting, pursuant to law, a report on verification of The Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions signed May 24, 2002 in Moscow (the Moscow Treaty); to the Committee on Foreign Relations.

EC–7924. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Annual Report on U.S. Government Assistance to Eastern Europe for Fiscal Year 2002; to the Committee on Foreign Relations.

EC–7925. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ku-Band'' (FCC 02–123) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7926. A communication from the Deputy Chief, Telecom Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal-State Joint Board on Universal Service; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers'' (FCC 02–171) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7927. A communication from the Assistant Bureau Chief, International Bureau, Policy Division, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of 2000 Biennial Regulatory Review, Amendment of Parts 43 and 63 of the Commission's Rules'' (FCC 02–154) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7928. A communication from the Assistant Chief, Telecom Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal-State Joint Board on Universal Service; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers'' (FCC 02–181) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7929. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Drug and Alcohol Testing for Pipeline Facility Employees'' (RIN2137–AD55) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7930. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Boeing Model 757–200, 200CB, and 200PF, and 767–200, and 300, and 300F, Series Airplanes'' ((RIN2120–AA64)(2002–0313)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7931. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''McDonnell Douglas Model MD–90–30 Airplanes'' ((RIN2120–AA64)(2002–0314)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7932. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Retention of Shipping Papers'' (RIN2137–AC64) received on July 11, 2002 ; to the Committee on Commerce, Science, and Transportation.

EC–7933. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Hazardous Liquid Pipeline Accident Reporting Revisions'' (RIN2137–AD56) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7934. A communication from the Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Assessment and Collection of Regulatory Fees for Fiscal Year 2002'' (MD Doc. No. 02–64, FCC 02–205) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7935. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''1998 Biennial Regulatory Review—Conducted Emission Limits Below 30 MHz for Equipment Regulated under Parts 15 and 18 of the Commission's Rules'' (ET Doc. No. 98–80, FCC 02–157) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7936. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices'' (ET Doc. No. 99–231, FCC 02–151) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7937. A communication from the Deputy Chief, Policy and Rules Division, Office

of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems'' (ET Doc. No. 98–253, FCC 02–48) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7938. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Alexandria, MN'' (MM Doc. No. 01–207, RM–10206) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7939. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Station; Calais, ME'' (MM Doc. No. 01–167, RM–10180) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7940. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Pierce, Nebraska; Coosada, Alabama; Pineview, Georgia; Diamond Lake, Oregon'' (MM Doc. No. 01–340; 01–341; 01–342; 01–343) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7941. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Cocoa, FL'' (MM Doc. No. 01–162; RM–10183) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7942. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Lakin, KS'' (MM Doc. No. 02–3, RM–10349) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7943. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Bryan, TX'' (MM Doc. No. 00–124; RM–9893) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7944. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Charleston, SC'' (MM Doc. No. 01–128, RM–10133) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7945. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Boca Raton, FL'' (MM Doc. No. 00–138; RM–9896) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7946. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Woodbury, GA; Relaince, WY; Eagle Lake, TX; Montana City, MT ; Plainville, GA; Rosholt, WI; Morganville, KY; Boswell, OK; Frederic, MI'' (MM Doc. No. 01–13, 01–20, 01–80, 01–81, 01–102, 01–103, 01–114, 01–136, 01–201) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7947. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Huntington, WV'' (MM Doc. No. 01–56) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7948. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, and Section 73.606(b), Table of Allotments, TV Broadcast Stations; Springfield, IL'' (MM Doc. No. 02–27) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7949. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Clarksburg, WV'' (MM Doc. No. 01–165) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7950. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Request for Comments Eurocopter France Model AS332L2 Helicopters'' ((RIN2120–AA64) (2002–0316)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7951. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Wickenburg and Salome, AZ'' (MM Doc. No. 01–345) received on July 11, 2002, received on July 11, 2002; to the Committee on Commerce , Science, and Transportation.

EC–7952. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes'' ((RIN2120–AA64) (2002–0308)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7953. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pratt and Whitney (PW) PW2000 Series Turbofan Engines'' ((RIN2120–AA64) (2002–0310)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7954. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Bell Helicopter Textron Canada Model 407 Helicopters'' ((RIN2120–AA64) (2002–0311)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7955. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Eurocopter France Model AS332L2 Helicopters'' ((RIN2120–AA64) (2002–0315)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7956. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Rockford, IL Modification of Class E Airspace Rockford, IL Correction'' ((RIN2120–AA66) (2002–0114)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7957. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Portsmouth, OH'' ((RIN2120–AA66) (2002–0112)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7958. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Freemont, NE Class E Airspace Area'' ((RIN2120–AA66) (2002–0113)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7959. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Honeywell International, Inc. (formerly AlliedSignal and textron Lycoming) ALF–502 and LF507 Turbofan Engines'' ((RIN2120–AA64) (2002–0307)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7960. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Flint, MI'' ((RIN2120–AA66) (2002–0010)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7961. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace, St. Ignace, MI'' ((RIN2120–AA66) (2002–0111)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7962. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace, Washington Court House, OH'' ((RIN2120–AA66) (2002–0108)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7963. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Mount Vernon, OH'' ((RIN2120–AA66)

(2002–0109)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7964. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Cincinnati/Northern Kentucky International Airport Class B Airspace Area; Kentucky'' ((RIN2120–AA66) (2002–0107)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7965. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Raytheon Aircraft Company Models E55, E55A, A56TC, 58, 58A, 58P, 58PA, 58TC, and 58TCA Airplanes'' ((RIN2120–AA64) (2002–0312)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7966. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Jet Route'' ((RIN2120–AA66) (2002–0106)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7967. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change Using Agency R–4305, Lake Superior, MN'' ((RIN2120–AA66) (2002–0105)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7968. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Naval Submarine Base Bangor and Naval Submarines, Puget Sound and Strait of Juan De Fuca, WA'' ((RIN2115–AA97) (2002–0117)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7969. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Portsmouth Harbor, Portsmouth, NH'' ((RIN2115–AA97) (2002–0119)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7970. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Pilgrim Nuclear Power Plant, Plymouth, MA'' ((RIN2115–AA97) (2002–0115)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7971. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Port Valdez and Valdez Narrows, Valdez, Alaska'' ((RIN2115–AA97) (2002–0114)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7972. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Charles' Engagement Fireworks Display, Black Point, CT'' ((RIN2115–AA97) (2002–0118)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7973. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Force River Channel—Weymouth Fore River—Weymouth, MA'' ((RIN2115–AA97) (2002–0121)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7974. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Corpus Christi Inner Harbor, Corpus Christi, TX'' ((RIN2115–AA97) (2002–0124)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7975. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments'' ((RIN2115–ZZ02) (2002–0001)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7976. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Offshore Gran Prix Powerboat Race, Long Beach, CA'' ((RIN2115–AA97) (2002–0116)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7977. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Chesapeake Bay, Hampton Roads, James River, VA'' ((RIN2115–AA97) (2002–0125)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7978. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Lake Macatawa Triathlon, Holland, MI'' ((RIN2115–AA97) (2002–0127)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 7: A bill to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets. (Rept. No. 107–211).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 2730. A bill to modify certain water resources projects for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida and Alabama; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2731. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 2732. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2733. A bill to amend the Internal Revenue Code of 1986 to expand retirement savings for moderate and lower income workers, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. HOLLINGS, Ms. LANDRIEU, Mr. BAUCUS, Mr. BINGAMAN, Mr. DASCHLE, and Mr. JOHNSON):

S. 2734. A bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought; to the Committee on Small Business and Entrepreneurship.

By Mr. ENSIGN:

S. 2735. A bill to amend title 49, United States Code, to provide for the modification of airport terminal buildings to accommodate explosive detection systems for screening checked baggage, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LUGAR, Mr. GRAMM, and Mr. INHOFE):

S. 2736. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable outpatient prescription drugs; to the Committee on Finance.

By Mrs. LINCOLN:

S.J. Res. 40. A joint resolution designating August as ''National Missing Adult Awareness Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 318

At the request of Mr. DASCHLE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 532

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 532, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 987, 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. 1002

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1291

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. DEWINE), the Senator from Washington (Mrs. MURRAY), the Senator from Indiana (Mr. LUGAR), the Senator from Nevada (Mr. REID) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) 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. 1794

At the request of Mr. CLELAND, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1794, a bill to amend title 49, United States Code, to prohibit the unauthorized circumvention of airport security systems and procedures.

S. 2047

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 2047, a bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax.

S. 2119

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2188

At the request of Mr. BREAUX, the name of the Senator from Illinois (Mr. FITZGERALD) 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. 2246

At the request of Mr. DODD, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2512

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2554

At the request of Mr. SMITH of New Hampshire, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2570

At the request of Mr. NELSON of Nebraska, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2622

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 2622, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation.

S. 2647

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2647, a bill to require that activities carried out by the United States in Afghanistan relating to governance, reconstruction and development, and refugee relief and assistance will support the basic human rights of women and women's participation and leadership in these areas.

S. 2679

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2679, a bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for offering employer-based health insurance coverage, to provide for the establishment of health plan purchasing alliances, and for other purposes.

S. 2700

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2700, a bill to amend titles II and XVI of the Social Security Act to limit the amount of attorney assessments for representation of claimants and to extend the attorney fee payment system to claims under title XVI of that Act.

S. 2712

At the request of Mr. HELMS, his name and the name of the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. RES. 242

At the request of Mr. THURMOND, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Florida (Mr. GRAHAM), the Senator from Kentucky (Mr. BUNNING), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 242, a resolution designating August 16, 2002, as ''National Airborne Day''.

S. RES. 266

At the request of Mr. ROBERTS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as ''Put the Brakes on Fatalities Day''.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as ''National Cystic Fibrosis Awareness Week''.

S. RES. 302

At the request of Mr. BUNNING, his name was added as a cosponsor of S. Res. 302, a resolution honoring Ted Williams and extending the condolences of the Senate on his death.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 2730. A bill to modify certain water resources projects for the Apalachicola Chattahoochee, and Flint Rivers, Georgia, Florida and Alabama; to the Committee on Environment and Public Works.

Mr. GRAHAM. Mr. President, the locals call it ''God's country.'' The Apalachicola River, beginning at the confluence of the Chattahoochee and Flint River, near the borders of Alabama, Florida, and Georgia, was and remains an important waterway in the southeast. The river's purpose as a waterway, however, has changed since its colonial fame.

The Apalachicola is the largest river east of the Mississippi. In its heyday, the Apalachicola was an important tributary that served as the largest port on the Gulf of Mexico, harboring ships carrying cotton to Europe and New England.

In the 21st century, while no longer an essential route of transport, the Apalachicola River is an important environmental and commercial asset. The history of the Apalachicola River is an Army Corps of Engineers project began in 1945 with the Rivers and Harbors Act, which authorized dredging of navigation channels. Over the past 57 years, millions of taxpayer dollars have been swept down the river in an effort to dredge and maintain the 9 foot deep channel.

The Corps has had difficulty maintaining the channel, and combines dredging with water releases in order to raise water levels and provide navigation windows. This system is hopelessly flawed. Dredging is unmanageable and navigation windows are unreliable, making the process a fiscal waste.

Add to this fact over the last few years, commercial barge traffic has slowed from an intermittent stream to a virtually non-existent trickle. River traffic dropped dramatically in the late 1990's, with fewer than 200 barges a year using the river system. By 2001, only 30 barges used the entire tri-river system with the cost of dredging the channel exceeding $30,000 per barge. The past November, the only company that used barges to carry cargo on the upper reaches of the river ceased operations.

Furthermore, the Congressional Budget Office estimates that the average cost per ton-mile from 1995–98 at 14.1 cents, almost 24 times more than the cost of the Upper Mississippi River at .597 cents. In light of these circumstances, continuing to dredge Florida's largest river is not just wasteful, it is foolish.

Ending the dredging is not just about how wasteful this project is, it is also about the environmental destruction that is being inflicted on the Apalachicola River and Bay. There are now beaches of sand where there were once river banks. There are now walls of sand, some towering like buildings four stories high, where the river waters used to meander. To date, dredged sand has resulted in the destruction of approximately one-quarter of the banks of the Apalachicola. The large amounts of sand have choked sloughs and cut off the water supply to surrounding habitat, ultimately threatening the local economy.

Navigation windows remain a threat to endanger species like the Gulf Sturgeon, the Fat Three-Ridge and the Purple Bank Climber. The April 2000 navigation window resulted in an almost complete failure of sportfish spawn along the entire Apalachicola River and reservoirs upstream. Sportfish populations have been in rapid decline along the river since 1990. This time frame corresponds with the Corps' continued reliance on water releases to provide adequate water for navigation.

The constant and gross interruptions of nature have degraded the environment of the Apalachicola River and quality of life of those who depend upon it. Because of this, the Apalachicola recently earned the designation by American Rivers as one of our nation's Most Endangered Rivers. The Apalachicola has also been included in the 2000 Troubled Waters Report and the 2001 and 2002 Green Scissors Reports.

Manipulation of the Apalachicola poses a serious risk to the local economy. Important businesses, such as farmers who produce Tupelo honey and the fishermen who harvest oysters and shrimp in Apalachicola Bay, are dependent on the river's overall health. Commercial fishing operations along the Gulf Coast also rely on the Bay for their livelihood.

The negative impacts of dredging and the low commercial use of the Apalachicola River led former Secretary of the Army for Civil Works, Joe Westphal, to describe the project as not ''economically justified or environmentally defensible.''

Dredging the Apalachicola exacts too high a price from both taxpayers and the environment. Clearly it is time to rethink this expensive and ecologically devastating practice. The bill I offer today, the Restore the Apalachicola River Ecosystem, RARE, Act, provides for the actions necessary to reform the Apalachicola River project.

First, my bill puts a stop to navigational dredging.

Secondly, it instructs the Corps to develop a comprehensive restoration plan to be submitted to Congress that corrects the past harms done to the Apalachicola.

This legislation is widely supported in the State of Florida. Governor Jeb Bush and his Cabinet recently passed a resolution that calls the end of navigational dredging on the Apalachicola. My bill is supported by the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Northwest Florida Water Management District, Taxpayers for Common Sense, American Rivers, Audubon Society, Florida Wildlife Federation, the Apalachicola Bay and River Keepers, Help Save the Apalachicola River, the Nature Conservancy, the Apalachee Ecological Conservancy, the Chipola River Economic and Environmental Council, the League of Conservation Voters Education Fund, Florida PIRG, the Florida Fishermen Federation, and 1000 Friends of Florida.

The only way to restore the Apalachicola River to its former greatness is to cease navigational dredging. This designation of the Apalachicola as one of the nation's most endangered rivers should be a wake-up call to Congress and the Army Corps of Engineers to permanently end the dredging of the Apalachicola and allow the river to return to its natural state free of man's manipulation.

I urge my colleagues to support this legislation, which is both fiscally sound and environmentally responsible.

Mr. NELSON of Florida. Mr. President, I rise to day in support of the Graham-Nelson bill to de-authorize the dredging of the Apalachicola River.

The time has come to end the dredging of the Apalachicola river in north Florida. The detriments far outweigh the benefits of this expensive Army Corps of Engineers river project. The barge traffic is negligible; and the environmental and economic impact to the area surrounding this river are harmful.

Since 1998, fewer than 140 barges have used the Florida portion of the Apalachicola River. And of the barge traffic that does navigate this waterway, most is confined to a 6 mile long stretch of the Apalachicola-Chattahoochee-Flint ACF River System for the transport of sand and gravel, the principal commodity shipped on the system.

The dredging to keep this small amount of barge traffic going has resulted in sand mountains that have destroyed one-quarter of the banks of the Apalachicola River and choked sloughs cutting off water supply to surrounding habitat. In addition, the releases of large quantities of water to allow barge traffic to navigate the river disrupts the spawning behavior of three endangered species: the Gulf Sturgeon, the Fat Three-Ridge and the Purple Bank Climber.

Another concern is the effect of pulses of this fresh water on the balance of salt and fresh water in Apalachicola Bay. The Apalachicola Bay is the largest oyster harvesting area in the Gulf of Mexico and one of the principal nurseries for Gulf Shrimp and blue crabs. Commercial fishing operations along the Gulf coast rely heavily on the Bay for their continued prosperity. The fresh water influxes threaten this important industry. For these reasons, this project must end.

I urge my colleagues support for this important piece of legislation.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2731. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today along with Senator TORRICELLI I am introducing legislation, the Crossroads of the American Revolution National Heritage Area Act of 2002, to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey. I am proud to be joining my New Jersey colleagues, Representatives RODNEY FRELINGHUYSEN and RUSH HOLT, who have introduced this legislation in the House of Representatives with the support of the entire New Jersey delegation.

This legislation recognizes the critical role that New Jersey played during the American Revolution. In fact, New Jersey was the site of nearly 300 military engagements that helped determine the course of our history as a nation. Many of these locations, like the site where George Washington made his historic crossing of the Delaware River, are well known and preserved. Others, such as the Monmouth Battlefield State Park in Manalapan and Freehold, and New Bridge Landing in River Edge, are less well known and are threatened by development or in critical need of funding for rehabilitation.

To help preserve New Jersey's Revolutionary War sites, this legislation would establish a Crossroads of the American Revolution National Heritage, linking about 250 sites in 15 counties. This designation would authorize $10 million to assist preservation, recreational and educational efforts by the State, county and local governments as well as private cultural and tourism groups. The program would be managed by the non-profit Crossroads of the American Revolution Association.

A National Heritage Area would bring many benefits to New Jersey. First, it would help our communities and state preserve our history and educate our citizens. It would also encourage the protection of open space within the area, which is so critical to our quality of life. Finally, National Heritage Areas create significant economic opportunities, providing local communities with incentives and resources to work together to increase tourism in the region by highlighting historic sites and cultural events.

Simply put, we are the Nation that we are today because of the critical events that occurred in New Jersey during the American Revolution and the many who died fighting there. By enacting the Crossroads of the American Revolution National Heritage Area Act of 2002, we will pay tribute to the patriots who fought and died in New Jersey so that we might become a Nation free from tyranny.

I am proud to introduce this legislation to ensure that we properly honor New Jersey's pivotal role in our Nation's history as the true crossroads of the American Revolution.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 2732. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Finance.

Mrs. BOXER. Mr. President, the bill I am introducing today is long overdue. The Child Support Enforcement Act will bring much-needed relief to the millions of families who are not receiving the child support they are legally due.

The importance of this bill is clear. Each year, nearly 60 percent of parents owed child support receive less than the amount they are due. And more than 30 percent receive no payment at all. California is no exception: preliminary findings from the 2000 Census Report found that of the more than 2.3 million Californians who were owed child support, only 39 percent received those payments.

Clearly, millions of individuals, women and children, are in crisis when it comes to child support. It is time to treat delinquent child support the same way bad debt is treated in the tax law.

The Child Support Enforcement Act would allow custodial parents to deduct the amount of child support they are owed from their adjusted gross income on their income taxes. This is true for all taxpayers, regardless of whether they itemize. So while we are not providing the full amount they are due, this bill will provide much-needed relief.

This bill will also penalize the non-custodial parent who is not paying his or her legally obligated child support. It will force the deadbeat parent to add the owed amount to his adjusted gross income, creating a tax penalty.

This is not creating new tax law. It is extending current tax law on bad debts to delinquent child support payments. It's that simple.

The relief provided in this bill is extremely important for single parents. Child support payments can literally mean the difference between paying rent or being homeless; the difference between putting food on the table or being forced to let children go hungry; the difference between making ends meet or going on welfare.

I am pleased to be joined in this effort by Senator SNOWE. And Representative COX is introducing the House version of the bill today as well. As you can see, this is not a partisan issue, this is a family issue. It will help families and children nationwide. I urge my colleagues to cosponsor this bill.

By Mr. BINGAMAN:

S. 2733. A bill to amend the Internal Revenue Code of 1986 to expand retirement savings for moderate and lower income workers, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the ''Retirement Security for All Americans Act,'' legislation that will help all of our Nation's workers save for their retirement. Although there are several ways to measure pension and retirement plan coverage, there is one constant statistic, less than half of the workers in our country are covered by an employer sponsored pension plan. In spite of numerous incentives provided by Congress over the years, our Nation's coverage rate has remained virtually unchanged for the past three decades. New Mexico, my home State is the worst, with a coverage rate of 30 percent. In real terms, this means that 70 percent of New Mexicans working in the private sector will have to fund their retirement on the other 2 legs of the proverbial 3 legged stool, personal savings and Social Security. In truth, it seems unlikely that private sector workers who do not have a pension or retirement plan will have any significant savings, leaving them to get by on a one legged stool, not an easy trick.

Not surprisingly, the coverage rate is substantially reduced for lower income workers and minorities. For example, the 1999 U.S. Census Current Population Survey illustrates that only 27 percent of Hispanics in the private sector have an employer sponsored pension or retirement plan while it is 47 percent for whites and 44 percent for all workers. The Census data further illustrates that minorities are more likely to work at jobs that do not offer their workers a retirement plan. For instance, only 40 percent of Hispanics work at jobs that offer retirement plans while 62 percent of whites and 58 percent of all workers have this employee benefit. If, on the other hand, an employer does offer its employees a retirement plan, the Census data indicates that all workers, regardless of race or ethnicity tend to participate at the same rate. While it is not conclusive, this data indicates that if workers are offered a plan, they tend to take advantage of this benefit and save for their retirement.

We cannot continue to have a national retirement policy that results in the majority of Americans not having adequate savings for what is supposed to be their golden years. This is unacceptable. The legislation that I am introducing today addresses this need by encouraging employers to not only offer plans, but to provide contributions to their lower paid workers. While each of these provisions standing alone would improve coverage and our national savings rate, combined, there is a strong synergic effect among the provisions, making passage of all three imperative.

The first provision expands and makes permanent the current Savers'

Credit that was signed into law last year. Under this new provision, employees earning up to $15,000, $30,000 for married couples, will receive $0.50 for every dollar that they save in their 401(k) or IRA. The credit rate gradually phases down for those with incomes between $15,000 and $27,500, $30,000 and $55,000 for married couples. Currently, the Savers' Credit drops from 50 percent to 20 percent once a worker makes $15,001. We get rid of this cliff by phasing the credit out so as to not have disincentives to save more.

