The House was not in session today. Its next meeting will be held on Wednesday, September 4, 2002, at 2 p.m.

### Senate

**Monday, July 29, 2002**

The Senate met at 4 p.m. and was called to order by the Honorable MARK DAYTON, a Senator from the State of Minnesota.

**PRAYER**

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

> Dear God, righteous, holy Judge of us all, every word we speak and action we take is heard and seen by You. Remind us that You bless those who humble themselves and put their trust in You completely. There is no limit to what You will do for a nation and its leaders if You are glorified as Sovereign.

> May the knowledge of Your blessings to our Nation bring us to a deeper commitment to You. We want our motto: "In God we trust" to be more than a familiar phrase. You have told us, Where there is no vision, the people perish.—(Proverbs 29:18).

> And we remember Thomas Jefferson’s warning: “God who gave us life, gave us liberty. Can the liberties of a Nation be secure when we have removed a conviction that these liberties are gifts of God?” With these words ringing in our souls, grant the Senators and all of us who work with them the courage to reaffirm You as Lord to whom we are responsible for the moral, spiritual, and cultural life of America.

> Thank You for the miraculous recovery of the nine miners at Quecreek, Pennsylvania. Thank You for being on time and in time for all our needs. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK DAYTON led the Pledge of Allegiance, as follows:

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

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

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

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> **PRESIDENT PRO TEMPORE,**

> To the Senate:

> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.

> ROBERT C. BYRD,
> President pro tempore.

Mr. DAYTON thereupon assumed the Chair as Acting President pro tempore.

**RESERVATION OF LEADER TIME**

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. Mr. President, the Chair will announce, very shortly, that the Senate will be in a period of morning business that will extend until 5:30 p.m. today. The time will be divided between the two leaders or their designees.

At 5:30, we are going to have three votes: Julia Smith Gibbons to be United States Circuit Judge for the Sixth Circuit, Joy Flowers Conti to be United States District Judge for the Western District of Pennsylvania, and John E. Jones III to be United States District Judge for the Middle District of Pennsylvania.

Mr. President, we have a busy week before the August break. The House, as the Presiding Officer knows, is out of session. We hope to complete consideration of the prescription drug bill, DOD appropriations, which by order we must take up by Wednesday, the fast track conference report, and we have a lot of executive nominations. And, of course, we also hope to begin consideration of the homeland defense legislation. We have a lot to do with a little bit of time to do it.

The Senator from Nevada.

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This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the question call be rescinded.

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

Mr. GRASSLEY. Mr. President, we are in morning business, so I yield myself such time as I may consume.

The ACTING PRESIDENT pro tempore. The Senator, under the order, has up to 10 minutes.

PRESCRIPTION DRUG COVERAGE

Mr. GRASSLEY. Mr. President, for the third time in as many weeks, Senator GRAHAM and some of his Democrat colleagues have announced a mostly partisan Medicare prescription drug plan.

When it comes to prescription drug plans, it seems like Senator GRAHAM and his friends have tried everything. They tried sunsets. They tried fixed copayments. They even tried limiting coverage for many brand name drugs and his friends have tried everything. They tried spending $3,059 on prescription benefits for the 75 percent of Medicare beneficiaries with average incomes who will spend $3,059 on prescription drugs. They even tried limiting copayments for many brand name drugs. They tried spending $3,059 on prescription benefits for the 75 percent of Medicare beneficiaries with average incomes who will spend $3,059 on prescription drugs.

It is often said that the third try’s a charm. I’m sorry to say that in this case, it isn’t. It isn’t even close. Now, you might wonder whether there is another alternative that can get affordable coverage to all seniors, regardless of income.

I am happy to report that there is. For $30 billion less than the latest plan from Senator GRAHAM, it is possible to have a far better drug benefit that helps all seniors based on the tripartisan approach.

The tripartisan proposal costs only $370 billion, including improvements to Medicare besides a meaningful drug benefit. The tripartisan proposal lowers prices for all drug purchases due to negotiated discounts, and provides 50% coinsurance after a $250 deductible, up to $3,450 in drug spending.

It also provides catastrophic protection above $3,700 in spending—better protection than in the more expensive Democrat plan before us today. All this is possible while spending billions less.

The tripartisan plan also strengthens and improves Medicare by adding a voluntary, enhanced fee-for-service option. The new option provides protection against serious illness costs—something missing from Medicare today.

The new option also provides better protection against hospitalization costs and free preventive benefits. And seniors who want to keep the same basic Medicare they have today can do that too. The proposal also provides no basic coverage at all for the average senior.

And the latest try from Senator GRAHAM still requires the government to decide which medicines to make available to the few seniors who qualify for coverage.

Mr. BINGAMAN. Mr. President, on June 25, a little over a month ago, I spoke on the Senate floor about the issue of the United Nations Population Fund. At that time, I called on the President to release the funding for this organization. This is funding we had appropriated in the Congress last December.

I was extremely disappointed to learn that the Bush administration has now decided to eliminate the funding for the U.N. Population Fund. Once again, the administration has chosen to approach an issue unilaterally instead of to cooperate internationally with our allies. Once again, the administration has chosen domestic politics over the health and safety of women around the world.

The administration’s decision is contrary to the finding of the administration’s own expert panel. The administration did set up a panel and asked them to look into the issue to determine whether or not there was a problem that should prevent them from making this funding available.

That panel determined not only that the UNFPA, the United Nations Population Fund, does not condone or support in any way the violations of human rights or internationally agreed upon standards for family planning, it further found that the Fund is a force for progress, and that is a sentiment with which Secretary Powell himself has chosen domestic politics over the health and safety of women around the world.

The United Nations Population Fund works in over 150 countries. They help to give women around the world access to reproductive health care and family planning services, as well as services to ensure safe pregnancy and delivery.

The U.N. Population Fund has been working in China and around the world to encourage nations to expand the availability of family planning information and services so that people everywhere have the right to decide freely and responsibly the number and the spacing of their children. The Fund is also a leader in the global effort to prevent the spread of HIV/AIDS. From everything I have been able to read, it is clear that the U.N. Population Fund does not perform or support any activity that would violate our international agreements.

The U.N. Population Fund is a United Nations organization governed by the governments that make up the United Nations.
Nations. Many of these governments fundamentally oppose abortion, and they would never let the United Nations Population Fund be involved in supplying abortions. The UNFPA is simply a tool of the member nations that oppose abortion to keep it from going forward, and that will is to help the most desperate women and their families in some of the poorest countries in the world who are suffering every day in very terrible ways.

The $34 million we are discussing has been denied by the administration to be used as the Congress intended would directly contribute to effective modern contraception for over 1 million couples. This $49 million would prevent over 100,000 unwanted pregnancies. It would prevent a quarter of a million unwanted births. It would help women avoid over 200,000 abortions and prevent thousands of maternal and child deaths in the same effort.

Further, the Fund’s policies of constructive engagement in China have been shown to result in much-needed progress and a reduction in some of the worst violations of human rights in that country.

The administration’s decision is another affront to the world’s women. It follows on the administration’s decision to impose the global gag rule on family planning providers, and also it follows upon the administration’s unwillingness to champion the international treaty on the rights of women.

I hope that the Senate, when we consider the appropriations bill—and I assume we will either this week or shortly, when we return in September—will have broad support for the $50 million that hopefully will be included for the United Nations Population Fund in this upcoming fiscal year.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. BINGAMAN. I am glad to yield to my colleague.

Mr. REID. Senator Byrd has given a number of speeches in recent days on and off the floor about separation of powers; that we, the legislative branch, do something and the power is taken away by the executive branch of the Government. This is a perfect example; would the Senator agree?

Mr. BINGAMAN. Mr. President, I do agree this is a perfect example. This is a case where the Congress made a very clear decision to provide assistance to this United Nations Population Fund. It did give the administration discretion to look into the question of whether there were human rights problems, and the administration looked into it, and its panel determined there were not. Yet in spite of that, the administration made a decision to withhold the funds. So I agree entirely with the statement of the Senator from Nevada that this is a case where the administration is acting contrary to the clear intent of the Congress.

Mr. REID. I so appreciate the statement of the Senator from New Mexico for a number of reasons, not the least of which is that it seems those who oppose abortion the most are those who fight against us for these moneys; is that not a fair statement?

Mr. BINGAMAN. Mr. President, again, let me respond by saying that is my clear impression as well. The estimates which I have given in my floor statement are that there will be in the range of 200,000 abortions performed as a result of our Government, our administration’s money. I think those who are opposed to abortion are finding an odd way to pursue that goal by trying to keep these funds from being expended.

Mr. REID. Mr. President, as I ask my friend, it is also true, is it not, that the 200,000 abortions are for a year’s period of time? Over the years when we have been prevented, as we have on other occasions by Republican administrations, from supplying the money, hundreds of thousands of abortions each year are performed that would not have to be performed but for our not having this money; is that right?

Mr. BINGAMAN. Mr. President, in response, I say it is the right thing to do. Obviously, the work of an organization such as this United Nations Population Fund can only be effective if they can put in place programs they can then sustain. It requires a period of years actually to do some educational efforts in these underdeveloped countries. That is what is so unfortunate about the decision of the administration to withhold funds this year. We will have a chance, once again, to appropriate additional funds for the new fiscal year, but this year has been lost, and unfortunately there are other years, previous years, where our opportunity to help solve these problems has been squandered.

Mr. REID. Mr. President, if it is true, is it not, that these programs are voluntary in nature, educational in nature, people are learning how to prevent pregnancies? Is that one of the programs that is involved?

Mr. BINGAMAN. In response to my friend’s question, that is clearly the main thrust of this funding. It is to provide much-needed information to desperately poor women in these countries so they can make voluntary decisions about what they want to do, how many children they want to have, and what their options are as they move ahead. These are all voluntary programs by definition. And even if my friend also acknowledge that these programs involve in various places well-baby programs to teach women how to take care of babies, and also prenatal care, which is such an important part, to countries outside the United States, where these monies could go? Is that true?

Mr. BINGAMAN. Again, let me respond by saying that is very true. The thrust of these efforts is to reduce the incidence of mothers dying while giving birth, reduce the incidents of child deaths, infant deaths. Clearly, that is the main thrust of what we are trying to accomplish with these funds.

Mr. REID. Finally, I ask my friend, so I understand the numbers, as a result of this political ideology, just for this year alone, there are going to be 500,000 unwanted pregnancies; there will be 250,000 unwanted births, for lack of a better way to describe it, and some 200,000 abortions; that a fair summary of the numbers?

Mr. BINGAMAN. In response, those are the right numbers. I will go through them once more. The estimates we have is that this $94 million the Congress appropriated last year, it was intended to provide effective, modern contraception for over a million couples to prevent over 500,000 unwanted pregnancies, to prevent a quarter of a million unwanted births and to help women avoid over 200,000 abortions. So that is what we estimate that funding would be able to accomplish.

Now, obviously, none of that will be accomplished during this fiscal year.

Mr. REID. I said I had one last question; this will be it: Mr. President, if it is the right thing to do, prevent the spread of HIV; is that true?

Mr. BINGAMAN. In response to my friend from Nevada, that is the major thrust of this effort. Information is given to parents, to mothers, about these issues, good education and information can also be provided about how to prevent the spread of HIV/AIDS, which is an enormous problem, a terrifying tragedy afflicting the underdeveloped countries in the world.

Mr. REID. Which is costing American taxpayers money; is that true?

Mr. BINGAMAN. That is exactly right. We are spending a very substantial amount in trying to deal with the problem of HIV/AIDS in the world. We are being called upon by many of the world’s leaders to spend substantially more, and, frankly, I think the drumbeat for us to spend more and more to prevent the spread of HIV/AIDS will continue to grow.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I appreciate very much the statement of the Senator from New Mexico. He is right on point with the critical issue facing the world, and it is a relatively small amount of money we are talking about with all the other monies being spent. This is one that will bring back dividends to our country, and I think the Administration will—under which it will—it is the right thing to do.

As I have said, for political ideology, for the people who cry out against abortion, they are the ones who are opposing what we are trying to do to prevent abortions. This is hard for me to comprehend. It is wrong, and I hope people in the administration will weigh in.

I was very disappointed in Secretary of State Powell for making this announcement when in the past he had said what a great program this was because we had going, and then, because of others, I guess, who have more power than he, he came out and gave this wishy-washy
statement about this program money being cut. I do not think his heart was in it, and I am certain his head was not, but I guess there are certain things one has to do. I hope he will not be doing other things like this that appear on the surface so wrong and something he apparently disagrees with so vehemently.

Mr. President, I ask unanimous consent that during the call of the quorum, which I would suggest, the time be charged equally against both sides.

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

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

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

MEDICAL MALPRACTICE

Mr. THOMAS. Mr. President, I will visit for a few minutes about medical malpractice, which we will deal with tomorrow. Part of the bill originally had to do with pharmaceuticals. We have had a hard time focusing on pharmaceuticals. The amendment I will discuss expands health care access and has to do with the additional cost brought about by the difficulty arising with lawsuits and medical liability. We need some reform in this area.

In my State of Wyoming, the Wyoming Medical Society has been very concerned. Insurers have been pulling out of the markets or increasing premiums that are above affordable levels. It is a substantial problem. The crisis is now in Casper, WY. Of course, it is all over the country as well. We are beginning to lose some of the practitioners. That is difficult, particularly in an underserved area.

I rise today to support the McConnell amendment on medical malpractice tort reform. The Senate passed this exact language in 1995. There is little reason we should not pass it again. Physicians alone spent $6.3 billion in malpractice insurance premiums last year. This does not include what other providers such as hospitals have paid. This amendment is a good step in the right direction to reduce or limit the cost of health care to all persons.

The McConnell amendment does a number of things, all of which are very important and necessary. It limits punitive damages to two times the sum of compensatory damages. The amendment only allows punitive damages in cases where the award has been by clear and convincing evidence. It also places limits on attorney’s fees, limiting lawyers to collecting a third of the first $150,000 of an award and 25 percent of the award for amounts above $150,000. It requires lawsuits be filed within 2 years of the claimant’s discovery of the injury. It encourages States to develop alternative dispute resolution mechanisms to help resolve issues before the court.

It seems to me it is a step in the right direction in doing something about these costs. Some of the premiums that physicians are required to pay to practice are amazing. The result is many retreat from practice are particularly where relatively low fees are being paid.

Median malpractice awards increased by 43 percent in 2002 to $1 million; 52 percent of all jury awards are now over $1 million. These excessive awards only contribute to the overall costs of health care for all Americans. Since awards drive up malpractice premiums and physicians must pass that on to their consumers, health insurance premiums for everyone continue to go up. If we are now able to afford health insurance. They are currently 40 million uninsured Americans. Recent reports show that medical malpractice is responsible for 7 percent or $5 billion of the overall increases in health care costs. Last year, one of the largest physician insurers in the Nation stopped its medical malpractice business. As a direct result, some doctors and hospitals see their premiums rising 20 to 100 percent. Some specialists are paying over $100,000 a year in premiums. Obstetrics is a particular problem. Hospitals in two rural counties in West Virginia have stopped delivering babies; half of 93 obstetricians in Clark County no longer accept new patients. One Nevada obstetrician closed her 10-year practice after her malpractice premiums went from $37,000 to $150,000. All of this, of course, must come from the patients.

It is clear something needs to be done to address this growing crisis. According to the American Medical Association, 12 States are in crisis now; 30 are showing signs of being in crisis; 8 are currently OK.

I hope as we talk about this tomorrow, we can do some things that start moving in the right direction. The cost of health care is certainly an important issue to all of us. We have to deal with it in pharmaceutical costs. We have sought to deal with it by getting physicians into underserved areas by various means. But one of the ways that is important and has changed is the matter of the cost of medical malpractice tort reform. I hope we can deal with it tomorrow.

I yield the floor.

The ACTING President pro tempore.

The Senator from Pennsylvania.

THE MINERS AND SOMERSET COUNTY

Mr. SPECKER. Mr. President, I have sought recognition to speak about the gallant men, nine miners from Somerset County in my State of Pennsylvania, who went through a most extraordinary ordeal—77 hours trapped in a mine. The eyes and ears of the world were on Somerset County, people wondering if it was possible for men in an underground mine shaft, immersed in pitch black, reportedly 40 feet high, no food, no communication with the outside world—people wondered whether those men could survive. Almost in a miraculous way, finally, through the extraordinary efforts of Federal, State, and local rescuers, those nine men were rescued at 2:44 a.m. on Sunday, just yesterday. Their ordeal started on Wednesday, July 24, at 9 p.m., and ended on Sunday morning, July 28 at 24 a.m.

People are in amazement around the world, at their successful rescues. It is very unusual, very odd to say the least, that a small county in western Pennsylvania, more than 50 miles southeast of Pittsburgh, would be the focus of so much international attention.

Last September 11, as we all know, a flight crashed into Somerset, one of the four hijacked by terrorists on September 11, the flight headed to be headed to this building, the Capitol of the United States. No one can be sure—some have speculated it might have been headed to the White House—but the speculation was that the plane that crashed into the Pentagon was headed to the White House.

In any event, Somerset County was the site of an international tragedy less than a year ago. It is more than lightning, but to have lightning, so to speak, twice in such a small county in western Pennsylvania is unusual. But this time, instead of tragedy, instead of the loss of lives, these men were rescued.

In an era where there is so much bad news around the world, so much difficulty with terrorism around the world, with the problems with the Palestinian terrorists against Israel, the grave difficulties between India and Pakistan over Kashmir, the differences between North Koreans and South Koreans and all the problems of Africa—and that litany could be the subject of a lengthy conversation—to find a bright spot, find a success, find a rescue, is certainly more than a breath of fresh air for the entire world but especially, of course, for the miners who were involved: Mr. Randy Fogle, Mr. Harry Blaine Mayhugh, Mr. Thomas Foy, Mr. John Unger, Mr. John Fogle, Mr. Robert Pugh, Mr. Dennis Hall, Jr., Mr. Robert Pugh, and Mr. Mark Popernack.

Representing Pennsylvania, as I have for some 22 years now, I have obviously been intimately connected with the issue of the coal, the issues of some 30 billion tons of bituminous in western Pennsylvania and 7 billion tons of anthracite in northeastern Pennsylvania and the mining industries being struggling industries; this industry has taken up a great deal of time—not only of mine, but of the entire Pennsylvania delegation, really beyond the Pennsylvania delegation.
I have had occasion to go underground. I must say it is an eerie, desolate feeling to take one of those elevators down about 20 stories and then hunch over, in the miner's gear with a little light on your cap, and lean backwards in a rail car which moves several miles a minute. Because if you sit up straight, there isn't sufficient room. I have marveled at the courage and the tenacity of the miners who go into those deep mines, day after day after day, risking life and limb.

I thought not too long ago when a thousand miners a year were killed there. Fortunately, with mine safety, that situation has improved materially, but it is still a very risky line of work.

I got through today to Mr. Ron Hileman who lives in Gray, PA, and talked to him about his experiences. As you might imagine, he is a real hero. When I said to Mr. Hileman that he was a hero, he dissented, but that is the very essence of them. They do not acknowledge being heroes.

We talked about being in that enclosed area with 60 million gallons of water pouring in. A miner of 27 years with a wife and two children, of course, the Hileman family is overwhelming. Mr. Hileman expressed his own very deep gratitude.

I asked him what had happened. I asked him if the maps might have foretold the problem.

He said the underground maps did the best they could. But when other miners came in adjacent, as Mr. Hileman put it, some of the miners would snatch a little extra coal—go a little extra distance and go beyond the line which they had and into another area. Then, when the miners went down there last week, they ran into an old mine shaft. The old mine shaft had caused the enormous problem with the flooding.

I want to pay tribute to Pennsylvania's Governor, Mark Schweiker, an international figure, a hero in his own right—and for good cause—on the job, persevering, leading Federal, State, and local officials, meeting with the families. I talked to him over the weekend and he was there, on the job, and certainly deserves the commendation, not only of Pennsylvania but the commendation of the Nation, the commendation of the world.

This accident points up the need for greater miners' safety as they are performing very important work, providing energy, providing coal, providing a resource in our effort to try to free ourselves from the dominance of OPEC oil. With progress in clean coal technology, as I have said on this floor on many occasions, the coal industry across America, Pennsylvania, West Virginia to Wyoming and beyond, could provide that alternative source of energy.

When I talked to of what we have done on that subcommittee for the Department of Labor appropriations going back to September of 1981, there were efforts to reduce the mine surface inspections from twice a year to once a year. Many of us resisted, and that was stopped.

We had a mining hearing August 1991 where there were operators who were tampering with coal mine dust devices. Then there have been efforts made to cut the Mine Safety and Health Administration repeatedly.

This body, the U.S. Senate, and Senator HARKIN, as ranking member in 1995 when I took over the chairmanship, and now Senator HARKIN as chairman, has maintained the safety funding so that where there have been efforts to cut, we have resisted. We maintain the black lung clinics.

I believe that this is a good day for the United States and the U.S. Senate to pay tribute to the coal miners of America for what they are doing for the Nation by providing needed energy for domestic purposes and also for national security.

I especially thank you for the rescue of the nine mine workers; and we pay tribute to those men and their families and to the heroic rescuers led by Governor Schweiker that brought them to safety.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Wyoming.

Mr. ENZI. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. Seven minutes 43 seconds remaining.

Mr. ENZI. Thank you. I have a more extensive speech, but I will limit my remarks so that the Senator from North Dakota will have his full time.

[FOREST MANAGEMENT]

Mr. ENZI. Mr. President, I just returned from a normal weekend. On Fridays, my wife and I usually go to Wyoming and we come back on Sunday night, which actually turns out to be Monday morning by the time we make the trip. This time I was able to concentrate a little bit of time in the area just outside Yellowstone Park, on the east side of Yellowstone Park between Cody and the park. I was there last year.

There was a fire inside Yellowstone Park. I wanted to see how the new fire plan was working. I got a very extensive and excellent tour. It was educational, but it pointed out some problems that need to be taken care of in the West.

Of course, those problems wouldn't be quite as extensive except for the drought we are having. This is the third year of the drought in Wyoming. One of our lakes in the northern part of the State that drains up into Montana is dropping almost 2 feet a week. It is down 125 feet from its normal level. Most lakes in the Nation would be dry on a bed of 12 feet. This one still has some water, but it doesn't have boating anymore. That not only affects recreation in the area; it affects the communities in the area because they do not get the revenues they would normally get from tourism and visitors.

Ranchers are having to sell off their herds. They don't have any grazing because of the drought. This is the third year they have wiped out their herds. Most of them are completely wiped out from that aspect.

We have another little problem. That is the way the Tax Code is arranged. The Tax Code says if you have to do an emergency sale and you have some revenue in the next 2 years you can apply that so you don't have to pay taxes. They have been wiped out with the herds, and they are going to have to pay taxes because there is no revenue to take it against.

There are many peripheral issues that happen with the drought. We need to concentrate in this body on fire prevention in our forests. This is what some of the forests look like—just tremendous blazes. You can see the way the tinder lays up in layers. It forms a chimney, and it goes to the top of really big trees. When it gets to the top of the trees, the fire itself creates a wind. The wind will knock over the trees, and the fire crown a half mile away to start another fire. Once a fire starts, it can be very extensive.

We have a new plan that says put it out as soon as you can. That is helping tremendously. We tried to do some of what they call natural foresting. When natural foresting was actually natural foresting, there weren't people inhabiting those areas.

In this particular area near Yellowstone, there is a huge pine needle forest because of pine bores. They bore into the trees when they are young. They eat a circle around the tree, and it kills the tree. Then the tree looks rusty. The next year and the year after, all the needles are gone, and it is just a standing dead pine tree.

Of course, the best time for it to burn is when it is all rusty. When the needles are dried out and they burn, they form a chimney effect, going up to the top of the tree. That is how huge parts of the forests are between Yellowstone Park and Cody, WY, right now.

Those trees need to be taken out. If they are not taken out, a Boy Scout rifle, those lodges, and 68 homes will go up in smoke.

Last year, when there was a fire in the park, they pointed out the pine needle forest and the need to get those trees taken out. I have been working on that since then. We haven't been able to get it done. There have been very easy court actions that can prohibit that sort of thing from happening. But it is absolutely essential.

Those lodges have post-evacuation plans. As the fire starts, they have to call all their guests in and explain how the park is going to be able to get out of this valley to keep from being trapped by the fires, fires such as these where
you can see the animals are having a little bit of concern about how they could be trapped by the fire.

That cuts into the tourism. People don't go home and tell about the great experience they had. They go home and tell about the extreme pressure they were under with fires. Consequently, they spread the advertising in a very negative way. We want it to be in a positive way.

There are things that can be done and that should be done. I will be taking some more time to explain what they are and steps that are being taken by the Forest Service at the moment. But more extensive steps need to be taken.

Senator DASCHLE has an amendment on a supplemental spending bill to take care of some of the problems bordering Wyoming in the Black Hills. It very explicitly allows them to go in and cut down those trees, which will reduce the amount of tinder. There are some ways that we can do that.

I introduced a bill, S. 2811, the Emergency Forest Rescue Act of 2002. That gives the Secretaries of Agriculture and Interior the ability to recognize emergency conditions that exist in the forests and allows the land managers to act to protect them from the extreme threat of fire, specifically those suffering from drought and high tree mortality. Those two circumstances have to be present. It also requires the approval of the Council on Environmental Quality. I have some protections built in and some ability to move forward quickly so we don't burn up huge valleys and extend the fire into Yellowstone Park, which is one of our great natural treasures. In fact, all of our forests should be national treasures. Present conditions do not make them as usable as they could be or as pretty as they could be.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 20 minutes under the order.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

Mr. DORGAN. Mr. President, I believe the Senator from Alaska would like to use the last 5 minutes. I ask unanimous consent that he be recognized for the final 5 minutes.

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

The TRADE AGREEMENT

Mr. DORGAN. Mr. President, in the coming days I assume there will be a lot of suspender-snapping, back-thumping, chortling, and crowing about the new fast track trade agreement that was announced in the weekend press.

There was a conference in the House and Senate. They came out with a new trade agreement. The moniker is trade promotion authority. It is a fancy way of saying fast-track trade authority for President Bush.

I didn't support fast track trade authority for President Clinton, and I don't support it for President Bush. This is not a victory for our country.

I assume, since the conference report has passed the House, it will come to the Senate. We will have speeches by people wearing dark suits who talk about how wonderful this is for our country. What a wonderful thing it is that we now have fast-track trade authority. So some of our trade negotiators can go overseas somewhere, go into a room, close the door, lock it, keep the public out, and negotiate in private and, then and come back to the Congress and say: Here it is. Take it or leave it. No amendments. Up or down. No changes.

The people who apparently believe in this do not believe in the first law of holes; that is, when you find yourself in a hole, stop digging. They believe, if you find yourself in a hole, keep digging, look for more shovels.

Let me speak about where we are with our trade deficits. This chart shows the record trade deficits we have seen over the past decade. When the year 2002 figures are posted, they will be way off the chart up here: $846 billion. That is the way it is. That is the way it was. We are good friends. But I will tell you what. In international trade, we have a notion of fairness. Open your markets to us, and we will open our markets to you. But if you close your markets to the United States, ship your cars to Niger, for example, rather than to the United States, ship your cars to Nigeria or perhaps Iran, and see how quickly they sell.

Let's talk about beef exports to Europe. Go to Europe. The Presiding Officer has been in Europe. Pick up a newspaper in Europe—I have been there this year—and you read about European trade restrictions on U.S. beef, allegedly because of hormones. The way they picture it, it is as if we are shipping them beef that came from cows with two heads. That is the way it is portrayed in the European press. They keep United States beef out of Europe.

Our country actually tried to do something about that. We said: Look, you either allow United States beef into Europe, or we are going to take action against you. So, finally, a little bit of backbone from our trade representatives, right? Finally, we have some nerve. Finally, we have the good old American spirit and we are going to stand up for our producers. We couldn't get beef into Europe, so we took action.

Our trade representatives filed a case at the WTO against the Europeans for their restrictions on our beef. The WTO actually ruled on it, which itself is a surprise. The WTO said: Europe, you are wrong. You must allow United States beef into Europe. Europe said: It doesn't matter. We are not going to do it. So our trade negotiators said: We are going to take action against the Europeans. Do we know what we are going to do? We are going to retaliate by imposing tariffs on European truffles, ghee livers, and Roquefort cheese.
Now, that will strike fear in any country, won’t it? They will not allow our beef in Europe, but we are going to make it tough for them. We are going to take action against truffles, goose livers, and Roquefort cheese. Good for us.

When, on Earth, will we have the nerve to say to other countries, we demand—we insist—on fair trade?