For those taxpayers without income tax liability, we will provide a tax credit of 50 cents on the dollar for their contributions through a new series of indexed government bonds. These bonds are not transferable and not redeemable until the worker retires to avoid abuses and to guarantee the funds are saved for retirement. By giving new savers bonds, it will encourage them to save more and help them realize the benefits of long term savings plans.

The second provision of the bill requires all employers with more than 10 employees, who do not currently offer their employees a qualified retirement plan, to provide their workers with the option of a payroll deduction IRA. Presently, all employers remit payments to financial institutions for a variety of reasons, including the deposit of payroll taxes, it is something that they already have to do. This provision would simply ask them to set up accounts at a financial institution so that workers can to send part of their own paychecks directly to an IRA set up at a financial institution of the employer's choice.

To offset any administrative cost, a tax credit of $200 for the first year and $50 for subsequent years is provided to the employer, though in most cases there will be no additional expense. Employers are also allowed to remit the employee's contributions to their IRAs on the same schedule as they currently remit payroll tax deposits to the same financial institutions or the IRS.

The benefits to the employee are clear. A payroll deduction IRA will allow workers to save small amounts out of each paycheck instead of making periodic or annual contributions to an IRA. As little as $10 a week saved could result in an employee saving over $750 dollars a year when combined with the Savers Credit. Saving is a learned response, the first step is to get people to save the first dollar and experience the benefits of compounding interest.

The final section incorporates the Senate passed provision that was dropped in the Economic Growth and Tax Relief Reconciliation Act of 2001 conference that provides small businesses with a tax credit for their contributions to the retirement accounts of their non-highly compensated employees. This provision, which has been pushed by Chairman Baucus and others for many years, will greatly increase the amount that employers contribute to workers' retirement plans.

Essentially it allows employers to receive a 50 percent tax credit on contributions up to 3 percent of an employee's annual compensation, but only to the non-highly compensated. To keep the costs of the proposal down, it is only available for a limited time, 3 years, to new plans. This should encourage many employers to not only offer a plan for the first time, but creates a noteworthy incentive to contribute to these employees' accounts.

I look forward to working with my colleagues to bridge this enormous gap in pension coverage in our country. We must be realistic about how much we can accomplish in one shot. Coverage hasn't improved in 30 years. We must therefore continue to advance proposals that will make gradual but meaningful improvements. We cannot allow ourselves to operate under the fiction that the system is currently working for all Americans. At a time when Social Security solvency is at issue, we must find ways to reduce the reliance of all our seniors on these benefits for their retirement needs. It was never the intent of Social Security to be a retiree's sole source of retirement income. This legislation will begin the slow process of increasing our national pension coverage. Because these benefits will not accrue over night, we must act now while the spotlight is still on retirement policy. I hope all my colleagues will join me in passing this important legislation.

By Mr. KERRY (for himself, Mr. HOLLINGS, Ms. LANDRIEU, Mr. BAUCUS, Mr. BINGAMAN, Mr. DASCHLE, and Mr. JOHNSON):

S. 2734. A bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, today I rise to introduce emergency legislation to help small non-farm businesses across this Nation that are in dire straits because of drought conditions in their State. They need assistance, particularly access to working capital to pay the bills and meet payroll, but they can't get it because they are falling through the cracks of Federal disaster loan programs.

Why? Well, this is hard to believe, but it is because a drought is not considered a disaster under the Small Business Administration's disaster loan program, and under the Department of Agriculture's disaster program, which does consider a drought a disaster, only agriculture-related businesses are eligible for disaster assistance.

This assistance is critical to the survival of thousands of small businesses that make their living in tourism and recreation industries, as well as other industries dependent on water. Droughts are a cruel phenomenon of nature. They are out of the control of a small business owner, and it isn't fair that they aren't eligible for Federal disaster assistance but the victims of floods, fires, and hurricanes are.

With a very small change, we can make all the difference to affected small businesses. Specifically, I propose amending the Small Business Act in order to make a drought a disaster.

More than 30 States are struggling with drought right now, according to the National Drought Mitigation at the University of Nebraska, and far more than agricultural, forestry and livestock businesses are hurt. If you talk to the governors of your States, I am sure they will tell you how bad the situation is. In northern Massachusetts, we have been in a drought since last fall. In South Carolina, the conditions are so bad that small businesses dependent upon lake and river tourism have seen revenues drop anywhere from 17 to 80 percent. The victims range from fish and tackle shops to rafting businesses, from restaurants to motels, from marinas to gas stations. For those who are listening and discount the serious impact of drought on small businesses, ask the rafting businesses that went bankrupt in Texas in 1996. The rivers were so low that these established businesses lost everything.

I thank my colleagues who are cosponsors, Senators HOLLINGS, LANDRIEU, BAUCUS, BINGAMAN, DASCHLE, and JOHNSON. I invite my other colleagues with droughts in their States to cosponsor this bill and call on the Administration to work with our Committee in passing this emergency legislation before we go home for the break in August. These small businesses cannot wait.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2734

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

SECTION 1. LOANS TO SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Drought Relief Act''.

(b) FINDINGS.—Congress finds that—

(1) as of July 2002, more than 36 States (including Massachusetts, South Carolina, and Louisiana) have suffered from continuing drought conditions;

(2) droughts have a negative effect on State and regional economies;

(3) many small businesses in the United States sell, distribute, market, or otherwise engage in commerce related to water and water sources, such as lakes and streams;

(4) many small businesses in the United States suffer economic injury from drought conditions, leading to revenue losses, job layoffs, and bankruptcies;

(5) these small businesses need access to low-interest loans for business-related purposes, including paying their bills and making payroll until business returns to normal;

(6) absent a legislative change, only agriculture-related businesses are eligible for Federal disaster loan assistance as a result of drought conditions; and

(7) it is necessary to amend the Small Business Act to allow non-farm small businesses that have suffered economic injury

from drought to receive financial assistance through Small Business Administration Economic Injury Disaster Loans.

(c) EXPANSION OF DISASTER DEFINITION.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended by inserting ''drought,'' after ''windstorms,''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 17, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct an OVERSIGHT HEARING on the Protection of Native American Sacred Places.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 18, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a HEARING on a bill to approve the settlement of water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

The Committee will meet again on Thursday, July 18, 2002, at 2:00 p.m. in Room 485 of the Russell Senate Office Building to conduct a HEARING on S. 2065, a bill to Ratify an Agreement to Regulate Air Quality on the Southern Ute Indian Reservation.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Tuesday, July 16, 2002. The purpose of this hearing will be to discuss the proposed ban on packer ownership and also the enforcement of the Packers and Stockyards Act. At 10:00 a.m. in SD–562

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 16, 2002, at 10:00 a.m. to conduct an oversight hearing on ''The Semi-annual Report on Monetary Policy of the Federal Reserve.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 16, 2002, at 2:30 pm on the nomination of Jonathan Adelstein to be a member of the FCC.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, July 16th, 2002, at 2:30 p.m. in SD–366.

The purpose of this hearing is to receive testimony on the Administration's plans to request additional funds for wildland firefighting and forest restoration as well as ongoing implementation of the National Fire Plan.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet jointly with the Committee on the Judiciary on Tuesday, July 16, 2002, at 10:00 a.m. to conduct a hearing to receive testimony on New Source Review policy, regulations and enforcement activities.

The hearing will be held in SD–106.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 16, 2002 at 10 a.m., to hear testimony on Homeland Security and International Trade.

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 Proposed Department of Homeland Security: Issues before the Help Committee during the session of the Senate on Tuesday, July 16, 2002 at 10 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY/COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Committee on Environment and Public Works be authorized to meet to conduct a joint hearing on ''Clearing the Air: New Source Review Policy, Regulations and Enforcement Activities'' on Tuesday, July 16, 2002 in Dirksen Room 106 at 10 a.m.

TENTATIVE WITNESS LIST

PANEL I

The Honorable Thomas L. Sansonetti, Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C.

The Honorable Jeffrey Holmstead, Assistant Administrator for Air and Radiation, U.S. Environmental Protection Agency, Washington, D.C.

PANEL II

The Honorable William H. Sorrell, Attorney General, State of Vermont, Montpelier, VT.

The Honorable Eliot Spitzer, Attorney General, State of New York, New York, NY.

The Honorable Bill Pryor, Attorney General, State of Alabama, Montgomery, AL.

PANEL III

Mr. Eric Schaeffer, Director, Environmental Integrity Project, Rockefeller Family Fund, Washington, D.C.

Mr. Bob Slaughter, President National Petrochemical & Refiners Association, Washington, D.C.

Mr. Hilton Kelley, Port Arthur, TX.

Mr. Steve Harper, Director, Environment, Health, Safety, and Energy Policy, Intel, Corp., Washington, D.C.

Mr. John Walke, Clean Air Director, Natural Resources Defense Council, Washington, D.C.

Mr. E. Donald Elliott, Paul, Hastings, Janofsky & Walker LLP, Washington, D.C.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 16, 2002 at 10:00 a.m. and 2:30 p.m. to hold a closed hearing on the Joint Inquiry into the events of September 11, 2001.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on ''FBI Computers: 1992 Hardware—2002 Problems'' on Tuesday, July 16, 2002, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building.

WITNESS

Ms. Sherry Higgins, Project Management Executive, Office of the Director, Federal Bureau of Investigation, Washington, DC.

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

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Britt Gordon McKein, who is an intern, be granted the privilege of the floor during debate today.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to grant floor privileges to my fellows, Stacy Sacks, David Dorsey, and Brian Hickey, for the duration of the floor debate on the bill.

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

Mr. REID. Mr. President, on behalf of Senator BAUCUS, I ask unanimous consent Alaine Perry, a detailee in his Finance Committee office, and Brian

Elbel and Jeri Weaver, interns in his Finance Committee office, be allowed floor privileges for the duration of the debate on S. 812, and all motions related to it.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Richard McKeon, a fellow in my office, be granted the privilege of the floor for the duration of the debate on prescription drugs.

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

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2002 second quarter mass mailings is July 25, 2002. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Record office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

MEASURE PLACED ON THE CALENDAR—S. 2

Mr. REID. Mr. President, it is my understanding that S. 2 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask that S. 2 be read a second time, and then I object to any further proceedings at this time.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2) to amend title XVIII of the Social Security Act to provide for a medicare voluntary prescription drug delivery program under the medicare program, to modernize the medicare program, and for other purposes.

The PRESIDING OFFICER. Objection to further proceedings having been heard, the bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, JULY 17, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, July 17; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to S. 812 regarding affordable pharmaceuticals, under the previous order.

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

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the senior Senator from Utah.

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

The Senator from Utah.

MEDICARE PRESCRIPTION DRUG LEGISLATION

Mr. HATCH. Mr. President, I have heard my name being used a lot in this Chamber this afternoon, and I plan to make a comprehensive statement tomorrow that outlines my views on the Hatch-Waxman amendments contained in S. 812.

I might mention, I am very concerned about those amendments. I believe that the original Schumer-McCain bill was a bill that did not improve the Hatch-Waxman Act which was enacted in 1984. Of course, over the course of the last 18 years, it has been recognized as a very highly respected consumer protection law.

The reason is because that law has saved consumers between $8 billion and $10 billion every year since 1984—over the last 18 years. The reason it has saved them so much money is that it is a delicately balanced bill between the pioneer companies, that is, the large pharmaceutical companies, and the generic drug industry.

When we passed Hatch-Waxman, the generic industry had about 15 percent of the total drug business in this country. Today it has close to 50 percent. That is because of that delicate balance achieved through the Hatch-Waxman law . And I see that this underlying bill may very well disturb that delicate balance and disrupt a law that has worked well for consumers for many years.

I want to make sure that the bill approved by the Senate is a good bill, if, in the end if we are going to be amending the Hatch-Waxman Act. I put a lot of effort into that bill before it was passed in 1984.

It is an important law. It is a law that has really helped America. I have to say, if we disrupt that balance and we all of the sudden take away the incentives to put that $30 billion a year into research and development costs to develop these lifesaving drugs, we will not have the drugs to put into generic form later. And, we could lose these businesses—they could all go offshore if we do not handle this exactly right.

So what has been in some measure demagogued today on the floor—if we do not watch that, we will wind up making questionable changes to a law that now saves the lives of millions of Americans and does so at affordable costs.

I will spend some time on that tomorrow because I think it needs a comprehensive discussion. I will say this: The underlying bill, what used to be Schumer-McCain to Kennedy-Edwards, has moved to a degree in the right direction but certainly not nearly enough. Frankly, I would like to make sure that the law bill that I put so much blood, sweat, and tears into over the years leading up to 1984 when it was passed, will not be disrupted because of politics on this floor, especially since that bill has worked so well for the American people.

My purpose this afternoon, however, is to discuss the Medicare prescription drug issue which we will be debating in the very near future. I have been working with four of my Senate colleagues—Senators GRASSLEY, JEFFORDS, BREAUX, and SNOWE—for the last year on a Medicare reform and prescription drug bill. It is called the Tripartisan bill because it has Republicans, Democrats, and the sole Independent in the Senate.

This legislation, the 21st Century Medicare Act, better known as the Senate Tripartisan Medicare prescription drug proposal, was introduced yesterday after months and months of hard work. This bill was introduced because the five of us crossed party lines and worked together. It was introduced because all five of us want a Medicare prescription drug benefit to be signed into law this year. We are tired of waiting for legislation that we could have passed 2½, 3 years ago, but every time it is brought up, politics is played with this legislation rather than doing what is right for our senior citizens and others in dire need of this legislation.

Medicare beneficiaries deserve nothing less than to get it done this year, but others in this body, in my opinion, feel differently.

Here we are on the verge of considering Medicare prescription drug legislation on the Senate floor without the Finance Committee ever being even a small part of it. Now I heard comments made that the Finance Committee has gone back and forth with this for years. That is not true. This is the first time we have really had a chance of passing a bill through the Senate that I think could very easily be accepted by the House, or in a conference certainly basically accepted by the House and the Senate.

The Finance Committee members, under the leadership of Chairman MAX BAUCUS, have been meeting for weeks to try and draft a consensus Medicare prescription drug bill. But due to artificial deadlines imposed upon us by the powers that be, we are not going to be given an opportunity to even consider a Medicare prescription drug bill in the Finance Committee itself before the full Senate considers the Medicare drug legislation.

Why even have a Finance Committee—which everybody would acknowledge is one of the great committees in the United States Congress—

when bills that are under its jurisdiction are brought up on the floor without even a hearing or a markup?

There were no delays. We could have had this markup and we could have passed this bill out today. We could have done it last week if we had had a markup. Sadly, politics is dictating policy, and I find that completely unacceptable, especially when it involves an issue as important as Medicare prescription drug coverage.

By putting politics before policy, we are not doing what is in the best interest of our senior citizens and our citizens as a whole.

I have also heard comments today that this is being filibustered. Nobody wants to filibuster this bill. That is always an old wives' tale that comes up when you do not have good arguments on your side.

I would like to take this opportunity, though, to talk about the tripartisan bill. When drafting this legislation, we tried to reach out to everyone who has a stake in this issue. It has required many hours of meetings, meetings among ourselves, with our staffs, CBO, CMS, seniors groups, insurance providers, PBM representatives, technical experts, and other interested parties. Let me assure you this has been a unified effort, one which has required some give and some take from all of us.

I truly believe this tripartisan bill is, in fact, the only bill capable of passing not only the Senate but the Congress in 2002.

We have worked with CBO constantly in order to come up with an affordable solution, and CBO has told us that our bill will cost $370 billion over 10 years. As far as I know, the Daschle-Graham-Miller bill does not have a CBO score, but I expect it to be extremely expensive. As a matter of fact, the Daschle-Graham-Miller bill, as I know it today, would be well over $800 billion over 10 years, and it has a sunset provision. So this isn't even a permanent benefit. I know my seniors in Utah will be surprised to hear that we're even considering such a bill.

In addition, there are no sunsets within our bill. Our Tripartisan bill is a permanent solution, not a temporary one, and CBO informs us that once our bill is implemented fully, 99 percent of all seniors will have drug coverage, which is truly remarkable.

So, the question is, how does a temporary solution truly help seniors in the long run? I do not think it does. Our Tripartisan bill provides all Medicare beneficiaries with affordable prescription drug coverage because we let innovation and competition determine the prices, not of Government bureaucrats. That is how we keep prices for drugs competitive.

I do not think it is a good idea to let the Government set the price, which is what will happen if the Daschle-Graham bill becomes law, and I do not think it has a chance of becoming law. I do not think it will get the necessary votes to become law. But our bill could, with honest decent work by all of us.

We also provide additional subsidies to low-income seniors so that they, too, can afford to pay for their drugs. I find it absolutely appalling that there are people in our country who have to choose between buying food and buying prescription drugs. The Tripartisan group's goal is to put an end to that and provide additional help to those seniors who really need it.

In fact, all seniors need it. For example, the 10 million beneficiaries with incomes below 135 percent of poverty will have 80 to 95 percent of the prescription drug costs covered by this plan, with absolutely no monthly premium. These seniors are exempt from the deductible and will pay well under $5 for their brand name prescriptions and their generic prescriptions. Enrollees at this income level who reach the catastrophic coverage limit will have full protection against all drug costs, with no coinsurance.

We also take care of the 11.7 million lower income beneficiaries with incomes below 150 percent of the poverty level. Enrollees between 135 percent and 150 percent of the Federal poverty level will also receive a more generous Federal subsidy that on average lowers their monthly premiums to anywhere between 0 and $24 a month on a sliding scale. It also more than halves the cost of their annual drug bills.

All other enrollees will have access to discounted prescriptions after reaching the $3,450 benefit limit and a critically important $3,700 catastrophic benefit, which protects seniors from high, out-of-pocket drug costs. This is hardly a doughnut hole. My friend and colleague Senator SNOWE refers to it as more of a bagel hole.

It is also important to note that 80 percent of Medicare beneficiaries will never experience a gap in coverage. As far as drug coverage is concerned, we let Medicare beneficiaries choose from at least two drug plans, allowing them to select a plan that suits their individual needs. Seniors are in charge, not the Federal Government.

The Daschle-Graham bill, on the other hand, has a one-size-fits-all drug plan that is offered to Medicare beneficiaries. That is the type of solution that will lead us down a dangerous path, and before you know it the Federal Government, not the private marketplace, will be setting drug prices. We need to avoid that scenario at all costs.

Finally, our plan gives seniors a choice of Medicare coverage. Seniors may remain in traditional Medicare or they may opt for the new, enhanced Medicare fee-for-service program which is designed to look more like private health insurance and less like a program that is stuck in the mid-1960s.

We all believe that Medicare needs to be improved. Medicare has hardly changed since it was first created in 1965 and Medicare needs to become a 21st century program. So our bill provides seniors with a choice in Medicare coverage. Beneficiaries may stay in traditional Medicare or they may opt for the new, enhanced fee-for-service Medicare plan.

I want to emphasize that we do not force seniors to enter into the new, enhanced fee-for-service plan. We just offer it to beneficiaries as an option. If Medicare beneficiaries want to stay in traditional Medicare, that is fine. Our bill allows them to do so. If they decide they do not like the new enhanced Medicare plan, they can switch back to traditional Medicare. We need to give seniors choices concerning their health care coverage. They need to be able to keep the Medicare benefits seniors have today, but seniors must also be given improved health care choices.

I emphasize, once again, that CBO tells us that should our bill become law, 99 percent of all Medicare beneficiaries will have drug coverage. That would be tremendous for this country. We ought to do it this year. We should not be playing politics with it. We should not be setting up the Senate so this bill fails, so one side or the other can claim the other side refused to pass a bill this year.

I believe providing Medicare beneficiaries with their choice of coverage is key, and the Tripartisan group worked together for months to ensure that seniors get quality drug coverage for an affordable price.

I will conclude by saying we must make 2002 the year that Medicare is brought into the 21st century. This is the year that Medicare reform and prescription drug legislation should be passed by the Congress and signed into law. Our bill does more than just provide drug coverage. It includes Medicare reforms. It provides assistance to Medicare Choice.

We can start this process by allowing the Senate Finance Committee to do its job and consider Medicare prescription drug legislation before it is debated on the Senate floor. Bypassing the Senate Finance Committee and going directly to the Senate floor sends a message to the American people that we are more interested in playing political games than letting the legislative process work.

We need to have a markup in the Senate Finance Committee as soon as possible. We have Medicare bills to consider, both the Graham-Miller bill and the Tripartisan bill. We should have our Senate floor debate after the Finance Committee has approved legislation. It should not be the other way around. I believe Senators GRAHAM and MILLER are very sincere, fine people. They are good Senators. They believe in what they are doing. But if they do, we ought to have it come up in committee and vote. We are willing to have the Tripartisan bill voted upon. We have at least 12 votes out of 21 on the committee. That is probably the reason why the majority leader is determined not to bring up these matters in the Finance Committee.

I am hopeful we will be able to work this out and provide affordable prescription drug coverage for seniors through legislation considered by the Senate Finance Committee. This is a top priority of mine and many of my colleagues in the Senate. We have been hearing from seniors for years about their need for Medicare prescription drug benefits. Why are we playing political games with such an important issue?

I encourage my colleagues to work with us, to work with the Tripartisan group and others. I believe there is a majority, a significant majority, if we were allowed to do what is right, who would vote for the Tripartisan bill so seniors would finally get what they truly deserve, prescription drug coverage for the Medicare Program and bring Medicare into the 21st century once and for all.

Medicare beneficiaries deserve that opportunity. We owe it to them. This bill would allow that to happen.

I have been told this debate will take 2 weeks. I don't know why it has to take 2 weeks. We have three, four, or five different plans. We can vote on them. I personally hope we can vote on them. I believe if we are allowed to vote on them and people will get rid of the political aspects, we will pass a bill that will work this year for the benefit of seniors in the years to come. The Tripartisan bill does not have a sunset. The Tripartisan bill would continue on forever as far as we are concerned, to the benefit of all seniors in this country. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, July 17, 2002.

Thereupon, the Senate, at 7:33 p.m. adjourned until Wednesday, July 17, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 16, 2002:

SECURITIES AND EXCHANGE COMMISSION

ROEL C. CAMPOS, OF TEXAS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2005, VICE ISAAC C. HUNT, JR.

DEPARTMENT OF STATE

ANTONIO O. GARZA, JR., OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

To be general

LT. GEN. WILLIAM L. NYLAND, 0000

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO LES MERGELMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor a great individual who has helped revitalize and strengthen his community's way of life. Les Mergelman is an example of success derived from hard work and determination. And it is a great honor to praise his efforts and contributions.