Twelve years ago we reached an agreement with Japan on beef. All the trade negotiators celebrated as if they just won the 100-yard dash in the Olympics, as if they were all wearing gold medals because we reached a trade agreement with Japan on beef. But 12 years later, every single pound of American beef going into Japan still bears a 28.5-percent tariff.

Try to send T-bones to Tokyo, a 37.5-percent tariff—every pound of beef. We have a $60 to $70 billion trade deficit with Japan, yet we cannot get beef into Japan without a tariff near 40 percent. It doesn’t make sense to me.

This issue goes on and on. In my part of the country, we face an avalanche of unfairly subsidized Canadian grain coming in from a monopoly called the Canadian Wheat Board. We can’t do a thing about it because the last trade agreement that came through here limited our remedies under section 301. We don’t do a thing about it, so this grain floods into our country from Canada. It is unfair.

Our Canadian friends, they are good friends of ours, but they are not playing fair with respect to trade and grain. So U.S. wheat producers, family farmers, put together the information to file a complaint. They won the complaint. The U.S. Trade Representative judged that the Canadians, through the Canadian Wheat Board, are engaged in unfair trade.

What is the remedy? Well, apparently, according to our trade ambassador, is just to say that the Canadians ought to really watch it. No tariffs. No effective actions. No sanctions. Just: You had better watch it. That is not the way to deal with international trade.

When this so-called fast-track authority agreement was reached in conference, the committee of jurisdiction issued a memorandum describing what they did in conference and what a terrible deal it is.

Trade adjustment assistance: They tripled it. That provides assistance with health insurance for displaced workers. So if you lose your job because of these trade agreements, guess what? We are going to exchange for your job some health insurance for you. If you are a primary worker, but a secondary worker, we are going to cover you for the first time. That is going to make you feel really good as you go home and tell your family: I have lost my job. But guess what. I am a secondary worker, and I think I am covered with some health insurance for a while. I think I am going to get a little health insurance here.

There is a new program for providing wage insurance for older workers, realizing the difficulty for older workers to change careers. Why would you have to change a career? Because you just found out you will work in Bangladesh or Indonesia, where they are going to do for 20 cents an hour what you did for a living wage in this country.

There is a new benefit for farmers and ranchers who have been losing money hand over fist because of price collapses. If they lose money now because of these new trade agreements, there is a little help for them. Somebody takes the market away, we give them just a little bit of help in trade adjustment assistance. Lose your job? Lose your farm? Lose your ranch? Guess what. We will help you out a little bit.

The issue, according to these folks, is not about fair trade. The fight is about how can we provide assistance to Americans who are going to lose their jobs.

For me, the question is this: What are the elements of fair trade? What is price for admission to the American marketplace? We fought for a century about fair labor standards, about not having children go down in coal mines, and not having children work in factories, about requiring safe workplaces, about a minimum wage, about the right to organize. Then some companies decided: We can skip all of that. We can pollute the soil with all those things. We can hire someone in Indonesia and pay them 24 cents an hour to make shoes. We don’t have to worry about all those things we had to worry about in the United States.

When we in the Senate were debating the current fast-track bill in May, the Presiding Officer offered an amendment which I cosponsored, the Dayton-Craig amendment. It said: If in the next negotiation, there is any attempt to weaken the remedies for American producers, countervailing duties, any number of remedies to take action against unfair trade, if that is the case, there is going to be a separate vote in the Congress on that. The amendment passed in the Senate by a wide, bipartisan vote. Senators voted for it. But when the bill got to conference, the provision got dropped, just got dropped. Instead, we got the right to do a sense-of-the-Senate vote. Well, thank you very much. You could do that, and the new provision does nothing to defend our trade laws. It doesn’t mean anything. If you just like to be here and put your suit and necktie on to vote for the heck of it, be our guest, come and do it, but this doesn’t mean anything. They dropped it. Effective provision from the Senate version of the trade bill, one that would have helped producers in this country.

They also dropped my amendment that said on investor dispute resolutions in NAFTA, proceedings must be open, they must be transparent. The door must be open. The public must see it. Now it is done in secrecy.

They dropped my amendment. They dropped anything that was good. Then they put a sort of chocolate coating on things that were bad, sent it out here, and said: Hope that tastes good. Well, it doesn’t taste good. This doesn’t make any sense to us.

It is interesting, there is only one view of trade that you can embrace these days. We have the largest trade deficit in history; last month over $41 billion—last month alone. A lot of major papers won’t run a piece on the trade deficit on their op-ed pages because there is only one view on their op-ed pages: You are either for global trade or you are against it. If you are against it, you are some sort of xenophobic isolationist stooge who just wants to get out of it. Everybody else sees over the horizon. Those who oppose fast track don’t.

That is one of the most thoughtless approaches to a trade debate I can imagine. We will have a lengthier discussion on this this week. I will have much more to say.

Let me say again, I believe expanded trade is helpful to this country provided expanded trade is fair trade. We have been victimized in so many ways by so many trade agreements—recently, NAFTA and the WTO. You name it. I will show you the trade agreement that has expanded our trade deficit, hurt our producers, moved our jobs overseas, and nobody seems to care very much. Do you hear one peep on the floor of the Senate about the largest trade deficit in history? Just one? I don’t hear a thing. Yet it hurts this country. It is going to cause this country serious economic problems in the future.

I have so much more to say today, and so little time to say it. I want the Senator from Alaska to have the opportunity to speak for the last 5 minutes. So when this legislation comes to the floor of the Senate, I will speak at greater length later in the week. In the meantime, suffice it to say, some of us don’t celebrate as much as others when they talk about the ingredients of this conference report on fast track. This is not advancing our country’s interest. It is not fair to producers and to workers.

I yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. I thank Senator Dorgan for his courtesy.

COMMEMORATING THE 50TH ANNIVERSARY OF THE UNITED STATES EUROPEAN COMMAND HEADQUARTERS

Mr. STEVENS. Mr. President, I, along with General Joe Ralston, the Supreme Allied Commander Europe,
commend the past success and continued contributions of those men and women of our Armed Services who comprise the United States European Command.

This Thursday, August 1, the U.S. European Command will celebrate its 50th anniversary. Over the last 50 years the European Command has played a critical part in the successful preservation of peace and stability in and around Europe, and they continue to do so today.

For more than 35 years during the cold war, the primary mission of the European Command Headquarters, established in Frankfurt, Germany in 1952, was to fulfill United States treaty obligations to NATO by providing combat ready forces to counter the Soviet threat and ensure peace in Europe, Africa and portions of the Middle East.

With the collapse of the Soviet empire, a vast range of responsibilities over Europe, the Middle East and such a vast range of responsibilities could not be overstated. The European Command has played a major role in promoting peace and to the preservation of our national interests cannot be overstated.

On the 50th anniversary of the establishment of the U.S. European Command, it is fitting that we honor the millions of dedicated American men and women who have served, and continue to serve our nation overseas.

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

The PRESIDING OFFICER (Mr. Nelson of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. REID. Mr. President, has 5:30 p.m. arrived?

The PRESIDING OFFICER. It has.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JULIA SMITH GIBBONS TO BE UNITED STATES CIRCUIT JUDGE—Resumed

The PRESIDING OFFICER. Under the previous order the Senate will now go into executive session and proceed to vote on Executive Calendar No. 810, which the clerk will report.

The legislative clerk read the nomination of Julia Smith Gibbons, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

CONFIRMATION OF JUDGE JULIA SMITH GIBBONS

Mr. LEAHY. Mr. President, with today’s vote, the Senate will confirm the 12th judge to our Federal courts of appeals and our 61st judicial nominee since the change in Senate majority last summer. In little more than 1 year, the Senate Judiciary Committee has already voted on 75 of this President’s judicial nominees, including 15 nominees to the courts of appeals. This is more circuit and district court nominees than in any of the previous 6½ years of Republican control. In fact, we have given votes to more judicial nominees than in 1996 and 1997 combined, as well as in 1999 and 2000 combined.

Despite the partisan din about blockades and stalls and inaction as well as absurd claims that judicial nominees are being held “hostage”—the fact is that since the change in majority last summer the Senate, and in particular the Judiciary Committee, has been working at a much faster rate than in the first years of Republican control. With respect to courts of appeals nominees, we confirmed the first of President Bush’s nominees last July 20 and today we confirm the 12th. That is a confirmation rate of approximately one circuit court confirmed per month. By contrast, in the 76 months in which Republicans were in charge, only 46 courts of appeals judges were confirmed, at a rate closer to one every two months. Thus, despite the additional obstacles and roadblocks that the partisan practices of the new administration have created and the partisan rhetoric of our critics, we are actually achieving almost twice as much as our Republican counterparts did. With a little cooperation from the administration and the nomination of more moderate, mainstream candidates, we would be even further along.

During the 76 months under the Republican control before the Judiciary Committee was allowed to reorganize, vacancies on the Federal courts rose from 63 to 110. Vacancies on the Courts of Appeals more than doubled from 16 to 32. That is the situation created by Republican inaction and that is the situation we inherited. Since the change in majority, confirmations have gone up and vacancies have been going down.

Courts of Appeals vacancies are being decreased rather than continuing to increase, despite the high level of attrition since the shift in Senate majority last summer.

Indeed, in the last year the Judiciary Committee held the first hearing on a Fifth Circuit nominee in 7 years, the first hearing on a Tenth Circuit nominee in 6 years, the first hearing on a Sixth Circuit nominee in almost 5 years, the first hearing on a Fourth Circuit nominee in 3 years, the first hearing on a Ninth Circuit nominee in 2 years. This week we held hearings on a third nominee to the Fifth Circuit in less than a year. This contrasts with the lack of any confirmation hearing on any of President Clinton’s nominees to the Fifth Circuit in the last 5½ years of Republican control of the confirmation process, despite three qualified nominees and vacancies there.

The nominee being considered today is the first nominee to the Sixth Circuit to be given a vote by the Senate since 1997.

After that, the Republican majority locked the gates and despite a number of well-qualified nominees sent to the Senate by President Clinton between 1995 and 2001, none were allowed to receive a hearing or a vote for all of 1998, 1999, 2000 and the first 3 months of 2001. Most of the vacancies that exist on the Sixth Circuit arose during the Clinton administration and before the change in majority last summer.
Yet not one of the Clinton nominees to those current vacancies on the Sixth Circuit received a hearing by the Judiciary Committee under Republican leadership.

The Sixth Circuit vacancies are a prime and unfortunate legacy of the past part obstructions practices under Republican leadership and one of a number of examples of circuits in which the vacancies were preserved rather than filled by the former Republican majority in the Senate.

That is what created the problem that we are now trying to correct. Vacancies on the Sixth Circuit were perpetuated during the last several years of the Clinton administration when the Republican majority refused to hold hearings on the nominations of Judge Helene White, Kathleen McCree Lewis, and Professor Kent Markus to those vacancies in the Sixth Circuit.

One of those seats has been vacant since 1995, the first term of President Clinton. Judge White of the Michigan Courts of appeals was nominated in January 1997 and did not receive a hearing on her nomination during the more than 1,500 days before her nomination was withdrawn by President Bush last year.

Judge White’s nomination may have set one or a number of unfortunate records for obstruction established during the years 1996-2001. Her nomination was pending without a hearing before this committee for over 4 years 51 months.

She was first nominated in January 1997 and renominated and renominated through March of last year when President Bush chose to withdraw her nomination.

This was at a time when the committee averaged hearings on only nine courts of appeals nominees a year and, in 2000, held only five hearings on courts of appeals nominees all year. In contrast, Judge Gibbons was the 11th courts of appeals nominees voted on by the committee during the first 10 months of a Democratic majority.

As of today, the Democratic-led Judiciary Committee has held hearings for 17 of President Bush’s courts of appeals nominees in less than 13 months, and we will hold our 18th hearing for a courts of appeals nominee this week.

Kathleen McCree Lewis, a distinguished lawyer from a prestigious Michigan law firm, also did not receive a hearing on her 1999 nomination to the Sixth Circuit during the years it was pending before it was withdrawn by President Bush in March 2001. She is the daughter of Wade McCree, a former Solicitor General of the United States and former Sixth Circuit judge.

Professor Kent Markus, another outstanding nominee to a vacancy on the Sixth Circuit that arose in 1999, never received a hearing on his nomination before his nomination was returned to President Clinton without action in December 2000.

While Professor Markus’ nomination was pending, his confirmation was supported by individuals of every political stripe, including: 11 past presidents of the Ohio State Bar Association; more than 80 Ohio law school deans and professors; prominent Ohio Republicans, including Ohio Supreme Court Chief Justice Thomas Moyer, Ohio Supreme Court Justice Burggraf, Congresswoman Deborah Pryce, and Congressman David Hobson; the National District Attorneys Association; and virtually every major newspaper in the State.

Professor Markus summarized his experience as a Federal judicial nominee in testimony this May in a hearing before Senator Schumer. Here are some of the things he said:

On February 9, 2000, I was the President’s first judicial nominee in that calendar year. And then the waiting began. . . . At the time my nomination was pending, despite lower vacancy rates than the 6th Circuit, in calendar year 2000, the Senate confirmed circuit nominees to the 3rd, 9th and Federal Circuits. . . . No 6th circuit nominee had been afforded a hearing in the prior two years. Of the nominees to the Judiciary Committee hearing, there was no circuit with more nominees than the 6th Circuit.

With high vacancies already impacting the 6th Circuit’s performance and more vacancies on the way, why, then, did my nomination expire without even a hearing? To their credit, Senator DeWine and his staff and Senator Harkin’s staff and others close to him were straight with me.

Over and over again they told me two things: No, (1) there was nothing in my performance, and no, (2) more nominations to the 6th Circuit during the Clinton Administration, and No, (2) this has nothing to do with you; don’t take it personally it doesn’t matter who the nominee is, what credentials they may have or what support they may have—see item number 1. . . .

The fact was, a decision had been made to hold the vacancies and see who won the presidential election. With a Bush win, all those seats could go to Bush rather than Clinton nominees.

As Professor Markus identified, some on the side of the aisle held these nominations in abeyance in order to let President Clinton fill, instead of proceeding fairly on the consensus nominees pending before the Senate. Republicans were unwilling to move forward, even knowing that retirements and attrition would create four additional seats that would arise naturally for the next President. That is why there are now eight vacancies on the Sixth Circuit and why it is half empty.

Long before some of the recent voices of concern were raised about the vacancies on that court, Democratic Senators in 1997, 1998, 1999, and 2000 implored the Republican majority to give the Sixth Circuit nominees hearings. Those requests, made not just for the sake of the nominees but for the sake of the public’s business before the court, were ignored. Numerous articles and editorials urged the Republican leadership to act on those nominations, to no avail.

Four of the former presidents of the Montana State Bar pleaded for hearings on those nominees. The former chief judge of the Sixth Circuit, Judge Gilbert Merritt, wrote to the Judiciary Committee chairman years ago to ask that the nominees get hearings and that the vacancies be filled.

The chief judge noted that, with four vacancies—the four vacancies that existed at the time—"the Sixth Circuit ‘is hurting badly and will not be able to keep up with its work load due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our Court.’" By the time the next President is inaugurated, there will be 6 vacancies on the Courts of appeals. Almost half of the Court will be vacant and will remain so for most of 2001 due to the exigencies of the nomination process.

Although the President has nominated candidates, the Senate has refused to take a vote on any of them.” Nonetheless, no Sixth Circuit hearings were held in the last 3 years of the Clinton administration, despite these pleas. Not one. Since the shift in majority last summer, the situation has been exacerbated further as two additional vacancies have arisen.

The committee’s April 25th hearing on the nomination of Judge Gibbons to the Sixth Circuit was the first hearing on a Sixth Circuit nomination in almost 5 years, even though three outstanding, fair-minded individuals were nominated to the Sixth Circuit by President Clinton and were pending before the committee for anywhere from 1 year to over 4 years. We have not stopped there but have proceeded to hold a hearing on a second Sixth Circuit nominee, Professor John Rogers of Kentucky, and the Judiciary Committee has acted on that nomination, as well.

Large numbers of vacancies continue to exist on many courts of appeals, in large part because the recent Republican majority was not willing to hold hearings or vote on more than half—56 percent—of President Clinton’s courts of appeals nominees in 1999 and 2000 and was not willing to confirm a single judge to the courts of appeals during the entire 1996 session. As I have noted, from the time the Republicans took over majority control of the Senate in 1995 until the reorganization of the committee last July, circuit vacancies increased from 16 to 33, more than doubling.

Democrats have broken with the Republican majority’s history of inaction. I certainly understand the frustration of Senator Levin and Senator Stabenow. I know first hand the efforts they have made to solve the problems in their circuit. I know that many of us have suggested ways to the White House to break through and resolve the impasse. As the chairman of the Judiciary Committee, despite my personal doubts and reservations about this nominee due to some of her decisions as a Federal district court judge, I will vote to confirm her based on her overall record, her testimony before the committee and the strong support of Senator Thompson.
I respect the effort and views of Senator THOMPSON and want to send what help we can to the Sixth Circuit. Far from payback for Republican actions in the recent past, this action is being taken in spite of those wrongs and to begin solving the problems that they have created.

Mr. HATCH. Mr. President, I rise in support of the nominations of three excellent Federal court judges. Judge Julia Smith Gibbons, Joy Flowers Conti, and John E. Jones.

Judge Gibbons, nominated to the Sixth Circuit Court of Appeals last fall, is a jurist with a fine legal mind, a strong character, and a widely admired judicial temperament. I have reviewed several records of public service and personal accomplishment more outstanding than hers. It seems to me that it was for good reason that in 2000 she received a recognition called Heroine for Women in the Law Award.

But that is just one of her accomplishments. Judge Gibbons graduated magna cum laude and Phi Beta Kappa from the University of Virginia School of Law, where she was an editor for the Law Review. She went on to clerk for the late Honorable William E. Miller on the Sixth Circuit Court of Appeals, where we now hope she will soon return after a distinguished career which includes service as deputy counsel for Governor Lamar Alexander and Tennessee State court judge. Since 1983 she has served as U.S. District Court Judge for the Western District of Tennessee, sitting with the Sixth Circuit Court of Appeals several times. Notably she was the first female Federal judge in Tennessee and one of the youngest Federal judges in history.

Judge Gibbons exemplifies the qualities of the nominees the President has sent us— superbly accomplished, fully devoted to public service, and well prepared for the bench. Judge Gibbons enjoys the support of Democrats and Republicans and everyone who knows her work. She is backed by her home State legislators. Senator Thompson says she is "an outstanding personal and professional character that makes us a great Nation." Democratic Congressman Harold Ford Jr., has noted that Judge Gibbons has "earned a solid reputation of applying the law in a manner consistent with our nation's commitment to equal protection under the law."

Judge Gilbert S. Merritt, whose seat on the Sixth Circuit Judge Gibbons will occupy, calls her a "very able and distinguished jurist" who will "serve the court with dignity and distinction." Senator Feinstein has described her as a "trailblazer for women in the legal profession [who] exemplifies in both her personal and professional life the word 'character that makes us a great Nation.'"

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Mr. FRIST. Mr. President, I rise today to thank my colleagues for the confirmation of Julia Smith Gibbons to the U.S. Court of Appeals for the Sixth Circuit. I am also grateful to President Bush for his nomination of this outstanding judge whose distinguished life is an example of the American dream.

Raised in Pulaski, TN, Judge Gibbons has been a trailblazer for women in the legal profession, and exemplifies in both her professional and personal life the character that makes us a great nation—active in her church and community, a supportive and loving wife to her husband, Bill, for 29 years, and a proud mother of two wonderful children, Carey and Will. A product of small town America and the solid values that her family instilled in her, as valedictorian of her senior class at Giles County High School, Julia was obviously poised to accomplish great things.

With an outstanding record of achievement at Vanderbilt University and the University of Virginia Law School, Judge Gibbons headed home to Tennessee to begin her legal career. She served then-Governor Lamar Alexander as his legal advisor, and in 1981, she became the female trial judge of a court of record in Tennessee. President Reagan recognized her talent and skill, and just 2 years later, in 1983, she was confirmed by the Senate as a U.S. District Judge in the Western District of Tennessee. At that time, Julia became the first female Federal judge in Tennessee, and was the youngest person on the Federal bench in the country, and the second youngest in the Nation’s history ever appointed to a district court judgeship. Despite her tender years, her legal acumen and human touch soon made her one of the brightest stars in our Federal judicial system.

Judge Gibbons is known for being bright, industrious, thorough, even-handed and someone who truly loves the law. She is everything anyone could want in a judge, and will continue to serve our country with distinction on the Sixth Circuit.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided prior to the vote on Calendar No. 827, which the clerk will report.

The legislative clerk read the nomination of Joy Flowers Conti, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, with today’s votes on these judicial nominations to the Federal district courts in Pennsylvania, the Democratic-led Senate will have confirmed 63 judicial nominees since the change in Senate majority a little more than 1 year ago. I commend Majority Leader DASCHLE for having hoped to solve the problems created by the White House’s refusal to proceed in a bipartisan way with nominations to bipartisan boards and commissions and for having worked with Senator MCCAIN to get to this point.

I understand Senator MCCAIN’S frustration with the White House and how it is treating nominations but thank him for allowing us to proceed with these judicial nominations at this time.

Today is another example. The Senate Judiciary Committee and the Senate as a whole have done what they could to help Judge Davis.

Contrast this with the way vacancies in Pennsylvania were left unfiled during Republican control of the Senate, particularly regarding nominees in the western half of the State.

With today’s confirmations, there is no State in the Union that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania. I think that the Senate Judiciary Committee and the Senate as a whole have done what they could to help Judge Davis.

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Mr. JONES. And he specifically requested that she be accorded a hearing as soon as possible. Likewise John Jones received a hearing in May, shortly after his paperwork was completed. With today’s vote on Pennsylvania nominees, the Judiciary Committee will have held hearings for 10 district court nominees from that State, including Judge Davis, Judge Baylson, and Judge Rufe, who were confirmed in April, and Judge Conner, who was just confirmed yesterday. Those confirmations illustrate the progress being made under Democratic leadership and the fair and expeditious way this President’s nominees are being treated.

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The saga of Judge Davis recalls for us the saga of Judge Legrome Davis.

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January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret anonymous holds by Republicans for reasons that were never explained.

In contrast, the hearing we had earlier—Ms. Conti's—was the very first hearing on a nominee to the Western District of Pennsylvania since 1994, in almost a decade, despite President Clinton's qualified nominees. No nominee to the Western District of Pennsylvania received a hearing during the entire period that Republicans controlled the Senate in the Clinton administration.

One of the nominees to the Western District, Lynette Norton, waited for almost 1,000 days, and she was never given the courtesy of a hearing or a vote. Unfortunately, Ms. Norton died earlier this year, having never fulfilled her dream of serving on the Federal bench. Today's confirmation vote on Ms. Conti will be the first on a nominee to the Western District of Pennsylvania in almost 8 years, since Judge McLaughlin and Judge Cindrich were confirmed in October of 1994. Despite this history of poor treatment of President Clinton's nominees, we continue to move forward fairly and expeditiously.

Large numbers of vacancies continue to exist, in large measure because the recent Republican majority was not willing to hold hearings or vote on more than half of President Clinton's judicial nominees, many of whom waited for years and never received a vote on their nomination. It is Democrats who have broken with that history of inaction from the Republican era of control, delay, and obstruction.

With today's confirmations of Judge Conti and Judge Jones to the Federal district courts in Pennsylvania, the Senate will have confirmed 51 district court nominees and 63 judges overall since President Clinton's judicial nominees, many of whom waited for years and never received a vote on their nomination. It is Democrats who have broken with that history of inaction from the Republican era of control, delay, and obstruction.

Currently there are 92 empty seats in the Federal judiciary, a 10.7 percent vacancy rate—one of the highest in modern times. This means that 10.7 percent of all Federal courtrooms are presided over by an empty chair. There are currently 22 nominees pending who are slated to fill positions which have been declared judicial emergencies by the Administrative Office of the Courts. Of those, 13 are courts of appeals nominees.

During President Clinton's second year in office, the Senate confirmed 100 of his judicial nominees. I would expect the Senate Democrats to do the same for President Bush. But they are not doing so.

Only 4 of President Bush's first 11 nominees—nominated on May 9, 2001—have hearings. In other words, the Judiciary Committee has taken no action whatsoever on nearly two-thirds of the circuit court nominations that have been pending for over 14 months. There is no reason for this other than stall tactics. All of these nominees received qualified or well-qualified ratings from the American Bar Association.

There were 31 vacancies in the Federal courts of appeals on May 9, 2001, and there are 30 today. The Senate Democrats are trying to create an illusion of movement by creating great media attention and controversy concerning a small handful of nominees in order to make it look like progress. But we are hardly making any progress in filling circuits. It took years to fill the 35 vacancies confirmed only nine. There are still 22 circuit court nominees pending in committee. By comparison, at the end of President Clinton's second year in office, we had confirmed 19 circuit judges and had 50 circuit court vacancies.

Mr. President, the comparison does not end there. There were only two Circuit Court nominees left pending in Committee at the end of President Clinton's first year in office. In contrast, there were 23 of President Bush's circuit court nominees pending in committee at the end of last year.

Mr. President, some try to blame the Republicans for the vacancy crisis, but that is bunk. At the end of the 106th Congress, which I led as majority leader, we had 67 vacancies in the Federal judiciary. During the past 9 months, the vacancy rate has been hovering right around 100. Today it is at 92.

The real story here, Mr. President, is that the Senate's Democratic leadership is treating President Bush unfairly when it comes to judicial nominees. Some would justify this unfair treatment of President Bush as tit for tat, or business as usual, but the American people should not accept such a smokescreen. What the Senate leadership is doing is unprecedented.

Historically, a President can count on seeing all of his first 11 circuit court nominees confirmed. Presidents Reagan, Bush and Clinton all enjoyed a 100 percent confirmation rate on their first 11 circuit court nominees. In stark contrast, 8 of President Bush's first 11 nominations are still pending now for over 1 whole year.

History also shows that Presidents can expect almost all of their first 100 nominees to be confirmed swiftly. Presidents Reagan, Bush, and Clinton got 97, 95 and 97, respectively, of their first 100 judicial nominations confirmed. But the Senate has confirmed only 57 of President Bush's first 100 nominees.

In sum, Mr. President, I think that the American people deserve better. President Bush deserves better, and the Judicial Branch of our Government deserves better. I yield the floor.

The PRESIDING OFFICER. The time of the Senate has expired. Who yields time?

The Senator from Pennsylvania. Mr. SANTORUM. Mr. President, it is a proud moment for me to speak on behalf of Joy Flowers Conti. I had the privilege of practicing with her as a lawyer in Pittsburgh. She is an outstanding litigator and outstanding person in the community, and I am very grateful that her nomination is coming to the Senate floor.

The next vote will be on John E. Jones for the Middle District, another outstanding litigator and someone who is going to be a credit to the court. We still have six district court judges in Pennsylvania who have yet to be confirmed in the Senate and two third circuit—Pennsylvania positions that need to be filled. I am hopeful those nominations will also make their way to the floor quickly.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on the confirmation of the nomination.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Joy Flowers Conti, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Dakota (Mr. HELMS), the Senator from Ohio (Mr. DeWINE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Kentucky (Mr. McCONNELL), are necessarily absent.

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 195 Ex.]

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The roll was closed on August 1, 2002.
nomination was confirmed.

The nomination of John E. Jones III, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania, has next in line D. Brooks Smith, who has served as a distinguished lawyer for 15 years. He comes from Pennsylvania, and has served as a United States District Judge for the Middle District of Pennsylvania.

The PRESIDING OFFICER. The Senate from Pennsylvania.

Mr. LEAHY. Madam President, I yield the remainder of my time.

Mr. KYL. Madam President, I thank the distinguished majority leader and would note that Senator SPECTER also wanted to address the Senate, but since he is not here, I will go ahead with my remarks.

Mr. KYL. Madam President, on June 13 the United States officially withdrew from the 1972 Anti-Ballistic Missile, ABM, Treaty, closing a chapter in U.S.-Soviet relations, and beginning another with Russia. The lapsing of the ABM Treaty, combined with the Senate’s defeat of the Comprehensive Test Ban Treaty in 1999 and the signing of a new type of nuclear reduction treaty with Russia in May, represent a fundamental shift in the way the United States approaches strategic security. We have made our way from reliance on traditional arms control treaties toward a reliance on our own capabilities—namely, missile defenses and a credible nuclear deterrent.

Proponents of the ABM Treaty were convinced that it was the “cornerstone of strategic stability,” and that U.S. withdrawal would damage the improving U.S.-Russia relationship, spark a new arms race, and even lead, as one of my colleagues remarked, to “Cold War II.” These predictions were wrong. Yet some still cling to the notion that arms control is the key elements in U.S. national security.

Over the past 6 months, I have addressed the Senate on the strategic justification for U.S. withdrawal from the ABM Treaty, the question of how much a missile defense system will cost, and the President’s constitutional authority to exercise the right of withdrawal without legislative consent. And, today, in response to those who continue to believe in the utopian aims of traditional arms control agreements, I rise to address the President’s decision to abrogate the ABM Treaty, this time.

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The nomination was confirmed.

LEGISLATIVE SESSION

The previous order, the Senate will now return to legislative session.
in the broader context of the utility of such measures as a means to protect U.S. security interests.

The past 10 years have completely changed the Cold War strategic environment that gave rise to the ABM Treaty and the associated ballistic missile defense programs. The United States and Russia have moved beyond enmity toward a more cooperative relationship. Second, the threats we face today are far more numerous and complex than those we faced during the Cold War.

The proliferation of weapons of mass destruction has become one of our most pressing national security challenges. As many as three dozen countries now have or are developing ballistic missiles. Used by once between 1945 and 1980, such weapons have become an increasingly common component in regional conflicts. In fact, thousands of shorter range missiles have been used in at least six conflicts since 1980. And, as a recent National Intelligence Estimate NIE, on foreign ballistic missile developments warned, "The probability that a missile with a weapon of mass destruction can be used by a power or U.S. interests is higher today than during most of the Cold War, and it will continue to grow as the capabilities of potential adversaries mature."

Iran, for example, continues to place much stock on its missile activities. According to the recent NIE, that country's "longstanding commitment to its ballistic missile program...is unlikely to diminish." In early May, Tehran conducted a successful test of its 1,300 km-range Shahab-3 missile—capable of reaching Israel, as well as U.S. troops deployed in the Middle East and South Asia—and some press reports indicate that Iran is now set to begin domestic production of the missile.

North Korea's missile programs are also of great concern. That country has extended its moratorium of testing its intercontinental-range Taepo Dong missiles until 2003; however, its surprise August 1998 test flight over Japan of the Taepo Dong 1 missile should serve as a clear indication of its intent to develop missiles with intercontinental ranges. Indeed, Pyongyang is continuing its development of the longer-range Taepo Dong 2 missile—capable of reaching parts of the United States with a nuclear weapon-sized payload. According to the NIE:

"The Taepo Dong 2 in a two-stage ballistic missile configuration could deliver a several hundred kg payload up to 15,000 km—sufficient to strike all of North America."

In Iraq, Saddam Hussein continues to obstruct the international verification of commitments made to the United Nations, and still fails to comply with the Security Council's resolution. There were many concerns at the end of the gulf war. The recent NIE concluded that, "Despite U.N. resolutions limiting the range of Iraq's missiles to 150 km, Baghdad has been able to maintain the infrastructure and to develop the range of its missile systems." And Iraq's ability to surprise us in the past with the scale of its missile, nuclear, chemical, and biological programs should serve as a warning. Secretary of Defense Rumsfeld recently discussed Baghdad's weapons of mass destruction capabilities, stating:"They have them, and they continue to develop them, and they have weaponized chemical weapons. They've had an active program to develop nuclear weapons. It's also clear that they are actively developing biological weapons. I don't know what other kinds of weapons they have. They have weapons for mass destruction, but if there are more, I suspect they're working on them, as well."

China presents an even more complex case. While not a member of the axis of evil, that country's exceedingly belligerent relations with the United States and our longstanding, democratic ally Taiwan requires a clear-eyed approach to our relationship with China. China currently has about 20 intercontinental ballistic missiles capable of reaching the United States, and is in the midst of a long-running modernization program to expand the size of its strategic nuclear arsenal and to develop road-mobile and submarine-launched ICBMs. According to the NIE, by 2015, "Chinese ballistic missile forces will increase several-fold." Additionally, by that time, "Most of China's strategic forces will be mobile." As Secretary Rumsfeld stated on September 6 in reference to China's strategic missile modernization and buildup, "It is a long pattern that reflects a seriousness of purpose about the People's Republic with respect to their defense establishment."

President Bush's fresh approach to strategic security with Russia—called the "New Strategic Framework"—takes into account these changed circumstances. The President's framework entails unilateral reductions in offensive nuclear weapons and the development and deployment of defensive systems to deter and protect against attacks. President Bush outlined this approach before his election, and upon taking office, immediately began to develop a plan for action.

"The central component of that framework is the reduction of missile defenses; critical to which is U.S. withdrawal from the ABM Treaty which totally prohibits deployment of a national missile defense. Indeed, our withdrawal represents a fundamental shift away from the thoroughly discredited and vulnerable, perpetuated by arms control treaties, and a move toward prudent defensive measures."

The ABM Treaty was a classic example of arms control—promising much more than it was ever able to deliver. The theory was that by ensuring mutual vulnerability to nuclear missile attack, the incentive to build increasingly more offensive forces would be removed. History proved that theory wrong. Between the treaty's signing in 1972 and 1987, the Soviet Union's inventory of strategic nuclear warheads grew from around 2,000 to about 10,000; the U.S. arsenal grew from around 3,700 to 8,000. In fact, strategic nuclear forces expanded not just quantitatively, but also qualitatively. The decade following the ABM Treaty's signing witnessed the introduction into the Soviet arsenal of entire generations of new long-range missiles, not just in contradiction of the intent of the ABM Treaty, but in contravention of the accompanying SALT I accord as well. Clearly, deliberate vulnerability did not promote arms control; rather, it fuelled the arms races.

It is important to reiterate the history of the ABM Treaty because those who purport that it was the "cornerstone of strategic stability" seem to misunderstand the original impetus for it. The truth is that the NIXON administration gave up the right to field defensive systems because of the Nixon administration was faced, in 1971, with a Congress that refused to fund more than two of the original 12 sites that the Administration proposed. In addition to a rapid Soviet offensive buildup, caused the Nixon administration to acquiesce in the negotiation of the ABM Treaty, to be coupled with the SALT agreement. And I should note that, two years after the ABM Treaty was negotiated, it was amended to limit to one the number of sites allowed because Congress did not even continue to fund the second site.

Thus, making necessity a virtue, political theorists endeavored the notion that, in order to deter a nuclear attack, the threatened response had to be the murder of millions of innocent civilians. President Reagan once referred to this philosophy, named Mutual Assured Destruction, as "a sad commentary on the human condition." And, in my view, its acronym "M-A-D" describes it well.

It is debatable whether that theory explains the absence of a nuclear exchange since the Second World War. Whatever the case, this idea certainly seems mad today, when we have friendly relations with Russia, and are confronted with an entirely different set of threats. It simply does not make sense to remain deliberately vulnerable to the increasing threat of a ballistic missile attack, especially when alternatives, such as missile defense, now exist.

Surely a sign of the changed times, President Bush returned from Russia January 29 with a new treaty under which both sides intend to reduce strategic warheads to 1,700-2,200.

Just three pages long, this treaty
merely states what both sides intend to do. There are no interim limits, no sub-limits, or verification schemes. More importantly, the treaty simply affirms what the United States had already decided were its strategic requirements—President Bush announced that we were unilaterally going to this level of warheads last November. This is important enough to repeat: this treaty memorialized what President Bush determined were our strategic requirements. Thus, the treaty is a complete break with the arms control orthodoxy of the past, which made each side’s limitations or reductions dependent on the other, required difficult verification and enforcement provisions, and artificially pre-determined our strategic levels.

Recognizing that we no longer live in a bipolar world, we must shift our attention to the threat to our security from a number of rogue states that already have, or are seeking to obtain, weapons of mass destruction capabilities. Despite the existence of a plethora of multilateral arms control agreements, the threat to the United States and its allies from chemical, biological, and nuclear weapons has not been limited. The fundamental flaw to support such measures lies in the fact that they focus on weapons, rather than on the real problem: the dangerous regimes that possess them. And whether they’ve signed these treaties or not, the rogue regimes cannot be trusted to comply.

Historians have traced that flawed approach back to the Catholic Church’s attempt to ban the crossbow—the terrible new weapon of the 1100s—during the 1180s. That endeavor proved as ineffective as the arms control efforts that followed in later centuries. Perhaps there is no better example of this futility than the attempts after World War I to outlaw war altogether. The 1928 Kellog-Briand Pact, whileSenate gave its advice and consent on January 25, 1929 by a vote of 85 to 1, was signed by all of the major countries. It renounced war as “an instrument of national policy.” It also paved the way for other arms control treaties and negotiations that left the Western democracies unprepared to fight and unable to deter World War II, a mere decade later.

Indeed, in looking back at the arms control efforts of the 1920s and 1930s, Waldo is the celebratory ex-patriot who championed the agreements when they were signed, wrote that, “The disarmament movement was, as the event has shown, tragically successful in disarming the nations that believed in disarmament. The net effect was to dissolve the alliance among the victors of the first World War, and to reduce them to almost disastrous impotence on the eve of the second World War.”

Mr. Lipman’s assessment offers an important lesson. Arms control works best where it is needed least—among honorable, morally upstanding nations. It does not work where it is needed most—among rogue nations. Countries that act clandestinely and in bad faith will simply ignore the legal requirements of arms control agreements when it suits their interests. Moreover, morally-upstanding nations depending upon these agreements for security and stability have often lacked the will to respond forcefully to violations. Even when evidence is clear, there are almost always overriding diplomatic reasons for overlooking or treading lightly on the violations.

The international community’s response to Iraq’s use of chemical weapons is a prime example. When that country used chemical weapons against Iran in the 1980s in violation of the 1925 Geneva Protocol banning the use of such weapons, the U.N. Security Council passed a resolution calling for both sides in the conflict to exercise restraint. After Saddam Hussein again used chemical weapons—this time against his own Kurdish population—the Security Council again passed a resolution of condemnation that failed even to mention the use of chemical weapons. Indeed, was it so weak that when the United States proposed a resolution at the U.N. Human Rights Commission in 1989 condemning Iraq’s use of those weapons against the Kurds, the initiative was defeated by a vote of 17.

Unwilling to enforce the existing Geneva Protocol when Iraq had, without dispute, violated its terms, the international community, in an effort to demonstrate its commitment to arms control, agreed upon a new ban on the possession of chemical weapons. Yet possession is inherently harder to verify than already-banned use. This new ban—the Chemical Weapons Convention, CWC— unrealistically aims to control states that are confident that they can violate its terms without detection and without punishment. And while the United States is destroying its chemical deterrent under the requirements of the CWC, chemical weapons programs of states that have signed the treaty—like Iran—have not been curbed. Still others, like Iraq, North Korea, Libya, and Syria have not even joined the convention.

There is no moral equivalence between Western democracies and rogue regimes like those in place in Iran, Iraq, and North Korea. Yet arms control treaties like the Biological Weapons Convention BWC and the CWC as well as the Chemical Weapons Convention CWC are supposed to operate with the same objectives in mind. They place under one umbrella—under a unitary set of constraints—states that are certain to comply and those that are certain to cheat. And therein lies their putative failure: their dual purpose. As Richard Perle, former Assistant Secretary of Defense, stated in a 1999 speech, "The failure to distinguish guns in the hands of cops and guns in the hands of robbers is not just a practical absurdity. It is a profound moral failure."

Other arms control efforts like the Nuclear Nonproliferation Treaty NPT, while more realistic in terms of their objectives, have also had questionable success. Under the terms of the NPT, the five declared nuclear weapons states—the United States, the United Kingdom, Russia, France, and China—agreed not in any way to assist any nonweapons state to acquire nuclear weapons. Other parties to the treaty agreed not to develop nuclear weapons and to allow the International Atomic Energy Agency, IAEA to inspect their nuclear facilities.

Just a brief examination of the records of parties to the treaty illustrates that its objectives are not supported equally by all. The United States intelligence community suspects that Russia and China, despite their NPT obligations, may be providing assistance to the nuclear weapons programs of certain states.

North Korea—despite the optimism of some that the 1994 Agreed Framework would curb its country’s nuclear weapons program—continues to evade certain IAEA inspections needed to ensure that country is in full compliance with the NPT and the Framework. And yet, the United States continues to support the Framework with U.S. taxpayer dollars.

The U.S. intelligence community suspects that Russian nuclear-related assistance to Iran—ostensibly for Tehran’s civilian nuclear program—indeed, contributing to Iran’s nuclear ambitions. And the full extent of Iraq’s covert nuclear programs, after years without inspections, is not fully known. In fact, even when inspectors were in the country, Saddam made use of information provided by Iraqi IAEA inspectors to evade detection.

It is clear that multilateral arms control agreements have not delivered on their promise to make the world a safer place under one umbrella. Deterrence and curbing nuclear weapons programs is a combination that we take steps to ensure the safety of the American people—this will involve a combination of defense and deterrence.

Though the ABM Treaty was bilateral agreement between the United States and the Soviet Union, President Bush’s decision to withdraw the United States was, in fact, necessitated by our need to deal with other states that are developing ballistic missiles. Determined to curb rogue nations from the ABM Treaty, the United States will require that our nation obey the ABM Treaty and then will act unilaterally to ensure that country is in full compliance with the ABM Treaty.
defense system will give us more flexible options in a crisis. First, defenses against missiles will help the United States to avoid nuclear blackmail, intended to freeze us into inaction by the threat of a missile attack. Imagine the decision to go to war against Saddam Hussein in 1991 had he been able to threaten the United States or our allies with nuclear missiles. Additionally, missile defense will reduce the incentive for ballistic missile proliferation by deterring offensive missiles. Finally, missile defenses, in a worst-case scenario, will save American lives.

The development of missile defenses and the end of the superpower rivalry does not obviate the need for traditional deterrence, however. As the world’s remaining superpower, we need to maintain maximum flexibility and the ability to play the ultimate trump card if need be. Deterrence and defenses—whether, of course, being 100 percent fail-safe—will be mutually reinforcing. The prudence of maintaining a nuclear deterrent was shown during the Gulf War when we hinted that we might draw on that capability if Iraq attacked allied troops with chemical weapons. As the Secretary of Defense Dick Cheney warned during a visit to the Middle East on December 23, 1991: “Were Saddam Hussein foolish enough to use weapons of mass destruction, the U.S response would be overwhelmingly, and it would be devastating.” Iraqi Foreign Minister Tariq Aziz acknowledged several years later that Iraq did not attack the forces of the U.S.-led coalition with chemical weapons because such warnings were interpreted as meaning nuclear retaliation.

Of course, with the end of the U.S.-Soviet standoff, we can maintain our deterrent at lower levels—thus President Bush’s decision to unilaterally reduce our arsenal. But lower levels require greater attention to the safety and reliability of our remaining arsenal. This will, I believe, require renewed testing of that arsenal at some point.

Thankfully, this body defeated the Comprehensive Test Ban Treaty, CTBT—which would have obligated the United States to give up for all time the option of testing our nuclear weapons—in October 1998. The Bush administration, it is clear, opposes the treaty. While it has no plans to do so, the administration has retained the option of nuclear testing to assure the safety and reliability of our nuclear arsenal. It is also moving to improve the test readiness posture. As Assistant Secretary of Defense J.D. Crouch stated during a briefing on the Nuclear Posture Review, NPR, the “NPR does state . . . that we need to improve our readiness posture to test from its current level to one that is substantially better.” I am pleased that the House version of the Defense authorization bill contains a provision that requires the Department of Energy to reduce to one year the time between the Presidential decision to conduct a nuclear test and the test itself, and I hope that the Senate will ultimately choose to include such a provision, as well.

The threats to the United States today are more complex and difficult to predict than those we faced during the cold war. Recognizing their inherent limitations, it is therefore time to move beyond traditional arms control treaties as a means to protect American lives from these threats. President Bush has committed to do just that. He has set the United States on a course that unequivocally places faith not in traditional arms control, but in the time-honored philosophy that led to the West’s victory without war over the Soviet Empire: Peace through strength. As a result, we will be able to pursue the development of missile defenses and maintain a credible nuclear deterrent. These demonstrations of strength, coupled, of course, with the maintenance of robust conventional capabilities—not more pieces of paper—are what will keep this nation secure.

President Bush’s overall security strategy rightly focuses on the root of the problem—the dangerous regimes that possess the weapons. As Margaret Thatcher once stated, “. . . the fundamental risk to peace is not the existence of weapons of particular types. It is the disposition on the part of some who want to use them by resorting to force.” The heart of the matter is that our strategy should seek to change the regimes themselves, whether through military, diplomatic, or economic means. The United States has made clear its intention to pursue that objective, and I have no doubt that our efforts will lead to success.

The PRESIDING OFFICER (Mr. MILER). The Senator from Utah.

FTC REPORT

Mr. HATCH. Mr. President, my staff just attended a non-embargoed briefing conducted by the Federal Trade Commission. It is our understanding that tomorrow the FTC will transmit to the Congress and the American people a copy of its comprehensive study of the pharmaceutical industry with respect to litigation involving the two major components of the pending legislation: First, the report examined the use and abuses of the statutory 30-month stay. Second, the report examines how the 180-day marketing exclusivity rule has been the source of collusive arrangements between pioneer and generic firms.

I will be very interested to study the full report when it released tomorrow morning.

Let me say this tonight. First, I want to commend Chairman Murdock and the other FTC Commissioner for undertaking this important study. I would also like to acknowledge the efforts of the FTC staff including, Maryann Kane, Mike Wroblenski and Sarah Browers for their work on this report.

It is my understanding that the key recommendations contained in the report are somewhat at odds with the legislation on the floor.

I am very concerned that the first FTC recommendation, consistent with the position that I took at the Health Committee hearing May 8 and my floor statement the past two weeks, will basically say that there should only be one automatic 30-month stay per drug product per ANDA to resolve challenges to patents listed in the FDA Orange Book prior to the filing date of the generic drug application.

Senator Gramm took this position in the HELP Committee and I commend him for his work to strengthen the bill. Clearly, as I have laid out in some detail in earlier speeches, the Edwards-Collins substitute delves into areas way beyond this recommendation. I understand, of course, understanding the second FTC recommendation, which touches upon the so-called reverse payment agreements whereby generic firms are paid not to market generic drugs, will suggest that the Congress pass legislation to require brand-name companies and their generic applicants to provide copies of certain agreements to the FTC.

This is exactly what Senator LEAHY’s bill, S. 754, the Drug Competition Act, requires. As I discussed in my previous statements, I voted for Senator LEAHY’s bill in the Judiciary Committee and worked with him to refine the final language. In my view, S. 754 contains a much more measured—and certainly more comprehensive—approach than does the Edwards-Collins substitute.

Because the staff briefing just occurred and the full report will be issued tomorrow, I am not prepared tonight to give you my full evaluation of the FTC report. But I can say that the major recommendations in the FTC appear to be somewhat at odds with key provisions of the legislation that is pending on the floor, the Edwards-Collins substitute to S. 812.

I look forward to examining the data collected by the FTC and analyzing the report’s two major recommendations and its several subsidiary recommendations.

Frankly, I think that it would be appropriate for the relevant committees, the Commerce Committee, and HELP Committee, to have the opportunity to examine this comprehensive study before we adopt legislation in this area.

I will be interested to learn if the sponsors of the bill on the floor would see this as a process that will allow a careful evaluation of what the FTC study reveals and will not just act to ram this legislation through in the last week before August recess.

I have heard my colleagues about the way this bill after was adopted by the committee and appeared on the floor, and urged that we take the time necessary to get this legislation right.
The Hatch-Waxman Act is an important consumer bill that has helped save about $8 billion to $10 billion each year since 1984. So we should not be playing around with this bill, especially without the benefit of carefully studying this bill soon-to-be-released FTC report.

Once again, I urge my colleagues to do the right thing and give us an adequate opportunity to factor in this FTC study. It would be advisable to spend the time before the recess to adopt trade promotion authority rather than to continue to struggle with the hastily crafted and not fully vetted Edward-Collins substitute.

In that regard, I pay specific tribute to our colleague, Senator BAUCUS, who represented the Senate so well in the trade conference that occurred Thursday evening and early Friday morning. I was a member of the conference committee and Senator BAUCUS did himself proud, did our body proud, did a very good job, as did Chairman THOMAS. Those two worked very well together to come up with what is landmark legislation to help our economy move forward. It is one of the reasons I think the stock market turned around today. It is not the only reason. I think we would have another reason if we would treat the Hatch-Waxman language with the care and treatment it deserves before we go off half cocked to enact a bill that we believe the FTC study and its recommendations.

I am grateful I serve on the Finance Committee with Senator BAUCUS and Senator GRASSLEY, both of whom did a good job in this last conference on trade promotion authority, especially with the Hatch-Waxman Act. It is a very happy day, indeed. We will have a judge to the western district of Pennsylvania and two judges to the middle district of Pennsylvania, both districts being in dire need of assistance. These three individuals were recommended by a bipartisan nominating commission which Senator SANTORUM and I have established, where there is independent review in each of the districts. These individuals were recommended to Senator SANTORUM and myself and then, in turn, we recommended to President Bush. They have passed the examinations of the American Bar Association with flying colors, the FBI check, the Judiciary Committee hearing, and finally have been voted upon by the Senate.

Earlier today the Senate confirmed Ms. Joy Flowers Conti for the United States District Court for the Western District of Pennsylvania. Ms. Conti brings an outstanding academic record to the bench: Her bachelor of arts degree from Duquesne University in 1970; her law degree also from Duquesne in 1973; summa cum laude, the highest honors; and she was the first woman to serve as editor in chief of the Duquesne Law Journal. She has had an outstanding career in private practice. She has been associated with the distinguished Pittsburgh law firm, Buchanan, Ingersoll, from 1974 until the present time; served as a professor of law at Duquesne from 1976 to 1982; has worked as a judicial officer, hearing examiner for the Commonwealth of Pennsylvania in the Department of State Bureau of Occupational and Professional Affairs. She received a “well qualified” rating by the American Bar Association’s Committee on the Federal Judiciary, has served in the House of Delegates of the American Bar Association, and is currently serving in the Pennsylvania Bar Association’s House of Delegates.

She received the Pennsylvania Bar Association’s Anne X. Alpern Award, a very distinguished award named for the first woman supreme court justice in the Commonwealth of Pennsylvania—Justice Alpern, whom I knew and practiced before many years ago when I was chief deputy district attorney in Philadelphia’s Attorney General’s office. Mrs. Contri brings the highest credentials to the western district, a court very much in need of additional judicial manpower, or in this case woman power.

Also confirmed earlier today was a distinguished lawyer from Pottsville, PA, John E. Jones. Mr. Jones has an outstanding academic record from Dickinson College, 1977, and the Dickinson School of Law in 1980. He has been engaged in the active practice of law in Pottsville for the past 21 years. I have personally known Mr. Jones for years. Just this morning I was talking to the former Governor of Pennsylvania, Tom Ridge, now serving as President Bush’s homeland security adviser, and we compared notes on Mr. Jones and agree that he has outstanding credentials. His background includes being the assistant public defender in Schuylkill County from 1985 until 1985. That is a part-time job. But the defender’s office will give him a good background and balance, looking at the defense side of the law.

In Pennsylvania, that is a major board, quasi-judicial, and serving as chairperson gives one very extensive administrative responsibilities. In that capacity, he has simplified the procedures in the context of some 20,000 licensees, so that he has a very extensive background to give diversity to the middle district. On Friday, the Senate confirmed another distinguished lawyer, Christopher C. Conner, from Harrisburg, PA. Mr. Conner is chair of the litigation department of Mette, Evans and Woodside, one of the largest law firms in Pennsylvania.

He, too, brings excellent academic credentials, being a graduate of Cornell University in 1979 and the Dickinson Law School in 1982, where he was editor of the National Appellate Moot Court Team.

He has been active in bar association affairs, taking on the vice presidency of the Pennsylvania bar, coauthoring a Law Review article on “Partisan Elections, the Albatross of the Pennsylvania Appellate Judiciary.”

Interestingly, with the Supreme Court of the United States recently declaring that candidates for judicial office are now free to campaign, that may be a great impetus to take judges out of elective office; something which I believe should have been done years ago in Pennsylvania and something which I urge was long ago in 1968 when we were preparing Pennsylvania’s constitution, which was adopted in 1969.

Mr. Conner has also served as adjunct professor at the Widener University School of Law on the Harrisburg campus where he taught trial procedure. So he brings a very diversified background and an excellent background to the middle district.
I am pleased to note that the majority leader is going to right down the list on nominees and has stated earlier today that we would consider the nomination of Judge Brooks Smith, who is the chief judge of the Western District of Pennsylvania. The Third Circuit being in dire need of additional judicial manpower.

Chief Judge Edward R. Becker, one of the most distinguished judges in the United States, has commented about the serious state of affairs there, and I am anxious to see District Court Judge Brooks Smith receive his vote tomorrow. I am confident that he will be confirmed.

Judge Smith was reported out of the Judiciary Committee on a vote of 12 to 7, with three Democrats—Senator Biden, Senator Koor, and Senator Edwards—voting for Judge Smith.

It is my hope that we will soon establish a protocol to eliminate the partisan differences which have plagued the Federal judicial nominating process for many years.

Now, with a Republican President, President Bush, and a Senate controlled by the Democrats, there have been delays which I believe are excessive. They want to see the Senate in action at the time that when President Clinton, a Democrat, was in the White House, and the Senate was controlled by Republicans, similarly the delays were excessive.

It is my view that the Federal judgeships are too important to be embroiled in partisan politics or payback or delay. I have proposed a protocol which would establish a timetable: So many days after a nominee is submitted by the President there ought to be a Judiciary Committee hearing. So many days later there ought to be action by the Judiciary Committee, voted up or down; and, if voted up, so many days later there ought to be floor consideration and confirmation by the entire Senate—with that not being an ironclad schedule. If cause is shown, at the discretion of the chairman of the committee on notification to the ranking member there could be a reasonable delay. Similarly, with the majority leader upon notice to the minority leader, there could be a reasonable delay on the vote before the Senate.

But I believe the American people generally are sick and tired of partisan politics. They want to see the Senate work together and nowhere is that more important than in the selection of Federal judges.

So I am pleased to speak about these three distinguished lawyers who have been confirmed by the Senate and will be sworn in soon. I am also looking forward to the addition of Judge Brooks Smith to the Court of Appeals of the Third Circuit, which is very much in need of his services.

I thank the Senator. In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT OF 2001—Continued

Mr. REID. Mr. President, it is my understanding we are on the generic drug bill. Is that right?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Senator Dorgan’s amendment No. 4299.

Byron L. Dorgan, Kent Conrad, Tim Johnson, James M. Jeffords, Ron Wyden, Paul Wellstone, Max Baucus, Ernest F. Hollings, Hillary Rodham Clinton, Zell Miller, Maria Cantwell, Jack Reed, Max Baucus, Patrick J. Leahy, Richard J. Durbin, Christopher J. Dodd, Harry Reid.

CLOTURE MOTION

Mr. REID. Mr. President, I send another cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 491, S. 812, the Greater Access to Affordable Pharmaceuticals Act of 2001.


VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I support the nomination of Julia Smith Gibbons and would have voted aye to confirm her nomination to the Sixth Circuit Court of Appeals.

Mr. THOMPSON. Mr. President, I am very pleased to be here today as the Senate takes up for consideration the nomination of Judge Julia Smith Gibbons to be a U.S. Circuit Judge for the Sixth Circuit. I am grateful to my colleagues for a unanimous vote on Friday in support of cloture on this nomination to allow it to come to a vote today.

I support this nomination, and I am confident my colleagues will do so as well when they learn of Judge Gibbons’s background and qualifications. Judge Gibbons will be a welcome addition to the Sixth Circuit. Before I address Judge Gibbons’s qualifications, I want to let my colleagues know of the problems confronting the Sixth Circuit.

Today, 29 of the 179 U.S. Circuit Court judgeships remain unfilled. Eight of those 29 vacancies are in the Sixth Circuit. According to the Chief Judge of the Sixth Circuit, the average time from filing to decision is 2 years, some 6 months slower than the next slowest circuit.

We must also recognize that the vacancy rate does not only affect the Sixth Circuit and litigants before that court. In order to fill its annual need for over 160 three-judge panels to hear cases, the Sixth Circuit must bring in visiting judges from other circuits or from district courts. Last fiscal year, visiting judge handled almost 20 percent of the Sixth Circuit’s workload, and the Court relied on visiting judges twice as often as any other circuit.

While some of these visiting judges are senior judges, many are active circuit and district judges. These judges maintain a full docket themselves, in addition to pitching in to assist the Sixth Circuit. As district judges spend more time handling appellate cases, they must put off all other work.

We must also recognize that the vacancy rate on the Sixth Circuit is therefore much broader than we might suppose. According to a recent witness before the Judiciary Committee, the demands being made on district judges within the Sixth Circuit to fill seats on three-judge panels are so burdensome, that many district judges are now refusing what had been considered a prestigious assignment.