Les is retiring after thirteen proud years of service as the President of the Olathe State Bank. During his tenure, the bank prospered and thrived, becoming an instrumental piece of the Olathe financial community. Les helped regenerate lost revenue, and was instrumental in engineering the grand opening of the bank's main office in Olathe. However, Les is not one to bask in personal achievement, as he takes pride in the teamwork of his staff. He fervently believes in never giving up and keeping his head high regardless of the situation. Les's wisdom and leadership cannot, by any means, be duplicated, and each member of Les's office undoubtedly cherishes the countless contributions Les has made to the 'team.'

Mr. Speaker, I stand before you today to applaud the efforts of Les Mergelman before this body of Congress and this nation. The State of Colorado will always be grateful for his constant support of Olathe sweet corn and the culture of Colorado. We wish him the best with all the future endeavors that he undertakes. I fervently believe that he will continue to be a beacon to the Olathe community for years to come.

MONSIGNOR GEORGE C. HIGGINS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. OBEY. Mr. Speaker, in the tumult of recent events, the passing of a great man did not receive as much attention as it should have. Monsignor George C. Higgins died on May 1.

More than any other clergyman in this century, Monsignor Higgins personified the moral obligation that a just society has to honor work and workers. To me he more than anyone else over his long lifetime personified the demand for justice that should permeate our whole society.

E.J. Dionne, the thoughtful Washington Post columnist, wrote a splendid column on the death of Monsignor Higgins. I commend it to my colleagues.

THE GREAT MONSIGNOR

There is no such thing as a timely death. But just when you thought all the stories on American priests were destined to be about evil committed and covered up, one of the truly great priests was called to his eternal reward.

Monsignor George G. Higgins was the sort of Catholic clergyman regularly cast as a hero in movies of the 1930s and '50s. He was an uncompromising pro-labor priest who walked picket lines, fought anti-Semitism, supported civil rights and wrote and wrote and wrote in the hope that some of his arguments about social justice might penetrate somewhere.

He got attached to causes before they became fashionable, and stuck with them after the fashionable people moved on. Cesar Chavez once said that no one had done more for American farm workers than Monsignor Higgins. In the 1980s, he traveled regularly to Poland in support of Solidarity's struggle against communism and became an important link between American union leaders and their Polish brethren.

As it happens, even the day of Monsignor Higgins's death, at the age of 86, was appropriate. He passed from this world on May 1, the day that many countries set aside to honor labor and that the Catholic Church designates as the Feast of St. Joseph the Worker.

If Higgins had been there when that famous carpenter was looking for a place to spend the night with his pregnant wife, the monsignor would certainly have taken the family in. He would also have handed Joseph a union card, told him he deserved better pay and benefits, and insisted that no working person should ever have to beg for shelter.

Yes, Higgins sounds so old-fashioned—and in every good sense he was—that you might wonder about his relevance to our moment. Let us count the ways.

One of the most astonishing and disturbing aspects of the Catholic Church's current scandal is the profound disjunction—that's a charitable word—between what the church preaches about sexuality and compassion toward the young and how its leaders reacted to the flagrant violation of these norms by priests.

Higgins, who spent decades as the Catholic Church's point man on labor and social-justice issues, hated the idea of preachers' exhorting people to do one thing and then doing the opposite. And so he made himself into a true pain for any administrator of any Catholic institution who resisted the demands of workers for fair pay and union representation.

''These men and women mop the floors of Catholic schools, work in Catholic hospital kitchens and perform other sometimes menial tasks in various institutions,'' he once wrote. ''They have not volunteered to serve the church for less than proportionate compensation.''

''The church has a long history of speaking out on justice and peace issues,'' he said. ''Yet only in more recent times has the church made it clear that these teachings apply as well to the workings of its own institutions.''

Where some religious leaders complain that they get caught up in scandal because they are unfairly held to higher standards, Higgins believed that higher standards were exactly the calling of those who claim the authority to tell others what to do.

It bothered Higgins to the end of his life that the cause of trade unionism had become so unfashionable, especially among well-educated and well-paid elites. For 56 years, he wrote a column for the Catholic press, and he returned to union issues so often that he once felt obligated to headline one of his offerings:: ''Why There's So Much Ado About Labor in My Column.''

His answer was simple: ''I am convinced that we are not likely to have a fully free or democratic society over the long haul without a strong and effective labor movement.''

To those who saw collective bargaining as outdated in a new economy involving choice, mobility and entrepreneurship, Higgins would thunder back about the rights of those for whom such a glittering world was still, at best, a distant possibility: hospital workers, farm workers, fast-food workers and others who need higher wages to help their children reach their dreams. He could not abide well-paid intellectuals who regularly derided unions as dinosaurs, and he told them so, over and over.

It is one of the highest callings of spiritual leaders to force those who live happy and comfortable lives to consider their obligations to those heavily burdened by injustice and deprivation. It is a great loss when such prophetic voices are stilled by scandal and the cynicism it breeds. Fortunately, that never happened to Higgins. He never had to shut up about injustice and, God bless him, he never did.

HONORING LAURA E. PAUL LONG ON HER 100TH BIRTHDAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. GEKAS. Mr. Speaker, I rise today to honor Mrs. Laura E. Paul Long of Gratz, Pennsylvania. On August 3, Laura will be celebrating her 100th birthday.

Laura is the daughter of Maria Hoch Paul and David D. Paul and was born on August 3, 1902, in Leck Kill, Pennsylvania. She spent her childhood in Lower Mahanoy Township with her parents and siblings and was married in 1922 to Samuel Felix Long.

Laura worked at Pillow Manufacturing in Pillow, Pennsylvania and for Dormar Manufacturing located in Gratz, Pennsylvania. She finally retired from Dormar Manufacturing around the age of 68.

Content with her life in Pennsylvania, Laura never left the state until after she retired when she traveled throughout Europe with her youngest daughter.

Although noted for her crocheting, Laura is renowned for her talent at continuing a line of geraniums descendant from the plants she grew on her farm in Klingerstown, PA in the 1930's. Her geraniums still thrive today.

Laura is also very dedicated to her family with nine children, 29 grandchildren, 43 great-grandchildren, and 23 great-grandchildren. She was widowed in 1966.

I ask my colleagues in the House to join me in wishing Laura a wonderful One-Hundredth Birthday and continued health and happiness for many years to come.

PAYING TRIBUTE TO SGT. TONY LOMBARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Sergeant Tony Lombard of the Denver Police Department and thank him for his extraordinary contributions to his community and to his state. As a resident of Denver, Colorado, Tony has dedicated himself to protecting the Denver community by selflessly devoting his time and energy to his job, his family, and his community. His remarkable twenty-nine years on the force serve as a symbol of the commitment that Tony feels for the Denver Police department and the City of Denver. As we celebrate the accomplishments of this fine career, let it be known that I, along with the people of Colorado, applaud his efforts and are eternally grateful for all that he has done for his community.

Throughout his career, Tony served as a spokesman and legislative lobbyist for the Denver Police Department. He has also worked as an active member in the narcotics division and credits his wife, Cynthia for always understanding his absence when work required him to leave church, movies, parties, and family dinners. As a former police officer, I understand Mr. Lombard's frustration and tolerance. Moreover, his goodhearted interests have further served to set him apart in his community, and have earned him much respect throughout the Denver Police Department.

Throughout the course of his career, Tony served in the sex-crimes unit and also worked for several years with his father in the public information office. Together, they comprised the only father-son spokesman team in the department's history. Tony is retiring because he wants to pursue other avenues of work such as working with the Police Protective Association.

Mr. Speaker, it is clear that Tony Lombard is a man of unparalleled dedication and commitment to his job, his community and his family. It is his commitment to hard work, as well as his spirit of integrity and selflessness with which he has always conducted himself that I wish to bring before this body of Congress. Sgt. Tony Lombard has served his state and his country in an honorable manner, and it is my privilege to extend to him my sincere congratulations on his retirement and I wish him all the best in his future endeavors.

UKRAINE BI-ELECTIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. LANTOS. Mr. Speaker, I wish to call attention once again to the alarming conditions surrounding the Ukrainian parliamentary bi-elections, held on Sunday, July 14. On the evening of July 12, less than forty-eight (48) hours before the balloting was to begin, a local court found Olexander Zhyr, the candidate I referred to in my remarks last week, guilty of campaign finance improprieties. Mr. Zhyr was disqualified from the race with no time to appeal the decision. As the domestic nonpartisan election watchdog group the Committee of Voters of Ukraine has commented, the last minute timing of the decision made it impossible for the elections to be considered democratic.

Mr. Speaker, I have already gone on the record as noting the important role Mr. Zhyr played in the Ukrainian Rada, heading the parliamentary committee that investigated the murders of Ukrainian journalists. Additionally, Mr. Zhyr was leading investigations into accusations that the Ukrainian government illegally exported arms to Iraq. I would like to express my deep concern that Mr. Zhyr's disqualification was politically motivated. Electoral manipulation of this sort severely undermines the democratic process. Again, I would stress that as a country that aspires to full membership in Western institutions, the Government of Ukraine must improve its democratic record. A good start would be to reverse the decision to disqualify Mr. Zhyr, and allow him to participate in an election that meets international standards of transparency and democratic procedures.

INTRODUCTION OF ESRD QUALITY IMPROVEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. STARK. Mr. Speaker, I rise today to introduce the ESRD Quality Improvement Act. To address the life and death importance of quality dialysis therapy for End Stage Renal Disease patients, this legislation would codify and build upon existing quality improvement efforts in a variety of ways including the addition of recognition for outstanding clinical outcomes and sanctions for chronically substandard care.

The 340,000 ESRD patients are the only Medicare enrollees eligible for coverage due to a specific medical diagnosis. ESRD patients have lost full kidney function and must undergo a kidney transplant or weekly dialysis treatments to survive. This chronically ill group of beneficiaries presents Congress with a special responsibility with regard to assuring quality and safe care.

As the dominant purchaser of dialysis services, the Medicare Program must demand improvement of deficient practices. Unfortunately, there is evidence that substandard care is being delivered at some Medicare funded sites. In 2000, the Inspector General noted numerous instances of poor care and an oversight system that is fragmented and lacks sufficient accountability. The GAO reported that in 1999, only 1 in 9 dialysis facilities underwent an unannounced inspection and that in 1998, almost 1 in 2 dialysis facilities had not been inspected within three years. A February 2002 Arizona Republic article further highlights the need for enhancements to the dialysis quality infrastructure. The article illustrates some patients are receiving weekly dialysis in atrocious conditions—unacceptable practices reported include poor or absent staff training, incorrect operation of dialysis machines, unclean facilities, neglected quality controls, and mission documentation. The full article is attached.

I'm pleased to note that the Center for Medicare and Medicaid Services (CMS) is currently making improvements in the quality of the ESRD Program such as the implementation of health outcomes standards and data system to assess quality of services. I regret it has taken so long to move forward with these efforts and I believe some deficiencies remain. This bill does not delay or interfere with the current quality initiatives, and in fact, builds upon them.

Currently, there only minimal ESRD quality assurance provisions in statute or regulation. The act would establish in statute a quality oversight role for the Department of Health and Human Services (HHS). In addition, a quality coordination function with certain duties delineated for the regional ESRD Quality Networks. The Networks are contracted by CMS to administer the ESRD program and serve as a liaison between dialysis provider and the Department. The Network quality functions delineated in the bill include training and technical assistance for providers, data collection and analysis, establishing national performance standards, conducting peer reviews, monitoring patient satisfaction, and disseminating of best practices. In coordination with existing HHS and Network goals, ESRD Clinical Performance Measures are to be developed to serve as performance standards to which patient and facility clinical outcomes can be compared.

The bill also requires the HHS Secretary to implement an information system to link service providers, Networks, and the Department and maintain national database that generates clinical profiles on the performance of dialysis facilities and providers. To provide incentives for high quality care and promote the exchange of best practices, awards for high achievement will be issued to top performing dialysis providers and facilities. To eliminate harmful care, provider and facility sanctions for substandard services are created.

Conditions of participation in the Medicare program for providers and facilities would be expanded to incorporate the terms of the CQI and QA Programs established in the bill. Also, to further support the quality provision of the bill, a per-treatment fee of 0.50 cents shall be paid to the Networks by the HHS Secretary during the initial 30-month period for which dialysis facilities are currently exempted. Consistent with the current process, dialysis facilities would continue to pay the 0.50 per-treatment fee beginning in the 31st month.

It is my hope that Congress, CMS and the ESRD provider community will react positively to the introduction of this bill. We need to work together to assure all ESRD facilities funded by Medicare are doing no harm. Please join me in this effort by agreeing to cosponsor the ESRD Continuous Quality Improvement act.

TRIBUTE TO THE SISTERS AND TO OSF ST. FRANCIS MEDICAL CENTER

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. LAHOOD. Mr. Speaker, I rise today to extend my congratulations to the Sisters and

to OSF St. Francis Medical Center in Peoria, Illinois, for celebrating 125 years of continuous service to the people of Central Illinois.

In 1876, six German sisters were invited to come to Peoria to provide nursing care to the sick and injured. The Sisters' dedication to their mission, and to Central Illinois, led them to establish their own order on July 16, 1877, calling themselves The Sisters of the Third Order of Saint Francis. Their first hospital, today's OSF St. Francis, was also established that year.

The Sisters' mission to serve with the greatest care and love led to a commitment to the poor that has never wavered. OSF St. Francis Medical Center has been in the forefront of medical innovation, technology and service for 125 years.

During the time that I was growing up on the East Bluff of Peoria, I lived just a few blocks from St. Francis Hospital. As a matter of fact, my two brothers and I were born at St. Francis. During the 25 years that we lived on the East Bluff, St. Francis provided the best health care our family could have hoped for. The Sisters really took a great deal of interest in their patients. We are so fortunate to have such a long-standing tradition of outstanding health care in our community.

Therefore, I extend my congratulations and sincere gratitude to the Sisters and OSF St. Francis Medical Center for their tremendous dedication and loyal service to the people of Central Illinois.

PAYING TRIBUTE TO GARRY MACCORMACK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize the contributions of Garry MacCormack to the Pueblo, Colorado community. After providing thirty years of quality telecommunication service to the community, Garry is retiring to spend more time with his family. Garry has played a vital role in the development of the Pueblo telecommunications community and I can think of no better way to celebrate Garry's retirement than to thank him for his service before this body of Congress, and this nation.

Rye Telephone Company was started by Garry's parents in the 1950s when they purchased the neighborhood telephone cooperative. Garry took over the reins of the business in 1974, and as telecommunication advancements evolved, so to has the Rye Telephone Company. The company has matured from offering a single phone with long distance to the community, to the current telecommunications amenities such as multiple lines, voicemail, and Internet service to three states. Garry has nurtured the company through some amazing times, like installing fiber optic lines, and will now pass the family legacy over to his daughter, Michelle.

Mr. Speaker, as Garry enjoys his retirement with his wife Dayle, I am confident the company will continue to grow and prosper under Michelle's direction. Garry's success story serves as a model example of hard work and perseverance for a member of the community and I am honored to represent him and his family before you today. Thanks for all your years of service to Pueblo, Garry, and I wish you all the best in your well-deserved retirement.

IN HONOR OF JOHN B. ANDERSON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. GILMAN. Mr. Speaker, I rise today to honor the life and accomplishments of an outstanding American citizen, my friend and former colleague, the Honorable John B. Anderson.

Throughout John Anderson's twenty years in this body he served the Sixteenth District of Illinois, the State of Illinois and our Nation with dedication, strength and distinction. While serving on the Rules Committee and as Chairman of the House Republican Conference, John was always true to his ideals and his constituencies.

John Anderson was a champion of education in his district. Dr. Thomas Shaheen, a superintendent of schools in Rockford, Illinois, commented ''It was to John B. Anderson that I could turn for support of Rockford's school children, its teachers, and administrators, and to me as its superintendent.'' Anderson urged the Rockford Public Schools to apply for a Federal grant under the Elementary Schools Educational Act. It was with his approval that the Rockford Public Schools received an award of $600,000 to implement a Teacher Development Center and Demonstration School. That project won a national award presented by National Education Association and The Thom McAn Association. The initiative begun in 1966 still exists and functions today.

After leaving political office, John Anderson is sought out as a lecturer and expert commentator on issues of electoral reform, United Nations reform, foreign affairs, American politics, and independent candidacies.

Throughout his tenure in Congress, John made significant contributions to discussions of foreign relations. His strong and passionate ideals made him a significant voice in the international community. Today, John Anderson comments often on the role of Congress in both domestic and international affairs. He is committed to improving our system and our country. I commend and support his efforts.

In the 1980 Presidential campaign, John ran as an independent candidate receiving six million votes. His campaign for the Presidency reflected his passion and vision for our nation.

A scholar, John has taught political science as a visiting professor at numerous universities, including the University of Illinois, Bryn Mawr College, Brandeis University and Stanford University. The way John communicates his experiences and love of our government and politics surely inspires and motivates his students.

John B. Anderson is a writer, a speaker, a veteran, an educator, and perhaps most importantly, a lover of America. I am delighted to participate in honoring a great American citizen and individual. Thank you John, for your dedication, your spirit and your integrity.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, because of commitments in my home State of Wisconsin, I was unable to vote on rollcall Numbers 283 through 295. Had I been present, I would have voted: ''AYE'' on rollcall No. 283; ''AYE'' on rollcall No. 284; ''AYE'' on rollcall No. 285; ''AYE'' on rollcall No. 286; ''AYE'' on rollcall No. 287; ''NO'' on rollcall No. 288; ''NO'' on rollcall No. 289; ''NO'' on rollcall No. 290; ''NO'' on rollcall No. 291; ''NO'' on rollcall No. 292; ''AYE'' on rollcall No. 293; ''AYE'' on rollcall No. 294; ''AYE'' on rollcall No. 295; ''AYE'' on rollcall No. 296; ''AYE'' on rollcall No. 297 and ''NO'' on rollcall No. 298.

THE BOSTON GLOBE'S TELLING CRITIQUE OF ADMINISTRATION AFGHAN POLICY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. FRANK. Mr. Speaker, Americans overwhelmingly supported President Bush's response to the terrorism of September 11, and his attack on the Taliban for providing a haven to these murderers was an entirely legitimate one. The successes American military forces achieved were impressive, and have contributed to a situation in which we have both diminished the possibility of terrorist attacks, and paved the way for a significant improvement in the lives of the people of Afghanistan.

But that latter accomplishment is being put somewhat in jeopardy by a pattern of inappropriate action and undue inaction on the part of the administration. The recent killing of dozens of people at a wedding party is of course tragic. But it is more than that. No one believes that any American military were consciously indifferent to the lives of innocent people. But it does appear that the strategy being dictated from Washington at this point fails to take into account sufficiently the need to prevent this sort of killing of innocent people. No one wants American troops put unnecessarily at risk, but we must achieve a better balance of serving our legitimate military ends while being fully respectful of the lives of innocent Afghans. Our current policy fails to give appropriate weight to that latter concern.

In addition, the stubborn refusal of the administration to support extending international peacekeeping beyond Kabul is a grave error. We had every moral right in my judgment to go into Afghanistan to go after the murderers who have attacked not just Americans but many others over the past few years. But having successfully and legitimately destroyed the Taliban regime, we have an equal moral obligation now to help the people of Afghanistan live in peace and security. And our current policy fails to live up to that.

Mr. Speaker, an editorial in the Boston Globe for July 10 makes these points extremely well. Because nothing is more important to our national security and our moral purpose than acting appropriately in Afghanistan

right now, I ask that this very thoughtful editorial from the Boston Globe documenting the shortcomings in the current administration policy in Afghanistan be printed here.

[From The Boston Globe, July 10, 2002]

AFGHAN TARGETS

The assassination Saturday in Kabul of a minister in President Hamid Karzai's government, no less than the lethal strafing of Afghan villagers by US aircraft, illuminates America's need to help Afghans rebuild their nation.

It was a calamitous error for the US military to use an AC–130 aerial gunship to attack four villages in Oruzgan province last week, killing dozens of women and children and wounding more than a hundred. Unless President Bush prohibits similar attacks in the future, his phoned apologies to President Hamid Karzai will be remembered as little more than a futile expression of regret from a leader who did not know how to preserve his battlefield victories.

There may be a bit of a mystery about how many villagers were killed in the attack and some unanswered questions about anti-aircraft guns that disappeared from sites where pilots had seen them firing. But US soldiers entered the village of Kakrak after the attack and saw the blood and gore. Something atrocious happened to a wedding party in Kakrak.

There is no excuse for loosing such firepower on an Afghan village without US spotters on the ground who can be trusted when they call in strikes on armed enemy forces.

Strategically, US decision makers are acting like rote managers who cannot see the forest for the trees. They are deploying high-powered US war machines to hunt tiny clusters of Taliban. In reality, the Taliban are finished. They present no immediate threat to the Karzai government. The members of Osama bin Laden's terrorist cult are in a different category, but because those foreigners are generally despised by Afghans, they are at the mercy of local Afghan informers.

The United States has much more to lose by killing innocent villagers than it has to gain by trapping a few Taliban diehards or even by catching their leader, Mullah Omar. The US strafing of wedding guests risks making the Americans, who liberated Afghans from the Taliban, look like just another band of foreign invaders.

Since nobody has claimed credit for the daytime assassination of Karzai's public works minister, Haji Abdul Qadir, the murder is unlikely to be part of a blood feud. It is more likely the work of forces intent on destabilizing Karzai's government.

To help that government survive and prosper, Bush should drop his administration's foolish opposition to expansion of the international security force—now composed of Turkish troops—this is currently confined to Kabul. If Bush wants to keep Afghanistan out of the hands of international terrorists, he must commit US power and prestige to nation-building in that country. Aid money must be funneled directly to the central government for the rebuilding of roads, bridges, canals, and irrigation systems. It will be much easier and less expensive to help rebuild Afghanistan than to go on chasing Taliban bandits through the mountains for years to come.

PAYING TRIBUTE TO JOHN HICKENLOOPER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. McINNIS. Mr. Speaker, today I rise before you to praise the lifeworks of Mr. John Hickenlooper. Mr. Hickenlooper plays an active role in the Denver, Colorado community, especially in the conservation of historical sites. It is an honor of this body of Congress to recognize his hard work and determination, which are two attributes highly deserving of our admiration.