Vacancy rate on the Sixth Circuit is placing a significant burden on the entire Federal judiciary, which would be overburdened even if every vacancy were filled.

Some of the adverse impacts of the vacancy rate on the Sixth Circuit are not so readily discernible or can be quantified. For instance, visiting judges from outside the circuit or from the district courts may not be as familiar with Sixth Circuit law as the judges of the Sixth Circuit themselves. The contingent of visiting judges increases the risk of intra-circuit conflict among different panels of the court, making en
banc review by the full Sixth Circuit more frequent. And en banc review places greater burdens on the court by requiring that all active judges, rather than just a portion of them, give the case their attention.

I am not here to lay blame. I am just pointing out that we must overcome the differences that have led us to the quagmire in which we find ourselves. And I believe it is fair for me to do so. During President Clinton's administration, I did all I could to get the nominees themselves confirmed quickly. I also shepherded through the Senate the nomination of the last judge confirmed to the Sixth Circuit, Ronald Gilman.

I hope that the fact that the Senate is moving to take up the nomination of Judge Gibbons bodes well for our willingness to take up other nominations to the Sixth Circuit.

Let me turn now to the specific nomination before us. Despite her relative youth for such a position, Judge Julia Smith Gibbons has been a judge for over 20 years. I am confident that the Senate will not consider any more highly qualified nominee this year.

Judge Gibbons was born and raised in Pulaski, TN, which is a small town in south-central Tennessee less than 20 miles from Lawrenceburg, where I grew up. She attended Vanderbilt University in Nashville, from which she received her B.A. magna cum laude in 1972 and where she was elected to membership in Phi Beta Kappa, the national honor society.

Judge Gibbons then left Tennessee to attend law school in our neighbor to the east at the University of Virginia Law School, where she was a member of the editorial board of the law review and was elected to the Order of the Coif, the national legal honor society.

Upon graduating from law school, she returned to Tennessee to clerk for Judge William Miller of the Sixth Circuit, the court to which Judge Gibbons has been nominated. In 1976, Judge Gibbons became an associate with a Memphis law firm.

After 3 years practicing law, Judge Gibbons joined the administration of Governor Lamar Alexander as the Governor’s legal advisor in 1979. In 1981, Governor Alexander appointed Judge Gibbons to the Tennessee Circuit Court for the Fifteenth Judicial Circuit, which covers Memphis and Shelby County, and she was elected to a full term in 1982.

In 1983, Judge Gibbons was appointed United States District Judge for the Western District of Tennessee by President Reagan, the first woman to hold such a position in Tennessee. At the time, she was the youngest Federal judge in the Nation. From 1994 to 2000, she served as Chief Judge of the court.

She is very highly regarded by the bar and by her colleagues on the bench, and she was being considered for this appointment and since her nomination, I have heard from many lawyers who have practiced before her extolling her virtues as a trial judge.

Her reputation is national and has been recognized by the Chief Justice, who has appointed her to the Judicial Panel on Multidistrict Litigation, the Judicial Conference Committee on Judicial Conferences, and the Judicial Office Resources Working Group.

Despite her heavy judicial workload, Judge Gibbons has remained active in her church and community, serving as an elder of the Idlewild Presbyterian Church and as a former president of the Memphis Rotary Club.

In sum, I am confident that Judge Gibbons will be an outstanding member of the Sixth Circuit, as she has been an outstanding trial judge.

Before I yield, let me thank Chairman LEAHY and his staff, and Senator HATCH and his staff for their cooperation and assistance in moving this nomination forward. I hope our action today on Judge Gibbons bodes well for getting serviço em. Sixth Circuit vacancies filled expeditiously.

I urge my colleagues to join me in voting to support the nomination of Judge Julia Smith Gibbons.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

TRIBUTE TO ROY ESTESS

Mr. LOTT. Mr. President, I rise today to congratulate my dear friend Roy Estess on his well deserved retirement, to thank him for his many years of dedicated service, and to wish him the very best as he pursues other interests and enjoys what I hope will be many fine years of health and happiness with his family.

Roy S. Estess, a native of Tybertown, MS, is retiring as director of NASA’s John C. Stennis Space Center in south Mississippi. As director of Stennis Space Center for more than 13 years, Roy has been responsible for accomplishing the center’s current NASA missions, rocket propulsion testing and related research activities. Other responsibilities have included managing the Space Shuttle Main Engine test program; planning and accomplishing advanced propulsion test activities for NASA, some Department of Defense projects, and certain industry propulsion development and launch vehicle development programs; conducting research and technology development in earth and environmental sciences; commercializing remote sensing technology in cooperation with industry and academia; and developing technology for use in propulsion test and launch operations; and managing the overall center. Roy’s vision and leadership have directly led to Stennis Space Center becoming a unique Federal city that is home to more than 30 Federal, State, academic and private organizations.

Roy Estess graduated from Mississippi State University with a degree in aerospace engineering. He also has accomplished various graduate level studies, including completion of the advanced management program at the Harvard Graduate Business School. He is a dual-registered professtional engineer in the State of Mississippi and is a member and past chairman of the advisory committee to the College of Engineering at Mississippi State University.

Roy is also a member of several professional societies, some of which include Tau Beta Pi; the American Institute of Aeronautics and Astronautics; the Mississippi Academy of Sciences; and the National Space Club.

Roy has held various engineering and management positions during his 42 years of service in the United States government. He began his career as a civilian employee in the United States Air Force at Brookley Field in Alabama, and later at Robbins Air Force Base in Georgia. Roy covered the NASA Stennis Space Center in 1966 as a propulsion test engineer, working on perhaps the greatest technological achievement of all time, the Apollo missions to the moon. Roy worked on testing the second stage of the Saturn V moon vehicle during three Apollo flights. Working his way up through the ranks, he later served as head of the Applications Engineering Office, deputy of the Earth Resources Laboratory and director of the Regional Applications Program. From 1980 through 1988, Roy served as deputy director of Stennis Space Center and was named director in January, 1989. From 1992 to 1993, he was temporarily assigned to NASA Headquarters in Washington, D.C. as a special assistant to the NASA Administrators. From February, 2001 to April, 2002, Roy was temporarily assigned as acting director of the Johnson Space Center in Houston, TX.

Roy Estess has been named the recipient of numerous awards and honors, some of which include: the Presidential Distinguished Service, twice, and Meritorious Senior Executive Awards; NASA’s Distinguished Exceptional Service, Equal Opportunity and Outstanding Leadership Medals; the National Space Club’s Outstanding Leadership Medals; the National Distinguished Executive Service Award for Public Service; and the Alumni Fellow of Mississippi State University; as well as Citizen of the Year in his home town.

Roy has served Mississippi and the nation in numerous ways outside of his professional career. In 1969, when south Mississippi was hit by the devastating hurricane Camille, Roy served on the Gulf coast disaster recovery team, making extraordinary efforts to help save and rebuild his state. An Eagle Scout himself, Roy has long been an active supporter of the Boy Scouts of America, including serving as Scout
Master of Troop 87 of Picayune from 1966 to 1978. Roy has also served as a Deacon at his church, the First Baptist Church in Picayune.

Roy and his wife, Zann, reside in Pearl River County, MS. They have two children and Mauri and two grandchildren, Conner and Drew.

I know my colleagues will join me in appreciation of Roy Estess for his extra-ordinary career of service to the na-
tion, this community and in wishing
him and his family the very best in all
of their plans for the future. I am
proud to call Roy Estess my friend.
God bless you, Roy.

21ST CENTURY MEDICARE ACT

Mr. HATCH. Mr. President, our
health care system has increased the
lifespan and quality of life of our citi-
zens. Our population is aging; people
with chronic conditions are living
longer. The number of Medicare bene-
ficiaries is increasing and will continue
to increase as baby boomers retire.

As I have listened to the debate over
the last two weeks, I think we can all
agree on one thing, the seniors in this
Nation deserve the best possible health
care, of which prescription drug cov-
verage is perhaps the most important
component. And if we want to provide Medicare beneficiaries with prescription drug coverage this year. Unfortunately we do not agree on how this coverage should be provided.

I support the Tripartisan bill for sev-
eral simple reasons. The Tripartisan
bill operates on the fundamental prin-
ciples of efficiency, quality, and choice.
It balances all of the issues and pro-
vides a permanent solution—all of
which result in cost savings and afford-
ability. Balance is a key point here.

We do not offer a plan that cannot be
sustained, resulting in bigger problems
down the road. We do not offer a plan
that does not work. We do not offer a
plan offering everything to everyone,
knowing full well that it cannot work,
as the Graham-Kennedy bill does. We
provide Medicare beneficiaries with four key elements: First; Choice. Giv-
ing seniors the right to choose a plan
and the right to choose a particular
medication is the greatest benefit we
can offer Medicare beneficiaries. Under
the Graham-Miller-Kennedy bill, sen-
iors can only get a government-run
prescription drug plan. The Graham-
Miller-Kennedy bill forces seniors and
their physicians into government run
formularies. This is not what we want
for our seniors and their doctors; Sec-
ond; Quality. I do not believe that the
Graham-Miller-Kennedy bill has any
incentive to improve quality—over and
over, we have seen how government
run programs have failed our health
care system. Our Tripartisan bill
makes a concerted effort to improve
and modernize Medicare, by offering
seniors choice not only in prescription
drug coverage but for overall medical
care as well; Third; Efficiency and
Cost control. The Tripartisan bill
fosters competition, based on quality
and cost. The Graham-Miller-Ken-

nedy bill cannot deliver drugs effi-
ciently by making the government the
sole regulator of Medicare drug cov-
verage. The Tripartisan bill guarantees
that at least two plans will compete in
each region, giving seniors the right
and choice to pick the plans that best
suit their needs; and Fourth; Balance.
The Tripartisan bill balances the needs
of seniors with benefits. We improve
coverage for the sickest, poorest sen-
iors by helping needy seniors meet their
health care costs through gener-
ous subsidies. We use an assets test
to determine who needs assistance.
What is so wrong with this? All we are
doing is applying asset testing criteria
for prescription drug coverage. I do
want to make a correction to my state-
ment from 7/22/02. The Family Oppor-
tunity Act does not have an assets test
as I indicated. Rather it has an income
and disability test.

In conclusion, I believe the model of
the Tripartisan bill is the only work-
able, long lasting, and fair plan for our
seniors and taxpayers. The Tripartisan
bill model is the only way to achieve
a long-term solution to provide prescrip-
tion drug coverage to Medicare bene-
ficiaries and, at the same time, give
seniors, their families, and doctors
choice. It is not a quick fix to get im-
mediate support for something that is
not going to last, like the Graham-Mil-
ler-Kennedy bill. I am hopeful that
more of my colleagues will recognize
this, and help us reach an acceptable
agreement.

THE FEDERAL EMPLOYEES
HEALTH INSURANCE PREMIUM
CONVERSION ACT

Mr. BURNS, Mr. President, today
I am pleased to join my colleagues in the
Senate in cosponsoring S. 1022, the
Federal Employees Health Insurance
Premium Conversion Act. This legisla-
tion will enable Federal and military
retirees to take advantage of premium
conversion, which would allow indi-
vidual retirees to pay their health in-
surance premiums with pre-tax dollars.

In 2000, this tax benefit was extended
to current Federal employees under a
Presidential directive, and it is a ben-
efit available to many private sector
employees, and State and local govern-
ment employees. It only makes sense
to bring equity to the Federal Employ-
es Health Benefits Program.

Furthermore, this legislation will
allow uniformed services retiree bene-
ficiaries, their family members and
survivors to pay the TRICARE Prime
enrollment fees and TRICARE Stan-
dard supplemental insurance premiums
with pre-tax dollars.

I am happy to join my colleagues by
supporting this critical legislation and
to show my support of these
Federal civilian and military retirees for
their dedicated service.

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 sig-
nal that violence of any kind is unac-
cceptable in our society.

I would like to describe a terrible
crime that occurred July 24, 1994 in
New York, NY. Two gay men were
assaulted by four men who made anti-gay
remarks. The assailants, John Gorman
and Kevin Shout, both 22, Michael Hig-
gins, 21, and James Shout, 27, were
charged with assault and aggravated
harassment in connection with the in-
cident.

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 En-
hancement 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

MISCARRIAGE OF JUSTICE IN
EGYPT

Mr. McCONNELL. Mr. President, the
news from Egypt this morning is both
disappointing and disheartening. Egy-
pian democracy activist and academic
Saad Eldin Ibrahim was sentenced to 7
years in jail following a retrial for
charges, according to the BBC, “of tarn-
ishing the country’s image abroad and
other offenses.”

Many believe that the case against
Mr. Ibrahim, who is a dual Egyptian-
American citizen, is politically moti-
vated and a not-so-veiled effort to stif-
fie political debate in that country.
Unfortunately, today’s verdict only
underscores that the rule of law and
democratic institutions continue to be
weak and non-functioning in Egypt.

It is my hope and expectation that
Secretary Powell will clearly, publicly
and forcefully register the concerns of
the United States with Mr. Ibrahim’s
case to senior Egyptian leaders. I
would offer that it is not Mr. Ibrahim
but the Egyptian government—and its
weak judiciary, irresponsible and anti-
Semitic media, and questionable ties
with North Korean missile techni-
cians—that consistently tarnishes
the country’s image abroad.

To put it simply, the United States
must expect more from its ally in the
Middle East.

MADE IN THE U.S.A.

Mr. Bunning. Mr. President, I
proudly rise today to celebrate a truly
remarkable milestone in the American
automobile industry. Today, Toyota
Motor North America will produce its
10 millionth North American-built ve-

vehicle. This notable achievement will
take place at the Toyota production fa-
cility located in Georgetown KY.
I am extremely pleased that the more than 8,000 employees at the Georgetown facility will have the unique and historical opportunity to produce the 1 millionth Toyota to say Made in America. On a personal note, I myself bought my first November, born and bred at the Georgetown facility in the Commonwealth of Kentucky.

Today, Toyota’s dedicated team members annually build over 900,000 Avalons, Camrys, Corollas, Sequoias, Selenas, Tacomas, and Tundras in the United States. For fiscal year 2001 Toyota sold nearly 2 million vehicles in North America. This means that nearly all of the cars sold in America are made here as well. Nothing gives me more pride than to see a product stamped with made in the U.S.A. especially when that means made in Kentucky.

Toyota Motor Manufacturing, Kentucky began production in Georgetown in 1998. Today, the Georgetown production facility is Toyota’s largest production plant in all of North America due largely to its selfless and committed workforce. With two vehicle production lines and a powertrain engine and axle facility, more than 8,000 team members build around 500,000 vehicles and nearly 490,000 engines each and every year. Kentucky’s skilled production team has been the key to the facility’s extraordinary success, and I can personally vouch for the quality of Kentucky craftsmanship.

To celebrate their many accomplishments, Toyota is donating 20 Sienna minivans in communities where facilities are located. In Georgetown, minivans will be donated to the Salvation Army and Senior Citizens of Georgetown/Scott County. Also, Toyota Motor Manufacturing North America has announced a $1 million gift to the children of Toyota’s manufacturing team members through a college scholarship fund.

I would like to congratulate everyone involved with Toyota for reaching such a prestigious mark in the auto industry. Specifically, I would like to thank the employees in Georgetown for all that they do for Toyota and the local business community. These hard-working men and women deserve praise for their dedication and commitment to excellence. They represent the spirit of capitalism and embody the American working man and woman.

TRIBUTE TO LINDA JACKSON

Mr. BURNS. Mr. President, it is my privilege to honor a very special lady for her years of work on behalf of the citizens of this country. Linda Jackson was an employee of the U.S. Government for 39 years. Since she was 18 years old, Linda has been offering a helping hand to Americans. She started her career in civil service with the U.S. Navy. She then traveled to the Air Force, working in Japan during the Vietnam war. After her return state-side, Linda worked for a time for the U.S. Postal Service. For the last 29 years, she has been an employee of the Social Security Administration. I have personal knowledge of Linda’s dedication and commitment not only to her profession but more importantly to the citizens she worked for. When Linda retired, the United States lost a very dedicated and caring public servant. Thank you, Linda Jackson, for your service to our country.

MESSAGE FROM THE HOUSE

At 4:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 132. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3069) to extend the Andean Trade Preference Act and to grant additional trade benefits under that Act, and for other purposes:

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3210) to require that the Federal Reserve Board have the capacity of insurers to provide coverage for risks from terrorism, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Financial Services, for consideration of the House bill and the Senate Amendment thereto, and modifications committed to conference: Mr. BAKERY, Mr. BAKER, Mr. NEY, Mrs. KELLY, Mr. SHAYS, Mr. FOSSELLA, Mr. FERGUSON, Mr. LAFAULCE, Mr. KANJERSKI, Mr. BENTSEN, Mr. MALONEY of Connecticut, and Ms. HOOLEY of Oregon.

From the Committee on the Judiciary, for consideration of section 15 of the House bill and sections 10 and 11 of the Senate amendment thereto, and modifications committed to conference: Mr. SENSENBERGREN, Mr. GOUDLATT.

The message also announced that the Speaker appoints the following members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3646) to authorize appropriations for the Department of Energy for military activities of the Department of Energy, to prescribed personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

As additional conferees from the Committee on Small Business, for consideration of sections 243, 824, and 829 of the Senate amendment and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELAZQUEZ.

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–8161. A communication from the Director, Office of Integrated Analysis and Forecasting, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled “Performance Profiles of Major Producers 2001”; to the Committee on Energy and Natural Resources.

EC–8162. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Cost Estimate for Pay-As-You-Go for Report Number 561; to the Committee on the Budget.

EC–8163. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Manufacturing Substitution Drawback: Duty Apportionment” (RIN1512–AD02) received on July 18, 2002; to the Committee on the Judiciary.

EC–8164. A communication from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Exemption of Department of Justice Privacy Act System of Records” (RIN1115–AF02) received on July 24, 2002; to the Committee on the Judiciary.

EC–8165. A communication from the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Power of the Attorney General to Authorize State of Local Law Enforcement Officers to Exercise Federal Immigration Enforcement Authority During a Mass Influx of Aliens” (RIN1115–AF09) received on July 24, 2002; to the Committee on the Judiciary.

EC–8166. A communication from the Acting Director, Office of Regulatory Law, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Increased Allowances for the Educational Assistance Test Program” (RIN2000–AL02) received on July 23, 2002; to the Committee on Veterans’ Affairs.

EC–8167. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report regarding Streamlining Seat Certification; to the Committee on Commerce, Science, and Transportation.


EC–8169. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of
Commercial, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Amendment and Corrections to the Emergency Specifications for Waters In and Off Alaska” (RIN0648-AP69) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8170. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Sea Lion Protection Measures and Urban Development, transmitting, pursuant to law, the report of a rule entitled ‘Fiscal Year 2003 Fishery Management Plan for Groundfish in the Gulf of Alaska and An Amendment to the Pacific Halibut Commercial Fishing Regulations for Waters In and Off Alaska’” (RIN0648-AK70) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8171. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Bifurcations and合并的 Variance Exemptions” (FRL7197-8) received on July 24, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8172. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Research and Promotion Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Methylcyclopropene; Exemption from the Requirement of a Tolerance” (FRL7197-4) received on July 24, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8175. A communication from the Assistant Secretary, Office of Indian Education Programs, Department of Indian Affairs, transmitting, pursuant to law, the report of a rule entitled “Indian School Equalization Program” (RIN1076-AEH1) received on July 23, 2002; to the Committee on Indian Affairs.

EC–8176. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Loan Guarantee for Indian Housing; Direct Guarantee Processing” (RIN2577-AB78) received on July 23, 2002; to the Committee on Indian Affairs.

EC–8177. A communication from the Principal Deputy Director, Office of Hearing and Appeals, Division of the Inspector General, transmitting, pursuant to law, the report of a rule entitled “Indian Affairs Hearings and Appeals” (RIN1900-AH70) received on July 23, 2002; to the Committee on Indian Affairs.

EC–8178. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Fair Housing and Equal Opportunity, received on July 16, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8179. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Recision of Exemption from Bank Secrecy Act Regulations for Sale of Variable Annuities” (RIN1306-AAA30) received on July 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8180. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” (Doc. No. FEMA–2697–1) received on July 23, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8181. A communication from the Director, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report of a rule entitled “Section 270.17a-8 Mergers of Affiliated Companies” (RIN2325-AH81) received on July 23, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8182. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Public Assistance; Medical Assistance” (FRL7232-3) received on July 24, 2002; to the Committee on Environment and Public Works.

EC–8183. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Division of Management Policy” (FRL7232-3) received on July 24, 2002; to the Committee on Environment and Public Works.

EC–8184. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Freedom of Information Act” (FRL7232-3) received on July 24, 2002; to the Committee on Environment and Public Works.

EC–8185. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Oregon, California, and Monoxide Nonattainment Area” (FRL7232-9) received on July 24, 2002; to the Committee on Environment and Public Works.

EC–8186. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Acquisition of Commercial Items” (DFARS Case 95–D712) received on July 13, 2002; to the Committee on Armed Services.

EC–8187. A communication from the Deputy Chief of Naval Operations, Fleet Readiness and Material, Department of the Navy, transmitting, pursuant to law, a report to convert to performance by the private sector the Mail and Travel Services functions at Space and Naval Warfare Systems Center San Diego, CA; to the Committee on Armed Services.

EC–8188. A communication from the Deputy Secretary of Defense, transmitting the report of a rule entitled “Classified Information—Defense,” received on July 24, 2002; to the Committee on Armed Services.

EC–8189. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled “Relationships between the Performance of Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Finding of Failure to Attain; California–San Joaquin Valley Nonattainment Area” (FRL7232-3) received on July 24, 2002; to the Committee on Environment and Public Works.

EC–8190. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Federal Resource Management Program” (FRL7232-3) received on July 24, 2002; to the Committee on Environment and Public Works.

EC–8191. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “National Coastal Wetlands Conservation Grant Program” (RIN1018-AFS1) received on July 24, 2002; to the Committee on Environment and Public Works.

EC–8192. A communication from the Director, Naval Reactors, transmitting, pursuant to law, the report of a rule entitled “Classification and Access” (FRL7232-9) received on July 24, 2002; to the Committee on Armed Services.

EC–8193. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Codification and Modification of Berry Amendment” (DFARS Case 2002–D018) received on July 23, 2002; to the Committee on Armed Services.

EC–8194. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Changes to Profit Policy” (DFARS Case 2000–D018) received on July 23, 2002; to the Committee on Armed Services.

EC–8195. A communication from the Director, Army Corps of Engineers, transmitting, pursuant to law, the report of a rule entitled “Codification and Modification of Berry Amendment” (DFARS Case 2002–D018) received on July 23, 2002; to the Committee on Armed Services.

EC–8196. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Acquisition of Commercial Items” (DFARS Case 95–D712) received on July 13, 2002; to the Committee on Armed Services.

EC–8197. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement, to the Committee on Armed Services.

EC–8198. A communication from the Assistant Secretary for Health and Human Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Community Eligibility” (Doc. No. FDA–2002–54, 6, 8) received on July 23, 2002; to the Committee on Armed Services.

EC–8199. A communication from the Under Secretary of Defense, Technology, transmitting, pursuant to law, a report setting forth the proposed amount of...
staff-years of technical effort (STEs) to be funded by the Department of Defense for each FFRDC for Fiscal Year 2003; to the Committee on Armed Services.

EC-8201. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, the report on the Development and Program for Fiscal Year 2001; to the Committee on Armed Services.

EC-8202. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the Report of the Ninth Quadrennial Review of Military Compensation; to the Committee on Armed Services.

EC-8203. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on executive branch spending and program evaluations for the year ending September 30, through Fiscal Year 2003; to the Committee on Armed Services.

EC-8204. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Tax Policy, received on July 18, 2002; to the Committee on Finance.

EC-8205. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Under Secretary, Designated Assistant Secretary, International Affairs, received on July 18, 2002; to the Committee on Finance.

EC-8206. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Enforcement, received on July 18, 2002; to the Committee on Finance.

EC-8207. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘Merchandise Processing Fee Eligible to be Claimed as Unused Merchandise drawback’’ (RIN1515–A767) received on July 23, 2002; to the Committee on Finance.

EC-8208. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘Taxable Years of Partner and Partnership; Foreign Partners’’ (RIN1545–A768) received on July 24, 2002; to the Committee on Finance.

EC-8209. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Aquatic Resources Trust Fund Annual Report for 2001 and the Oil Spill Liability Trust Fund Annual Report for 2001; to the Committee on Finance.

EC-8210. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘Guidance Under Subpart F Relating to Partnerships’’ (RIN1545–A745) received on July 24, 2002; to the Committee on Finance.

EC-8211. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘TD 9005: Refund of Misstated Contributions and Withdrawal Liability Payments’’ (RIN1545–B207) received on July 23, 2002; to the Committee on Finance.

EC-8212. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘Rev. Rul. 69–259, Modification of’’ (Rev. Rul. 2002–50) received on July 23, 2002; to the Committee on Finance.

EC-8213. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘Notice to Interest Parties’’ (REG–129608) received on July 23, 2002; to the Committee on Finance.

EC-8214. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘Compromise of Tax Liabilities’’ (RIN1545–AW87) received on July 23, 2002; to the Committee on Finance.

EC-8215. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘Airports and Seaports’’ (RIN1515–AD04) received on July 24, 2002; to the Committee on Finance.

EC-8216. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed manufacturing license agreement with Canada; to the Committee on Foreign Relations.

EC-8217. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Greece, Belgium, France, Israel, South Korea, the Netherlands and the United Kingdom; to the Committee on Foreign Relations.

EC-8218. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-8219. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to India; to the Committee on Foreign Relations.

EC-8220. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Pakistan; to the Committee on Foreign Relations.

EC-8221. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to The Government of Germany; to the Committee on Foreign Relations.

EC-8222. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8223. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification regarding the proposed transfer of major defense equipment valued (in terms of arms acquisition of $50,000,000 or more) to the Government of Israel; to the Committee on Foreign Relations.

EC-8224. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8225. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-8226. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-8227. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-8228. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8229. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-8230. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-8231. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8232. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8233. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8234. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8235. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8236. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8237. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8238. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8239. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8240. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8241. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.
Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-8236. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-8237. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8238. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-8239. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Italy and Greece; to the Committee on Foreign Relations.

EC-8241. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-8242. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Australia and Poland; to the Committee on Foreign Relations.

EC-8243. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-8244. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-8245. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-8246. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8247. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8248. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8249. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8250. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8251. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8252. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8253. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8254. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8255. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8256. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8257. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-8258. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC-8259. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense services or defense articles sold commercially under a contract in the amount of $50,000,000 or more to South Korea; to the Committee on Foreign Relations.
(10:01:08 through 12:31:01); to the Committee on Governmental Affairs.

By Mr. SMITH of New Hampshire (for himself, Mr. CRAPO, and Mr. INHOFE): S. 2813. A bill to improve the financial and environmental sustainability of the water programs of the United States; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself, Mr. ROBERTS, Mr. CONRAD, Mr. JOHNSON, and Mr. BROWNSTONE): S. 2814. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds; to the Committee on Agriculture, Nutrition, and Forestry.

Ref: SMITH of New Hampshire (by request): S. 2815. A bill to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. MCCAIN, Mr. DWYER, Ms. LANDRIEU, Mr. JOHNSON, Mrs. CARNANAN, Mr. HATCH, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. TORRICELLI, Mr. DIUGUIDI, Mr. MUKOWSKY, and Mr. KERRY): S. 2816. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. HOLLINGS, Mr. BOND, and Ms. MUKOWSKY): S. 2817. A bill to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG: S. 2818. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that there is competition in the pharmaceutical industry and increased access to affordable drugs; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS S. 486

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a co-sponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 674

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. CARNANAN) was added as a co-sponsor of S. 674, a bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes.

At the request of Mr. DAYTON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a co-sponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a co-sponsor of S. 1226, a bill to require the display on the POW/MIA and World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.
Mr. BIDEN was added as a cosponsor of S. 2634, a bill to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes.

S. 2712
At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor 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. 2762
At the request of Mr. THURMOND, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 242, a resolution designating August 16, 2002, as "National Airborne Day".