John Hickenlooper was born in Philadelphia, Pennsylvania and graduated from Wesleyan University in 1974 with a Bachelor of Arts in English, later receiving his Masters in 1980 in Geology. He worked as an exploration geologist for Buckhorn Petroleum for five years before establishing the Wynkoop Brewing Company, the first brewpub in Colorado. He is considered a business pioneer in Denver's LoDo historic District, and his formerly small brewpub expanded and is now the largest brewpub in the world.

Mr. Hickenlooper has been a valuable contributor to the civic and business communities and has served his community well. He serves on numerous boards, including the Denver Art Museum, the Denver Metro Convention Visitors Bureau, the Institute of Brewing Studies, Volunteers for Outdoor Colorado, and the Chinook Fund. He also acts as chairman for the Association of Brewers as well as the Colorado Business for the Arts.

Mr. Speaker, it gives me great pleasure to recognize the achievements of John Hickenlooper. He truly sets an example not only for his community, but also for the entire State of Colorado. His exploits have set an example for all Coloradoans and indeed the entire nation and I am grateful for his service to his community. John, I wish you the best in your future endeavors and thanks for your contribution to society.

AFGHANISTAN'S FUTURE IN ITS YOUTH'S HANDS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to inform my colleagues of the remarkable courage the children of Afghanistan have shown by returning to their classrooms this year in record numbers, despite the ongoing violence that has torn the country apart. The U.N. International Children's Emergency Fund, UNICEF, announced last week that over 5 million Afghani children, both boys and girls, have returned to school since the beginning of this year. This far exceeds the previously expected number of 1.78 million children. To the innocent people of Afghanistan who have long suffered from the great injustice, torture and oppression of the Taliban dictatorship, their children are a bright beacon of freedom and hope that a better future lies ahead.

I believe it is incumbent upon us to provide UNICEF with the necessary funds to continue rebuilding Afghanistan's schools, hire more teachers and provide more books so they can live and learn like our children here in the United States. It is imperative that we keep the hopes of the Afghani people alive by assisting UNICEF's efforts to provide these children with proper food, shelter and clothing. We can help them grow up in happiness and in a safe environment in a country that has known neither in many years.

UNICEF's program in Afghanistan this year has been recorded as its largest educational development effort since its inception. However, the organization estimates that it will still need an additional $57 million this year to support the newly crated education ministry, teacher training and recruitment, the development of curricula and textbooks for primary, secondary and higher education as well as a system of community radio programs to provide basic education to remote, underserved areas of Afghanistan.

Educating Afghani children is essential to the future stability of Afghanistan. With our help, UNICEF has taken on the enormous task of creating an educational system from scratch and has made remarkable progress so far. We must renew our commitment to the citizen of Afghanistan by investing more in UNICEF's efforts on behalf of the citizens of Afghanistan.

PERSONAL EXPLANTION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained on Monday, July 15, 2002, and missed rollcall votes No. 296, No. 297 and No. 298. Had I been present, I would have voted ''Aye,'' on rollcall No. 296, ''Aye,'' on rollcall No. 297, and ''Aye,'' on rollcall No. 298.

TRIBUTE TO SPECIALIST KENNETH LOEHNER AND OTHER MEMBERS OF THE MISSOURI NATIONAL GUARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that several acts of selflessness were performed by Missouri National Guardsmen. Specialist Kenneth Loehner, of Jefferson City, MO, heroically helped rescue a group of people in danger of falling into the Savannah River in Savannah, GA, while others protected the area from intrusion by growing crowds.

Spc. Kenneth Loehner and other Missouri National Guard members had been training during an annual two-week mission at Fort Stewart in Hainesville, GA. Halfway through their temporary duty, he and other members of his team were given a break and toured the local communities. During the break, Spc. Loehner heard a loud noise at a parking lot near the Savannah River. Part of the parking lot had caved in and trapped 3 tourists in a 10-foot deep crater nearly tossing them into

the river. He immediately jumped into the hole to help the tourists and saved them in a matter of minutes. Several of Spc. Loehner's colleagues successfully directed onlookers away from the chaotic scene.

Mr. Speaker, Spc. Kenneth Loehner and the other Guardsmen involved have distinguished themselves by going above and beyond the call of duty to ensure the safety of others. I am certain that my colleagues will join me in congratulating them on a job well done.

PAYING TRIBUTE TO KEITH WIER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. McINNIS. Mr. Speaker, today I stand before you to recognize the personal achievements of Mr. Keith Wier, of Denver, Colorado. Keith's contributions to environmental technology have been implemented throughout Colorado, our nation, and the world. Moreover, his tireless efforts to preserve our ecosystem have led to the creation of new methodologies for the disposing of toxins.

Keith has used his MBA is Real Estate and Finance in all but the obvious manner. He has devoted his career to the development and manufacture of international products used in nuclear instrumentation. Keith's formation of the Resonant Shock Compaction in 1997 dramatically improved existing methods for contaminated granular waste disposal. He has also capitalized on grants received from the U.S. Department of Energy and the City of Denver Mayor's Office of Economic Development and International Trade to work jointly with the Japanese in the modernization of environmental export programs. In addition, Keith founded an international conglomerate of utility companies that studied the formation of construction products from coal burning byproducts. The published results helped commence the development of industries in India and Japan based on his research and findings.

Mr. Speaker, it is with great pride I rise today to pay tribute for the works of Keith Wier. The results of his research have transformed former waste into necessary products, which has helped local agencies and the environment in numerous ways. Congratulations Keith and good luck in your future endeavors.

PERSONAL EXPLANATION

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. HINCHEY. Mr. Speaker, I regret that a pressing family matter yesterday forced me to miss recorded vote numbers 296, 297, and 298.

Had I been present, I would have voted ''yea'' on H.R. 3482, the Cyber Security Enhancement Act, and H.R. 4755, the Clarence Miller Post Office Building Designation Act. I would have voted ''nay'' on H.R. 3479, the National Aviation Capacity Expansion Act.

TENTH ANNIVERSARY OF THE ASSISTANCE LEAGUE OF CHARLOTTE

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mrs. MYRICK. Mr. Speaker, I rise today to commend the Assistance League of Charlotte on its tenth anniversary.

The Assistance League of Charlotte is a volunteer organization that has dedicated ten years of hard work to bettering the Charlotte-Mecklenburg community and is deserving of public recognition and commendation.

This nonprofit organization was founded in 1992 as the 93rd chapter of the National Assistance League. Its volunteer members are dedicated to identifying, developing, implementing and funding philanthronic projects to serve the needs of the Charlotte-Mecklenburg community. In 2001–2002, 113 members devoted almost 26,0000 hours of community service to local children.

Its motto is Changing Lives for a Better Community, and the League has certainly lived by this credo, working tirelessly to enrich and uplift the people of Charlotte. Through philanthropic projects such as Operation Check Hunger, Operation School Bell, the Mecklenburg County Teen Court, and a scholaship fund for Charlotte-area seniors, the Assistance League of Charlotte has continually demonstrated its outstanding ability to enact real and beneficial changes in the Charlotte-Mecklenburg community.

I an honored to recognize Assistance League of Charlotte on its tenth anniversary and to extend my heartfelt thanks to its members for their vision and integrity in serving the people of Charlotte-Mecklenburg.

HONORING JAMES E. BURTON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. MATSUI. Mr. Speaker, I rise today to honor Mr. James Burton as he ends his tenure as the Chief Executive Officer of the California Public Employees' Retirement System (CalPERS). As his friends, family and colleagues all gather to celebrate his departure from over 25 years of public service, I ask all my colleagues to join me in honoring the dedicated service of this truly distinguished citizen of Sacramento.

Jim Burton came to the California Public Employees' Retirement System in 1992 and was appointed CEO in 1994. During his eight years of guiding the fund, total assets increased 30 percent and now total over $150 billion. His leadership has provided the 1.3 million California public employees, retirees and their families with a secure future.

Jim's time at CalPERS will not only be remembered by the funds' outstanding growth, but also by his commitment to the participating employees. Providing enrollees with exceptional customer service was high on his list of concerns. This can be seen in the organization's first strategic plan, which he helped shape.

In addition to leading CalPERS through a time of remarkable growth, Jim has served on numerous boards and committees of many prestigious organizations. These include the National Association of State Retirement Administrators, the Council of Institutional Investors, and the National Association of Securities Dealers, Inc. He also is a former Blue Ribbon Commission member of the National Association of Corporate Directors.

In recognition of his excellent work in serving the public employees of California, Jim was recently named Outstanding Public Administrator by the Sacramento Chapter of the American Society for Public Administration.

His service to the citizens of California, which has spanned the course of four decades, will surely be missed. Yet, his commitment to the employees of California and their families will undoubtedly serve as a model for others to follow.

Mr. Speaker, I am honored to pay tribute to one of Sacramento's most distinguished citizens, James Burton. His successes have been great, and it is a wonderful opportunity for me to recognize his many contributions to the people of California. I ask all my colleagues to join me in wishing my friend, Jim Burton, continued success in his future endeavors.

TRIBUTE TO DOUGLAS COUNTY REGISTER OF DEEDS, SUE NEUSTIFTER, UPON HER RETIREMENT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to a dedicated public servant upon the occasion of her retirement. Sue Neustifter, the elected Register of Deeds of Douglas County, Kansas, which is located in the Third Congressional District, retired at the end of last month after holding that office since her first election in 1972, and after having worked for Douglas County for 43 years.

Sue Neustifter was elected to the Douglas County Courthouse in 1972, as one of the group of Democratic candidates whose election in Douglas County in that year marked the real beginning of two-party politics in the home of Lawrence and the University of Kansas. She joined the Register of Deeds office on June 1, 1959, just a few days after graduating from Eudora High School. With the exception of one six month period when she left the office to campaign for the position of Register, Sue served in the office continuously until July 1st of this year. Elected thirty years ago, she was re-elected her last seven times on the ballot without any formal opposition.

As an active member of the Kansas Register of Deeds Association, Sue has served as President, Vice President, Secretary and Treasurer of that group; she also has been a part of many Lawrence community organizations, such as Soroptimist International of Lawrence, Lawrence Business Women, the local legal secretaries' group, and the Lions' Club, where she was awarded ''Lion of the Year'' in 2001. She also received a 40-year award from the Kansas Association of Counties.

Now that Sue has handed the keys of the Register's office over to Kay Pesnell, so that she can spend more time with her daughter, Sandra, son-in-law, Terry, and three grandchildren—Paige, Kalia and Tyler—it is fitting, Mr. Speaker, to include in today's RECORD a recent article from the Lawrence Journal-World that reviews the tenure and accomplishments of this dedicated and deservedly popular Kansas public servant. On behalf of the citizens of Douglas County, I wish her all the best upon her much deserved retirement and ask unanimous consent to reprint the article below.

[From the Lawrence Journal-World, June 4, 2002]

REGISTER OF DEEDS LEAVES LEGACY OF GROWTH, EFFICIENCY

(By Mark Fagan)

Sue Neustifter is closing the book on a 43-year career at the hub of Douglas County's development industry.

Make that the disk drive.

''We've gone from typewritten to photostat to microfilm to scanning now,'' said Neustifter, who has overseen the recording of thousands of land transfers as the country's register of deeds. ''It's easier now, but the work has tripled.''

Neustifter, in her ninth term as the country's elected register of deeds, said Monday that she would retire effective July 1. She will leave behind an office that generated an unprecedented $2.46 million in revenues last year for the county, bolstered by a record year for taxes on new and refinanced mortgages throughout the growing community.

And the tally is poised to grow even stronger.

Beginning the day Neustifter leaves office, mortgage-registration fees will go up by $2 per page, as mandated by the Kansas Legislature. The extra money will be used to upgrade technology in her office, which already has started transferring hundreds of rolls of microfilm onto dozens of compact discs for posterity.

For an office that records pages at breakneck speed—1,000 pages last Friday alone—Neustifter's efficiency and proclivity will be missed, said Craig Weinaug, county administrator.

The information kept in Neustifter's office forms the basis of virtually every land transfer in the county, and is relied upon by Realtors, title companies and property owners alike.

Last year Neustifter and her seven employees faxed, photocopied and pulled enough documents—at $1, 50 cents and 25 cents a pop, respectively—for customers to add $20,930 to the county's budget.

''I've never heard one peep of complaint about anything out of your office,'' Commissioner Charles Jones said, after joining a standing ovation to applaud her work. ''And you're the cast cow.''

Neustifter joined the register of deeds office June 1, 1959, just days after graduating from Eudora High School. She started as a clerk, and worked her way up before quitting in 1972—for six months—only so that she could run for the top job.

A Democrat, she won that race and every one since, including the last seven without any formal opposition. Neustifter intends to recommend that Kay Pesnell, who has worked for her for the past 12 years, be appointed by the county's Democratic Central Committee to serve out the remaining two years of Neustifter's term.

Her 30 years in office marks one of the longest tenures of any elected official in Kansas—a testimony to her competence, work ethic and community involvement,'' said Carrie Moore, chair of the county's Democratic Party.

The party's central committee is scheduled to meet June 17 to appoint a new register of deeds.

A few weeks later, Neustifter, 63, intends to be on the road to Michigan to visit her daughter and three grandchildren.

''I'm ready to retire,'' she said.

PAYING TRIBUTE TO PATRICK SULLIVAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Sheriff Patrick Sullivan, Jr. of Arapahoe County, Colorado and thank him for his extraordinary contributions to his community and to his state. As a resident of Arapahoe County, Patrick has dedicated his career to protecting the community by selflessly devoting his time and energy to his job, his family, and his community. His remarkable nineteen years as sheriff serve as a symbol of the commitment that Patrick feels for the Arapahoe County Sheriff's department and the protection of Colorado residents. As we celebrate the accomplishments of his fine career, let it be known that I, along with the people of Colorado, applaud his efforts and are eternally grateful for all that he has done for his community.

Sheriff Sullivan received his law enforcement training from several institutions including the FBI National Academy Sheriffs' Institute; the Juvenile Officers' Institute, California Specialized Training Institute, Special Tactical Firearms Course, and the Special Weapons and Tactics Course (SWAT). During his tenure as sheriff of Arapahoe County he led the department in becoming the first sheriff's office to national accreditation under the 908 professional standards established by the commission on Accreditation for Law Enforcement Agencies.

During Patrick's time as Sheriff, Arapahoe County has hosted several Presidential events and a Papal visit, as well as co-hosting the 1997 G-8 summit with the City of Denver. Each of these events presented security and terrorist threats that required significant preparation and uncommon diligence. In every event, Sheriff Sullivan and his men met the challenges presented by such high profile security details; professionalism and skill have been their hallmark throughout Patrick's tenure. Here in Washington, Sheriff Sullivan has shared his expert knowledge with me and my colleagues, having advised and testified before subcommittees of this House that deal with Crime and Trade, areas in which he has been able to provide us with invaluable guidance and wisdom.

Mr. Speaker, it is clear that Sheriff Patrick Sullivan is a man of unparalleled dedication and commitment to his job, his community and his country. It is his dedication to hard work, as well as the spirit of integrity and selflessness, that I wish to bring before this body of Congress, and our nation. Sheriff Sullivan has honorably served his state and nation, and it is my privilege to extend to him my sincere congratulations on his retirement and to wish him all the best in his future endeavors.

TRIBUTE TO WALTER L. JOHNSON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I rise today to invite my colleagues to join me in paying tribute to an extraordinary man and a dear friend of mine, Mr. Walter L. Johnson, a member of the San Francisco Labor Council, who is to be honored by the San Mateo Labor Council at its annual banquet on July 18th, 2002.

Mr. Speaker, Walter Johnson was raised in North Dakota, and like many men of his generation he gallantly served our country during World War II. After his discharge in 1946, like many wise men of that day, he moved to San Francisco, where he obtained a job as an appliance salesperson with Sears Roebuck, and immediately joined the Department Store Employees' Union Local 1100.

From his earliest working days, Walter showed a deep commitment to racial equality, which is best highlighted by the key role he played in 1958, when he was instrumental in helping the first African American woman work behind the counter at Woolworth's. That same year, he was elected President of Local 1100. By 1964, he was elected to a senior leadership position: Secretary Treasurer of the Department Store Employees Union. He was reelected a remarkable eleven times. In 1965 he became Executive Officer of the Union.

In the spring of 1985, Walter Johnson was elected Secretary Treasurer of the San Francisco Labor Council, a position he has held since that time. Under his guidance, the Council continues to work for the laudable goal of providing employment, advantageous wages and benefits for its members. Serving over 100 Unions and over 75,000 workers in San Francisco, Walter Johnson is the voice of labor in the Bay area.

Mr. Speaker, Walter Johnson and his lovely wife Jane are residents of South San Francisco, which is in my congressional district. They are the proud parents of three children and five grandchildren. Aside from working closely with many union leaders, he also interacts with community groups, elected officials, and religious leaders to promote issues that enhance the quality of life for working people. Strengthening his position as an advocate for working men and women, he serves on various boards and committees, including the United Way of the Bay Area, the Bay Area Sports Organizing Committee and Our Redeemers Lutheran Church.

Walter is the recipient of numerous awards, which are far too many to enumerate, but I will mention a few key ones. He has provided valuable direction as President of the James F. Housewright—United Food and Commercial Workers International Union (UFCW), Scholarship Fund, and he is a member of the UFCW Advisory Board, the International's Foreign Affairs Committee, and its National Department Store Committee.

Moreover, Walter has been a member of the board of directors of the San Francisco Private Industry Council, Arriba Juntos, the Bay Pacific Health Plan, the Council for Civic Unity, KQED-TV, the Organized Training Center, the Board of the San Francisco Bay Area Girl Scout Council, the Center for Ethics and Social Policy, the Shelter Network, the Death

Penalty Focus Board, the Advisory Board of Nature Conservancy, the Western Opera Theatre, and the San Francisco Organizing Project. Walter has distinguished himself as founder and President of San Francisco Renaissance. In addition, he has been an active member of the Advisory Board of the Labor Archives and Research Center and the President's Advisory Board of San Francisco State University. In 1988, Mr. Johnson was chosen to receive the Bay Area Union Labor Party's ''1988 Leadership Award'' as an appreciation of his exemplary record of achievements.

Mr. Speaker, I invite my colleagues to join me in commending Walter L. Johnson for his dedication to our nation's working men and women, his exemplarily record of civic achievement, and his determination to better the condition of working people. Walter's service has shown us the meaning of courage, courtesy, compassion and commitment.

H.R. 3479, THE NATIONAL AVIATION CAPACITY ACT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 2002

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3479, the National Aviation Capacity Act. This legislation was introduced by my good friend, Mr. LIPINSKI, and I would like to thank him for his hard work. I am pleased to join him as a cosponsor of this legislation.

O'Hare is a tremendously important airport in not only to Chicago and the Midwest, but also our entire national aviation system. It recently reclaimed the title of the world's busiest airport and is the only airport to serve as a hub for two major airlines. O'Hare serves 190,000 travelers and operates 2,700 flights daily, employs 50,000 people and generates $37 billion in annual economic activity.

However, O'Hare needs to be redesigned to meet today's demands. It is laid out with seven runways, six of which intersect at least one other runway. The modernization plan would add one new runway. The seven existing runways will be reconfigured to include a southern runway for a total of eight runways, of which six would be parallel. These improvements would have a significant impact on reducing delays and cancellations: bad weather delays would decrease by 95 percent and overall delays would decrease by 79 percent.

On December 5, 2001, Mayor Daley and Governor Ryan reached a historic agreement to expand and improve O'Hare airport. The agreement would modernize O'Hare, create western access to the airport, provide additional funds for soundproofing home and schools near O'Hare, move forward with the construction of a third Chicago airport at the Peotone site and keep Meigs Field open until at least 2006, and likely until 2026.,

H.R. 3479 would simply codify the deal so that a future governor does not rescind the agreement. Illinois is in a unique situation because the governor does have veto power. If this legislation is not enacted, it is possible that a future governor could undo all the hard work that the current governor and mayor of Chicago have done to reach this agreement.

There is some concern that this legislation sets a precedent by involving the federal government or creating a short-cut around environmental laws. Again, O'Hare is an exceptional situation which requires this limited federal action. Other cities and airport authorities do not have a governor with veto authority over this issue. The city of Chicago does not want the federal government to take over the modernization of O'Hare but the language is included in case the State delays the State Implementation Plan (SIP) of the Clean Air Act to slow down the project. The language granting priority consideration for a Letter of Intent from the FAA for Peotone is no different than language that can be found in any Transportation Appropriations bill.

Regarding environmental concerns, the bill says that implementation shall be subject to federal laws with respect to environmental protection and analysis, and that the environmental reviews will go forward in an expedited way. There is no attempt to go around existing state or federal environmental laws, and this legislation has the support of many environmental groups.

Mr. Speaker, this legislation will allow the much-needed expansion of O'Hare to move forward. I urge my colleagues to join me in supporting this bill.

INTRODUCTION OF BENEFICIAL USE OF DREDGED MATERIAL LEGISLATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. JONES of North Carolina. Mr. Speaker, I rise today to inform the House of Representatives about the introduction of legislation to allow for the transfer of dredged material onto our Nation's beaches.

In my home state of North Carolina, our beaches are economic engines, providing thousands of jobs and millions of dollars in revenues. However, beach erosion threatens the existence of these economic engines and frankly the federal regulatory and statutory regimes do not move quickly enough to replace this lost infrastructure.

The current standard used by the U.S. Army Corps of Engineers requires the disposal of dredged material obtained from a Federal navigation project in the least costly manner. This method almost always results in the offshore placement of sand. However, when these facilities are dredged, the disposal of the dredged material offshore may not be the least cost disposal method. The offshore disposal option increase the costs of erosion so the regional and national economies are damaged by a reduction in recreation spending.

Therefore, I have introduced legislation today making it easier to place sand dredged from authorized navigation projects onto beaches in order to provide shore protection for years to come. My legislation would amend the least cost disposal method to allow municipalities to take these dredged spoils and place them on nearby beaches while adhering to the current 65/35 cost-share ratio.

Mr. Speaker, I would ask my colleagues to join me today in cosponsoring this legislation. Four times more Americans visit the Nation's beaches than our National Parks every year. Beach nourishment is good economic policy and this proposal will allow the Army Corps of Engineers to supplement its effective shore protection programs.