AMENDMENT NO. 4326
At the request of Mr. MCCONNELL, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4326 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. SMITH of New Hampshire (for himself, Mr. CRAPO, and Mr. INHOFE):
S. 2813. A bill to improve the financial and environmental sustainability of the water programs of the United States; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to be with my colleagues on the Environment and Public Works Committee to introduce the Water Quality Investment Act of 2002. When I became Chairman of the Committee in 1999, one of my top priorities was to help maintain the Nation’s water systems and the Americans served by them. Senator CRAPO, as Chairman of the Fisheries, Wildlife andWater Subcommittee shared my concern. Unfortunately, the bill that was approved out of Committee was a partisan proposal that added several provisions that will prevent the bill from moving forward. Our majority colleagues insist we retain the principled funding formula included in S. 616 for a politically driven one that has no hope of surviving the lengthy legislative process while also compromising the needs of the country’s small States. Further, they added Davis Bacon, an onerous labor provision that continues to divide the Senate and only serves to cloud the future of an otherwise strong bill.

While I can no longer support S. 616, clean water remains one of my top priorities as the Ranking Republican on the EPW Committee. Therefore, I join Senators INHOFE and CRAPO in introducing a streamlined bill that is free of the controversies that now plague S. 616.

I am a strong advocate of limited government and when it comes to water infrastructure, I do not believe the primary responsibility of financing local water needs lies with the Federal Government. I am equally adamant, however, that the Federal Government should not place unfunded mandates on our local communities. This bill strikes a responsible balance between meeting Federal obligations and maintaining local responsibility and state flexibility.

So much of our Nation’s water infrastructure is aging and in desperate need of replacement. Coupled with the aging problem is the cost burden that local communities face in order to comply with ever increasing State and Federal clean water mandates. This bill addresses these problems and makes structural changes to ensure that we avoid a national crisis now and in the future.

The legislation authorizes $35 billion over the next 5 years in Federal contribution to the total water infrastructure need to help defray the cost of the mandates placed on communities. This is a substantial increase in Federal commitment, but not nearly as high as some would have preferred.

This commitment does not come without additional responsibilities. When the Clean Water Act was amended by Congress in 1987, a debate I remember well, we set up a revolving fund so more Federal money would not be required. The fund would continually revolve providing a continual pool of money for water needs. Unfortunately, appropriations have not kept pace with the Federal share and the funds have not been able to revolve at levels necessary to meet the increasing need. Further, as more Federal mandates have been imposed on local communities, facilities have exhausted their useful life while local officials have found raising water rates unpalatable. Thus, what was not to be
Federal responsibility became a Federal necessity. Now we are faced with a near crisis situation.

This bill makes certain that we do not go down that road again. The Federal government will help to defray the costs. Federal mandates, with the new mandates and new requirements that all utilities do a better job of managing their funds and plan for future costs. The bill requires utilities to assess the condition of their facility and pipe and develop a plan to pay for the long-term repair and maintenance of these assets. That plan will include Federal assistance, but it will be limited assistance.

We also make additional structural changes to the law both to address financial concerns and to help achieve improved management of these water systems. One such change to the Clean Water Act is to incorporate a Drinking Water Act provision that allows States, at their discretion, to provide principal on loans to extend the repayment period for loans to disadvantaged communities. This flexibility will provide help to communities struggling with high combined sewer overflow cost to secure additional assistance. This bill promotes other important cost saving measures that many communities are already experimenting with throughout the country. It will also provide much needed information and planning tools to communities across the country who are experiencing a monthly drought.

Again, I am disappointed I could not maintain my support for S. 1961, the Water Investment Act. However, the bill that passed the Committee took several steps in the wrong direction by including not only a formula but new mandates and regulatory requirements that will prevent the bill from moving forward. Clean water should be a priority for every member of the Senate. We need to come together around a bill that can go forward. S. 1961 is no longer that bill.

I look forward to working with my colleagues to enact the Water Quality Investment Act this year and commemorate the 30th Anniversary of the Clean Water Act with a renewed commitment to the nation’s waterways and the people who depend on them.

Mr. CRAFO. Mr. President, I rise without prejudice, Senator Bob Smith, to introduce the Water Quality Investment Act of 2002. We are introducing this legislation to reinvigorate the debate on investing in our Nation’s water and wastewater infrastructure.

When I became Chairman of the Fisheries, Wildlife, and Water Subcommittee, I began the long process of assessing the performance of our water and wastewater infrastructure statutes and exploring needed improvements to address outstanding problems. With the able partnership of Senator Smith, over the past 3 years, I convened many hearings and meetings with the stakeholders and agency officials to better understand how to address the problems of communities with unmet water and wastewater infrastructure needs.

Earlier this year, Senator Smith and I joined with Senator Bob Graham and Senator Jim Jeffords to introduce S. 1961, the Water Investment Act. As introduced, the bill represented a strong and principled bipartisan measure. The major facets of the bill, heightened investment levels in our infrastructure, increased flexibility to states, and strong accountability to ensure utilities of need and recommendations by stakeholders, experts, and communities. I commend my colleagues for their hard work and the partnership we established in putting together a model bill, which was closely followed by my colleagues in the House of Representatives.

I am proud of the overwhelming support that bill generated. As introduced, S. 1961 represented the collaboration and recognition that the goal of assisting communities should be our guiding principle. Too many communities are waiting for the assistance this bill will provide to see the legislation brought down by difficulty, and artificialism.

While by no means perfect, I hoped the committee process would not turn this legislation into a vehicle for individual proposals and controversial concepts. Against my hope, S. 1961 started to unravel as some worked to undermine the compromise and the bipartisan nature of the legislation. As you are well aware, the markup for S. 1961 was contentious and divisive. It was unfortunate that S. 1961, which started out as a bipartisan effort between the four principals, ended up in partisan votes. Despite many warnings, some felt it necessary to bring this legislation down simply to advance narrow agendas.

I have welcomed the opportunity to work again with committed stakeholders and others to craft this carefully-balanced measure. This new bill builds upon the foundations of S. 1961 as introduced and adds important refinements brought forward by the affected communities and stakeholders. It is a proposal that serves the critical needs of our nation’s water and wastewater infrastructure in a cost-effective and responsible manner.

I look forward to the Senate’s consideration of a sound, balanced, and carefully-deliberated bill to address the water and wastewater needs of the Nation. I believe all of us share that goal and we should all rally around the Water Quality Investment Act as the means to achieve that goal.

By Mr. DORGAN (for himself, Mr. ROBERTS, Mr. CONRAD, Mr. JOHNSON, and Mr. BROWNBACK): S. 2814. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds;

to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today, along with Senators ROBERTS, CONRAD, JOHNSON and BROWNBACK, I am introducing legislation to clarify Congressional intent regarding minor oilseed loan rates under the Farm Security and Rural Investment Act, FSRIA, of 2002. In early June, the United States Department of Agriculture incorrectly interpreted the intent of the new farm bill when the Farm Service Agency arbitrarily announced a wide range of minor oilseed loan rates. For some crops, the loan rate increased substantially, while for others, the rates plunged.

Not once during the farm bill debate was there ever discussion of splitting apart minor oilseed loan rates. In fact, the minor oilseed industry and farmers alike anticipated a county-level increase in loan rates from $9.30 to $9.60 per cwt. The announcement by the Farm Service Agency caused everyone in the agriculture community by surprise.

This legislation is intended to correct this misinterpretation of the new farm bill, and to prevent what will certainly be extremely adverse shifts among these crops in the coming years should these rates be allowed to stand. These acreage shifts will destroy segments of the minor oilseed industry that have been painstakingly developed over a number of years.

For instance, already, users of the oil derived from oil sunflowers anticipate supply shortages next year and have indicated they may remove sunflower oil from their product mix. Conversely, incentives caused by the much higher confectionery sunflower loan rate could deluge USDA with massive loan forfeitures of low quality confectionery sunflowers if farmers simply grow for the loan rate rather than a quality crop that has a market.

The legislation amends the new farm bill by simply—and redundantly—listing each minor oilseed’s loan rate separately. The legislation also reinstates the crambe and sesame seed loan rates that were eliminated by USDA.

This legislation should not be needed. USDA could easily repeal the current announcement of minor oilseed loan rates in favor of rates consistent with this legislation and the new farm bill, number of years.

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amended by inserting ‘‘crambe, sesame seed,’’ after ‘‘mustard seed.’’;


(1) in subsection (a), by striking paragraph (18) and inserting the following:

‘‘(18) In the case of other oilseeds:

(A) In the case of oil sunflower seed, confectionery sunflower seed, and other types of sunflower seed, $.0960 per pound, except that the Secretary shall establish a single sunflower loan rate in each county for all seed described in this subparagraph.

(B) In the case of rapeseed, $.0900 per pound.

(C) In the case of canola, $.0900 per pound.

(D) In the case of safflower, $.0900 per pound.

(E) In the case of flaxseed, $.0960 per pound.

(F) In the case of mustard seed, $.0960 per pound.

(G) In the case of crambe, $.0900 per pound.

(H) In the case of sesame seed, $.0960 per pound.

(I) In the case of another oilseed designated by the Secretary, $.0960 per pound.’’; and

(2) in subsection (b), by striking paragraph (18) and inserting the following:

‘‘(18) In the case of other oilseeds:

(A) In the case of oil sunflower seed, confectionery sunflower seed, and other types of sunflower seed, $.0960 per pound, except that the Secretary shall establish a single sunflower loan rate in each county for all seed described in this subparagraph.

(B) In the case of rapeseed, $.0930 per pound.

(C) In the case of canola, $.0930 per pound.

(D) In the case of safflower, $.0930 per pound.

(E) In the case of flaxseed, $.0930 per pound.

(F) In the case of mustard seed, $.0930 per pound.

(G) In the case of crambe, $.0930 per pound.

(H) In the case of sesame seed, $.0930 per pound.

(I) In the case of another oilseed designated by the Secretary, $.0930 per pound.’’;

(c) Rates Under Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(2) in subsection (b), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(3) in subsection (c), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(4) in subsection (d), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(5) in subsection (e), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(6) in subsection (f), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(7) in subsection (g), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(8) in subsection (h), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(9) in subsection (i), by striking ‘‘and extra’’ and inserting ‘‘and extra,’’

(10) and inserting the following:

‘‘(1) in subsection (a), by striking paragraph (18) and inserting the following:

(A) In the case of oil sunflower seed, confectionery sunflower seed, and other types of sunflower seed, $.0960 per pound, except that the Secretary shall establish a single sunflower loan rate in each county for all seed described in this subparagraph.

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(A) In the case of oil sunflower seed, confectionery sunflower seed, and other types of sunflower seed, $.0960 per pound, except that the Secretary shall establish a single sunflower loan rate in each county for all seed described in this subparagraph.

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(E) In the case of flaxseed, $.0930 per pound.

(F) In the case of mustard seed, $.0930 per pound.

(G) In the case of crambe, $.0930 per pound.

(H) In the case of sesame seed, $.0960 per pound.

(I) In the case of another oilseed designated by the Secretary, $.0960 per pound.’’;

(d) Under Section 406, a graduated, automatic excess emissions penalty replaces the existing single, automatic penalty under the Acid Rain Program.

Under Section 407, fossil-fuel fired boilers, turbines, and integrated gasification combined cycle plants that are not otherwise subject to the new sulfur dioxide, nitrogen oxides, and mercury trading programs may opt into these programs if certain requirements are met. Once a unit opts into these programs, it will be treated as a new source for purposes of the new programs.

Section 409 requires the Administrator to promulgate regulations for auctions of allowances under the new sulfur dioxide, nitrogen oxides, and mercury trading programs. All auction proceeds will go to the general Treasury.

Section 410 establishes criteria and the process by which the Administrator may recommend to Congress adjustment of the total amount of allowances available (whether through allocation or auction) starting in 2018 under the new sulfur dioxide, nitrogen oxides, and mercury trading programs.

Sulfur Dioxide Emission Reductions: The Clear Skies Act establishes Part B, which retains in Sections 411–419, with few changes, the relevant requirements of the existing Acid Rain Program through December 31, 2009 and contains in Sections 421–434 the new, lower annual caps on total sulfur dioxide emissions and new allocation procedures starting January 1, 2010.

Under Section 421, the new sulfur dioxide trading program covers units in the U.S. and its territories. The program includes existing fossil-fuel–fired boilers and integrated gasification combined cycle plants, having a nameplate capacity of greater than 25 MW with certain exceptions for cogeneration units. The program also includes new fossil-fuel–fired units, boilers and turbines and integrated gasification combined cycle plants regardless of size, except for gas-fired units serving one or more generators with total nameplate capacity of 25 MW of less and certain new cogeneration units. In addition, solid waste incineration units and units for treatment, storage, or disposal of hazardous waste are exempted.

Under Section 422, compliance with the requirement to hold allowances covering sulfur dioxide emissions will be monitored through sulfur dioxide measurement and reporting programs. The program elements shared by the sulfur dioxide, nitrogen oxides, and mercury programs. A cap-and-trade program will be implemented on a facility-wide basis. The owner or operator must hold allowances for all the affected units at a facility at least equal to the total sulfur dioxide emissions for those units during the year.

Under Section 423, annual sulfur dioxide emissions for affected units are capped at 4.5 million tons starting in 2010. The program includes existing sulfur dioxide allowances for 2010 and 2011 and the existing Acid Rain Program.
Under Section 424, allowances are allocated to affected units previously receiving allowances under the Acid Rain Program based on their proportion of the total post-2009 Acid Rain Program allowances currently accounted for in their Acid Rain Program allowance accounts. Units that received no allocations under the Acid Rain Program are allocated allowances based on the product of their baseline heat input and a standard emission rate reflective of fuel type. If the Administrator does not promulgate final allocations on a timely basis, a default provision takes effect that allows allocations to Acid Rain Program units based on heat input data collected under that program and auctions other allowances.

Under Section 425, once the Administrator places sulfur dioxide allowances under the new trading program into accounts in the Allowance Tracking System, all year 2010 and later allowances allocated under the Acid Rain Program will be removed from the accounts. All pre-2010 allowances under the Acid Rain Program that have not been used will remain in accounts and may be used to meet the requirement to hold allowances in the new sulfur dioxide trading program.

Under Section 426, a reserve of 250,000 allowances is established for affected units that combusted bituminous and that, before 2008, emitted sulfur dioxide control technology and continue to combust such coal. The procedure established for submittal of applications by owners and operators of affected units for the release of allowances by the Administrator is designed to ensure that approval of those projects will result in the largest amount of sulfur dioxide emissions reductions achieved per allowance awarded.

Under Sections 431–438, a separate emission limitation and cap-and-trade program are provided for emissions of nitrogen oxides and in Sections 461–465 the requirements of the existing NOx SIP Call that covers the eastern U.S. The SIPs are required to be consistent with the sulfur dioxide and nitrogen oxides programs established under the NOx SIP Call. SIPs must be submitted for certain full States and for certain portions of some States as determined by the Administrator.

Under Section 471, the new mercury trading program provides for the allocation of allowances that are covered by the new sulfur dioxide and nitrogen oxides trading programs.

Under Section 472, compliance with the requirement to hold allowances covering mercury emissions will be determined on a facility-wide basis, analogous to the way compliance is determined under the new sulfur dioxide and nitrogen oxides programs.

Under Section 473, annual mercury emission allowances are capped at 26 tons starting in 2010 and 15 tons starting in 2018. Each year, the percentages of allowances allocated and auctioned each year are the same as under the new sulfur and nitrogen oxides trading programs.

Under Section 474, allowances are allocated to affected units based on the proportionate share of their baseline heat input to total heat input of all affected units. For purposes of allocating the allowances, each unit’s baseline heat input is adjusted to reflect the types of coal combusted by the unit during the baseline period. If the Administrator does not promulgate final allocations on a timely basis, a default provision, like that under the new sulfur dioxide and nitrogen oxides trading programs, takes effect.

Performance Standards for New Sources:

To ensure that all new affected units have appropriate controls, Part E establishes, in Section 481 of the Clean Air Act, standards for all new boilers, combustion turbines, and integrated gasification combined cycle plants (IGCCs) covered under the Act.

“New” units are those that commence construction or reconstruction after the date of enactment. The standards also apply to “modified” units that opt to meet the applicable performance standard in lieu of case-specific BACT.

These statutory performance standards include emission limits for pollutants: nitrogen oxides (NOx); sulfur dioxide (SO2); mercury (Hg); and particulate matter (PM). The Hg emission limit applies only to coal. In addition, a PM emission limit is established for existing oil-fired boilers to ensure reductions of nickel from such units. All units subject to a performance standard must meet the standards and use averaging times similar to current NSPS.

Boilers and IGCCs are subject to a SO2 emission limit of 2.0 lb/MWh; a NOx emission limit of 0.20 lb/MWh; Coal-fired boilers and IGCCs are subject to a Hg emission limit of 0.015 lb/GWh; however, alternative standards would apply to IGCCs. Coal-fired combustion turbines are subject to the same NOx, SO2, PM, and Hg emission limits as boilers and IGCCs. Oil-fired combustion turbines are subject to NOx emission limits ranging from 0.289 lb/MWh to 1.01 lb/MWh, an SO2 emission limit of 2.0 lb/MWh, and a PM emission limit of 0.20 lb/MWh. Gas-fired combustion turbines are subject to NOx emission limits ranging from 0.084 lb/MWh to 0.56 lb/MWh. Existing oil-fired boilers are subject to a NOx emission limit of 0.084 lb/MWh.

Research, Environmental Monitoring, and Assessment: Section 482 contains provisions for evaluating and reporting the efficacy of the new sulfur dioxide, nitrogen oxides, and mercury trading programs; and providing information concerning whether the total sulfur and nitrogen oxides emissions starting in 2018 should be adjusted under Section 410.

Exemption from Major Source Reconstruction Review Requirements and Best Available Retrofit Control Technology Requirements: Section 483 exempts units from the requirements of New Source Review (NSR). The section also exempts these sources from the requirement to install best available retrofit technology (BART). These exemptions are created by excluding affected sources from being “major stationary sources” for purposes of Part C and D of the Clean Air Act.

Affected units constructed after enactment of the Clear Skies Act must meet the performance standards for NOx, SO2, PM, and CO specified in Section 481, but a case-by-case review of the appropriate control technology such as BACT or LAER is no longer required. Similarly, modifications at existing affected units must either comply with the performance standards for NOx, SO2, PM, and CO established in Section 481 or comply with BACT. However, to qualify for this exemption from NSR, existing sources must either commit within three years to meet the existing NSPS limit for PM of 0.03 lb/MMbtu in the future, or have begun to propagate any existing control technology to reduce PM emissions or otherwise minimize PM emissions according to best operational practices. To qualify for the exemption, an existing source must also use good combustion practices to minimize emissions of carbon monoxide. Permits issued in the past to comply with the requirements of Parts C and D, however, will remain in effect.

To ensure that national parks and other California areas are protected, new units located within 50 km of such an area will remain subject to the requirements in Part C for the protection of such areas. New sources must ensure that construction of new or modified affected units will not cause or contribute to a violation of the NAAQS or interfere with the programs to assure that the NAAQS are met. States also must provide the public with an opportunity to comment on the impact of the affected unit on the NAAQS, or on any Class I areas within 50 km of the facilities.

For affected units, the definition of modification is defined to mean changes that increase the hourly emissions of any air pollutants.

S. 2815

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

TITLE I. SHORT TITLE, TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the “Clear Skies Act of 2002.”

Table of Contents:

The table of contents of this Act is as follows:

Sec. 1. Short title, table of contents.
Sec. 2. Emission Reduction Programs—TITLES IV—Emission Reduction Programs

Sec. 401. (Reserved)
Sec. 402. Definitions.
Sec. 403. Allowance system.
Sec. 404. Permits and compliance plans.
Sec. 405. Monitoring, reporting, and recordkeeping requirements.
Sec. 406. Excess emissions penalty; general compliance with other provisions; enforcement.
Sec. 407. Emission of sulfur dioxide from additional units.
Sec. 408. Clean coal technology regulatory incentives.
Sec. 409. Auctions.
Sec. 410. Emission of limitations on total sulfur dioxide, nitrogen oxides, and mercury emissions that start in 2018.

PART B—SULFUR DIOXIDE EMISSION REDUCTIONS

Subpart 1—Acid Rain Program

Sec. 411. Definitions.
Sec. 412. Allowance allocations.
Sec. 413. Phase I sulfur dioxide requirements.
Sec. 414. Phase II sulfur dioxide requirements.
Sec. 415. Allowances for states with emission rates at or below .8 lbs/mmBtu.
Sec. 416. Auction for additional sources.
Sec. 417. Auction for existing sources.
Sec. 418. Industrial sulfur dioxide emissions.
Sec. 419. Termination.

Subpart 2—Sulfur Dioxide Allowance Program

Sec. 420. Definitions.
Sec. 421. Allocation.
Sec. 422. Applicability.
Sec. 423. Limitations on total emissions.
Sec. 424. Allocations.
Sec. 425. Disposition of sulfur dioxide allowances allocated under subpart 1.
Sec. 426. Incentives for sulfur dioxide emission control technology.

Subpart 3—Western Regional Air Partnership

Sec. 430. Definitions.
Sec. 431. Allocations.
Sec. 432. Applicability.
Sec. 433. Limitations on total emissions.
Sec. 434. Allocations.

PART C—NITROGEN OXIDES EMISSIONS REDUCTIONS

Subpart 1—Acid Rain Program

Sec. 440. Nitrogen Oxides Emission Reduction Program.

Subpart 2—Nitrogen Oxides Allowance Program

Sec. 450. Definitions.
Sec. 451. Applicability.
Sec. 452. Limitations on total emissions.
Sec. 453. Allocations.

Subpart 3—Ozone Season NOx Budget Program

Sec. 460. Definitions.
Sec. 461. General Provisions.
Sec. 462. Applicable Implementation Plan.
Sec. 463. Termination of Federal Administration of NOx Trading Program.
Sec. 464. Carryforward of Pre-2008 Nitrogen Oxides Allowances.

PART D—MERCURY EMISSION REDUCTIONS

Sec. 470. Definitions.
Sec. 472. Applicability.
Sec. 473. Limitations on total emissions.
Sec. 474. Allocations.

PART E—NATIONAL EMISSION STANDARDS; RESEARCH; ENVIRONMENTAL ACCOUNTABILITY; MAJOR SOURCE PRECONSTRUCTION REVIEW AND AVAILABILITY; RETROFIT CONTROL TECHNOLOGY REQUIREMENTS

Sec. 480. National emission standards for affected units.

Sec. 482. Research, environmental monitoring, and assessment.
Sec. 483. Major source preconstruction review and best availability retrofit control technology requirements.

Sec. 3. Other amendments.

(2) The term ‘coal-fired’ with regard to a unit means, except under subpart 1 of part B, subpart 1 of part C, and sections 424 and 434, combusting coal or coal derived fuel alone or in combination with any amount of other fuel in any year.

(3) The term ‘co-generation unit’ means, except under subpart 1 of part B and subpart 1 of part C, a unit that produces through the sequential use of energy: (A) electricity, and (B) useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes.

(4) The term ‘combustion turbine’ means any combustion turbine that is not self-propelled. The term includes, but is not limited to, a simple cycle combustion turbine, a combined cycle combustion turbine and any duct burner or heat recovery device used to extract heat from the combustion turbine exhaust, and a regenerative combustion turbine. The term does not include a combined turbine in an integrated gasification combined cycle plant.

(5) The term ‘cross docking’ means the facility will comply with all applicable requirements under title IV.

PART A. GENERAL PROVISIONS

SEC. 401. (Reserved)

SEC. 402. DEFINITIONS.

As used in this title—

(1) The term ‘affected EGU’ shall have the meaning set forth in section 421, 431, 451, or 471, as appropriate.

(2) The term ‘affected facility’ or ‘affected source’ means a facility or source that includes one or more affected units.

(3) The term ‘affected unit’ means—

(A) Under this part, a unit that is subject to emission reduction requirements or limitations under part B, C, or D, or it applicable, under a specified part or subpart or (B) Under subpart 1 of part B or subpart 1 of part C, a unit that is subject to emission reduction requirements or limitations under that subpart.

(4) The term ‘allowance’ means—

(A) an allowance administrator under this title, to emit one ton of sulfur dioxide, one ton of nitrogen oxides, or one ounce of mercury; or

(B) Under subpart 1 of part B or subpart 1 of part C, an authorization by the Administrator under this title, to emit one ton of sulfur dioxide.

(5)(A) The term ‘baseline heat input’ means, except under subpart 1 of part B and section 407, the average annual heat input used by a unit during the three years in which the unit had the highest heat input for the period 1997 through 2001.

(5)(B) Notwithstanding subparagraph (A),

(i) if a unit commenced operation during 2000, then ‘baseline heat input’ means the average annual heat input used by the unit during 2000–2001; and

(ii) if a unit commenced or commenced operation during 2001–2004, then ‘baseline heat input’ means the owner’s design heat input capacity for the unit multiplied by eighty percent for coal-fired units, fifty for combined cycle combustion turbines, and five percent for simple cycle combustion turbines.

(6) A unit’s heat input for a year shall be the heat input—

(1) required to be reported under section 405 for the unit, if the unit was required to report heat input during the year under that section;

(2) reported to the Energy Information Administration for the unit, if the unit was not required to report heat input under section 405; or

(3) based on data for the unit reported to the State where the unit is located as required by State law, if the unit was not required to report heat input under section 405 and did not report to the Energy Information Administration; or

(iv) based on fuel use and fuel heat content data for the purposes of any provisions or compliance requirements, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration or (v) based on fuel use and fuel heat content data for the purposes of any provisions or compliance requirements, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration.

(D) By July 1, 2003, the Administrator shall promulgate regulations, with notice and opportunity for comment, specifying the formulas to be used in calculating the baseline heat input for each subpart and the rules for compliance with the provisions of this paragraph (B)(ii) and (C)(ii), (iii), or (iv) shall be submitted. By January 1, 2004, the owner or operator of any unit under subparagraph (B)(ii) or (C)(ii), (iii), or (iv) to which allowances may be allocated under section 424, 434, 454, or 474 shall submit to the Administrator at the Administrators promulgation with the Administrator is not required to allocate allowances under such sections to a unit for which the owner or operator fails to submit information in accordance with the provisions promulgated under this subparagraph.

(6) The term ‘clearing price’ means the price at which allowances are sold at an auction conducted by the Administrator or, if allowances are sold at an auction conducted by the Administrator at more than one price, the lowest price at which allowances are sold at the auction.

(7) The term ‘coal’ means any solid fuel classified as anthracite, bituminous, sub-bituminous, or lignitic or lignitic-derived fuel’ means any fuel (whether in a solid, liquid, or gaseous state) produced by the mechanical, thermal, or chemical processing of coal.

(8) The term ‘coal-fired’ with regard to a unit means, except under subpart 1 of part B, subpart 1 of part C, and sections 424 and 434, combusting coal or coal derived fuel alone or in combination with any amount of other fuel in any year.

(9) The term ‘co-generation unit’ means, except under subpart 1 of part B and subpart 1 of part C, a unit that produces through the sequential use of energy:

(A) electricity, and

(B) useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes.

(10) The term ‘combustion turbine’ means any combustion turbine that is not self-propelled. The term includes, but is not limited to, a simple cycle combustion turbine, a combined cycle combustion turbine and any duct burner or heat recovery device used to extract heat from the combustion turbine exhaust, and a regenerative combustion turbine. The term does not include a combined turbine in an integrated gasification combined cycle plant.

(11) The term ‘cross docking’ means the facility will comply with all applicable requirements under title IV.

(12) The term ‘cross docking’ means the facility will comply with all applicable requirements under title IV.

(13) The term ‘facilities plan’ means either:

(A) A statement that the facility will comply with all applicable requirements under title IV.

(B) Under subpart 1 of part B or subpart 1 of part C, a schedule and description of the method or methods for compliance and certification by the owner or operator that the facility is in compliance with the requirements of that subpart.

(14) The term ‘continuous emission monitoring system’ (CEMS) means the equipment as required by section 409, used to sample, analyze, and provide a continuous basis a permanent record of emissions and flow (expressed in pounds per million British thermal units (lbm/mmBtu), or megawatt hour (MWh), or standard cubic foot per hour) or similar data form as the Administrator may prescribe by regulation under section 405.

(15) The term ‘designated representative’ means a responsible person or official authorized by the owner or operator of a unit and the facility that includes the unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances, and the submission of and compliance with permits, permit applications, and compliance statements.

(16) The term ‘dust burner’ means a combustion device that uses the exhaust from a combustion turbine to burn fuel for heat recovery.

(17) The term ‘facility’ means all buildings, structures, or installations located on
one or more adjacent properties under common control of the same person or persons.

(18) The term "fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

(19) The term "fossil-fueled" with regard to a unit means burning fossil fuel, alone or in combination with any amount of other fuel or material.

(20) The term "fuel oil" means a petroleum-based fuel, including diesel fuel or petroleum-derived fuel.

(21) The term "gas-fired" with regard to a unit means, except under subpart 1 of part B and subpart G of part C, all natural gas or fuel oil, with natural gas comprising at least ninety percent, and fuel oil comprising more than ten percent, of the unit's total heat input in any year.