TRANSPORTATION OF NUCLEAR WASTE HAS IMPRESSIVE SAFETY RECORD

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the July 15, 2002, Omaha World-Herald. The editorial offers insightful comments on the issue of transporting nuclear waste and highlights the impressive safety record of shipments which have been made over the years. For instance, 3,000 shipments of high-level nuclear waste have been safely completed over the past three decades. The containers for the waste have been subjected to numerous tests to ensure their strength and durability even in the most extreme circumstances.

Unfortunately, many opponents of the Yucca Mountain site have tried to use emotional scare tactics about the transportation of nuclear waste in hopes of derailing the entire project. However, as the editorial makes clear, central depository would greatly enhance safety.

[From the Omaha World-Herald, July 15, 2002]

HOW SAFE IS IT?

Now that the Senate has voted to allow the construction of a national high-level nuclear waste storage facility at Yucca Mountain, Department of Energy officials will have to confront a key issue: Transportation.

Officials expect up to 77,000 tons of dangerous radioactive material such as spent nuclear plant fuel rods to be transported to the remote Nevada desert for indefinite storage. That waste will come from all 39 states, encompassing 131 sites, that currently store the material in mostly above-ground facilities. The sites include not only nuclear power plants but also military weapons facilities and research institutions.

The waste will travel by truck and rail. It will have to pass through some of the nation's most populous areas. Some will come through the Midlands, on its Interstate highways and its many rail lines. The government has projected that as many as 100 truck or rail accidents might occur over the 25-year life of the project.

The question of safety is key.

Opponents of the project tried to attack transport of the waste before the Senate decision because methods and routes had not yet been specified. But they were premature. It's only now, as DOE applies for a license for the facility from the Nuclear Regulatory Commission, that such issues can be addressed.

Many critics of Yucca Mountain, by the way, aren't necessarily being open about their motives. Some may honestly believe approval of the site is potentially dangerous. Others, however, are simply anti-nuclear. They realize that without a disposal site, nuclear power in this country will likely die—''choking on its own waste,'' as one senator put it.

When critics raise their objections, they will have to overcome this fact; In the past

30 years, about 3,000 shipments of high-level waste have traveled around the United States safely. Not without accidents—trucks and trains are always vulnerable to accidents—but without any radiation leaks.

The Nuclear Energy Institute says that the waste transport containers used thus far, with their multiple layers of lead and other shielding, are built to withstand severe accidents. They have been tested: hit by a locomotive traveling at 60 miles per hour, driven into a concrete wall at 80 miles an hour, burned, submerged. They have withstood the worst flung at them without failure, whether in testing or in actual transportation-accident situations.

The presence of so many above-ground storage facilities for nuclear waste, in so many locations, near so many people—160 million by one estimate—amounts to an open invitation to accidents or terrorism. The chilling security uncertainties alone should predispose Americans toward a central, safe waste site.

Getting the waste materials there is a technical problem, not a reason to kill the construction of Yucca Mountain. If current methods of transportation aren't adequate—and such assertions are still far from proved—then federal officials and nuclear plant operators should find other ways to protect the shipments.

A single national repository is the only reasonable way to go. If Yucca Mountain is as desirable a site as its supporters say, then questions about transportation of the waste should not hold it back.

RECOGNIZING NATHAN WEINBERG

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. CARDIN. Mr. Speaker, I rise today to ask my colleagues to recognize the accomplishments of Nathan Weinberg and thank him for his service to his country and his community as he retires as a trustee of the Harry and Jeannette Weinberg Foundation and his appointment as Civilian Aide to the Secretary of the Army.

In 1917, Nathan Weinberg was the first of his six siblings to be born in America, and in 1941, was inducted into the U.S. Army. On December 25, 1945, Mr. Weinberg was discharged as a 2nd Lieutenant after service in Texas, Australia, New Guinea and the Philippines.

After returning home to Baltimore, Mr. Weinberg worked in real estate and lived briefly in Texas and Pennsylvania working on business interests of his brother, Harry Weinberg. He remained a member of the standby reserve until October 1955 when he was honorably discharged.

In 1960, Mr. Weinberg became an active officer and trustee of the Harry and Jeannette Weinberg Foundation. Since his brother Harry's death in 1990, Mr. Weinberg has remained one of five trustees to the Foundation, which is one of the largest private foundations in the United States. His leadership on the board has included projects supported by his brother, particularly housing and amenities for the elderly from Coney Island to Tel Aviv to Hawaii.

Mr. Weinberg was appointed Civilian Aide to the Secretary of the Army in 2000. His military experience and his dedication to the Maryland Army National Guard has provided leadership, friendship and financial support for community outreach.

Mr. Weinberg has a strong sense of family and a firmly held belief in equality and equitable treatment for all people. At ground breakings and ribbon cuttings, he is not shy about expressing his concern for the welfare of the audience, unhappy that the dignitaries receive special treatment while the audience is left to stand, swelter in the heat or freeze in the cold. His sense of justice guides his dealings with others and he expects others to pass along that philosophy as well. He is a leader by example and deeds.

I would ask my colleagues to please join me in congratulating Mr. Weinberg on a life well lived and in thanking him for his service to his country. Our appreciation extends to his family, his wife Lillian and his three sons, Donn, Glenn and Joseph, their wives and children.

PHILADELPHIA HOUSING AUTHORITY'S PRE–APPRENTICESHIP PROGRAM

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. BORSKI. Mr. Speaker, I rise in honor of the upcoming graduation services of the latest class of the Philadelphia Housing Authority's Pre-Apprenticeship building, maintenance and construction trades program.

This will be the seventh graduating class of this model program that originated in 1999. Carl R. Greene, the Executive Director of the Philadelphia Housing Authority is proud of the program that will enable residents of public housing to improve their lives by providing them with skills to secure meaningful employment.

The program has won recognition from the Department of Housing and Urban Development and the Department of Labor. It is also supported by the Philadelphia Building and Construction Trades Council, Metropolitan Regional Council of the United Brotherhood of Carpenters and Joiners of America, Cement Masons Local Union 592, International Brotherhood of Painters and Allied Trades, District Council 21, International Brotherhood of Electrical workers, Local Union 98, Laborers' Local 332, and Plumbers Union Local 690.

The Pre-Apprenticeship program provides vocational and educational skills through a hands-on, 21-week training program designed to help participants pass the apprenticeship test for the construction unions. Upon completion of the program, graduates can work in the construction industry as qualified apprentices. The trainees will work with PHA and union contractors to rehabilitate, modernize and build at various Housing Authority properties.

PHA continues to be nationally recognized for its innovation in public housing. It has the distinction of being the first housing authority in America to be designed by the Institute of Real Estate Management (IREM) of the National Association of Realtors as an ''Accredit Management Operation.'' This designation is awarded to firms engaged in property management, which have met IREM's high standards in the areas of education, experience, integrity, and financial stability.

AMERICAN LEGION AMENDMENT ACT, VETERANS OF FOREIGN WARS CHARTER AMENDMENT ACT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 2002

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of two bills, H.R. 3988, the American Legion Amendment Act, and H.R. 3838, the Veterans of Foreign Wars Charter Amendment Act. Both of these measures seek to broaden membership to their respective organizations. H.R. 3838, the American Legion Amendment Act, revises American Legion eligibility requirements by providing that individuals who are currently serving honorably in the armed forces are eligible for membership in the American Legion, H.R. 3838, the Veterans of Foreign Wars Charter Amendment Act, amends the charter of the Veterans of Foreign Wars of the United States (VFW) to allow members of the armed services who have received special pay for duty subject to hostile fire or imminent danger to be a member of the VFW. The bill also clarifies that the VFW would be considered ''charitable'' in order to qualify the organization's member activities for tax purposes.

Mr. Speaker, these measures send a strong message to our Nation's veterans. I am pleased that the House is taking action on these measures and will continue to strive to meet the needs of our veterans of today and tomorrow. As a father of a Gulf War veteran, I am proud that he will have the opportunity to join a major veterans organization, as well as the thousands of other deserving military service members who served in dangerous military campaigns such as Somalia, Kosovo and more recently, the war on terrorism in Afghanistan. I, along with my colleagues in Congress, are committed to serving America's veterans and their families with dignity and compassion. For these reasons, I strongly support these two measures.

IN RECOGNITION OF THE LAO-HMONG WIDOWS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. UDALL. Mr. Speaker, I rise today both to honor and thank the widows of the brave men who fought alongside American soldiers during the Vietnam War. This week, members of the Lao-Hmong community will celebrate the first Lao-Hmong Recognition Day. This day will be a time to reflect on the important friendship between the Lao-Hmong and the American people, and to thank the Lao-Hmong for the sacrifices they have made.

The husbands of these brave women fought against communism in the name of freedom and democracy. Their dedication to this country and its ideals is admirable, and we owe it to them to honor their wives who risked their lives and the lives of their families to defend our Nation.

Mr. Speaker, this Congress has shown its appreciation for the Lao-Hmong veterans in

passing legislation establishing Lao-Hmong Recognition Day. I respectfully ask that we take time during this day to also honor these widows, and to thank them for their loyalty.

A TRIBUTE TO HUEY HAVARD

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to Mr. Huey Havard, the top law enforcement officer for nearly 10 years in Union County. Sheriff Havard died Sunday, June 23, 2002 after a long struggle with liver cancer. He was 63.

Sheriff Havard took office in 1993 but his career in law enforcement began three decades earlier as a 25-year-old patrolman for the El Dorado Police Department. It was then Havard found he had an unending passion to serve and protect the people he knew and loved in Union County. He had the distinction of being one of the first narcotics officers at the El Dorado Police Department and over the years he served as a motorcycle patrolman, commander of the patrol division, and in the detective division, climbing the ranks to sergeant, lieutenant, and finally captain.

Havard was named the city's officer of the year in 1973 and served as interim chief of police for a few months before taking a patrol deputy's assignment at the sheriff's office in 1983. During his tenure, Havard increased the number of patrol deputies and began 12-hour shifts for deputies to allow for better patrol coverage. He also assigned deputies to work full-time with the 13th Judicial District Drug Task Force.

Sheriff Havard was an honorable, driven, and passionate law officer. He was an amazing man, and an asset to Union County. I understand that this is a difficult time for his wife, Cathy, his mother, Eva, two daughters, Shondra and Laura, stepdaughter, Michele, and all of his many friends and relatives whom he loved dearly. They are in my heart and in my prayers.

Huey Havard will be missed greatly. His legacy of hard work, determination, and love of people will live on in the lives he touched and changed forever.

ON THE DEATH OF BENJAMIN O. DAVIS JR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. RANGEL. Mr. Speaker, I rise to mourn the passing of General Benjamin O. Davis, Jr., who was born on December 18, 1912, and died on July 4, 2002 at the age of 89. General Davis was buried at Arlington Cemetery with full military honors.

General Davis was an American hero, who through his leadership of the legendary Tuskegee Airmen, helped to dispel the myths about the ability of African-Americans to successfully engage in combat and specifically to master the complexities of flying and maintaining aircraft.

He was the first black graduate of the United States Military Academy at West Point in the 20th Century. When Davis was commissioned as a second lieutenant in 1936, the Army had had a total of two black officers, Benjamin O. Davis Senior and Benjamin O. Davis, Jr.

While at West Point, Davis applied for entry to the Army Air Corps, but was rejected. He later attended the Army's Infantry School at Fort Benning, and taught military tactics at Tuskegee Institute. Diverting Davis from the Air Corps was the Army's way of avoiding having a black officer command white soldiers, in a time when segregation prevailed and black troops had little hope for promotion.

In 1941, as wartime approached, an all-black flying unit was created, and Captain Davis was assigned to the first training class at Tuskegee Army Air Field in Alabama. In March of 1942, Benjamin O. Davis won his wings and became one of five black officers to complete the course. In July of the same year, Davis was promoted to lieutenant colonel and was named commander of the first all black air unit known as the 99th Pursuit Squadron.

In the spring of 1943, the 99th Pursuit Squadron went to North Africa, where they saw combat for the first time on June 2. By summer, the 99th were flying missions to support the invasion of Sicily. In the fall, Colonel Davis returned to the United States to command the 332nd Fighter Group, an even larger all black unit preparing to make the trip overseas. it was about this time when Top Brass recommended that the 99th be removed from tactical operations for poor performance. Colonel Davis held a news conference at the Pentagon to defend his men. Although they were permitted to continue fighting, a top-level inquiry ensued. Questions about the squadron were put to rest in January 1944, when its pilots downed 12 German fighter planes over the Anzio beach in Italy.

Colonel Davis and the 332nd arrived in Italy shortly after that. They were based at Ramitelli and came to be known as the Red Tails for the distinctive marking on their planes. The four-squadron unit accumulated a successful record of missions flown deep into German territory.

General Benjamin O. Davis was a highly decorated leader of dozens of missions in P–47 Thunderbolts and P–51 Mustangs. He received the Silver Star for a strafing run into Austria, and the Distinguished Flying Cross for a bomber escort mission into Munich. General Davis went on to lead the all black 477th Bombardment Group, which compiled an exemplary combat record.

When General Davis retired from the military in 1970, he became the Director of Public Safety in Cleveland. Later he joined the United States Department of Transportation, directing anti-hijacking efforts. In his five years with the department he supervised the sky marshal program, airport security and a program to stop cargo theft. In 1998 President Bill Clinton awarded General Benjamin O. Davis a fourth star, the military's highest peacetime rank.

PAYING TRIBUTE TO LEE REEVES

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today in recognition of Lee Reeves of Howell, Michigan. Since 1987, Lee has served as President of the Howell Area Chamber of Commerce where she used her leadership skills and good nature to build up the city of Howell to its potential. Now she is leaving the chamber to pursue personal projects and family time.

Lee Reeves may be leaving the position this month, but the work she did while in office will continue to benefit the Howell community for years to come. While serving as President, Lee started countless community events, such as the Michigan Challenge Balloonfest, Sunday Farmer's Market, Taste of Livingston County, and the Fantasy of Lights Parade. She also saw Chamber membership grow from 200 to 925, and the budget increase from $70,000 to $850,000. In addition, Lee established a Downtown Development Authority and formed the Livingston County Visitors Bureau. She has received numerous awards, including Huron Valley Girl Scouts Woman of the Year, and Howell Citizen of the Year 2002. Lee has a husband, Louis, and a son, Skyler. She plans on writing a book about her daughter, Leta, who passed away five years ago from Leukemia.

Lee's efforts have contributed greatly to helping Howell grow into a remarkable city and a pleasant place to live. I am confident that her hard work and dedication to her community will continue well into the future. My Speaker, I ask my colleagues to join me in thanking Lee Reeves for all of her contributions to the community to Howell, and wish her success in her future endeavors.

TALKING TALONS YOUTH LEADERSHIP MAKES SIGNIFICANT CONTRIBUTION TO NEW MEXICO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. UDALL of New Mexico. Mr. Speaker, during the Independence Day work period, I had the opportunity, like many of my colleagues, to visit constituents and groups in my home state. There was one visit that was especially gratifying that I would like to relate to my colleagues.

Talking Talons Youth Leadership, located in the mountains East of Albuquerque, is a nonprofit youth development organization. This program works in several different ways to evaluate youth to be effective advocates and ethical stewards of themselves, wildlife, and the environment. I went into this program believing that it was a basic rehabilitation program for wild animals. I was pleasantly surprised to learn that Talking Talons is so much more.

I want to give a brief history of this program. In 1988, Wendy C. Aeschliman, a nurse at Roosevelt Middle School, in Tijeras, New Mexico, with a side practice as a licensed animal

rehabiltor, observed that her young patients suffered less from physical ailments and more from a downcast spirit and low self-esteem. The youth did seem, however, extremely curious and excited about her animal patients. With a small Burrowing Owl named ''Bo'' who had been declared non-releasable, she set forth to combine the natural love of animals she observed in youth, with the goal of increasing their self-esteem. She implemented, on a small scale at the middle school, a curriculum which trained students to perform public presentations about injured wildlife and their conservation. Thirteen years later, Talking Talons' basic approach to instill healthy lifestyles and attitudes in young people has grown and taken off.

Today, the program thrives in New Mexico. Through a dedication team of staff, volunteers, contributors, and state and federal government, Talking Talons is realizing its vision of the future. Through experiences in public speaking, team-building activities, and conservation projects, the youth of our communities and our environmental advocates of tomorrow are developing a commitment towards conservation of natural resources. We owe Talking Talons our gratitude for ensuring that such valuable opportunities exist.

Mr. Speaker, it seems that every time we open a newspaper or watch the news, we hear of another devastating scandal involving corporate America. From Enron to WorldCom, the news of recent months has been disheartening and unbelievable. It is nice to know, however, that there are some businesses out there that want to do the right thing. They want to become community partners. In that spirit, I want to commend Campbell Corporation and its President and CEO Robert Gately for recently donating land where students can implement reparian restoration practices, and for pledging to assist in the development of a new Talking Talons Leadership Center and Museum, along New Mexico's historic Turquoise Trail. At this new facility, Talking Talons will engage the community in conservation-based projects, including education wildlife programs designed to connect children and teens with nature.

Campbell Corporation is also working with Talking Talons to support a private-match funding source that will enable the program to qualify and compete for grants available from various foundations and agencies. I am so pleased that the East Mountains has a community partner like Campbell Corporation to help quality non-profits expand their operations.

During my visit, I had the opportunity to see firsthand the restoration project that Talking Talons has been conducted at the San Pedro Creek since spring this year. This ongoing restoration of the fragile environment involves the young preservationists working to identify native and non-native plant species and restoring the creek to its original state.

When I visited Talking Talons, I met a number of the students that are involved in the program. These young adults were clearly inspired, intelligent, and friendly. Some of the students gave me presentations on different projects that they were undertaking. Just meeting the students was positive proof that the mission of Talking Talons is soaring and succeeding.

Many of the students work directly with animals that can never be released again, either due to permanent injury or their unnatural contact with humans. These animals, however, will be taken care of and used in a positive way. I was especially pleased to learn that Talking Talon, in conjunction with the New Mexico Department of Health's Tobacco Use Prevention and Control Program, is working to warn other students about the deadly realities of tobacco. The students use the animals as metaphors for the strength and courage it takes to resist the peer pressure of tobacco and other negative influences. Seeing the animals used this way is truly novel. It is just another example of the creative approach that the staff of Talking Talons has taken to address the various challenges that are facing New Mexico's youth.

Another important element of this program is its location. Talking Talons is located in what is called the Tri-County area. So named because in about a ten-minute drive you will go through the counties of Bernalilo, Sandoval and Santa Fe. This particular area of the state is rural in nature and surrounded by beautiful forests. As is the case with most rural areas, finding things for youths to do—whether it be working or volunteering—is often difficult. Without positive outlets, our children often end up in negative and unhealthy situations. The genius of Talking Talons is that because of its location young people in the East Mountains have a wonderful and productive alternative way to spend their time.

Mr. Speaker, I look forward to building a relationship with Talking Talons Youth Leadership. I am very proud to be able to share with you the story of these terrific students and the wonderful gift they are giving to their community and to themselves. They are demonstrating what life really is—being a leader, a good student, and living a healthy lifestyle.

INTRODUCTION OF THE ''LIVING WELL WITH FATAL CHRONIC ILLNESS ACT OF 2002''

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. OBERSTAR. Mr. Speaker, I rise today to introduce the ''Living Well with Fatal Chronic Illness Act of 2002,'' a bill to build the capacity to meet the challenge of growing numbers of people living with serious chronic illness for some time before death. I am joined in introducing this bill by my colleagues Representative STEPHANIE TUBBS JONES, Representative MARTIN FROST, Representative MICHAEL MCNULTY, and Representative ELEANOR HOLMES NORTON.

The early ideas for this legislative initiative came from conversations around the dinner table with my wife, Jean. We have both lost spouses, who succumbed at an unusually early age to cancer, and we have tended to disabled and frail parents.

Many citizens have been personally touched by the experience of caring for disabled and frail parents or for spouses and children as they lived out their final days. My experience in these difficult situations has been that our health care system is a patchwork quilt of mismatched services that carry with them substantial expense. So, the challenges faced by those nearing the end of life, as well as by those caring for loved ones, are particularly meaningful to me.

Just in the last half-century, the way that most Americans come to the end of life has changed dramatically. Today, most people live for many months with a serious chronic illness before they die. In fact, statistics show that, on average, Americans will be unable to care for themselves for the last two years of their lives. However, the services that our health care system makes readily available were designed to cope with short-term threats, such as accidental injuries and heart attacks. Our nation's health care system has not been adapted to meet the needs of people facing the final phase of life or the many challenges faced by their caregivers.

Many of the shortcomings in the health care system related to care at the end of life arise from inherent shortcomings in federal policy. Unfortunately, we have been slow to see that these lapses are not just personal calamities and challenges, but rather, are built into federal policy. For example, while Medicare coverage makes operations and emergency services readily available to the elderly, services more appropriate for serious disability and dying are not easily found. Medicare, Medicaid, and Veteran's coverage do not provide for continuity in care, advance care planning, family support, or symptom relief for long-term fatal illnesses.

Further, end of life care uses a large portion of funding allocated to health care services. Those last few years of life are tremendously expensive, with the last year alone using 28 percent of the overall Medicare budget. It is estimated that half of Medicare cost, and even more of Medicaid for the elderly and Veteran's health care, go toward care of those who are very sick and will die, rather than get well. Although taxpayers spend money on end of life care, they do not get reliability and quality from that care.

And this is a problem that will only increase in the coming years. The numbers of people facing serious illness and death will double within a quarter century, as the Baby Boomer generation reaches old age. Our nation must not only arrange and pay for services that can support the unprecedented number of people who will need care, but we must also learn how to support family caregivers. Facts show that a family member will spend nearly as many years, seventeen, caring for an elderly parent, as raising children, eighteen years. Further, a family caregiver can expect to lose more than one-half million dollars in net worth, (from having a lower pension, more time not covered by health insurance, and lost wages.)

The ''Living Well with Fatal Chronic Illness Act of 2002'' will meet the challenges faced by a growing number of people who must live with serious chronic illness for some time before death. This comprehensive legislation addresses four key initiatives—two affect caregivers, two points relate to improving end of life care.