(22) The term "gasify" means to convert carbon-containing material into a gas consisting primarily of carbon monoxide and hydrocarbons.

(23) The term "generator" means a device that produces electricity and, under subpart 1 of part B and subpart 1 of part C, that is reported to the United States pursuant to Department of Energy Form 860.

(24) The term "heat input" with regard to a specific period of time means the product (in million British thermal units per hour) of the fuel (in mmBtu/lb) and the fuel feed rate into a unit (in lb of fuel/time) and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust.

(25) The term "integrated gasification combined cycle plant" means any combination of equipment used to gasify fossil fuels (with or without other material) and then burn the gas in a combined cycle combustion turbine.

(26) The term "oil-fired" with regard to a unit means, except under section 424 and 434, burning fuel oil for more than ten percent of the unit's total heat input, and combusting no coal or coal-derived fuel, in any year.

(27) The term "owner or operator" with regard to a unit or facility means, except for subpart 1 of part B and subpart 1 of part C, any person who owns, leases, operates, controls, or supervises the unit or the facility.

(A) with regard to an "allocating authority" means the Administrator, or the State or local air pollution control agency, with an approved permitting program under title V of the Clean Air Act; and

(B) with regard to an "allocating authority" means a petrochemical plant owner or operator if the regulator or the permitting authority has determined that the plant owner or operator is responsible for the emission or potential emission of mercury, nitrogen oxides, sulfur dioxide, or total heat input.

(29) The term "potential electrical output" with regard to a generator means the nameplate capacity of the generator multiplied by 3,560 hours.

(30) The term "source" means, except for sections 410, 481, and 482, all buildings, structures, or installations located on one or more adjacent properties under common control of the same person or persons.

(31) The term "State" means—

(A) one of the 48 contiguous States, Alaska, or Hawaii; the District of Columbia; the Commonwealth of Puerto Rico; the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands; or

(B) under subpart 1 of part B and subpart 1 of part C, one of the 48 contiguous States or the District of Columbia; or

(C) under subpart 3 of part B, Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming.

(32) The term "unit" means—

(A) a fossil-fueled boiler, combustion turbine, or integrated gasification combined cycle plant; or

(B) under subpart 1 of part B and subpart 1 of part C, a fossil-fueled combustion device.

(33) The term "utility unit" shall have the meaning set forth in section 411.

(34) The term "year" means calendar year.

SEC. 403. ALLOWANCE SYSTEM.

(a) ALLOCATION IN GENERAL.—(1) For the emission limitations under sections 410, 481, and 482, all buildings, structures, or installations not later than twenty-four months after the date of enactment of the Clean Air Act of 2002. All allowance allocations and transfers shall, upon request of the Administrator, be made separately of each unit's or facility's permit requirements pursuant to section 404, without any further permit review and revision.

(B) under subpart 1 of part B and subpart 1 of part C, the Administrator shall establish the allowance system for issuing, recording, and administering allowances for the purposes of this Act.

(c) ALLOWANCE TRACKING SYSTEM.—The Administrator shall establish a system for issuing, recording, and tracking allowances, which shall specify all necessary policies and requirements for an orderly and competitive functioning of the allowance system. Such system shall provide, for January 1, 2008, for one or more facility-allowance accounts for sulfur dioxide allowances, nitrogen oxides allowances, and mercury, as the case may be, for each facility and for a year specified by the Administrator.

(d) NATURE OF ALLOWANCES.—Such allowances may be used only to meet the requirements of sections 412(c), 422, 432, 452, and 472, as the case may be, for each facility and for a year specified by the Administrator.

(e) PROHIBITION.—(1) It shall be unlawful for any person to hold, use, or transfer any allowances, or any combination of such allowances, held by the Administrator under this title, except in accordance with regulations promulgated by the Administrator.

(f) The owner or operator of a facility may purchase allowances directly from the Administrator to be used only to meet the requirements of sections 412(c), 422, 432, 452, and 472, as the case may be, for each facility and for a year specified by the Administrator.

(g) Each such sulfur dioxide allowance shall be sold for $4,000, each such nitrogen oxides allowance shall be sold for $4,000, and each such mercury allowance shall be sold...
for $2,187.50, with such prices adjusted for inflation based on the Consumer Price Index on the date of enactment of the Clear Skies Act of 2002 and annually thereafter.

(c) The permits issued hereunder shall be transferable from one owner or operator to another and the permit holder may sell or exchange any such permit.

SEC. 404. PERMITS AND COMPLIANCE PLANS.

(a) PERMIT PROGRAM.—The provisions of this title shall be implemented, subject to section 403, by permits issued to units subject to the provisions of this title in accordance with the provisions of title V, as modified by this title. Any such permit issued by the Administrator, or by a State with an approved permit program, shall provide:

(1) annual emissions of sulfur dioxide, nitrogen oxides, and mercury in pounds per million BTUs of fuel input or the number of tons emitted per year by a facility subject to this title, as determined by the Administrator, as modified by section 421(c), 422, 432, 452, and 472;

(2) exceedances of applicable emissions rates under section 441;

(3) the use of any emission allowance for the year for which it was allocated or auctioned, and

(4) contravention of any other provision of this title.

(b) COMPLIANCE PLAN.—Each permit holder shall develop and submit, in accordance with this section, a compliance plan for the facility to comply with its requirements under this title. The plan shall include:

(1) a commitment to limit the emissions of any pollutant for a period of 3 years; and

(2) a description of the methods of compliance in the manner and time frame identified in the plan.

(c) PROGRAM ADMINISTRATION.—The Administrator shall have the authority to enforce the provisions of this title and sections 441(c) and 442 of this title.

(d) AMENDMENT OF APPLICATION AND COMPLIANCE PLAN.—At any time after the submission of an application and compliance plan under this section, the applicant may submit a revised application and compliance plan in accordance with the requirements of this section.

(e) PROHIBITION.—It shall be unlawful for an owner or operator, or the designated representative of such entity, to submit an application or compliance plan under this title to fail to submit such application or plan in a form consistent with what is specified in this section or to otherwise fail to comply with regulations implementing this section.

(f) Application and compliance plan for new or existing facilities.—Nothing in this section shall be construed to require the owner or operator of any facility subject to this title to include any provision in its application or compliance plan for new or existing facilities that is inconsistent with the requirements of this title.

SEC. 405. MONITORING, REPORTING, AND RECORDKEEPING.

(a) APPLICABILITY.—(1) The owner and operator of any facility subject to this title shall be required to install and operate a controlling equipment monitoring system that is reasonably designed to monitor and record the emissions from each affected unit and shall be required to report the following information to the permitting authority: the amount of sulfur dioxide, nitrogen oxides, opacity, and volumetric flow at each such unit.

(2) The owner and operator of any facility subject to this title shall be required to keep a record of the emissions from each affected unit and shall be required to report the following information to the permitting authority: the amount of sulfur dioxide, nitrogen oxides, opacity, and volumetric flow at each such unit.

(b) MONITORING.—The owner and operator of any facility subject to this title shall be required to install and operate a controlling equipment monitoring system that is reasonably designed to monitor and record the emissions from each affected unit and shall be required to report the following information to the permitting authority: the amount of sulfur dioxide, nitrogen oxides, opacity, and volumetric flow at each such unit.

(c) PERMITS.—The owner or operator of each facility subject to this title that includes an affected unit subject to title V shall submit a permit application and compliance plan for each unit.

(d) AMENDMENT OF APPLICATION AND COMPLIANCE PLAN.—At any time after the submission of an application and compliance plan under this section, the applicant may submit a revised application and compliance plan in accordance with the requirements of this section.

(e) PROHIBITION.—It shall be unlawful for an owner or operator, or the designated representative of such entity, to submit an application or compliance plan under this title to fail to submit such application or plan in a form consistent with what is specified in this section or to otherwise fail to comply with regulations implementing this section.

SEC. 406. PROHIBITION.

(a) APPLICABILITY.—(1) An owner or operator of any facility subject to this title shall be required to submit an application and comply with the requirements of this title and title V without regard to the requirements of any other provision of this title.

(b) PUBLIC UTILITY HOLDING COMPANY ACT.—The acquisition or disposition of allowances pursuant to this title shall be subject to the issuance of securities or the undertaking of any transaction in connection with such allowances shall not be subject to the provisions of the Public Utility Holding Company Act of 1935.

(c) PERMITS.—The owner or operator of any facility subject to this title shall be required to submit a permit application and comply with the requirements of this title without regard to the provisions of any other provision of this title.

SEC. 407. RECORDKEEPING REQUIREMENTS.

(a) APPLICABILITY.—(1) An owner or operator of any facility subject to this title shall be required to submit a permit application and comply with the requirements of this title without regard to the provisions of any other provision of this title.

(b) PUBLIC UTILITY HOLDING COMPANY ACT.—The acquisition or disposition of allowances pursuant to this title shall be subject to the issuance of securities or the undertaking of any transaction in connection with such allowances shall not be subject to the provisions of the Public Utility Holding Company Act of 1935.

(c) PERMITS.—The owner or operator of any facility subject to this title shall be required to submit a permit application and comply with the requirements of this title without regard to the provisions of any other provision of this title.

SEC. 408. PUBLIC UTILITY HOLDING COMPANY ACT.

(a) APPLICABILITY.—The provisions of this title shall be implemented, subject to section 403, by permits issued to units subject to the provisions of this title in accordance with the provisions of title V, as modified by this title. Any such permit issued by the Administrator, or by a State with an approved permit program, shall provide:

(1) annual emissions of sulfur dioxide, nitrogen oxides, and mercury in pounds per million BTUs of fuel input or the number of tons emitted per year by a facility subject to this title, as determined by the Administrator, as modified by section 421(c), 422, 432, 452, and 472;

(2) exceedances of applicable emissions rates under section 441;
install and operate CEMS to monitor the emissions from each affected unit at the facility, and to quality assure the data for—

(i) sulfur dioxide, opacity, and volumetric flow for any unit subject to subpart 2 of part B at the facility,
(ii) nitrogen oxides for all affected units subject to subpart 2 of part C at the facility, and
(iii) mercury for all affected units subject to part D at the facility.

(b) The Administrator shall, by regulations, specify the requirements for CEMS under subparagraph (A), for any alternative monitoring system that is demonstrated as providing results, with the same precision, reliability, accessibility, and timeliness as that provided by CEMS, for recordkeeping and reporting of information from such systems.

(c) The Administrator shall prescribe means to calculate emissions, for monitoring, recordkeeping, and reporting of the mercury content of fuel.

(d) Notwithstanding the requirements of clause (i), the regulations under clause (i) may specify an alternative monitoring system for determining mercury emissions to the extent that the Administrator determines that mercury with private vendor guarantees are commercially available.

(e) The regulations under clause (i) may include regulations that the use of alternative compliance methods by units equipped with an alternative monitoring system as may be necessary to preserve the orderly functioning of the CEMS system, which will ensure the emissions reductions contemplated by this title.

(f) Except as provided in clause (v), the regulations under clause (i) shall not require a separate CEMS for each unit where two or more units utilize a single stack and shall require that the owner or operator collect and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to sulfur dioxide, opacity, and volumetric flow.

(g) By the later of January 1, 2009 or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 2 of part B shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to sulfur dioxide and volumetric flow.

(h) By the later of January 1, 2007 or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 2 of part C shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to nitrogen oxides, and

(i) By the later of January 1, 2009 or the date on which the unit commences operation, the owner or operator of each affected unit under part D shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to mercury.

(j) UNAVAILABILITY OF EMISSIONS DATA.—If CEMS for monitoring sulfur dioxide or an alternative monitoring system approved by the Administrator under subsection (a) is not available for any affected unit during any period of a calendar year, the data is deemed to have been unavailable for that title, and the owner or operator cannot provide information, satisfactory to the Administrator, on emissions during that period, the Administrator shall deem the unit to be operating in an uncontrolled manner during the entire period for which the data was not available and shall, by regulation, prescribe means to calculate emissions for that period. The owner or operator shall be liable for excess emissions fees and offsets under section 406 in accordance with such calculations.

(k) By the later of January 1, 2008 or the date on which the facility commences operation were authorized pursuant to section 422, 432, 452, or 472 emit sulfur dioxide, nitrogen oxides, or mercury for any calendar year in excess of the sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, that the owner or operator of the facility holds for use for the facility for that calendar year. The Administrator shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated as follows:

(1) The product of the units’ excess emissions (in tons or, for mercury emissions, in ounces) multiplied by the clearing price of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473, if within thirty days after the date on which the owner or operator was required to hold sulfur dioxide, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473.

(l) The Administrator shall implement this paragraph—

(1) The owner or operator of any unit subject to the requirements of section 441 that emits nitrogen oxides for any calendar year in excess of the unit’s emissions limitation requirement shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated as follows:

(A) The product of the units’ excess emissions (in tons or, for mercury emissions, in ounces) multiplied by the clearing price of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473.

(B) If the requirements of clause (A)(i) or (A)(ii) are not met, three hundred percent of the product of the units’ excess emissions (in tons or, for mercury emissions, in ounces) multiplied by the clearing price of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473.

(m) SEC. 406. EXCESS EMISSIONS PENALTY; GENERAL COMPLIANCE WITH OTHER PROVISIONS.—

(a) Excess Emissions Penalty.—(1) The owner or operator of any unit subject to the requirements of section 441 that emits nitrogen oxides for any calendar year in excess of the unit’s emissions limitation requirement shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated on the basis of the number of tons emitted in excess of the unit’s emissions limitation requirement, multiplied by the clearing price of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473.

(2) The owner or operator of any unit subject to the requirements of section 412(c) that emits sulfur dioxide for any calendar year in excess of the unit’s emissions limitation requirement shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated as follows:

(A) The product of the unit’s excess emissions (in tons) multiplied by the clearing price of sulfur dioxide allowances sold at the most recent auction under section 417, if within thirty days after the date on which the owner or operator was required to hold sulfur dioxide allowances,

(B) If the requirements of clause (A)(i) or (A)(ii) are not met, three hundred percent of the product of the unit’s excess emissions (in tons) multiplied by the clearing price of sulfur dioxide allowances sold at the most recent auction under section 417.

(B) If the requirements of clause (A)(i) or (A)(ii) are not met, three hundred percent of the product of the unit’s excess emissions (in tons) multiplied by the clearing price of sulfur dioxide allowances sold at the most recent auction under section 417.

(2) The owner or operator of any unit subject to the requirements of section 412(c) that emits sulfur dioxide for any calendar year in excess of the unit’s emissions limitation requirement shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated as follows:

(A) The product of the units’ excess emissions (in tons or, for mercury emissions, in ounces) multiplied by the clearing price of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473.

(3) The owner or operator of any unit subject to the requirements of section 412(c) that emits sulfur dioxide for any calendar year in excess of the unit’s emissions limitation requirement shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated as follows:

(A) The product of the units’ excess emissions (in tons or, for mercury emissions, in ounces) multiplied by the clearing price of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473.

(4) By the later of January 1, 2009 or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 2 of part B shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to sulfur dioxide and volumetric flow.

(5) By the later of January 1, 2007 or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 2 of part C shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to nitrogen oxides, and

(6) By the later of January 1, 2009 or the date on which the unit commences operation, the owner or operator of each affected unit under part D shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to mercury.

(j) UNAVAILABILITY OF EMISSIONS DATA.—If CEMS for monitoring sulfur dioxide or an alternative monitoring system approved by the Administrator under subsection (a) is not available for any affected unit during any period of a calendar year, the data is deemed to have been unavailable for that title, and the owner or operator cannot provide information, satisfactory to the Administrator, on emissions during that period, the Administrator shall deem the unit to be operating in an uncontrolled manner during the entire period for which the data was not available and shall, by regulation, prescribe means to calculate emissions for that period. The owner or operator shall be liable for excess emissions fees and offsets under section 406 in accordance with such calculations.
use for the facility for that calendar year, the owner or operator shall be liable to offset the excess emissions by an equal amount of tons in the following calendar year, or such longer period as the Administrator may prescribe. The Administrator shall deduct sulfur dioxide allowances equal to the excess emissions in tons from those held for the facility for that calendar year, or during succeeding years during which offsets are required, following the year in which the excess emissions occurred.

(2) If the units at a facility that are subject to the requirements of section 422, 432, 452, or 472 emit sulfur dioxide, nitrogen oxides, or mercury for any calendar year in excess of the sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances applicable to the facility, the case may be, that the owner or operator of the facility holds for use for the facility for that calendar year, the owner or operator shall be liable to offset the excess emissions by an equal amount of tons or, for mercury, ounces in the following calendar year, or such longer period as the Administrator may prescribe. The Administrator shall deduct sulfur dioxide allowances, nitrogen oxide allowances, or mercury allowances, as the case may be, equal to the excess emissions in tons or, for mercury, from those held for the facility for the year, or succeeding years during which offsets are required, following the year in which the excess emissions occurred.

(c) Penalty Adjustment.—The Administrator shall, by regulation, adjust the penalty amount for the owner or operator of any unit or facility liable for a penalty and offset under this section to—

(1) the maximum amount of the penalty allowed under this section; or

(2) to offset excess emissions as required by subsection (b).

(e) Additional Provision.—Nothing in this title shall limit or otherwise affect the application of section 113, 114, 120, or 304 except as otherwise explicitly provided in this title.

(f) Exempted from the Act.—Except as expressly provided, compliance with the requirements of this title shall not exempt or excuse the owner or operator of any unit or facility for the purposes of this Act from complying with any other applicable requirements of any other provision of the Act, no State or political subdivision of the United States shall prevent or interfere with the transfer, sale, or purchase of allowances under this title.

(g) Violation by any person subject to this title is hereby declared a violation of this title and subject to the penalty provided for in this title. The owner or operator of any unit or facility affected by an order of the Administrator shall be liable to offset the emissions equal to the excess emissions in tons from those held for the facility for the year, or succeeding years during which offsets are required, following the year in which the excess emissions occurred.

(b) Application.—The owner or operator making an election under subsection (a) shall submit an application for the election to the Administrator for approval.

(c) Authority of Administrator for an election under subsection (b) meets the requirements of subsection (a), the Administrator shall approve the designation as an affected unit under part C of title I, or part D of title I, and, if applicable, under part D, subject to the requirements in subsections (d) through (g).

(d) Establishment of Baseline.—(1) After approval of the designation under subsection (c), the owner or operator shall install and operate CEMS on the unit, and shall quality assure and quality control the data and shall determine the baselines for sulfur dioxide, nitrogen oxide emissions, and mercury emissions, as the case may be, for the unit.

(2) The baseline for heat input and sulfur dioxide, nitrogen oxides, and mercury emission rates, as the case may be, for the unit shall be the unit’s heat input rate, and the emission rates of sulfur dioxide, nitrogen oxides, and mercury, respectively, equal to the average of the emission rates for each year during which a unit is an affected unit under part D, and shall be allocated sulfur dioxide allowances, starting the later of January 1, 2010 or January 1 of the calendar year after the year after the year the unit’s baselines are based under subsection (d); and

(3) If applicable, an affected unit under part D, and shall be allocated mercury allowances, starting the later of January 1, 2010 or January 1 of the calendar year after the year after the year the unit’s baselines are based under subsection (d).

(e) Emission Limitations.—After approval of the designation of the unit under paragraph (c), the unit shall become subject to—

(1) an affected unit under part D of part B, and shall be allocated sulfur dioxide allowances under paragraph (1), starting the later of January 1, 2010 or January 1 of the calendar year after the year after the year the unit’s baselines are based under subsection (d); and

(2) an affected unit under part 2 of part C, and shall be allocated nitrogen oxides allowances under paragraph (f), starting the later of January 1, 2008 or January 1 of the calendar year after the year on which the unit’s baselines are based under subsection (d); and

(f) Allocations and Auction Amounts.—(1) The Administrator shall promulgate regulations determining the allocations of sulfur dioxide allowances, nitrogen oxide allowances, and, if applicable, mercury allowances for each year during which a unit is an affected unit under subsection (e). The regulations shall provide for allocations equal to fifty percent of the following amounts, as adjusted under subsection (b):

(A) the lesser of the unit’s baseline heat input under subsection (d) or the unit’s heat input for the year before the year for which the Administrator is determining the allocation, multiplied by

(B) the lesser of—

(i) the unit’s baseline sulfur dioxide emission rate, nitrogen oxides emission rate, or mercury emission rate, as the case may be, or

(ii) the unit’s sulfur dioxide emission rate, nitrogen oxides emission rate, or mercury emission rate, as the case may be, during 2002, as determined by the Administrator based, to the extent available, on information provided to the State where the unit is located; or

(iii) the unit’s most stringent State or federal emission limitation for sulfur dioxide, nitrogen oxides, or mercury, as applicable to the facility on the calendar year during which the unit’s baseline heat input is based under subsection (d).

(g) Withdrawal.—The Administrator shall promulgate regulations withdrawing from the approved designation under subsection (c) as provided in paragraph (1) if the Administrator determines that the unit is no longer subject to the requirements of section 111 or part C or D of title I.

(h) Additional Provisions.—The Administrator shall have the power to promulgate such additional provisions as the Administrator may deem appropriate.
SEC. 409. AUCTIONS.

(a) Commencing in 2005 and in each year thereafter, the Administrator (by a date set, and on a bid schedule provided, by the Administrator) offers to purchase specified numbers of allowances at specified prices, as required under sections 423, 424, 426, 453, 454, 473, and 474, at which allowances shall be offered for sale in accordance with regulations promulgated by the Administrator no later than twenty-four months after the date of enactment of the Clear Skies Act of 2002. Such regulations may provide for sale at any time of the year for which such allowances may be used to meet the requirement to hold allowances under section 422, 452, and 472. Such regulations may specify the frequency and timing of auctions and may provide for more than one auction of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances during a year. Each auction shall be open to any person. A person wishing to bid for allowances in the auction shall submit to the Administrator (by a date set, and on a bid schedule provided, by the Administrator) offers to purchase specified numbers of allowances at specified prices. Allowances purchased at the auction may be used at any time after the auction, subject to the provisions of this title.

(b) DEFAULT AUCTION PROCEDURES.—If the Administrator is required to conduct an auction of allowances under subsection (a) before regulations have been promulgated under that subsection, such auction shall be conducted as follows:—

(1) The auction shall be held on the first business day in October of the year in which the auction is required or, in the absence of such date, the first day in October of the year for which the allowances may be used to meet the requirements of section 406(c)(2).

(2) The auction shall be open to any person.

(3) In order to bid for allowances included in the auction, a person shall submit, and the Administrator must receive by the date three business days before the auction, one or more offers to purchase a specified amount of such allowances at a specified price on a sealed bid schedule to be provided by the Administrator. The bidder shall state in the bid schedule that the bidder is willing to purchase at the specified price fewer allowances than the specified amount and shall identify the account in the Allowance Tracking System under section 406(c) in which the allowances purchased are to be placed. Each bid must include a certified check or, using a form to be provided by the Administrator, a letter of credit for the specified amount of allowances multiplied by the bid price payable to the U.S. EPA. The bid schedule, and check or letter of credit, shall be sent to the address specified on the bid schedule.

(4) The Administrator shall auction the allowances by:

(A) determining whether each bid meets the requirements of paragraph (3);

(B) listing together the specified amounts of allowances and the specified bid prices meeting the requirements of paragraph (3) in order, from highest to lowest bid price;

(C) for each bid price, summing the amounts of allowances specified in the bids listed in subparagraph (B) with the same or a higher bid price;

(D) identifying the bid price with the highest sum of allowances under subparagraph (C) that does not exceed the total amount of allowances available for auction;

(E) setting as the sales price in the auction:

(i) the bid price identified under subparagraph (D) if that bid price has a sum of allowances under subparagraph (C) equal to the total amount of allowances available for auction; or

(ii) the next lowest bid price after the bid price identified under subparagraph (D), if the bid price identified under subparagraph (D) has a sum of allowances under subparagraph (C) less than the total amount of allowances available for auction; and

(F) starting with the first bid listed under subparagraph (B), and ending with the bid listed immediately before the bid with a bid price equal to the sales price, selling the amounts of allowances specified in each bid to the person who submitted the bid.

(i) If the amount of remaining allowances available for auction equals or is less than the amount of allowances specified in the bid with a bid price equal to the sales price, the Administrator shall sell the amount of remaining allowances to the person who submitted that bid.

(ii) If there is more than one bid with a bid price equal to the sales price, and the amount of remaining allowances available for auction is less than the total of the amounts of allowances specified in such bids, the Administrator shall sell the remaining allowances on a pro rata basis.

(5) After the auction, the Administrator will publish the names of winning and losing bidders, their bids, and the sales price. The Administrator will provide the successful bidders notice of the allowances that they have purchased within thirty days after payment is collected by the Administrator. After the conclusion of the auction, the Administrator will return payment to unsuccessful bidders who offered to purchase a larger amount of allowances than the amount that they are sold or to pay a bid price exceed the sales price and will add any unsold allowances to the next relevant auction.

(c) The Administrator may by delegation or contract provide for the conduct of auctions conducted under this section to be conducted under this title shall be deposited in the United States Treasury.
from contributing to nonattainment, or interfering with the maintenance of any national ambient air quality standards;  
(iv) whether the limitations starting in 2010 in an increasing level of any other pollutant and the level of any such increase; and  
(v) whether the increments data for particular matters and the effect of various elements of fine particulate matter on public health;  
(i) the most current scientific information relating to emissions, transformation, and deposition of mercury, including studies evaluating:  
(i) average and potential human health and environmental effects of mercury;  
(ii) whether emissions of mercury from affected EGU’s under part D contribute significantly to elevated levels of mercury in fish;  
(iii) human population exposure to mercury;  
(iv) the relative marginal cost effectiveness of reducing mercury emissions from affected EGU’s under part D, as compared to the marginal cost effectiveness of controls on other sources of mercury.  
(j) a comparison of the extent to which sources of mercury not located in the United States contributed to adverse affects on terrestrial or aquatic systems as opposed to the marginal cost effectiveness of controls on other sources of mercury.  
(3) certify that:  
(A) each peer review participant has the expertise an independence required under this section; and  
(B) the agency has adequately responded to the peer review comments as requires under this section.  
(c) RECOMMENDATION TO CONGRESS.—The Administrator, in consultation with the Secretary of Energy, should submit to Congress no later than July 1, 2009, a recommendation consistent with the limits on the total annual amount of allowances available starting in 2018 under paragraph (a)(1). The recommendation shall include the final results of analyses (a) and (b) and shall address the factors described in paragraph (a)(2). The Administrator may submit separate recommendations for specific mercury sources, such as nitrogen oxides, or mercury at any time after the study has been completed under paragraph (a)(2) and the peer review process has been completed under subsection (b).  
PART B. SULFUR DIOXIDE EMISSION REDUCTIONS  
Subpart 1. Acid Rain Program.  
SEC. 411. DEFINITIONS.  
For purposes of this subpart:  
(1) the term “allowable 1985 emission rate”, for electric utility units means the annual sulfur dioxide or nitrogen oxides emission rate in pounds per million Btu as reported in the National Utility Reference File, Version 2;  
(B) a Phase I extension plan approved by the Administrator if such a limitation for 1985 does not exist. Where the emissions limitation for a unit is not expressed in pounds of emissions per million Btu, or the averaging period of that emissions limitation is not expressed on an annual basis, the Administrator shall calculate the annual equivalent of that emissions limitation.  
(5) The term “alternative method of compliance” means a method of compliance in accordance with one or more of the following authorities:  
(A) a substitution plan submitted and approved in accordance with subsections (a)(1), (2), (3), and (4);  
(B) a Phase I extension plan approved by the Administrator under section 413(d), using qualifying phase I technology as determined by the Administrator in accordance with that section.  
(4) The term “baseline” means the annual average quantity of fuel consumed by an affected unit, measured in British Thermal Units (“mmBtu’s”), calculated as follows:  
(A) for each utility unit that was in commercial operation prior to January 1, 1985, the baseline shall be the annual average quantity of mmBtu’s consumed in fuel during calendar years 1985, 1986, and 1987, as recorded by the Department of Energy pursuant to Form 767. For any utility unit for which such form was not filed, the baseline shall be the level specified for such unit in the 1985 National Acid Precipitation Emissions Inventory, Version 2. The Administrator, in the Administrator’s sole discretion, may exclude periods during which a unit is shut down for a continuous period of four calendar months or more and make adjustments to the baseline under this paragraph. Upon petition of the owner or operator of any unit, the Administrator shall make such appropriate baseline adjustments for accidents that caused prolonged outages.  
(B) For any other nonutility unit that is not included in the NAPAP Emissions Inventories, the baseline shall be the amount of energy or the amount of fuel consumed in fuel by that unit, as calculated pursuant to a method which the Administrator shall prescribe by regulation to be promulgated within eighteen months after November 15, 1990.  
(C) The Administrator shall, upon application or on his own motion, by December 31, 1991, supplement data needed in support of this subpart and correct any factual errors in data from which affected Phase II units’ baselines or actual 1985 emission rates have been calculated. Corrected data shall be used for purposes of issuing allowances under this subpart. Such corrected data shall be subject to judicial review, nor shall the failure of the Administrator to correct an alleged factual error in such reports be subject to judicial review.  
(6) The term “capacity factor” means the ratio between the actual electric output from a unit and the potential electric output from that unit.  
(7) The term “commercial operation” means to begin to generate electric power for sale.  
(8) The term “construction” means fabrication, erection, or installation of an affected unit.  
(9) The term “existing unit” means a unit (including utility units subject to section 411) that commenced commercial operation before November 15, 1990. Any unit that commenced commercial operation before November 15, 1990, which is modified, reconstructed, or re-powered after November 15, 1990 shall continue to be an existing unit for the purposes of this subpart. For the purposes of this subpart, existing units shall not include simple combustion turbines, or units which serve a generator with a nameplate capacity of 25 MW or less.  
(10) the term “independent power producer” means any person who owns or operates, in whole or in part, one or more independent power production facilities; and  
(11) the term “new power production facility” means a facility that—  
(A) is not owned or operated by an electric utility;  
(B) qualifies for purposes of the Energy Policy Act of 1992, as amended, for small electric power production;  
(C) is eligible for the Federal electric generation tax credit.  
(12) The term “mercury allowance program” means the program established by the Administrator to control emissions of mercury from sources subject to section 108.
(B) in noncourse project-financed (as such term is defined by the Secretary of Energy within 3 months of the date of the enactment of the Clean Air Act Amendments of 1990); or

(C) is a new unit required to hold allowances under this subpart.

(13) The term "industrial source" means a unit of energy production that serves a generator and produces electricity, a nonutility unit as defined in this section, or a process source.

The term "life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer renews or is entitled to receive, a specified amount or percentage of capacity and associated energy generated by a specified generating unit (or units) and pays its proportional share of such unit's total costs, pursuant to a contract either:

(A) for the life of the unit;

(B) for a cumulative term of no less than 30 years including contracts that permit an election for early termination; or

(C) for a period equal to or greater than 25 years or 70 percent of the economic useful life of the unit.
year 1985 that will occur as a result of compliance with the emissions limitation requirements of this section, and shall establish a reserve of allowances equal in amount to the emissions limitation requirements calculated with the less than such substitutions; and

(A) the product of its baseline multiplied by the lesser of each unit’s allowable 1985 emissions rate, divided by 2,000, and

(B) the product of each unit’s baseline multiplied by the number of tons determined thereby, and sum the computations. The Administrator shall adjust the foregoing calculation to reflect projected calendar year 1985 utilization of the units subject to the emissions limitations of this subsection that the Administrator finds would have occurred in the absence of the imposition of such requirements. Pursuant to subsection (d), the Administrator shall allocate allowances from the reserve established hereunder until the earlier of such time as all such allowances in the reserve are allocated or December 31, 1999.

(3) In addition to allowances allocated pursuant to paragraph (1), in each calendar year beginning after December 31, 1988, the Administrator, in addition to any such unit holds allowances to emit not less than the unit’s total annual emissions. The owner or operator of any original or substitute affected unit must either employ a qualifying phase I technology, or transfer its phase I extension unit, as designated under section 404, and for an approved proposal shall designate the unit or units as an eligible phase I extension unit. The Administrator may approve an extension proposal in whole or in part, and with such modifications or conditions as may be necessary, consistent with the orderly functioning of the allowance system, and to ensure the emissions reductions contemplated by the subpart.

In order to determine the number of proposals eligible for allocations from the reserve under subsection (a)(2) and the number of the allowances remaining available after each proposal is approved, the Administrator shall reduce the total number of allowances remaining available in the reserve by the number of allowances calculated according to subparagraph (A) and (C) until either no allowances remain available in the reserve for further allocation or all approved proposals have been acted upon. If allowances are remaining available in the reserve for further allocation before all proposals have been acted upon by the Administrator, any pending proposals shall be disapproved. The Administrator shall calculate allowances equal to

(A) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1995 of each eligible phase I extension unit, as designated under section 404, and the product of the unit’s baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000; and

(B) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1995 of each eligible phase I extension unit, as designated under section 404, and the product of the unit’s baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000; and

(C) the amount by which (I) the product of each unit’s baseline multiplied by an emission rate of 1.20 lbs/mmBtu, divided by 2,000, exceeds (ii) the tonnage level specified under subparagraph (B) of paragraph (2) of this subsection multiplied by a factor of 3.

The Administrator shall issue a permit to the original and substitute unit or units employed or approved under this title, and the Administrator shall issue a permit to the original and substitute unit or units without the prior approval of the Administrator. Any pending proposals shall be disapproved. The Administrator shall calculate allowances equal to

(A) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1995 of each eligible phase I extension unit, as designated under section 404, and the product of the unit’s baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000; and

(B) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1995 of each eligible phase I extension unit, as designated under section 404, and the product of the unit’s baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000; and

(C) the amount by which (I) the product of each unit’s baseline multiplied by an emission rate of 1.20 lbs/mmBtu, divided by 2,000, exceeds (ii) the tonnage level specified under subparagraph (B) of paragraph (2) of this subsection multiplied by a factor of 3.

(5) Each eligible Phase I extension unit shall receive allowances pursuant to the paragraph (3) of each of subsections (a)(1) or (c) of this section. In addition, for calendar year 1995, the Administrator shall allocate to each eligible Phase I extension unit, as designated under paragraph (3), the product of the unit’s baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000; and

(D) require CEMS on both the eligible phase I extension units and the transfer unit or units beginning no later than January 1, 1996.

(E) specify the emission limitation and number of allowances expected to be necessary for annual operation after the qualifying phase I technology has been installed.

(3) The Administrator shall review and take final action on each extension proposal, except for extension proposal 404, and for an approved proposal shall designate the unit or units as an eligible phase I extension unit. The Administrator may approve an extension proposal in whole or in part, and with such modifications or conditions as may be necessary, consistent with the orderly functioning of the allowance system, and to ensure the emissions reductions contemplated by the subpart.

In order to determine the number of proposals eligible for allocations from the reserve under subsection (a)(2) and the number of the allowances remaining available after each proposal is approved, the Administrator shall reduce the total number of allowances remaining available in the reserve by the number of allowances calculated according to subparagraph (A) and (C) until either no allowances remain available in the reserve for further allocation or all approved proposals have been acted upon. If allowances are remaining available in the reserve for further allocation before all proposals have been acted upon by the Administrator, any pending proposals shall be disapproved. The Administrator shall calculate allowances equal to

(A) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1995 of each eligible phase I extension unit, as designated under section 404, and the product of the unit’s baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000; and

(B) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1995 of each eligible phase I extension unit, as designated under section 404, and the product of the unit’s baseline multiplied by an emission rate of 1.20 lbs/mmBtu, divided by 2,000; and

(C) the amount by which (I) the product of each unit’s baseline multiplied by an emission rate of 1.20 lbs/mmBtu, divided by 2,000, exceeds (ii) the tonnage level specified under subparagraph (B) of paragraph (2) of this subsection multiplied by a factor of 3.
employing qualifying Phase 1 technology, for calendar years 1997, 1998, and 1999, additional allowances, from any remaining allowances in the reserve created pursuant to subsection (a)(2), following the reduction in the reserve provided for in paragraph (4), not to exceed the amount by which (A) the product of each eligible unit’s baseline times an emission rate of 1.20 lbs/mmBtu divided by 2,000 exceeds (B) the tonnage level specified under subparagraph (E) of paragraph (2) of this subsection.

(7) After January 1, 1997, in addition to any liability under this Act, including under section 414, any eligible phase I extension unit employing qualifying phase I technology or any transfer unit under this subsection emits sulfur dioxide in excess of the annual tonnage limitation specified in the extension plan, as approved in paragraphs (2) of this subsection, the Administrator shall, in the calendar year following such excess, deduct allowances equal to the amount of such excess from such unit’s annual allowance allocation.

(e)(1) In the case of a unit that receives authorization from the Governor of the State in which such unit is located to make reductions in the emissions of sulfur dioxide prior to calendar year 1995 and that is part of a utility system that meets the following requirements:

(A) the total coal-fired generation within the utility system as a percentage of total system generation decreased by more than 20 percent between January 1, 1980, and December 31, 1985;

(B) the weighted capacity factor of all coal-fired units within the utility system averaged over the period from January 1, 1985, through December 31, 1987, was below 50 percent; and

(C) the unit employing qualifying phase I technology was below 50 percent, the Administrator shall, in the calendar year following such excess, deduct allowances equal to the amount of such excess from such unit’s annual allowance allocation.

(8)(A) The Administrator shall set for each unit the prior year’s baseline as the product of the unit’s baseline multiplied by the unit’s 1985 actual sulfur dioxide emission rate (in lbs. per mmBtu) divided by 2,000 excesses (B) the allowances specified for such unit in Table A. In the case of an affected unit under section 414 described in subparagraph (A), the allowances allocated under this subsection for early reductions in any prior year may not exceed the amount by which (A) the product of the unit’s baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2,000 excesses (B) the allowances specified for such unit in Table A. In the case of a unit under section 414, the Administrator shall award allowances in the calendar year following such excess, deduct allowances equal to the amount of such excess from such unit’s annual allowance allocation.

(9) In no event shall the provisions of this paragraph be interpreted as an event of force majeure or a commercial impracticability in any other way as a basis for excused non-performance by a utility system under a coal sales contract in effect before November 15, 1990.

### Table A — Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances (Tons)

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<th>Phase I allowances</th>
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**continued**
### (f) ENERGY CONSERVATION AND RENEWABLE ENERGY

#### (1) DEFINITIONS

As used in this subsection:

**A. QUALIFIED ENERGY CONSERVATION MEASURE.** The term “qualified energy conservation measure” means any cost effective energy conservation measure, as identified by the Administrator in consultation with the Secretary of Energy, that increases the efficiency of the use of electricity provided by an electric utility to its customers.

**B. QUALIFIED RENEWABLE ENERGY.** The term “qualified renewable energy” means energy derived from biomass, solar, geothermal, or wind as identified by the Administrator in consultation with the Secretary of Energy.

**C. ELECTRIC UTILITY.** The term “electric utility” means any person, State agency, or Federal agency, which sells electric energy.

**D. ALLOWANCES FOR EMISSIONS AVOIDED THROUGH ENERGY CONSERVATION AND RENEWABLE ENERGY.**

(A) In general. The regulations under paragraph (4) of this subsection shall provide that for each ton of sulfur dioxide emissions avoided by an electric utility, during the applicable period, through the use of qualified energy conservation measures or qualified renewable energy, the Administrator shall allocate a single allowance to such electric utility, on a first-come-first-served basis from the Conservation and Renewable Energy Reserve established under subsection (g), up to a total of 300,000 allowances for allocation from such Reserve.

(B) REQUIREMENTS FOR ISSUANCE. The Administrator shall allocate allowances to an electric utility under this subsection only if all of the following requirements are met:

(i) Such electric utility is subject to the rules under this subsection and all requirements of such rules are complied with. The Administrator shall review the application for accuracy and compliance with the Administrator's rules. The Administrator shall publish the findings of such review no less than annually.

(ii) The emissions of sulfur dioxide avoided through the use of qualified energy conservation measures or qualified renewable energy are quantified in accordance with regulations promulgated by the Administrator under this subsection.

(iii) (I) Such electric utility has adopted and is implementing a least cost energy conservation and electric power plan which evaluates a range of resources, including new power supplies, energy conservation, and renewable energy resources, in order to meet expected future demand at the lowest system cost.

(III) The qualified energy conservation measures or qualified renewable energy, or both, are consistent with that plan.

(III) Electric utilities subject to the jurisdiction of a State regulatory authority must have such plan approved by such authority.

For electric utilities not subject to the jurisdiction of a State regulatory authority such plan shall be approved by the entity with rate-making authority over such utility.

(iv) In the case of qualified energy conservation measures undertaken by a State regulatory authority subject to the jurisdiction of the State regulatory authority with jurisdiction over the electric rates of such electric utility has established rates of such electric utility that include specific cost effective energy conservation measures at least as high as such net income would have been if the energy conservation measures had not been implemented. Upon the date of any such certification by the Secretary of Energy, all allowances which, but for this paragraph, would have been allocated under subparagraph (B) before such date, shall be allocated to the electric utility. This clause is not a requirement for qualified renewable energy.

(v) Such utility or any subsidiary of the utility’s holding company owns or operates at least one affected unit.

(C) PERIOD OF APPLICABILITY. Allowances under this subsection shall be allocated only with respect to kilowatt hours of electric energy saved by qualified energy conservation measures or qualified renewable energy sources used for purposes of avoiding emissions.

(4) REGULATIONS. The regulations under this subsection are prescribed by the Administrator, subject to the period for implementation of the regulations under this subsection after the date of enactment of the Clear Skies Act of 2002, provided that the Administrator shall review the determinations of the regulations under this subsection and the rules promulgated by the Administrator. Such regulations shall list energy conservation measures and renewable energy sources which may be treated as qualified energy conservation measures and qualified renewable energy for purposes of this subsection.

(D) DETERMINATION OF AVOIDED EMISSIONS

(i) APPLICATION. In order to receive allowances under this subsection, an electric utility shall make an application which—

(I) designates the qualified energy conservation measures implemented and the qualified renewable energy sources used for purposes of avoiding emissions.

(II) calculates, in accordance with subparagraphs (F) and (G), the number of tons of emissions avoided by reason of the implementation of such measures or the use of such renewable energy resources.

(III) demonstrates that the requirements of subparagraph (B) have been met. Such application for allowances by a State-regulated electric utility must be reviewed and approved by the State regulatory authority with jurisdiction over such electric utility. The authority shall review the application for accuracy and compliance with this subsection and the rules under this subsection. Electric utilities whose retail rates are not subject to the jurisdiction of a State regulatory authority shall apply directly to the Administrator for such approval.

(E) AVOIDED EMISSIONS FROM QUALIFIED ENERGY CONSERVATION MEASURES. For the purposes of this subsection, the emission tonnage deemed avoided by reason of the implementation of qualified energy conservation measures for any calendar year shall be a tonnage equal to the product of multiplying—

(i) 0.004, and dividing by 2,000.

(F) AVOIDED EMISSIONS FROM THE USE OF QUALIFIED RENEWABLE ENERGY. The emission tonnage deemed avoided by reason of the use of qualified renewable energy by an electric utility for any calendar year shall be a tonnage equal to the product of multiplying—

(i) the actual units generated by, or purchased from, qualified renewable energy, by (ii) 0.004, and dividing by 2,000.

(G) PROHIBITIONS. (i) No allowances shall be allocated under this subsection for the implementation of programs that are exclusively informational or educational in nature.

(ii) No allowances shall be allocated for energy conservation measures or renewable energy that were operational before January 1, 1992.

(3) SAVINGS PROVISION. Nothing in this section precludes a State or State regulatory authority from providing additional incentives to utilities to encourage investment in demand-side resources.

### TABLE A—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS)—continued

<table>
<thead>
<tr>
<th>State</th>
<th>Plant Name</th>
<th>Generator</th>
<th>Phase I Allotments</th>
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to establish the reserve under this subsection bears to the total of such reductions for all such units.

(b) ALTERNATIVE ALLOWANCE ALLOCATION FOR UTILITIES WITHIN CERTAIN SYSTEMS WITH OPTIONAL BASELINE.—

(1) Optional baseline for units in certain systems.—In the case of a unit subject to the limitations requirements of paragraph (1) or other requirements applicable to the unit's baseline which was in existence on November 15, 1989, and after December 31, 1965, but not before December 31, 1965, the Administrator shall allocate annually for each calendar year thereafter until and including 2009, the Administrator shall allocate for each unit listed in Table A in section 413 (other than units at Kyger Creek, Clefty Creek, and Joppa Stream) and located in the States of Illinois, Indiana, Alabama, Missouri, Pennsylvania, West Virginia, Kentucky, or Tennessee allowances in an amount equal to the lesser of 50,000 multiplied by the unit's pro rata share of the total annual emissions of all affected units at the source.

(2) ALLOWANCE ALLOCATION.—Whenever a unit referred to in paragraph (1) elects to calculate its baseline as provided in clause (i) of paragraph (1), the Administrator shall allocate for each unit pursuant to subsections (b)(2)(A), (b)(2)(B), and (b)(2)(c) of this section and section 414 (as Basic Phase II allowance allocations) in an amount equal to the baseline selected multiplied by the lesser of the average sulfur dioxide emission rate for such unit in 1989, or 1.0 lbs/mmBtu. Such allowance allocation shall be in lieu of any allocation of allowances under this section and section 414.

SEC. 414. PHASE II SULFUR DIOXIDE REQUIREMENTS.

(a) APPLICABILITY.—(1) After January 1, 2000, the unit subject to all limitations or restrictions imposed in the preceding sentence shall be subject to the limitations or requirements of this section. Each utility unit subject to an annual sulfur dioxide emission limitation under this section is an affected unit under this subpart.

(2) In addition to basic Phase II allocations, in each year beginning in calendar year 2000 and ending in calendar year 2009, inclusive, the Administrator shall allocate to each coal or oil-fired existing utility unit that serves a generating capacity of less than 1.20 lbs/mmBtu and less than 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 percent, allowances from the reserve created pursuant to subsection (g)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 percent of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption during 1985, 1986, and 1987 on a Btu basis exceeded 90 percent in the form of lignite coal which is located in a State in which, as of July 1, 1989, no county or portion of a county was designated non-attainment under section 107 of this Act for any pollutant subject to the requirements of this Act.

(b) ALLOWANCE ALLOCATION.—In the case of a unit subject to the requirements of subsection (a), the Administrator shall allocate annually for each calendar year thereafter until and including 2009, the Administrator shall allocate for each unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate equal to or greater than 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 percent, allowances from the reserve created pursuant to subsection (g)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 percent of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption during 1985, 1986, and 1987 on a Btu basis exceeded 90 percent in the form of lignite coal which is located in a State in which, as of July 1, 1989, no county or portion of a county was designated non-attainment under section 107 of this Act for any pollutant subject to the requirements of this Act.

(c) COAL OR OIL-FIRED UNITS BELOW 75 MWE AND ABOVE 1.20 LBS/MMBTU.—(1) Except as otherwise provided in paragraph (3), after January 1, 2000, it shall be unlawful for a utility operating a coal- or oil-fired existing utility unit that serves a generating capacity of less than 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is, as of December 31, 1989, less than 250 MWe, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the unit's total annual emissions of all affected units at the source.

(2) After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit that serves a generating capacity of less than 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is, as of December 31, 1989, less than 250 MWe, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the unit's total annual emissions of all affected units at the source.
(a) After January 1, 2000, it shall be unlawful for any existing unit with a nameplate capacity below 75 MW and an actual 1985 emissions rate of 0.60 lbs/mmBtu or the unit’s allowable 1985 emissions rate multiplied by (A) the lesser of 0.60 lbs/mmBtu or the unit’s allowable 1985 emissions rate multiplied by the unit’s baseline adjusted to reflect operation at a 60 percent capacity factor, divided by 2,000, exceeded (b) the number of allowances allocated for the unit pursuant to paragraph (1) and section 402(a)(1) as basic Phase II allowance allocations.

(b) In addition to allowances allocated pursuant to paragraph (2) and section 412(a) as basic Phase II allowance allocations, at the election of the designated representative of the owner or operator of the source, after January 1, 2000, the Administrator shall allocate allowances for each unit subject to the emissions limitation requirements of paragraph (2) allowances from the unit’s baseline adjusted to reflect operation at a 60 percent capacity factor, divided by 2,000, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source. After January 1, 2000, the Administrator shall allocate allowances pursuant to paragraphs (A) and (B) only in accordance with this subparagraph.

(c) The operating company with units subject to the emissions limitation requirements of this subsection may elect the allocation of allowances as provided under subparagraphs (A) and (B) only in accordance with this subparagraph.

(d) After January 1, 2000, it shall be unlawful for any existing coal-fired utility unit the lesser of whose actual or allowable 1985 sulfur dioxide emissions rate is equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit’s baseline adjusted to reflect operation at a 60 percent capacity factor, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit’s total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

(e) Oil and gas-fired units less than 1.20 lbs/mmBtu. After January 1, 2000, it shall be unlawful for any oil and gas-fired existing utility unit the lesser of whose actual or allowable 1985 emissions rate is less than 0.60 lbs/mmBtu and whose annual sulfur dioxide consumption during the period 1980 through 1989 on a Btu basis was 90 percent or less in the form of natural gas to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit’s baseline adjusted to reflect operation at a 60 percent capacity factor, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit’s total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.
Notwithstanding any other paragraph of this subsection, for units subject to this paragraph, the Administrator shall not allocate allowances pursuant to any other paragraph of this subsection, provided that the owner or operator of a unit listed on Table B may elect an allocation of allowances under another paragraph of this subsection in lieu of an allocation under this paragraph.

(3) Beginning January 1, 2000, the Administrator shall allocate to the owner or operator of any utility unit that has commenced construction after December 31, 1999, and that commences commercial operation, on or after October 1, 2000, without modifying, expanding, or adding a generating capacity of more than 30,000,000 kw in 1988, in an amount equal to its allowable 1985 emission rate, divided by 2,000.

(4) Beginning January 1, 2000, the Administrator shall allocate to the owner or operator of any utility unit that has commenced construction after December 31, 1999 and that commences commercial operation, on or after October 1, 2000, without modifying, expanding, or adding a generating capacity of more than 30,000,000 kw in 1988, in an amount equal to the lesser of 0.30 lbs/mmBtu or the unit's allowable sulfur dioxide emission rate, divided, if necessary, to pounds per mmBtu, by 2,000.

(5) After January 1, 2000, it shall be unlawful for any existing utility unit that has completed conversion from predominantly gas-fired existing operation to coal-fired operation to coal-fired operation, on or after October 1, 2000, it shall be unlawful for any oil- and gas-fired utility steam units in all States eligible to make an election under section 414(a)(2) to the Administrator for approval, along with a permit application and proposed compliance plan in accordance with section 404.
The Administrator shall approve a designation that meets the requirements of this section, and such designated unit shall be allocated allowances, and be an affected unit for purposes of this subpart.

(b) Establishment of Baseline.—The baseline for a unit designated under this section shall be established by the Administrator by regulation, based on fuel consumption and operating data for the unit for calendar years 1985, 1986, and 1987, or if such data is not available, the Administrator may prescribe a baseline based on alternative representative data.

(c) Emission Limitations.—(1) For a unit for which an election, along with a permit application and compliance plan, is submitted under paragraph (a) before January 1, 2002, annual emissions limitations for sulfur dioxide shall be equal to the product of the baseline multiplied by the lesser of the unit’s 1985 actual or allowable emission rate in lbs/mmBtu, or if the unit did not operate in 1985, by the lesser of the unit’s actual or allowable emission rate for a calendar year after 1985 (as determined by the Administrator), divided by 2,000.

(2) For a unit for which an election, along with a permit application and compliance plan, is submitted to the Administrator under paragraph (a) on or after January 1, 2002, annual emissions limitations for sulfur dioxide shall be equal to the product of the baseline multiplied by the lesser of the unit’s 1985 actual or allowable emission rate in lbs/mmBtu, or, if the unit did not operate in 1985, by the lesser of the unit’s actual or allowable emission rate for a calendar year after 1985 (as determined by the Administrator), divided by 4,000.

(d) Allowances and Permits.—The Administrator shall issue allowances to an affected unit under this section in an amount equal to the emissions limitation calculated under subsection (c), in accordance with section 412. Such allowance may be used in accordance with the requirements of this section.

(e) Limitations.—Any unit designated under this section shall not transfer or bank allowances produced as a result of reduced utilization or shutdown, except that, such allowances may be transferred or carried forward for use in subsequent years to the extent that the reduced utilization or shutdown results from the replacement of thermal energy from the unit designated under this section, with thermal energy generated by any other unit or units subject to the requirements of this subpart, and the designated unit’s allowances are transferred or carried forward for use at such other replacement unit or units. In no case may the Administrator allocate to a source designated under this section allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act. No such allowances shall authorize operation of a unit in violation of any other requirements of this Act.

(f) Implementation.—The Administrator shall implement this section under 40 CFR part 74 (2001), amended as appropriate by the Administrator.

SEC. 417. Auctions, Reserve.

(a) Special Reserve of Allowances.—For purposes of establishing the Special Allowance Reserve, the Administrator shall withhold:

(1) 2.8 percent of the allocation of allowances for each year from 1995 through 1999 inclusive; and

(2) 2.8 percent of the basic Phase II allowance allocation of allowances for each year beginning in the year 2000 which would (but for this subsection) be issued for each affected unit at an affected source.

(b) Allowances and Permits.—The Administrator shall implement this section under 40 CFR part 73 (2001), amended as appropriate by the Administrator.

SEC. 418. Industrial SO2 Emissions.

(a) Report.—Not later than January 1, 1995 and every 5 years thereafter, the Administrator shall transmit to the Congress a report containing an inventory of national annual sulfur dioxide emissions from industrial sources (as defined in section 411(1)), including units subject to section 414(g)(2), for all years for which data are available, as well as the likely trend in such emission over the following ten-year period. The report shall also contain estimates of the actual emission reduction in each year resulting from promulgation of the diesel fuel desulfurization regulations under section 214.

(b) 5.60 Million Ton Cap.—Whenever the inventory required by this section indicates that sulfur dioxide emissions from industrial sources, including units subject to section 414(g)(2), and may reasonably be expected to reach levels greater than 5.60 million tons per year, the Administrator shall take such

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**TABLE C.—NUMBER OF ALLOWANCES AVAILABLE FOR AUCTION**

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<th>Advance auction</th>
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**Procedures.**—(A) Notwithstanding section 3302 of title 31 of the United States Code or any other provision of law, within 90 days of receipt, the Administrator shall transfer the proceeds from the auction under this section, on a pro rata basis, to the owners or operators of the affected units from whom allowances were withheld under subsection (b). No funds transferred from a purchaser to a seller of allowances under this paragraph shall be held by any officer or employee of the United States or treated for any purpose as revenue to the United States or any State or local government.

(B) At the end of each year, any allowances offered for sale but not sold at the auction shall be returned without charge, on a pro rata basis, to the owner or operator of the affected units from whose allocation the allowances were withheld. With 170 days after the date of enactment of the Clear Skies Act of 2002, any allowance withheld under paragraph (a)(2) but not offered for sale at an auction shall be returned without charge, on a pro rata basis, to the owner or operator of the affected units from whose allocation the allowances were withheld.

(C) The Administrator shall record and publicly report the nature, prices and results of each auction under this subsection, including the prices of successful bids, and shall record the transfers of allowances as a result of each auction in accordance with the requirements of this section. The transfer of allowances at such auction shall be recorded in accordance with the regulations promulgated by the Administrator under this subpart.

(D) Changes in Auctions and Withholding.—Pursuant to rulemaking after public notice and comment the Administrator may, at any time after the year 1998 (in the case of advance auctions) and 2005 (in the case of spot auctions) decrease the number of allowances withheld and sold under this section.

(E) Termination of Auction.—The Administrator shall terminate the withholding of allowances and the auction sales under this section on December 31, 2009. Pursuant to regulations under this section, the Administrator may be delegation or contract provide for the conduct of sales or auctions under this subpart and subpart 2.

(F) Limitations.—The Administrator may be delegation or contract provide for the conduct of sales or auctions under this section on December 31, 2009. Pursuant to regulations under this section, the Administrator may delegate or contract provide for the conduct of sales or auctions under this section.

(G) Special Reserve.—The Administrator shall implement this section under 40 CFR part 73 (2001), amended as appropriate by the Administrator.

(H) Limitations.—Any unit designated under this section shall not transfer or bank allowances produced as a result of reduced utilization or shutdown, except that, such allowances may be transferred or carried forward for use in subsequent years to the extent that the reduced utilization or shutdown results from the replacement of thermal energy from the unit designated under this section, with thermal energy generated by any other unit or units subject to the requirements of this subpart, and the designated unit’s allowances are transferred or carried forward for use at such other replacement unit or units. In no case may the Administrator allocate to a source designated under this section allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act. No such allowances shall authorize operation of a unit in violation of any other requirements of this Act.