First, we establish an early Medicare buy-in program for otherwise uninsured caregivers aged 55 to 65. This provision would guarantee that those caregivers approaching Medicare age would not have to go without health insurance themselves when they are forced to leave work to care for a family member. For example, a 60-year-old woman who leaves her job to take care of her 85-year-old mother who has Alzheimer's disease often not only

loses her income and social role, but also her employer-sponsored health insurance. Age and pre-existing conditions make it unlikely that the daughter could purchase health insurance as an individual, so she may have to jeopardize her own medical care for that of her mother. By enabling family caregivers aged 55 or older to buy into Medicare at community rates, with no penalty for pre-existing conditions, we recognize the important contributions made by caregivers and support their valuable work in useful ways.

Second, the legislation proposes a $3,000 per year tax credit for the primary caregiver of a low-income individual who has long-term care needs. This is important, because the United States is the only developed nation that does not support family caregivers. There is no federal government program to help improve skills, provide respite; indeed, we do not generally demonstrate that we honor their love and loyalty. The tax credit we propose is admittedly not enough to pay for the financial sacrifices of caregivers who provide long-term care, but it will demonstrate support and respect for the significant commitment and contributions made by those who help loved ones to live well despite serious illness.

We have been so focused on learning how to prevent and cure diseases that we have all but abandoned interest in what occurs as those possibilities run out. Most people now die of long-term irreversible conditions like dementia, frailty, heart failure, emphysema, cancer, and stroke; yet there is very little reliable evidence about serious illness and the end of life. This legislation will help provide guidance that the medical community needs to respond more effectively to unique end of life challenges.

Third, the bill authorizes the Department of Health and Human Services to establish research, demonstration, and education programs to improve the quality of end-of-life care across multiple federal agencies.

Fourth, the bill authorizes the Department of Veterans Affairs to develop and implement programs to improve the delivery of appropriate health and support services for patients with fatal chronic illness. The Veterans Health Care System has been a leader in end of life care delivery and innovation, especially in advance care planning and pain management. This bill aims to support continued excellence through enhanced education and service delivery for this important care system that now serves so many disabled and elderly veterans.

Our nation will face major challenges in the next quarter century as baby boomers approach old age. We must ensure that people suffering from fatal chronic illnesses live out their lives in a dignified, comfortable, and meaningful way, and we must support and honor the invaluable work of caregivers.

HONORING DHIRUBHAI AMBANI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. ACKERMAN. Mr. Speaker, it is with great sadness that I rise to mark the passing of one of India's greatest industrialists and entrepreneurs, Dhirubhai Ambani, who died on Saturday, July 6, 2002, at the age of sixty-nine.

Dhirubhai Ambani was the ultimate success story. Bom in a rural village in Gujurat, he rose from a small trader of textiles and spices to head the largest and most profitable industrial concern in India, the Reliance Group. Through a series of shrewd. business moves and decades of hard work, Dhirubhai Ambani transformed Reliance from a minor retail concern into an entity which included the largest and most modem refinery in Asia, a petrochemical business of unparalleled quality, a five billion dollar satellite and broadband subsidiary, and petroleum and refining businesses which set the standard throughout South Asia. At the time of his death, Dhirubhai Ambani oversaw an economic juggernauht which accounted in almost 3 percent of India's GDP and 16 percent of the value of the Bombay Stock Exchange. He was one of the wealthiest men in the world, a recognized billionaire by Forbes Magazine, and in 2000 he was rightly acknowledged by Business India magazine as India's Businessman of the Century.

Mr. Speaker, although Dhirubhai Ambani became very rich, his wealth was never closely held. Unlike many old line Indian companies, Dhirubhai Ambani shunned debt financing from banks and instead offered shares in Reliance to India's growing middle class. Shares in Reliance were eagerly purchased whenever offered. Today there are more than three million shareholders, almost all of whom are financially far better off as a result of their investment.

For anyone who may wonder about the ability of capitalism to flourish in the Indian economy, despite that country's long dance with government intervention and control, one need look no further than the story of The Reliance Group and its departed Chairman, Dhirubhai Ambani.

Mr. Speaker, as the Former Chairman of the Congressional Caucus on India and Indian Americans and a frequent visitor to India, I had the distinct privilege of spending time with Dhirubhai Ambani both at his office in South Bombay and his lovely residence. He was a gentleman of immediate warmth. A modest man who did not discuss his achievements or his generosity towards his employees, his community and his country, Dhirubhai Ambani immediately made me feel as through we had been friends for a long time.

Mr. Speaker, I know my colleagues join me in expressing condolences to Dhirubhai Ambani's two sons, Mukesh and Anil, who have taken over the management of Reliance, as well as his widow, Kokilaben, and his two daughters. Although they have suffered a great loss, their loss is shared, not only by India's citizens, but by many friends of India in the Congress and throughout the United States.

LEGISLATION TO NAME A UNITED STATES POST OFFICE IN ST. PETERSBURG, FLORIDA FOR THE HONORABLE WILLIAM C. CRAMER

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. YOUNG of Florida. Mr. Speaker, this morning I have introduced legislation to name the United States Post Office at 3135 First Avenue North in St. Petersburg, Florida for the Honorable William C. Cramer, who represented the great state of Florida in this House for 16 years from January 3, 1955 to January 3, 1971.

Bill Cramer moved to St. Petersburg in 1925 where he attended public schools and The St. Petersburg Junior College. He enlisted in the Naval Reserve in 1943 and served with distinction as a gunnery officer during World War II. In particular he was cited for his service daring the allied invasion of southern France. He was discharged as a Lieutenant in 1946.

Upon leaving the Navy, he graduated from the University of North Carolina and the Harvard Law School. He was admitted to the Florida Bar in 1948, when he began practicing law in St. Petersburg.

Bill Cramer began his distinguished career in public service in 1950, when he was elected to the Florida House of Representatives, where he served until 1952, including one year as the House's first Minority Leader.

It was in November of 1954 that he was elected to the United States House of Representatives, and was sworn into the 84h Congress on January 3, 1955. Bill Cramer was the first Republican from Florida elected to the House since reconstruction in 1875. He was reelected to seven succeeding Congresses.

During his eight terms in the House, Bill Cramer established a reputation for being one of our nation's foremost experts on transportation and public works issues. His career in Congress culminated with his service as the Ranking Republican on the House Public Works Committee, its Subcommittee on Roads, and on the Federal Aid Highway Investigating Committee. He also served as a member of the Judiciary Committee.

Following his retirement from the House, Bill Cramer was a distinguished professor and lecturer at The St. Petersburg Junior College, where he taught very popular classes in politics and government.

He is the father of three sons: William C., Jr., Mark C., and Allyn Walters. He and his wife Sara currently live in St. Petersburg.

Mr. Speaker, Bill Cramer is a friend and mentor who served our nation with great honor in this House, The enactment of this legislation will leave in St. Petersburg, the hometown he so dearly loves and served, a lasting tribute to his service, his patriotism, and his devotion to our nation.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. RYUN of Kansas. Mr. Speaker, regrettably, last night I was unable to return to the House to vote on H.R. 3482, H.R. 4755, and H.R. 3479. I ask unanimous consent that the record reflect that had I been present for the votes, I would have voted no on H.R. 3479, and would have voted yea on H.R. 4755 and 3482.

HONORING TONY RUSSELL

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor a dedicated public servant, Mr. Russell Anthony Tuccelli. After a lifetime of hard work and commitment to his family, community, and state, my friend, who was better known as Tony Russell, passed away on April 20, 2002. Having completed an eight-year battle with cancer, he was buried at sea on May 8th. He was 75 years old.

Tony had a long and distinguished career working in the news media and on behalf of state and local governments. During the 1970s he was the news director for both KCRA Radio and KFBK Radio in Sacramento, California. He also was a foreign correspondent for United Press International and a talk show host for KFBK.

In 1980, Tony assumed the role of director of communications for the Senate Minority Caucus in the California State Legislature. Later, he became my district coordinator when I represented the 3rd State Senatorial District. I deeply appreciate the valuable service he provided me. In 1984, he left my office to become an administrative assistant to the Sacramento County Board of Supervisors. In 1987 he moved over to a similar position for the Sacramento City Council before joining the Governor's Office of Criminal Justice Planning as the chief of communications.

The year 1991 marked the beginning of his decade of service to California's Employment Development Department. Within this agency he worked as a public information officer, marketing specialist, and an associate information systems analyst.

He was known as a leader in the community through his involvement as a youth mentor in EDD's School Partnership Program. Also, he was often the guest speaker at swearing-in ceremonies for our newest U.S. citizens, giving everyone in attendance a brief history lesson and instilling a rousing sense of patriotism.

Tony is survived by his loving wife of 49 years, Lenamarie Tuccelli. He is also survived by his son Michael and daughter-in-law Erin, his son Stephen and daughter-in-law Karen, and his grandchildren Angela, Raymond, Stephanie, and Ryan. Tony Russell will be greatly missed by his family and friends, but his legacy of devotion to family and service to the community remains with us forever.

RECENT STEM CELL BREAKTHROUGHS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. SOUDER. Mr. Speaker, recently a scientific study was published that should have ended the ongoing debate regarding human cloning and embryonic stem cell research. Researchers reported that they have identified a cell from bone marrow that is capable of transforming itself into most, or even all, of the specialized cells in the body.

This finding suggests that every one of us may carry our own "repair kit" that can be used to treat countless medical conditions and genetic disorders.

The New York Times reports that these "cells could in principle do everything expected of embryonic stem cells, with two extra advantages." They do not form tumors, which are a serious hazard associated with embryonic stem cells, and they could be derived from the patient to be treated. "Being the patient's own cells, they would be at no risk of immune rejection."

And the Washington Post notes that this discovery "heightens the prospect that therapies scientists are trying to create—cures for diabetes, Parkinson's disease, hemophilia and many others—can be made entirely with adult cells alleviating moral concerns" that exist with the research involving embryos and clones.

Yet, proponents of these unethical and unproven practices have largely ignored theses adult stem cell breakthroughs. But the facts are simple.

Research using embryos and clones requires the creation and destruction of a form of human life. Adult stem cell research does not. In fact, adult stem cells are widely available in every one of us.

Research using embryos and clones has yet to produce any clinical applications for human patients. Adult stem cell therapies are currently used to treat a host of medical conditions with new breakthroughs announced on an almost weekly basis.

Without a doubt, embryonic stem cell research and cloning are highly speculative and problematic. Both require the destruction of human embryos and the diversion of finite, and much needed, funds and resources away from more promising research avenues, such as adult stem cells.

[From the Washington Post, Fri. June 21, 2002]

STUDY FINDS POTENTIAL IN ADULT CELLS; DISCOVERY WILL LIKELY FUEL ETHICAL DEBATE

(By Justin Gillis)

Researchers have isolated a type of cell from bone marrow that seems capable of transforming itself into most or all of the specialized cells in the body, a dramatic new finding likely to fuel the debate over the ethics of stemcell research.

The finding was reported by researchers at the University of Minnesota and published online yesterday by the journal Nature. It heightens the prospect that therapies scientists are trying to create—cures for diabetes, Parkinson's disease, hemophilia and many others—can be made entirely with adult cells, alleviating moral concerns over using discarded embryos and fetuses as sources of tissue.

There has been conflicting evidence about whether cells found in adults might be as useful as those derived from embryos. But the work by Catherine Verfaillie, known as a fastidious and cautious researcher, was widely acknowledged as the most definitive evidence to date that adult cells may be almost as versatile as embryonic cells. Austin Smith, a prominent researcher in Scotland who has criticized some prior studies using such cells, called the Verfaillie paper "extraordinary."

The work is still at an early stage, however, and Verfaillie asked that it not be used as a political weapon to fight simultaneous work on embryonic and fetal cells.

"I think it is going to be important to be in a position to really compare and contrast the cells," she said, with the ultimate goal of determining "which cells are going to work for which therapy."

As if to underscore that point, Nature simultaneously published work at the National Institutes of Health showing that embryo-derived cells can vastly improve symptoms similar to those associated with Parkinson's disease in mice. That work, led by Ron McKay, is one of the most convincing demonstrations to date that such embryonic cells may be useful in medical care.

The cells in McKay's experiments, derived from mouse embryos, took up residence at the right spot in the brains of adult mice and produced dopamine—a critical substance that is in short supply in Parkinson's disease—in exactly the way that would be needed to relieve the symptoms of the ailment. It is far from proof of a cure, but "it's absolutely definitive evidence that these cells can work in the brain," McKay said.

The more unexpected finding was that of Verfaillie, director of the University of Minnesota's Stem Cell Institute. With the paper, she joined the company of biologists who are overturning the dogma that animal development proceeds in one irreversible direction, from the unspecialized cell formed when sperm and egg fuse to the highly specialized cells of an adult body.

Hints of her work had been emerging for two years in papers and scientific conferences, and scientists had been eagerly awaiting it. Many other reports, some of them controversial, already emerged in recent years of various adult cell types being able to perform unexpected feats of transformation. But Verfaillie has discovered what appears to be the most flexible adult-derived cell yet.

She calls the cells in question "multipotent adult progenitor cells." She and her colleagues have isolated them from mice, rats and people, though they are only able to do so in 70 percent to 80 percent of the people they test, for unknown reasons.

In animal experiments, the cells proved to lack certain characteristics of embryonic stem cells, which are capable of making every tissue in an animal's body. But they shared many other characteristics and proved to be able to transform into cells of the liver, lung, gut, blood, brain and other organs. They have proven particularly amenable to transformation into liver cells.

Many of the types of experiments Verfaillie reported, which involved injecting the adult cells into developing mouse embryos, cannot ethically be done in humans. But further animal experimentation may clear the way to use the cells in treating human disease. Several scientists cautioned that this will take years, at best.

Verfaillie's results suggest the tantalizing possibility that every adult may carry around the raw material of his or her own repair kit—one that nature is somehow failing to use in many diseases but that scientists might be able to exploit to make new tissues and revivify failing organs.

Cells derived from a person's bone marrow would be unlikely to be rejected by the immune system, a potential problem with treatments based on embryonic- or fetal-derived cells.

Verfaillie said the cells might even be useful for correcting genetic diseases. They could be taken out of the body, a repaired gene could be inserted, doctors could grow many copies and then the cells would be inserted into a deficient organ such as the liver, along with proper manipulations to get them to turn into functional liver cells.

The Verfaillie work "is a nice research paper," said John Gearhart, a biologist at Johns Hopkins University in Baltimore and one of the two American scientists known

for isolating human embryonic and fetal stem cells. ''I think it's good, solid work. We'll see where it goes.''

Verfaillie's work was particularly welcomed yesterday by opponents of embryonic stem cell research. They have long contended that adult-derived cells offer just as much promise and don't pose the same moral concerns as embryonic cells.

The Senate is embroiled in arguments over a related issue. Sen. Sam Brownback (R–Kan.) wants a federal ban on the transfer of nuclei from adult cells into hollowed-out human eggs.

The intent of the scientists who want to perform that procedure, a type of cloning, would be to derive healthy replacement cells that are a perfect genetic match for a human patient. But because the procedure would create a microscopic embryo that would be capable, briefly, of turning into a human clone if implanted into a woman's uterus, some groups oppose it, saying destruction of the microscopic embryo would be tantamount to murder.

TRIBUTE TO BERNARD E. HANUS DETROIT-WAYNE JOINT BUILDING AUTHORITY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. BONIOR. Mr. Speaker, I rise today to recognize Bernard Hanus, who was honored at the Detroit-Wayne Joint Building Authority's Pre-Retirement Luncheon on July 10, 2002. As distinguished guests, colleagues, and community members gathered together to bid farewell to a longtime friend and advocate of public service, they honored his coming retirement with a celebration of tributes, memories, and good cheer.

Demonstrating outstanding leadership and commitment throughout the years, Bernard Hanus has always been dedicated to his work and his community. As Chairman of the Detroit-Wayne Joint Building Authority from 1974–2001, he has served over 28 remarkable years and has been an integral part of the Detroit-Wayne Joint Building Authority's success. Managing a key role in the development and execution of the Detroit-Wayne Joint Authority's agenda, his hard work and innovative approach for Detroit and Wayne County has been truly outstanding. As he prepares for his retirement, his leadership and legacy will surely be missed.

Bernard Hanus also understands the importance of dedication and commitment to the principles of community, family and public service. Serving Wayne County for over 22 years, he has devoted his time and energy to principles he believes in. As the Director of Administration and Committee Clerk, his hard work has been demonstrated by his remarkable achievements for the city of Detroit and beyond. In addition, he has served his community well as former President of Our Lady Queen of Peace Roman Catholic School Board, former Commander of AMVETS Post No. 33, and life member of the Lt. Robert H. Stoll AMVETS Post No. 33. Bernard Hanus has always been a leader, and as he retires from the Detroit-Wayne Joint Building Authority, he will assuredly continue to lead the way in this community for many years to come.

I applaud Bernard Hanus for his leadership and commitment, and thank him for his outstanding years with the Detroit-Wayne Joint Building Authority. I urge my colleagues to join me in saluting him for his exemplary years of service.

SIKHS OBSERVE ANNIVERSARY OF GOLDEN TEMPLE ATTACK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. TOWNS. Mr. Speaker, I would like to take this opportunity to note a historic occasion that is being observed this week. In addition to our observance of D-Day, the day that Allied troops landed in Europe to begin the attack on Nazi Germany, this week marks the anniversary of India's military attack on the Golden Temple in Amritsar and the brutal massacre of 20,000 Sikhs in June 1984. Recently, Sikhs from the East Coast gathered to commemorate this event in front of the Indian Embassy here in Washington. Similar events have been held or will be held in New York, London, and many other cities.

The Golden Temple attack was an attack on the seat of the Sikh religion. It forever put the lie to India's claim that it is secular and democratic. How can a democratic state launch a military attack on religious pilgrims gathered at the most sacred site of their religion? The Indian troops shot bullet holes through the Sikh holy scriptures, the Guru Granth Sahib, and took boys as young as eight years old out in the courtyard and shot them in cold blood. This set off a wave of repression against Sikhs that continues to this day.

Mr. Speaker, I would like to put the flyer from that event into the RECORD now. It contains a lot of important information about the Golden Temple attack that shows the tyranny just under the facade of Indian democracy.

KHALISTAN MARTYRS DAY, JUNE 1, 2002

PROTESTING INDIAN GOVERNMENT DESECRATION OF THE GOLDEN TEMPLE AND MASSACRE OF SIKHS

Sikhs Demand Freedom for Sikh Nation of Khalistan. Remember the Victims of Indian Genocide. ''If the Indian government attacks the Golden Temple, it will lay the foundation of Khalistan.''—Sant Jarnail Singh Bhindranwale, Sikh martyr

Indian government genocide against the Sikh nation continues to this day. From June 3 to 6, 1984 the Indian Government launched a military attack on the Golden Temple in Amritsar, the holiest of Sikh shrines and seat of the Sikh religion. This is the equivalent of attacking the Vatican or Mecca. 38 other Gurdwaras throughout Punjab, Khalistan were simultaneously attacked. More than 20,000 Sikhs were killed in these attacks.

Desecration of the temple included shooting bullets into the Guru Granth Sahib, the Sikh holy scripture, and destroying original Hukam Namas written by hand by the ten Sikh Gurus. Young Sikh boys ages 8 to 12 were taken outside and asked if they supported Khalistan, the independent Sikh homeland. When they responded ''Bole So Nihal,'' a religious statement, they were shot to death in cold blood by the brutal Indian troops.

The Golden Temple attack launched an ongoing campaign of genocide against Sikhs by the Indian government that continues to this day. Punjab, Khalistan, the Sikh homeland, has been turned into a killing field. The Golden Temple attack made it clear that there is no place for Sikhs in India. ''The essence of democracy is the right to self-determination.''—Former Senate Majority Leader George Mitchell (D-Me.)

The Movement Against State Repression issued a report showing that India is holding at least 52,268 Sikh political prisoners, by their own admission, in illegal detention without charge or trial. Some of them have been held since 1984. Many prisoners continue to be held under the repressive, so-called ''Terrorist and Disruptive Activities Act (TADA) even though it expired in 1995. According to the report, in many cases, the police would file TADA cases against the same individual in different states ''to make it impossible for them to muster evidence in their favor.'' It was also common practice for police to re-arrest TADA prisoners who had been released, often without filing new charges.

''In November 1994,'' the report states, ''42 employees of the Pilibhit district jail and PAC were found guilty of clubbing to death 6 Sikh prisoners and seriously wounding 22 others. They were TADA prisoners. Uttar Pradesh later admitted the presence of around 5000 Sikh TADA prisoners.'' Over 50,000 Sikhs have been made to disappear since 1984.

Sikhs in Punjab, Khalistan formally declared independence on October 7, 1987, to be achieved through the Sikh tradition of Shantmai Morcha, or peaceful resistance. Sikhs ruled Punjab from 1765 to 1849 and were to receive sovereignty at the time that the British quit India.

''When it comes to Kashmir and Punjab and Jammu, the Indian Government might as well not be a democracy. For people in those areas, India might as well be Nazi Germany. ''—U.S. Representative Dana Rohrabacher (R-Cal)

Only a terrorist state could commit atrocities of such magnitude.

While India seeks hegemony in South Asia, the atrocities continue. India has openly tested nuclear weapons and deployed them in Punjab, weapons that can be used in case of nuclear war with Pakistan. These warheads put the lives of Sikhs at risk for Hindu Nationalist hegemony over South Asia. The Indian government is run by the BJP, the militant Hindu nationalist party in India, and is unfriendly to the United States. In May 1999, the Indian Express reported that Indian Defense Minister George Fernandes led a meeting with representatives from Cuba, Russia, China, Libya, Iraq, and other countries to build a security alliance ''to stop the U.S.''

In March 42 Members of the U.S. Congress from both parties wrote to President Bush asking him to help free tens of thousands of political prisoners.

India voted with Cuba, China, and other repressive states to kill a U.S. resolution against human-rights violations in China.

India is a terrorist state. According to published reports in India, the government planned the massacre in Gujarat (which killed over 5,000 people) in advance and they ordered the police to stand by and not to interfere to stop the massacre. Last year, a group of Indian soldiers was caught red-handed trying to set fire to a Gurdwara and some Sikh homes in a village in Kashmir.

According to the Hitavada newspaper, India paid the late Governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert state terrorism in Punjab and Kashmir.

Continuing Repression Against Sikhs

''The Indian government, all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with a secularism. They try to crush Sikhs just to

please the majority.'' Narinder Singh, a spokesman for the Golden Temple, Amritsar, Punjab, interviewed on National Public Radio, July 11, 1997.

Since 1984, India has engaged in a campaign of ethnic cleansing and murdered tens of thousands of Sikhs and secretly cremated them. The Indian Supreme Court described this campaign as ''worse than a genocide.''

The book Soft Target, written by two Canadian journalists, proves that India blew up its own airliner in 1985 to blame the Sikhs and justify more genocide. The Indian government paid over 41,000 cash bounties to police officers for killing Sikhs, according to the U.S. State Department.

Indian police tortured and murdered the religious leader of the Sikhs, Gurdev Singh Kaunke, Jathedar of the Akal Takht. No one has been punished for this atrocity and the Punjab government refused to release its own commission's report on the Kaunke murder.

Human-rights activist Jaswant Singh Khalra was kidnapped by the police on September 6, 1995, and murdered in police custody. His body was not given to his family. Rajiv Singh Randhawa, the only eyewitness to the police kidnapping of Jaswant Singh Khalra, was arrested in front of the Golden Temple in Amritsar Sikhism's holiest shrine, while delivering a petition to the British Home Minister asking Britain to intervene for human rights in Punjab.

In March 2000, 35 Sikhs were massacred in Chithisinghpora in Kashmir by the Indian government.

A Wave of Repression Against Christians

Since Christmas 1998, India has carried out a campaign of repression against Christians in which churches have been burned, priests have been murdered, nuns have been raped, and schools and prayer halls have been attacked. On January 17, 2001, Christian leaders in India thanked Sikhs for saving them from Indian government persecution. Members of the Bajrang Dal, part of the pro-Fascist Rashtriya Swayamsewak Sangh (RSS), the parent organization of the ruling BJP, burned missionary Graham Staines and his two young sons, ages 8 and 10, to death while they slept in their jeep. The RSS published a booklet last year on how to implicate Christians and other minorities in false criminal cases.

Democracies don't commit genocide. Support self-determination for the people of Khalistan.

TRIBUTE TO PHIL SCHERER TRANSPORTATION DEVELOPMENT ASSOCIATION OF WISCONSIN

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. PETRI. Mr. Speaker, I want to pay tribute to Phil Scherer upon his retirement as Executive Director of the Transportation Development Association of Wisconsin. Phil has been with TDA for just over 15 years, and during that time he has been an effective leader in bringing together varied transportation interests in the State of Wisconsin to work toward the common goal of improving transportation for all the citizens of our state.

TDA's goal is the ''establishment and maintenance of a balanced transportation network that meets Wisconsin's present and future mobility needs in an efficient and effective manner.'' Members include representatives from both the private and public sector who are involved in all modes of transportation so that it really provides a well-balanced, thoughtful perspective on the many transportation challenges we face.

Needless to say, it takes a unique person who can work effectively and cooperatively with these various interests to pull together a coherent policy and action plan that makes sense. And Phil has been up to the task. I think I can safely say that all of us in government—whether at the federal, state, or local level—have come to rely on Phil and his organization over the years as we debate the transportation issues of the day.

Phil obviously has been well-served by his extensive background in the area of transportation and planning. Prior to coming to TDA, he served for 12 years as the Lead Senior Planner for the Northwest Regional Planning Commission where he had responsibility for the 10-county commission's transportation planning program. In addition, he has worked as a senior planner for a national architectural, engineering and planning firm in Milwaukee and also as an Associate Planner for the City of Racine.

Throughout his career, Phil has served on many state and local committees, advisory boards and commissions. In 1989 he served as the Chairman of the Better Roads & Transportation Council of America where he received its highest award for excellence in public education efforts relating to transportation. The National Association of Development Organizations recognized Phil for his groundbreaking work on development of a system to aid local officials in managing their roadways that is now utilized by over 100 communities in our state.

Phil recognizes the role that an efficient transportation network plays in a strong economy and improving the standard of living for every Wisconsin resident. He has been an effective leader who has played a critical role in transportation issues at every level. We all owe him a debt of gratitude for his selfless and dedicated efforts advocating a first-class transportation system in Wisconsin.

I want to commend Phil for his stellar leadership at TDA and wish him all the best upon his retirement.

''CITY WITHOUT LIMITS'', LORIS, SOUTH CAROLINA

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to congratulate the, ''city without limits'', Loris, South Carolina in their centennial celebration.

On July 26, 1902, the city of Loris, South Carolina was incorporated and quickly became a trading post for the lumber, turpentine, and agriculture industries for Horry County.

In 1997, the city of Loris was declared to be the second fastest growing city in the state of South Carolina.

Although the city of Loris is growing fast it has not lost its small town charm.

The location of Loris to the Grand Strand, the friendly citizens of the town, and the small town feel continue to make Loris, South Carolina a popular place for the relocation of families and businesses.

I encourage you to join me and my fellow Carolinians in celebrating the 100th Anniversary and the accomplishments of the city of Loris, South Carolina.

PERSONAL EXPLANATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. SOUDER. Mr. Speaker, due to a series of visits to national parks in Colorado and New Mexico, I was not in Washington on July 8, 2002 when the Fort Clatsop National Memorial Expansion Act of 2002 passed the House. If I had been here, I would have voted for the bill.

I was a cosponsor of this bill and worked closely with Representative WU and Representative BAIRD to help this nationally significant legislation pass through the Subcommittee on National Parks, Recreation, and Public Lands, and the full Resources Committee.

The Fort Clatsop bill is time-sensitive because the important celebration of the Bicentennial of the Lewis and Clark Expedition is just about to begin. This celebration is not only historically significant for celebrating what the Corps of Discovery accomplished, but also for recognizing its part in creating the spirit of what being an American is all about. The expansion of Fort Clatsop lends credence not only to the importance of the completion of the expedition's journey, but also to the beginning of the growth of a nation. This new trail will enable visitors to the inland campsite to experience, as the expedition did, the walk to the beautiful Oregon coast. The members of the expedition regularly hiked to the salt works, as well as to experience their first views of a whale, that was beached. This proposal also calls for further consideration of the important Washington State side of the Columbia River, where the Lewis and Clark Expedition first explored a wintering site and first saw the Pacific Ocean. Developing these sites for future Americans to appreciate will be an enduring legacy of this Congress.

TRIBUTE TO WILLIAM POLAKOWSKI, DETROIT-WAYNE JOINT BUILDING AUTHORITY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. BONIOR. Mr. Speaker, I rise today to recognize William Polakowski, who was honored at the Detroit-Wayne Joint Building Authority's Pre-Retirement Luncheon on July 10, 2002. As distinguished guests, colleagues, and community members gathered together to bid farewell to a longtime friend and advocate of public service, they honored his coming retirement with a celebration of tributes, memories, and good cheer.

Demonstrating outstanding leadership and commitment throughout the years, William Polakowski has always been dedicated to his

work and his community. Working hard as the General Manager of the Detroit-Wayne Joint Building Authority for 8 years, and as a Commissioner for 8 years before that, he has been an integral part of the Detroit-Wayne Joint Building Authority's success. Managing a key role in the development and execution of the Detroit-Wayne Joint Authority's agenda, his hard work and innovative approach for Detroit and Wayne County has been truly outstanding. As he prepares for his retirement, his leadership and legacy will surely be missed.

William Polakowski also understands the importance of dedication and commitment to the principles of community, team work, and workers rights. Serving as an International Representative for the United Auto Workers for 23 years, Polakowski served the UAW well devoting his time and energy to principles he believes in. As the Executive Director of SEMCAP and the Director of the Metropolitan AFL–CIO, his hard work and innovative approaches give testament to his unwavering dedication to ensuring the rights of working families. As President of the John W. Smith Old Timers Club and President of P.A.C.E., the Polish American Citizens For Equity, he also has dedicated much of his time serving his local community as well. Demonstrating his concern for his local neighborhood, he has worked in conjunction with neighboring communities to ensure safer neighborhoods. William Polakowski has always been a leader, and as he retires from the Detroit-Wayne Joint Building Authority, he will assuredly continue to lead the way in this community for many years to come.

I applaud William Polakowski for his leadership and commitment, and thank him for his outstanding years with the Detroit-Wayne Joint Building Authority. I urge my colleagues to join me in saluting him for his exemplary years of service.

INDIA'S HEGEMONIC AMBITIONS LEAD TO CRISIS IN SOUTH ASIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. TOWNS. Mr. Speaker, we are all hoping that war can be avoided in South Asia. A war there would take an enormous toll in human lives and in damage to land and the fragile economies of India and Pakistan. The biggest losers, clearly, would be the Islamic people of Kashmir and Sikhs of Punjab, Khalistan.

Unfortunately, some of the media accounts of this conflict have been very one-sided. You would think after reading a lot of the papers and watching a lot of TV news that India is absolutely blameless in this conflict. That is not true. As the Wall Street Journal pointed out on June 4, it is India's hegemonic ambitions, as much as anything, that have brought this crisis to a head.

Mr. Speaker, at the time that India was partitioned, the Hindu maharajah of Kashmir, despite a majority Muslim population, acceded to India. That accession has always been disputed and India promised the United Nations in 1948 that it would settle the issue with a free and fair plebiscite on Kashmir's status. As we all know, the plebiscite has never been held. Instead, India has tried to reinforce its rule there with over 700,000 troops. According to columnist Tony Blankley in the January 2, Washington Times, meanwhile, India supports cross-border terrorism in the Pakistani province of Sindh. Indian officials have said that everyone who lives in India must either be Hindu or subservient to Hindus, and they have called for the incorporation of Pakistan into ''Akand Bharat''—Greater India.

In January, Home Minister L.K. Advani admitted that once Kashmir is free from India rule, it will bring about the breakup of India. India is a multinational state and history shows that such states always unravel eventually. We all hope that it won't take a war to do it. No one wants another Yugoslavia in South Asia, but there are 17 freedom movements within India. Unless India takes steps to resolve these issues peacefully and democratically, a violent solution becomes much more likely. As the former Majority Leader of the other chamber, Senator George Mitchell, said, ''The essence of democracy is self-determination.'' It is true in the Middle East and it is true in South Asia.

The Sikh Nation in Punjab, Khalistan also seeks its freedom by peaceful, democratic, nonviolent means, as does predominantly Christian Nagaland, to name just a couple of examples. The Sikhs declared the independence of Khalistan on October 7, 1987. They ruled Punjab prior to the British conquest of the submcommittee and no Sikh representative has signed the Indian constitution.

India claims that these freedom movements have little or no support. Well, if that is true, and if India is ''the world's largest democracy,'' as it claims, then why would it not hold a plebiscite on the stauts of Kashmir, of Nagaland, of Khalistan? Wouldn't that be the democratic way to resolve these issues without a violent solution?

Until that day comes, Mr. Speaker, we should support self-determination. We should declare our support for a plebiscite in Khalistan, in Kashmir, in Nagaland, and wherever they are seeking freedom. We should stop aid to India until all people in the subcontinent live in freedom and peace. These measures will help bring the glow of freedom to everyone in that troubled, dangerous region.

Mr. Speaker, I would like to place the Wall Street Journal article into the RECORD at this time.

[From the Wall Street Journal]

INDIA'S KASHMIR AMBITIONS

Western worry over Kashmir has focused on Pakistan's willingness to control terrorists slipping over the border with India, and rightly so. But that shouldn't allow U.S. policy to overlook India's equal obligation to prevent a full-scale war from breaking out in Southwest Asia.

That obligation has come into focus with today's Asian security conference in Kazakstan. Indian Prime Minister Atal Bihari Vajpayee and President Pervez Musharraf of Pakistan will both be on hand, and everyone has been urging a bilateral meeting on the sidelines. But so far Mr. Vajpayee has ruled out any dialogue until Pakistan presents evidence that it is acting against the Kashmiri terrorist groups crossing the U.N. line of control to attack Indian targets.

This is shortsighted, not least for India, because it allows Mr. Musharraf to take the moral high ground by offering to talk ''anywhere and at any level.'' On Saturday the Pakistani leader also went on CNN to offer an implied assurance that he wouldn't resort to nuclear weapons, as something no sane individual would do. This went some way toward matching India's no-first-use policy and could be considered a confidence-building measure, however hard it would be for any leader to stick to such a pledge were national survival at stake.

India's refusal even to talk also raises question about just what that regional powerhouse hopes to achieve out of this Kashmir crisis. If it really wants terrorists to be stopped, some cooperation with Pakistan would seem to be in order. We hope India isn't looking for a pretext to intervene militarily, on grounds that it knows that it would win (as it surely would) and that this would prevent the emergence of a moderate and modernizing Pakistan.

This question is one the mind of U.S. leaders who ask Indian officials what they think war would accomplish, only to get no clear answer. India is by far the dominant power in Southwest Asia, and it likes it that way. Some in India may fear Mr. Musharraf less because he has tolerated terrorists than because he has made a strategic choice to ally his country with the U.S. If he succeeds, Pakistan could become stronger as a regional competitor and a model for India's own Muslim population of 150 million.

The danger here is that if India uses Kashmir to humiliate Pakistan, Mr. Musharraf probably wouldn't survive, whether or not fighting escalates into full-scale war. That wouldn't do much to control terrorism, either in India or anywhere else. It would also send a terrible signal to Middle Eastern leaders about what happens when you join up with America. All of this is above and beyond the immediate damage to the cause of rounding up al Qaeda on the Afghan-Pak border, or of restoring security inside Afghanistan.

No one doubts that Mr. Musharraf has to be pressed to control Kashmiri militants, as President Bush has done with increasing vigor. The Pakistani ruler was the architect of an incursion into Indian-controlled Kashmir at Kargil two years ago, and his military has sometimes provided mortar fire to cover people crossing the line of control.

But at least in the past couple of weeks that seems to have changed, as Pakistani security forces have begun restraining militants and breaking their communications links with terrorists already behind Indian lines. In any case, the line of control is so long and wild that no government can stop all incursions. More broadly, Mr. Musharraf has already taken more steps to reform Pakistani society than any recent government. U.S. officials say he has taken notable steps to clean up his intelligence service and that he has even begun to reform the madrassa schools that are the source of so much Islamic radicalism. (The problem is that Saudi Arabia hasn't stopped funding them.)

The Pakistani leader has done all this at considerable personal and strategic risk, and it is in the U.S. and (we would argue) Indian interests that he process continue and succeed. He deserves time to show he is not another Yasser Arafat, who has a 20-year record of duplicity.

As it works to defuse the Kashmir crisis, the U.S. has to press Mr. Musharraf to stop as many terror incursions into India as possible. But it also must work to dissuade India from using Kashmir as an excuse to humiliate Pakistan, a vital U.S. ally. The U.S. has a long-term interest in good relations with India, a sister democracy and Asian counterweight to China. But self-restraint over Kashmir is a test of how much India really wants that kind of U.S. relationship.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. BECERRA. Mr. Speaker, on Friday, July 12, 2002, and Monday, July 15, 2002, due to official business in my District, I was unable to cast my floor vote on rollcall No. 295, 296, 297, and 298. The votes I missed include rollcall vote No. 295 on passage of H.R. 4687, the National Construction Safety Team Act; rollcall vote No. 296 on the Motion to Suspend the Rules and Pass H.R. 3482, the Cyber Security Enhancement Act; rollcall vote No. 297 on the Motion to Suspend the Rules and Pass H.R. 4755, the Clarence Miller Post Office Building Designation Act; and rollcall vote 298 on the Motion to Suspend the Rules and Pass, as amended H.R. 3479, the National Aviation Capacity Expansion Act.

Had I been present for the votes, I would have voted ''aye'' on rollcall vote Nos. 295, 296, 297, and 298.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. UDALL of Colorado. Mr. Speaker, on July 15th I was unavoidably detained in returning to Washington, D.C. from Colorado. As a result, I was unable to vote on three measures considered that day.

Had I been present, on rollcall No. 296, passage of H.R. 3482, the Cyber Security Enhancement Act, I would have voted ''yes.''

I also would have voted ''yes'' on both rollcall No. 297, passage of H.R. 4755, and rollcall No. 298, passage of H.R. 3479.

THE INVESTIGATION OF JOHN DEMJANJUK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. TRAFICANT. Mr. Speaker, John Demjanjuk, of Cleveland, Ohio, was convicted and sentenced to death as the ''Infamous'' Ivan The Terrible of The Treblinka Death Camp in Poland.

The Demjanjuk family appealed to all Members of the House and Senate, and were ''turned away'' because the case was ''too sensitive!''

They came to me! I told them I would pull the switch on Demjanjuk if he was guilty, but would look into the matter.

My investigation exonerated Demjanjuk. The Israeli Supreme Court released him to me and I returned Demjanjuk to his family. The Government is now charging him with something ''new''!

Congress wouldn't even look into the liberating evidence I discovered.

The real Ivan was:

1. Nine years older than John Demjanjuk,
2. He was taller,
3. He had a long scar on his neck,
4. The Real Ivan had Black Hair not blonde like John Demjanjuk.

The frightening issue was that our government, through the Office of Special Investigation (O.S.I.), knew John Demjanjuk was not Ivan The Terrible before they stripped him of his citizenship and sent him to Israel to DIE! The Prosecutor for O.S.I., Amy Moscovitz and OSI Agents Garand and Daugherty suborned perjury of S.S. NAZI Guard Otto Hom knowingly and willingly, to strip an American of all his rights and ship him to be executed!

Shame! Shame! And shame on Congress!

I am proud that I helped to save his life! Demjanjuk should be left alone to die with his family. Moscovitz, Garand and Daugherty should have been sent to prison.

As a result of this, I was labeled an anti-Semite and targeted! I am not an anti-Semite!

If a Jewish-American needed help, where no one would intervene, I would have acted in the same fashion and manner.

Bottom Line, in 1991 a top-ranking official of The American Israeli Public Affairs Committee (A.I.P.A.C) was fired and she released AIPAC'S Top Hit List: President George Bush, Secretary of State James Baker, Jesse Jackson, James A. Traficant, Jr.

I was the number one target of Jewish Organizations of 535 Members of Congress and they have done everything to defeat me. The Department of Justice targeted me for the embarrassment I caused them with the Demjanjuk case!

Everybody in Congress knows that I oppose excessive hand-outs to Israel—special preferences to Israel and a one-sided Middle East policy that now has imported Middle East violence to our homeland.

I have nothing against Israel, but I will not sit back and see America endangered because everybody is afraid to tell it like it is. Palestinians deserve a homeland too!

I have been targeted for removal for many reasons: 1. The only American to ever defeat the U.S. Department of Justice, in a RICO case pro se, 2. IRS Legislation that changed the burden of proof so the taxpayers would, once again, be innocent and not have the burden to prove it. 3. Demjanjuk, 4. Waco, 5. Ruby Ridge, 6. Pan Am 103, 7. and basically because I love America and respect and admire the elected Congress.

I do hate our government, run by un-elected bureaucrats who even intimidate our aristocratic judiciary.

In closing, I am absolutely amazed that some jackass federal judge declared the Pledge of Allegiance unconstitutional! Beam me up!

Tyrants will rule a people who are not governed by God. Those words were spoken by William Penn.

I say—a nation that excludes God—by judges appointed to lifetime terms—is a nation that will ultimately collapse and fail.

Congress must become more than an Advisory Board and start to straighten out this mess in our government!

A TRIBUTE IN HONOR OF THE 20TH ANNIVERSARY OF THE HOT AIR JUBILEE IN JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 2002

Mr. SMITH of Michigan. Mr. Speaker, July 19, 2002 marks the 20th Anniversary of the Hot Air Jubilee in Jackson, Michigan. This event began in 1983 when Jackson Balloon Pilots Tony Hurst and Jim Ahearn suggested the idea to Jackson Resident Mike Brown. The initial goal was to provide a new and exciting family oriented activity to attend in the Jackson area. The inaugural event hosted 17 balloons from Michigan and Ohio and was launched from the Sparks Foundation County Park, Cascades Park, and the grounds of Jackson Community College. At the first Jubilee, approximately 20,000 people were in attendance for the initial launch. In 1996, the Jackson Hot Air Jubilee moved to Reynolds Field at the Jackson County Airport to accommodate the growth in the event. Since that time, the Jackson Hot Air Jubilee has grown to over 65 balloons, with participants coming from as far away as Japan and Australia. In 2001, over 100,000 people attended the event.

The Jackson Hot Air Jubilee has a positive impact on the community by stimulating the local economy through hotel stays, restaurant meals, and other expenditures at local Jackson businesses. The Jubilee also contributes more than $15,000 to local civic organizations in the Jackson area.

The success of this event over the past 20 years is due to the hard work and dedication of the volunteer planning committee and the more than 600 area volunteers from all walks of life that contribute to the Jackson Hot Air Jubilee. Therefore, I would like to commend the 35 member all Volunteer Hot Air Jubilee planning committee, which works year around to produce this fine event. I also want to recognize the more than 600 local volunteer citizens that contribute their time and energy to the Jackson hot air jubilee, without whose assistance this event would not happen. The members of the business community and private citizens that sponsor the Jackson Hot Air Jubilee also deserve recognition for supporting such a fine family oriented event for the citizens of the 7th Congressional District and beyond. I would also like to commend the Jackson County Airport for opening their facility for the Jackson Hot Air Jubilee and the community at large.

The Jackson Hot Air Jubilee is an exemplary model of a community working together to achieve a common goal: providing a well-organized, family oriented festival for all to enjoy. I commend the Jackson Hot Air Jubilee for a job well done, and wish the Committee continued success for many years to come.

Daily Digest

HIGHLIGHTS

The House passed H.R. 5118, to provide for enhanced penalties for accounting and auditing improprieties at publicly traded companies.

Senate

Chamber Action

Routine Proceedings, pages S6813–S6875

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2730–2736, and S.J. Res. 40. **Page S6867**

Measures Reported:

H.R. 7, to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets, with an amendment in the nature of a substitute. (S. Rept. No. 107–211) **Page S6867**

Greater Access to Affordable Pharmaceuticals act: Senate continued consideration of the motion to proceed to consideration of S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals. **Pages S6818–29, S6831–53**

A unanimous consent agreement was reached providing for the cloture vote on the motion to proceed to consideration of the bill occur at 10:30 a.m., and that immediately following the vote, if cloture is invoked, the motion to proceed be agreed to, and the Senate begin consideration of the bill. **Page S6848**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 9:30 a.m., on Wednesday, July 17, 2002. **Page S6873**

Nominations Received: Senate received the following nominations:

Roel C. Campos, of Texas, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2005.

Antonio O. Garza, Jr., of Texas, to be Ambassador to Mexico.

1 Marine Corps nomination in the rank of general. **Page S6875**

Messages From the House: **Page S6864**

Measures Referred: **Page S6864**

Measures Placed on Calendar: **Page S6864**

Executive Communications: **Pages S6864–67**

Additional Cosponsors: **Pages S6867–68**

Statements on Introduced Bills/Resolutions: **Pages S6869–72**

Additional Statements: **Pages S6861–64**

Notices of Hearings/Meetings: **Page S6872**

Authority for Committees to Meet: **Page S6872**

Privilege of the Floor: **Pages S6872–73**

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:33 p.m., until 9:30 a.m., on Wednesday, July 17, 2002.

Committee Meetings

(Committees not listed did not meet)

LIVESTOCK PACKERS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine livestock meatpacker ownership issues, focusing on the proposed ban on Packer ownership of livestock and USDA enforcement of the Packers and Stockyards Act to restore fairness, openness, and confidence in these markets, after receiving testimony from Senators Johnson and Craig; William T. Hawks, Under Secretary of Agriculture for Marketing and Regulatory Programs; Michael Stumo, Organization for Competitive Markets, Lincoln, Nebraska; Timothy Bierman, Iowa Pork Producers Association, Larabee;

Steve Appel, Washington State Farm Bureau, Olympia, on behalf of the American Farm Bureau Federation; J. Patrick Boyle, American Meat Institute, Arlington, Virginia; C. Robert Taylor, Auburn University College of Agriculture, Auburn, Alabama; Herman Schumacher, Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America, Herreid, South Dakota; Paul Jackson, Oklahoma City, Oklahoma, on behalf of the National Farmers Union; Eric Davis, Bruneau, Idaho, on behalf of the National Cattlemen's Beef Association; John S. Butler, Ranchers Renaissance Cooperative, Inc., Englewood, Colorado; and Nolan Jungclaus, Lake Lillian, Minnesota.

BUSINESS MEETING—TREASURY APPROPRIATIONS

Committee on Appropriations: Committee ordered favorably reported an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003.

BUSINESS MEETING—COMMERCE/JUSTICE/STATE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary approved for full committee consideration an original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003.

BUSINESS MEETING—DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense approved for full committee consideration H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, with an amendment in the nature of a substitute.

APPROPRIATIONS—FOREIGN OPERATIONS

Committee on Appropriations: Subcommittee on Foreign Operations approved for full committee consideration an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003.

BUSINESS MEETING—LABOR/HHS/EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education approved for full committee consideration an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003.

MONETARY POLICY

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the Federal Reserve's semi-annual monetary policy report on the United States economy, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission, after the nominee, who was introduced by Senators Daschle and Johnson, testified and answered questions in his own behalf.

NATIONAL FIRE PLAN

Committee on Energy and Natural Resources: Committee concluded hearings to examine the Administration's plan to request additional funds for wildland firefighting and forest restoration as well as the ongoing implementation of the National Fire Plan, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment, Forest Service; Nancy Dorn, Deputy Director, Office of Management and Budget; Montana Governor Judy Martz, Helena, on behalf of the Western Governors' Association; Lynn Jungwirth, Watershed Research and Training Center, Hayfork, California; William Wallace Covington, Northern Arizona University Ecological Restoration Institute, Flagstaff; and Todd Schulke, Center for Biological Diversity, Pinos Alto, New Mexico.

CLEAN AIR ACT NEW SOURCE REVIEW

Committee on Environment and Public Works: Committee concluded joint hearings with the Committee on the Judiciary to examine proposed reform of the Clean Air Act's New Source Review program policy, regulations, and enforcement activities, after receiving testimony from Thomas L. Sansonetti, Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Jeffrey Holmstead, Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Vermont Attorney General William H. Sorrell, Montpelier; New York Attorney General Eliot Spitzer, New York; Alabama Attorney General Bill Pryor, Montgomery; Eric Schaeffer, Rockefeller Family Fund Environmental Integrity Project, Bob Slaughter, National Petrochemical and Refiners Association, Stephen Harper, Intel Corporation, John D. Walke, Natural Resources Defense Council, and E. Donald Elliott, Georgetown University Law School/Yale University Law School, on behalf of

Paul, Hastings, Janofsky and Walker, all of Washington, D.C.; and Hilton Kelley, Port Arthur, Texas, on behalf of the Refinery Reform Campaign.

HOMELAND SECURITY AND INTERNATIONAL TRADE

Committee on Finance: Committee held hearings to examine homeland security and international trade issues, focusing on the Administration's proposal to remove customs functions from the Department of the Treasury and integrate them in to the proposed Department of Homeland Security, receiving testimony from Kenneth W. Dam, Deputy Secretary of the Treasury; Samuel H. Banks, Sandler and Travis Trade Advisory Services, Colleen M. Kelley, National Treasury Employees Union, James B. Clawson, JBC International, on behalf of the Joint Industry Group, and Paul C. Light, Brookings Institution, all of Washington, D.C.; Mary Ann Comstock, UPS Freight Services, Inc., Sweet Grass, Montana; and Richard J. Gallo, Federal Law Enforcement Officers Association, New York, New York.

Hearings recessed subject to call.

HOMELAND SECURITY

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the President's proposal to establish a Department of Homeland Security, focusing on its impact on public health preparedness programs, and on the collective bargaining rights of certain union workers, after receiving testimony from Tom Ridge, Director, Homeland Security Transition Office, Office of Management and Budget.

FBI COMPUTER SYSTEMS

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings to examine the Federal Bureau of Investigation's (FBI) outdated computer system and how the FBI's technology problems impact the war on terrorism and crime fighting operations, after receiving testimony from Sherry Higgins, Project Management Executive, Office of the Director, Federal Bureau of Investigation, Department of Justice.

House of Representatives

Chamber Action

Measures Introduced: 18 public bills, H.R. 5128–5145; and 1 resolution, H. Res. 487, were introduced. **Pages H4765–66**

Reports Filed: Reports were filed today as follows:

Private bill, S. 1834, for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit (H. Rept. 107–578);

Private bill, H.R. 2245, for the relief of Anisha Goveas Foti (H. Rept. 107–579);

H.R. 2990, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, amended (H. Rept. 107–580);

H.R. 3815, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing a Presidential National Historic Site, in Hope, Arkansas (H. Rept. 107–581);

H. Res. 417, recognizing and honoring the career and work of Justice C. Clifton Young (H. Rept. 107–582); and

H.R. 1577, Federal Prison Industries Competition in Contracting Act, amended (H. Rept. 107–583). **Page H4765**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. W. Douglas Tanner, Jr.; President, Faith and Politics Institute of Washington, D.C. **Page H4681**

Recess: The House recessed at 10:48 a.m. and reconvened at 11 a.m. **Page H4681**

Private Calendar: On the call of the Private Calendar, agreed to pass over without prejudice, H.R. 392, for the relief of Nancy B. Wilson. **Page H4681**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Penalties for Corporate Accounting and Auditing Improprieties: H.R. 5118, amended, to provide for enhanced penalties for accounting and auditing improprieties at publicly traded companies (agreed to by a yea-and-nay vote of 391 yeas to 28 nays, Roll No. 299); **Pages H4683–94**

Honoring Ted Williams: Debated on Monday, July 15, H. Res. 482, honoring Ted Williams and extending the condolences of the House of Representatives on his death (agreed to by a yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 300); **Page H4694**

Congratulating the Detroit Red Wings on its Stanley Cup Championship: Debated on Monday, July 15, H. Res. 452, congratulating the Detroit Red Wings for winning the 2002 Stanley Cup Championship (agreed to by a yea-and-nay vote of 410 yeas with none voting "nay" and 4 voting "present", Roll No. 301); **Pages H4694–95**

Recognizing The First Tee: H. Res. 448, recognizing The First Tee for its support of programs that provide young people of all backgrounds an opportunity to develop, through golf and character education, life-enhancing values such as honor, integrity, and sportsmanship; **Pages H4695–98**

Honoring Justin W. Dart, Jr. H. Res. 460, recognizing and honoring Justin W. Dart, Jr., for his accomplishments on behalf of individuals with disabilities and expressing the condolences of the House of Representatives to his family on his death; and **Pages H4707–10**

50th Anniversary of the Constitution of the Commonwealth of Puerto Rico: Debated on Monday, July 15, H. Con. Res. 395, amended, celebrating the 50th anniversary of the constitution of the Commonwealth of Puerto Rico (agreed to by a yea-and-nay vote of 389 yeas to 32 nays with 3 voting "present", Roll No. 304). Agreed to amend the title to read: "Concurrent resolution celebrating the 50th anniversary of the Constitution of the Commonwealth of Puerto Rico." **Page H4720**

Suspension Failed—Fed Up Higher Education Technical Amendments: The House failed to suspend the rules and agree to H.R. 4866, to make technical amendments to the Higher Education Act of 1965 incorporating the results of the Fed Up Initiative by a 2/3 yea-and-nay vote of 246 yeas to 177 nays, Roll No. 303. **Pages H4698–H4707, H4719**

Interior Appropriations: The House completed debate and began considering amendments to H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003. Consideration will resume on Wednesday, July 17. **Pages H4720–62**

Pursuant to the rule the amendment printed in H. Rept. 107–577 that corrects language dealing with the Bureau of Land Management and the Forest Service wildland fire management programs was considered as adopted. **Page H4726**

Agreed To:

Hanson amendment that transfers funding of $1.8 million from the Bureau of Land Management to the Fish and Wildlife Service for the Bear River Migratory Bird Refuge in Utah. **Page H4761**

Rejected:

Toomey amendment that sought to decrease funding for the Bureau of Land Management by $162.2 million (rejected by a recorded vote of 84 ayes to 332 noes, Roll No. 305); and **Pages H4727–38**

Flake amendment that sought to decrease funding for the Bureau of Land Management by $51.3 million (rejected by a recorded vote of 85 ayes to 337 noes, Roll No. 307). Earlier agreed to limit debate on the amendment by a recorded vote of 324 ayes to 79 noes, Roll No. 306. **Pages H4741–44**

Points of Order Sustained Against:

Section 138 dealing with the joint direction by the Secretary of the Army, Secretary of the Interior, and the South Florida Water Management District of the Comprehensive Everglades restoration Plan; and **Page H4760**

Language on pagess 29 and 30 dealing with the implementation of Alternative 6D with respect to the Central and Southern Florida Project, Modified Water Deliveries to Everglades National Park. **Pages H4760–62**

Rejected the Dicks motion to rise by a recorded vote of 209 ayes to 210 noes, Roll No. 308. **Page H4761**

H. Res. 483, the rule that is providing for consideration of the bill was agreed to by a yea-and-nay vote of 322 yeas to 101 nays, Roll No. 302. **Pages H4710–19**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4767–68.

Quorum Calls Votes: Six yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H4693–94, H4694, H4694–95, H4718–19, H4719, H4720, H4738, H4742, H4743–44, and H4761. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:31 p.m.

Committee Meetings

MARITIME SECURITY PROGRAM—U.S. OWNERSHIP AND CONTROL OF VESSELS OPERATING

Committee on Armed Services: Merchant Marine Panel held a hearing on U.S. ownership and control of vessels operating in the Maritime Security Program. Testimony was heard from public witnesses.

MID-SEASON REVIEW

Committee on the Budget: Held a hearing on Mid-Session Review. Testimony was heard from Mitchell E. Daniels, Jr., Director, OMB.

HIGHER EDUCATION—LOW-INCOME STUDENTS

Committee on Education and the Workforce: Held a hearing on ''Access to Higher Education for Low-Income Students: A Review of the Advisory Committee on Student Financial Assistance Report on College Access.'' Testimony was heard from public witnesses.

OSHA'S PERMISSIBLE EXPOSURE LEVELS

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on ''Can a Consensus Be Reached to Update OSHA's Permissible Exposure Levels (PELs).'' Testimony was heard from public witnesses.

RECENT DEVELOPMENTS—EPA OFFICE OF THE OMBUDSMAN

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials and the Subcommittee on Health held a joint hearing on Recent Developments in the EPA Office of the Ombudsman. Testimony was heard from the following officials of the EPA: Robert E. Fabricant, General Counsel; and Mark Bialek, Office of the Inspector General; John B. Stephenson, Director, Environmental Issues, GAO; and public witnesses.

GOVERNMENT SPONSORED ENTERPRISES—TREASURY DEPARTMENT'S POLICY

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing regarding the Department of the Treasury's policy on the Government Sponsored Enterprises. Testimony was heard from Peter Fisher, Under Secretary, Domestic Finance, Department of the Treasury.

EPA CABINET ELEVATION

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on EPA Cabinet Elevation: Agency and Stakeholder Views. Testimony was heard from Christine Todd Whitman, Administrator, EPA; James Connaughton, Chairman, Council on Environmental Quality; and public witnesses.

MISSILE DEFENSE

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs and International Relations held a hearing on Missile Defense: A New Organization, Evolutionary Technologies and Unrestricted Testing. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. Ronald T. Kadish, USAF, Director, Missile Defense Agency; Thomas Cristie, Director, Office of Test and Evaluation; and Kent G. Stansberry, Deputy Director, Missile Warfare, Office of the Secretary; Robert E. Levin, Director, Acquisition and Sourcing Management, GAO: and public witnesses.

INTERNET TAX FAIRNESS ACT; HOUSING AFFORDABILITY FOR AMERICA ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action the following bills: H.R. 2526, amended, Internet Tax Fairness Act of 2001; and H.R. 3995, Housing Affordability for America Act of 2002.

GROWING NATURAL GAS SUPPLY AND DEMAND IMBALANCE

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on ''The Growing Natural Gas Supply and Demand Imbalance: the Role that Public Lands and Federal Submerged Lands could play in the Solution.'' Testimony was heard from Rebecca Watson, Assistant Secretary, Land and Minerals Management, Department of the Interior; Mary Hutzler, Acting Administrator, Energy Enforcement Administration, Department of Energy; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 3434, McLoughlin House National Historic Site Act; H.R. 3449, to revise the boundaries of the George Washington Birthplace National Monument; and H.R. 4953, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butt Road. Testimony was heard from Representatives Walden of Oregon, Hooley of Oregon and Jo Ann Davis of Virginia; from the following officials of the Department of the Interior: Sue Masica, Associate Director, Park Planning, Facilities and Lands, National Park Service; and Robert Anderson, Deputy Assistant, Minerals, Realty, and Resource Protection, Bureau of Land Management; and Scott R. Cooper, Judge, Crook County Court, Crook County, Oregon.

RESTRUCTURING SBA

Committee on Small Business: Subcommittee on Workforce, Empowerment and Government Programs held a hearing on Restructuring SBA. Testimony was heard from Lloyd A. Blanchard, Chief Operating Officer, SBA; Davi M. D'Agostino, Director, Financial Markets and Community Investment, GAO; and public witnesses.

IN THE MATTER OF REPRESENTATIVE JAMES A TRAFICANT, JR.

Committee on Standards of Official Conduct: Adjudicatory Subcommittee continued hearings in the Matter of Representative James A. Traficant, Jr., to determine whether any counts in the Statement of Alleged Violations have been proven by clear and convincing evidence. Testimony was heard from Representative Traficant; Linda Kovachik, member, staff of Representative Traficant; Sandra Ferrante, friend; Michael Robertson, private investigator; and Richard E. Detore, former Chief Operating Officer, U.S. Aerospace Group.

OVERSIGHT—FAA ORGANIZATIONAL STRUCTURE PROBLEMS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Problems with the FAA Organizational Structure. Testimony was heard from Jane F. Garvey, Administrator, FAA, Department of Transportation; and public witnesses.

HIGHWAY TRUST FUND—LONG-TERM OUTLOOK

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Long-term Outlook on Highway Trust Fund: Are Fuel Taxes a Viable Measure? Testimony was heard from Bob Taft, Governor, State of Ohio; Larry King, Deputy Secretary, Department of Transportation, State of Pennsylvania; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 4940, Arlington National Cemetery Burial Eligibility Act; 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; and H.R. 3645, amended, Veterans Health-Care and Procurement Improvement Act of 2002.

The Committee also held a hearing on H.R. 4939, Veterans Medicare Payment Acct of 2002. Testimony was heard from the following officials of the Department of Veterans Affairs: Robert H. Roswell, Under Secretary, Health; and Tim S. McClain, General Counsel; Tom Grissom, Director, Center for Medicare Management, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and representatives of veterans organizations.

HOMELAND SECURITY

Select Committee on Homeland Security: Continued hearings on H.R. 5005, Homeland Security Act of 2002. Testimony was heard from Ann Veneman, Secretary of Agriculture; Tommy G. Thompson, Secretary of Health and Human Services; Norman Y. Mineta, Secretary of Transportation; Spencer Abraham, Secretary of Energy; Kay Cole James, Director, OPM; and Representatives Thornberry, Gibbons, Harman, Tauscher and Sensenbrenner.

Hearings continue tomorrow.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION

Joint Hearing: Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence met in closed session to consider events surrounding September 11, 2001.

Committees will meet again on Thursday, July 18.

AMERICAN CLAIMANTS PROPERTY RESTITUTION IN EUROPE

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings on the state of property restitution in Central and Eastern Europe for American claimants, focusing on restitution and compensation for property seized during World War II and the communist-era, after receiving testimony from Randolph Bell, Special Envoy for Holocaust Issues, Department of State; Yehuda Evron, Holocaust Restitution Committee, Whitestone, New York; Olga Jonas, Free Czechoslovakia Fund, Bethesda, Maryland; and Mark Meyer, Romanian-American Chamber of Commerce, and Israel Singer, Conference on Jewish Material Claims Against Germany/World Jewish Restitution Organization, both of New York, New York.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 17, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine Homeland Security, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold oversight hearings to examine public mass transit systems, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings on proposed legislation authorizing funds for the Federal Trade Commission, 9:30 a.m., SR–253.

Committee on Finance: to hold hearings to examine schemes, scams, and cons regarding fuel tax fraud, 10 a.m., SD–215.

Committee on Foreign Relations: to resume 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. 107–08), 2:30 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the nomination of Mark W. Everson, of Texas, to be Deputy Director for Management, Office of Management and Budget, 2 p.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 2394, to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients; S. 2499, to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food; S. 1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; proposed legislation authorizing funding for the Child Care and Development Block Grant; and 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, Time to be announced, Room to be announced.

Committee on Indian Affairs: to hold oversight hearings to examine the protection of Native American sacred places, 10 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Constitution, to hold hearings on S.J. Res. 35, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 10 a.m., SD–226.

House

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection, to mark up H.R. 4701, Sports Agent Responsibility and Trust Act, 2 p.m., 2322 Rayburn.

Subcommittee on Health, hearing on ''Harming Patient Access to Care: The Impact of Excessive Litigation,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on Monetary Policy and the State of the Economy, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on ''Government Travel and Purchase Card Programs at the Department of the Army,'' 10 a.m. and 2 p.m., 2154 Rayburn.

Committee on the Judiciary, to mark up the following measures: S.J. Res. 13, conferring honorary citizenship of the Unites States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette; H.R. 4558, to extend the Irish Peace Process Cultural and Training Program; S. 487, Technology, Education, and Copyright Harmonization Act of 2001; H. Res. 437, requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in ''National Night Out,'' including by supporting local efforts and neighborhood watches and by supporting local officials to provide homeland security; H.R. 4965, Partial-Birth Abortion Ban Act of 2002; H.R. 3951, Financial Services Regulatory Relief Act of 2002; and H.R. 1452, Family Reunification Act of 2001, 10 a.m., 2141 Rayburn.

Committee on Resources, oversight hearing on the Compacts of Free Association, followed by a hearing on the following bills: H.R. 2408, Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act; H.R. 3407, Indian Financing Act Reform Amendment; and H.R. 4938, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the Santee Sioux Tribe of Nebraska, 2 p.m., 1324 Longworth.

Select Committee on Homeland Security, to continue hearings on H.R. 5005, Homeland Security Act of 2002, 10 a.m., 345 Cannon.

Joint Meetings

Joint Economic Committee: to hold hearings to examine economic outlook issues, 10 a.m., 2226 Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 17

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 812, Greater Access to Affordable Pharmaceuticals Act, with a vote on the motion to close further debate on the motion to proceed to consideration of the bill to occur at 10:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 17

House Chamber

Program for Wednesday: Consideration of H.R. 5093, FY 2003 Interior Appropriations (open rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1273
Barrett, Thomas M., Wisc., E1265
Becerra, Xavier, Calif., E1278
Bereuter, Doug, Nebr., E1269
Bonior, David E., Mich., E1275, E1276
Borski, Robert A., Pa., E1270
Brown, Henry E., Jr., S.C., E1276
Capuano, Michael E., Mass., E1266
Cardin, Benjamin L., Md., E1270
Costello, Jerry F., Ill., E1269, E1270
Doolittle, John T., Calif., E1274
Frank, Barney, Mass., E1265
Gekas, George W., Pa., E1263
Gilman, Benjamin A., N.Y., E1265
Hinchey, Maurice D., N.Y., E1267
Jones, Walter B., N.C., E1269
LaHood, Ray, Ill., E1264
Lantos, Tom, Calif., E1264, E1268
McInnis, Scott, Colo., E1263, E1264, E1265, E1266, E1267, E1268
Maloney, James H., Conn., E1266
Matsui, Robert T., Calif., E1267
Moore, Dennis, Kansas, E1267
Myrick, Sue Wilkins, N.C., E1267
Oberstar, James L., Minn., E1272
Obey, David R., Wisc., E1263
Petri, Thomas E., Wisc., E1276
Rangel, Charles B., N.Y., E1271
Rogers, Mike, Mich., E1271
Ross, Mike, Ark., E1271
Ryun, Jim, Kans., E1273
Skelton, Ike, Mo., E1266
Smith, Nick, Mich., E1278
Souder, Mark E., Ind., E1274, E1276
Stark, Fortney Pete, Calif., E1264
Towns, Edolphus, N.Y., E1275, E1277
Traficant, James A., Jr., Ohio, E1278
Udall, Mark, Colo., E1270, E1278
Udall, Tom, N.M., E1271
Young, C.W. Bill, Fla., E1273

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