(I) Implementation.—The Administrator shall implement this section under 40 CFR part 73 (2001), amended as appropriate by the Administrator.
actions under the Act as may be appropriate to ensure that such emissions do not exceed 5.60 million tons per year. Such actions may include the promulgation of new and revised standards of performance for new sources, including units subject to section 414(c)(2), under section 111(b), as well as promulgation of standards of performance for existing sources, including units subject to sections 414(c)(2), under authority of this section. For an existing source regulated under this section, “standard of performance” means a standard which the Administrator determines is applicable to that source and which reflects the degree of emission reduction achievable through the application of the best demonstrated control technology for such source.

(c) The term “solid waste incineration unit” means, for purposes of section 424, a unit that is a solid waste incineration unit subject from electing to become an affected unit under section 424.

Section 423. LIMITATIONS ON TOTAL EMISSIONS

For affected EGUs for 2010 and each year thereafter, the Administrator shall allocate sulfur dioxide allowances under section 424, and shall conduct auctions of such allowances under section 409, in the amounts shown in Table A.

<table>
<thead>
<tr>
<th>Year</th>
<th>SO2 allowances allocated or auctioned for EGUs</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>2011</td>
<td>3,175,000, 375,000</td>
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<td>2012</td>
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<td>2060</td>
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</table>

(2A) Three and one-half percent of the total amount of sulfur dioxide allowances allocated each year for affected EGUs under section 423 shall be allocated based on the sulfur dioxide allowances that were allocated under subsection 1 for 2010 or thereafter and are held by a general account for the Allowance Tracking System. Such actions may include the promulgation of regulations governing the allocation of such allowances for affected EGUs for each year during 2010 through 2060.

Section 424. EGU ALLOCATIONS

(a) By January 1, 2007, the Administrator shall promulgate regulations governing the allocation of sulfur dioxide allowances for affected EGUs for each year during 2010 through 2060. The regulations shall provide that:

(1A) Fifty-nine percent of the total amount of sulfur dioxide allowances allocated each year for affected EGUs under section 423 shall be allocated based on the sulfur dioxide allowances that were allocated under subsection 1 for 2010 or thereafter and are held by a general account for the Allowance Tracking System. Such actions may include the promulgation of regulations governing the allocation of such allowances for affected EGUs for each year during 2010 through 2060.
(v) Allocating to each facility the lesser of the total of the amounts for the facility under clauses (i), (ii), and (iii) or, if the total of the amounts for all facilities under clause (i), (ii), and (iii) exceeds the allocation amount under subparagraph (A), the amount under clause (iv). The Administrator shall add to the amount of sulfur dioxide allowances allocated to each facility determined under subparagraph (A) the amount of sulfur dioxide allowances unallocated under this paragraph.

(3) Notwithstanding the provisions to the contrary in section 423, the Administrator shall not allocate or record fifteen percent of the allocation amount under section 423 for unitsВведите текст с ошибками

SEC. 425. DISPOSITION OF SULFUR DIOXIDE ALLOWANCES ALLOCATED UNDER SUBPARA-

GRAPH (A).

(a) After allocating allowances under section 424(a)(1), the Administrator shall re-

move from the unit accounts and general ac-

counts the sulfur dioxide allowances under section 403(c) and from the Special Al-

lowances Reserve under section 418 all sulfur dioxide allowances allocated or deposited under subparagraph (A) and (B). The Administrator shall prorate regulations as necessary to assure that the requirement to hold allowances under section 422 may be met using sulfur dioxide allowances allocated under subpart 1 for 1995 through 2009.

SEC. 426. INCENTIVES FOR SULFUR DIOXIDE EMISSION CONTROL TECHNOLOGY.

(a) RESERVE.—The Administrator shall es-

establish a reserve of 250,000 sulfur dioxide al-

lowances comprising 83,334 sulfur dioxide al-

lowances for 2011, and 83,335 sulfur dioxide al-

lowances for 2012.

(b) APPLICATION.—By July 1, 2004, an owner or operator of an affected EGU that com-

menced operation before 2001 and that during 2001 combusted Eastern bituminous may sub-

mit an application to the Administrator for sulfur dioxide allowances from the reserve under subsection (a). The application shall include—

(1) a statement that the owner or operator will install and commence operation of specified sulfur dioxide control technology at the unit within 24 months after approval of the application under subsection (c) if the unit is allocated the sulfur dioxide allowances requested under paragraph (4). The owner or operator shall provide description of the control technology;

(2) a statement that, during the period starting with the commencement of operation of sulfur dioxide technology under paragraph (1) through 2009, the unit will not, by the burning of any coal, exceed 0.02 lb/mmBtu by the total baseline heat input of such units and converting to tons;

(3) a demonstration that the unit will achieve, while combusting fuel in accordance with paragraph (2) and operating the sulfur dioxide control technology specified in paragraph (1), a specified reduction in sulfur dioxide emissions; and

(4) a request that EPA allocate for the unit a specified number of sulfur dioxide allowances from the reserve under subsection (a) and the recording of such allowances under subparagraph (B) shall not be subject to judicial revi

ue.

(c) APPROVAL OR DISAPPROVAL.—Through adjudicative determinations subject to no-

tice and opportunity for comment, the Admin-

istrator shall—

(1) determine whether each application meets the requirements of subsection (b);

(2) list the applications meeting the re-

quirements of subsection (b) and their re-

lated allowance-to-emission ratios in order, from lowest to highest, of such ratios;

(3) for each application, to the extent para-

graph (2), multiply the amount of sulfur di-

oxide emission reductions requested by each allocation-to-emission ratio on the list under paragraph (2) results in the highest total amount of allocations that does not exceed 250,000 allow-

ances; and

(4) approve each application listed under paragraph (2) with a ratio equal to or less than the allowance-to-emission-reduction ratio determined under paragraph (5) and disapprove all other applications.

(d) MONITORING.—An owner or operator whose application is approved under sub-

section (c) shall install, and quality assure data from a CEMS for sulfur dioxide located upstream of the sulfur dioxide control tech-

nology under paragraph (b)(1) at the unit and a CEMS for sulfur dioxide located down-

stream of such control technology at the unit during the period starting with the commencement of operation of such control technology through 2009. The installation of the CEMS and the quality assurance of data shall be in accordance with subparagraph (a)(2)(B) and subsections (c) through (e) of section 406, except that, where two or more units utilize a single stack, separate moni-

toring shall be required for each unit.

(e) ALLOCATIONS.—By July 1, 2010, for the units for which applications are approved under paragraph (c), the Administrator shall allocate sulfur dioxide allowances as follows:

(1) For each unit, the Administrator shall multiply the allowance-to-emission-redu-

ction ratio of the last application that EPA approved under subsection (c) by the lesser of

(A) the total tonnage of sulfur dioxide emissions reductions achieved by the unit, during the period starting with the commencement of operation of the sulfur dioxide control technology under subparagraph (b)(1) through 2009, through use of such control technology; or

(B) the tonnage of sulfur dioxide emission reductions under paragraph (b)(3).

(2) If the total amount of sulfur dioxide al-

lowances determined under paragraph (1) exceeds 250,000 sulfur dioxide allowances, the Administrator shall multiply 250,000 sulfur dioxide allowances by the ratio of the amount of sulfur dioxide allowances determined for each unit under paragraph (1) to the total amount of sulfur dioxide allowances determined for all units under para-

graph (1).

(3) The Administrator shall allocate to each unit the lesser of the amount deter-

mined for that unit under paragraph (1) or, if the amount of sulfur dioxide allowances determined for all units under paragraph (1) exceeds 250,000 sulfur dioxide allow-

ances, under paragraph (2). The Admin-

istrator shall auction all sulfur dioxide allow-

ances from the reserve under this section and conduct the auction by the first business
day in October 2010 and in accordance with section 409.

Subpart 3. Western Regional Air Partnership.

SEC. 431. DEFINITIONS.
For purposes of this subpart—
(1) the term "adjusted baseline heat input" means the average annual heat input used by a unit during the three years in which the unit had the highest heat input for the period from the fifth through the fourth year before the first covered year.

(A) Notwithstanding paragraph (1), if a unit commences operation during such period and

(i) on or after January 1 of the fifth year before the first covered year, then "adjusted baseline heat input" shall mean the average annual heat input used by the unit during the fifth and fourth years before the first covered year; and

(ii) on or after January 1 of the fourth year before the first covered year, then "adjusted baseline heat input" shall mean the annual heat input used by the unit during the fourth year before the first covered year.

(B) A unit’s heat input for a year shall be the heat input—

(i) required to be reported under section 405 for the total adjusted heat input of such units and converting to tons; and

(ii) reported to the Energy Information Administration, if the unit was not required to report heat input during the year under section 405.

(iii) based on data for the unit report under section 405 that is located as required by State law, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration, or

(iv) based on fuel use and fuel heat content data for the unit from fuel purchase or use records, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration and the State.

(2) The term “affected EGU” means an affected EGU under subsection 2 that is in a State and that:

(A) in 2000, emitted 100 tons or more of sulfur dioxide and was used to produce electricity for sale.

(B) in any year after 2000, emits 100 tons or more of sulfur dioxide and is used to produce electricity for sale.

(3) The term “coal-fired” with regard to a unit means, for purposes of section 434, a unit combusting coal or any coal-derived fuel alone or in combination with any amount of any other fuel in any year during the period from the eighth through the fourth year before the first covered year.

(4) The term “covered year” means:

(A) the third year after the year 2010 or later when the total annual sulfur dioxide emissions of all affected EGUs in the States first exceed 271,000 tons or

(B) the third year after the year 2013 or later when the Administrator determines by regulation that the total annual sulfur dioxide emissions of all affected EGUs in the States are reasonably projected to exceed 271,000 tons in 2018 or any year thereafter.

The Administrator may make such determinations if all the States submit to the Administrator a petition requesting that the Administrator issue such determination and make all affected EGUs in the States subject to the requirements of sections 432 through 434 and

(B) each year after the “covered year” under subparagraph (A).

(5) The term “applicable” with regard to a unit means, for purposes of section 434, a unit combusting fuel oil for more than ten percent of the unit’s total heat input, and combusting no coal or coal-derived fuel, an any year during the period from the eight through the fourth year before the first covered year.

SEC. 432. APPLICABILITY.

(A) Starting January 1 of the first covered year, it shall be unlawful for the affected EGUs at a facility to emit a total amount of sulfur dioxide allowances in excess of the amount of sulfur dioxide allowances held for such facility for that year by the owner or operator of the facility.

(B) The Administrator shall allocate and record a total of 271,000 tons of sulfur dioxide allowances for each of the first four covered years.

SEC. 433. LIMITATIONS ON TOTAL EMISSIONS.

For affected EGUs, the total amount of sulfur dioxide allowances that the Administrator shall allocate for each covered year under section 409 shall be—

(1) for each covered year, the allocations of sulfur dioxide allowances for the units at a facility that are affected EGUs as of December 31 of the fourth year before the first covered year by—

(i) for such units at the facility that are coal-fired, multiplying 0.40 lb/mmBtu by the total adjusted heat input of such units and converting to tons; and

(ii) for such units at the facility that are oil-fired, multiplying 0.20 lb/mmBtu by the total adjusted heat input of such units and converting to tons.

(2) for all such other units at the facility that are not covered by paragraph (1)(A) and the recording allowances equal to five percent of the allocations and no such unit shall be subject to the revised emission limitations established under this section.

(3) each such unit shall become an affected unit for purposes of this section and shall be subject to the revised emission limitations established under this section.

(4) not subject to the revised emission limitations.

The Administrator shall base such rates on the degree of reduction expected through the retrofit application of the best system of continuous emission reduction, taking into account available technology, costs and energy environment, which is comparable to the costs of nitrogen oxides controls set pursuant to subsection (b)(1). The Administrator may revise the applicable emission limitations for tangentially fired and dry bottom, wall-fired boilers (other than units applying cell burner technology) before January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

The Administrator shall by regulation, establish allowable emission limitations on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

(A) wet bottom wall-fired boilers;

(B) cyclones;

(C) units applying cell burner technology;

(D) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction expected through the retrofit application of the best system of continuous emission reduction, taking into account available technology, costs and energy environment, which is comparable to the costs of nitrogen oxides controls set pursuant to subsection (b)(1). The Administrator may revise the applicable emission limitations for tangentially fired and dry bottom, wall-fired boilers (other than cell burners) to be more stringent if the Administrator determines that more effective low NOx burner technology is available. Provided, That, no unit that is an affected unit pursuant to section 413 and that is subject to the requirements of subsection (b)(1), shall be subject to the revised emission limitations, if any. The Administrator shall implement that paragraph under 40 CFR §76.6 and 76.7 (2001).

(2) ALTERNATIVE EMISSION LIMITATIONS.—The permitting authority shall, upon request of an owner or operator of a unit subject to the requirements of an emission limitation, less stringent than the applicable limitations established under subsection (b)(1) or (b)(2) upon a determination that—

(A) a unit subject to subsection (b)(1) cannot meet the applicable limitation using low NOx burner technology; or

(B) a unit subject to subsection (b)(2) cannot meet the applicable limitation using low NOx burner technology on the technology on which the Administrator based the applicable emission limitation.
The permitting authority shall base such determination upon a showing satisfactory to the permitting authority, in accordance with regulations established by the Administrator, that:

(1) it has properly installed appropriate control equipment designed to meet the applicable emission rate;

(2) it has properly operated such equipment for a period of fifteen months (or such other period of time as the Administrator determines through the regulations), and provides operating and monitoring data for such period demonstrating that the unit cannot meet the applicable emission rate; and

(3) in the case of a new unit that rate that such unit can meet on an annual average basis.

The permitting authority shall issue an operating permit for the unit in question, in accordance with section 404 and title V, that:

(1) that permits the unit during the demonstration period referred to in subparagraph (2) above, to emit at a rate in excess of the applicable emission rate;

(2) at the conclusion of the demonstration period to revise the operating permit to reflect the alternative emission rate determined in paragraphs (2) and (3) above.

Units subject to subsection (b)(1) for which an alternative emission limitation is established shall not be required to install any additional control equipment, technology or control technology beyond low NOx burners. Nothing in this section shall preclude an owner or operator from installing and operating an alternative NOx control technology capable of achieving the applicable emission limitation. The Administrator shall implement this subsection under 40 CFR part 76 (2001), amended as appropriate by the Administrator.

(d) Emissions averaging.—In lieu of complying with the applicable emission limitations under subsection (b)(1), (2), or (c), the owner or operator of a two or more units subject to one or more of the applicable emission limitations set pursuant to these sections, may petition the permitting authority for alternative contemporaneous annual emission limitations for such units that ensure that:

(1) the actual annual emission rate in pounds of nitrogen oxides per million Btu averaged over the units in question is a rate that is less than or equal to (2) Btu-weighted average annual emission rate for the same units if they had been operated, during the same period of time, in compliance with limitations set in accordance with the applicable emission rates set pursuant to subsections (b)(1) and (2).

If the permitting authority determines, in accordance with regulations issued by the Administrator that the conditions in the paragraphs above can be met, the permitting authority shall issue operating permits for such units, in accordance with section 404 and title V, that allow alternative contemporaneous annual emission limitations. Such emission limitations shall only remain in effect while both units continue operation under the conditions specified in their respective operating permits. The Administrator shall implement this subsection under 40 CFR part 76 (2001), amended as appropriate by the Administrator.

SEC. 443. TERMINATION.

Starting January 1, 2008, owner or operator of affected units and affected facilities under section 401 shall no longer be subject to the requirements of that section.

Subpart 2. Nitrogen Oxides Allowance Program.

SEC. 451. DEFINITIONS.

For purposes of this part—

(1) The term ‘affected EGU’ means:

(A) a unit serving a generator before the date of enactment of the Clear Skies Act of 2002, a unit in a State serving a generator with a nameplate capacity of greater than 25 megawatts that produces or produces electricity for sale during 2001 or any year thereafter, except for a cogeneration unit that produced or produced for sale equal to less than one-third of the potential electrical output of the generator that it served or serves during 2001 and each year thereafter; and

(B) for a unit commencing service of a generator on or after the date of enactment of the Clear Skies Act of 2002, a unit in a State serving a generator that produces electricity for sale during any year starting with the year the unit commences service of a generator, except for a gas-fired unit serving one or more generators with total nameplate capacity of 25 megawatts or less, or a cogeneration unit that produces electricity for sale equal to less than one-third of the potential electrical output of the generator that it serves, during each year starting with the unit commences service of a generator.

(C) Notwithstanding paragraphs (A) and (B), the term ‘affected EGU’ does not include a solid waste incineration unit subject to section 129 or a unit for the treatment, storage, or disposal of hazardous waste subject to section 1300 of the Solid Waste Disposal Act.


(3) The term ‘Zone 2 State’ means Alaska, American Samoa, Arizona, California, Colorado, the Commonwealth of Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, Hawaii, Idaho, Montana, Nebraska, North Dakota, New Mexico, Nevada, Oregon, South Dakota, Texas west of Interstate 35, Utah, the Virgin Islands, Washington, and Wyoming.

SEC. 452. APPLICABILITY.

(a)(1) Starting January 1, 2008, it shall be unlawful for the affected EGU’s at a facility in a Zone 1 State to emit a total amount of nitrogen oxides during a year in excess of the number of nitrogen oxides allowances held for such facility for that year by the owner or operator of the facility.

(b) Only nitrogen oxides allowances under section 453(a) shall be held in order to meet the requirements of paragraph (1), except as provided under section 465.

(b)(1) Starting January 1, 2008, it shall be unlawful for the affected EGU’s at a facility in a Zone 2 State to emit a total amount of nitrogen oxides during a year in excess of the number of nitrogen oxides allowances held for such facility for that year by the owner or operator of the facility.

(2) Only nitrogen oxides allowances under section 453(b) shall be held in order to meet the requirements of paragraph (1).

SEC. 453. LIMITATIONS ON TOTAL EMISSIONS.

(a) For affected EGU’s in the Zone 1 States for 2008 and each year thereafter, the Administrator shall allocate nitrogen oxides allowances under section 454(b), and conduct auctions of nitrogen oxides allowances under section 409, in the amounts in Table B.

(b) For affected EGU’s in the Zone 2 States for 2008 and each year thereafter, the Administrator shall allocate nitrogen oxides allowances under section 454(b), and conduct auctions of nitrogen oxides allowances under section 409, in the amounts in Table B.
Table B.—Total NOx allowances allocated for EGUs in Zone 2—Continued

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</table>

SEC. 454. EGU ALLOCATIONS.

(a) EGU allocations in the Zone 1 States—(1) by January 1, 2006, the Administrator shall promulgate regulations determining the allocation of nitrogen oxides allowances for each year during 2006 through 2058 for units at a facility in a Zone 1 State that are affected EGUs as of December 31, 2004. The regulations shall determine the allocation amount under section 453(a) by the ratio of the total amount of baseline heat input of such units at the facility to the total amount of baseline heat input of all affected EGUs in the Zone 1 States.

(2) For each year 2008 through 2058, if the Administrator has not promulgated the regulations determining allocation under paragraph (a)(1), but has promulgated the regulations under section 453(b) providing for the transfer of nitrogen oxides allowances and section 403(c) establishing the Allowance Tracking system for nitrogen oxides allowances, by July 1 that is eighteen months before January 1 of such years, then—

(i) The Administrator shall:

(I) allocate, for each year in the Zone 2 States listed in the Administrator’s Emissions Scorecard 2000, Appendix B, Table B1 an amount of nitrogen oxides allowances determined by multiplying eighty percent of the allocation amount under section 453(a) by the ratio of such unit’s heat input in the Emissions Scorecard 2000, Appendix B, Table B1 to the total heat input in the Emissions Scorecard 2000, Appendix B, Table B1 for all units in the Zone 1 States;

(II) record in each facility’s account in the Allowance Tracking System under section 403(c) an amount of nitrogen oxides allowances for the units at such facility determined under subclause (I); and

(III) auction an amount of nitrogen oxides allowances equal to five percent of the allocation amount under section 453(a) and conduct the auction on the first business day in October following the respective promulgation deadline under subparagraph (A) and in accordance with section 409.

(ii) Notwithstanding any other provision of law to the contrary, the determination of the amount of nitrogen oxides allowances under subclause (I)(I) and the recording of nitrogen oxides allowances under subclause (I)(II) shall not be subject to judicial review.

(iii) Notwithstanding the provisions to the contrary in section 453, the Administrator shall not allocate or record fifteen percent of the allocation amount under section 453(a) for such year.

(b) For each year 2008 through 2058, if the Administrator has not promulgated the regulations determining allocations under paragraph (a)(1), and has not promulgated the regulations under section 453(b) providing for the transfer of nitrogen oxides allowances and section 403(c) establishing the Allowance Tracking System for nitrogen oxides allowances, by July 1 that is eighteen months before January 1 of such year, then it shall be unlawful for any affected EGU in the Zone 2 States to emit nitrogen oxides during such year in excess of 0.14 lb/mmBtu.

Subpart 3. Ozone Season NOx allowances.

§§ 471. Definitions.

For purposes of this subpart—

1. The term “ozone season” means:

(A) with respect to Maine, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont, the period May 1 through September 30 for each year starting in 2003 and the period May 1 through September 30 for each year thereafter.

(b) Nothing in subsection (a) shall preclude the Administrator from administering any nitrogen oxides trading program in any State that is the subject of a required implementation plan under section 463.

SEC. 462. GENERAL PROVISIONS.

The provisions of sections 402 through 406 and section 409 shall not apply to this subpart.

SEC. 463. APPLICABLE IMPLEMENTATION PLAN.

(a) Except as provided in subsection (b), the applicable implementation plan for each State shall be the same as the requirements, including the State’s nitrogen oxides budget and compliance supplement pool, in 40 CFR §§51.121 and 51.122 (2001), as it would be amended in the notice of proposed rulemaking at 67 Federal Register 8396 (February 22, 2002).

(b) Notwithstanding any provision to the contrary in 40 CFR §51.121 (2001), the applicable implementation plan for each State shall require full implementation of the required emission control measures starting no later than the first ozone season.

SEC. 464. TERMINATION OF FEDERAL ADMINISTRATION OF NOx TRADING PROGRAM.

(a) Starting January 1, 2008, the Administrator shall not administer any nitrogen oxides trading program in any State’s applicable implementation plan under section 463.

(b) Nothing in subsection (a) shall preclude a State from administering any nitrogen oxides trading program in the State’s applicable implementation plan under section 463.

SEC. 465. CARRYFORWARD OF PRE-2008 NITROGEN OXIDES ALLOWANCES.

The Administrator shall promulgate regulations as necessary to assure that the required allowance to hold allowances under section 452(a)(1) may be met using nitrogen oxides allowances allocated for an ozone season before 2008 under a nitrogen oxides trading program that the Administrator administers in a State’s applicable implementation plan under section 463.

Part D—Mercury Emissions Reductions

SEC. 471. DEFINITIONS.

For purposes of this subpart—

1. The term “unit’s baseline heat input” with regard to a unit means the unit’s baseline heat input multiplied by—

(A) 1.0, for the portion of the baseline heat input that is the unit’s average annual combustion of bituminous during the years on which the unit’s baseline heat input is based;

(B) 3.0, for the portion of the baseline heat input that is the unit’s average annual combustion of bituminous during the years on which the unit’s baseline heat input is based;

(C) 1.25, for the portion of the baseline heat input that is the unit’s average annual combustion of subbituminous during the years on which the unit’s baseline heat input is based.

2. For the portion of the baseline heat input that is not covered by subparagraph (A), (B), or (C) for the entire baseline heat input...
input if such baseline heat input is not based on the unit’s heat input in specified years.

(2) The term “affected EGU” means:
(A) for a unit serving a generator before the date of enactment of the Clean Air Act of 2002, a coal-fired unit in a State serving a generator with a nameplate capacity of greater than 25 megawatts that produces or produces electricity for sale during 2001 or any year thereafter, except for a cogeneration unit that produces or produces electricity for sale equal to less than one-third of the potential electrical output of the generator that it serves, during each year starting with the year the unit commences service of a generator, except for a cogeneration unit that produces electricity for sale equal to less than one-third of the potential electrical output of the generator that it serves, during each year starting with the year the unit commences service of a generator.

(C) Notwithstanding paragraphs (A) and (B), the term “affected EGU” does not include a solid waste incineration unit subject to section 129 or a unit for the treatment, storage, or disposal of hazardous waste subject to section 3005 of the Solid Waste Disposal Act.

SEC. 472. APPLICABILITY.

Starting January 1, 2010, it shall be unlawful for any EGU to be used in a State to emit a total amount of mercury during the year in excess of the number of mercury allowances held for such facility for that year by the owner or operator of the facility.

SEC. 473. LIMITATIONS ON TOTAL EMISSIONS.

For affected EGUs for 2010 and each year thereafter, the Administrator shall promulgate regulations limiting mercury emissions under section 497, and conduct auctions of mercury allowances under section 409, in the amounts shown in Table A.

<table>
<thead>
<tr>
<th>Year</th>
<th>Mercury allowances allocated</th>
<th>Mercury allowances auctioned</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>231,680</td>
<td>8,320</td>
</tr>
<tr>
<td>2011</td>
<td>264,000</td>
<td>7,150</td>
</tr>
<tr>
<td>2012</td>
<td>300,000</td>
<td>9,000</td>
</tr>
<tr>
<td>2013</td>
<td>336,000</td>
<td>12,000</td>
</tr>
<tr>
<td>2014</td>
<td>372,000</td>
<td>15,000</td>
</tr>
<tr>
<td>2015</td>
<td>408,000</td>
<td>18,000</td>
</tr>
<tr>
<td>2016</td>
<td>444,000</td>
<td>21,000</td>
</tr>
<tr>
<td>2017</td>
<td>480,000</td>
<td>24,000</td>
</tr>
<tr>
<td>2018</td>
<td>516,000</td>
<td>27,000</td>
</tr>
<tr>
<td>2019</td>
<td>552,000</td>
<td>30,000</td>
</tr>
<tr>
<td>2020</td>
<td>588,000</td>
<td>33,000</td>
</tr>
<tr>
<td>2021</td>
<td>624,000</td>
<td>36,000</td>
</tr>
</tbody>
</table>

Table A—Total Mercury Allowances Allocated or Auctioned for EGUs—Continued

<table>
<thead>
<tr>
<th>Year</th>
<th>Mercury allowances allocated</th>
<th>Mercury allowances auctioned</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>108,000</td>
<td>372,000</td>
</tr>
<tr>
<td>2013</td>
<td>96,000</td>
<td>344,000</td>
</tr>
<tr>
<td>2014</td>
<td>84,000</td>
<td>316,000</td>
</tr>
<tr>
<td>2015</td>
<td>72,000</td>
<td>288,000</td>
</tr>
<tr>
<td>2016</td>
<td>60,000</td>
<td>260,000</td>
</tr>
<tr>
<td>2017</td>
<td>48,000</td>
<td>232,000</td>
</tr>
<tr>
<td>2018</td>
<td>36,000</td>
<td>204,000</td>
</tr>
<tr>
<td>2019</td>
<td>24,000</td>
<td>176,000</td>
</tr>
<tr>
<td>2020</td>
<td>12,000</td>
<td>148,000</td>
</tr>
<tr>
<td>2021</td>
<td>0</td>
<td>480,000</td>
</tr>
</tbody>
</table>

SEC. 474. ALLOCATION.

(a) By January 1, 2007, the Administrator shall promulgate regulations determining allocations of mercury allowances for each year during 2010 for units at a facility that are affected EGU’s as of December 31, 2004. The regulations shall provide that the Administrator shall allocate each year for such units an amount determined by multiplying the allocation amount in section 473 by the ratio of the total amount of the adjusted baseline heat input of such unit to the total amount of the adjusted baseline heat input of all affected EGUs. 

(b)(1) For each year 2010 through 2060, if the Administrator has not promulgated the regulations determining allocations under paragraph (a), but has promulgated the regulations under section 405(b) for the transfer of mercury allowances and section 405(c) establishing the Allowance Tracking System for mercury allowances, by July 1 that is eighteen months before January 1 of such year, then—

(A) The Administrator shall (i) allocate, for each year, to each unit with a primary or secondary fuel listed in the Administrator’s Emissions Scorecard 2000, Appendix B, Table B1 an amount of mercury allowances determined by multiplying eighty percent of the allocation amount under section 473 by the ratio of such unit’s heat input in the Emissions Scorecard 2000, Appendix B, Table B1 to the total of the heat input in the Emissions Scorecard 2000, Appendix B, Table B1 for all units with coal as their primary or secondary fuel; and (ii) record in each facility’s account in the Allowance Tracking System under section 405(c) for such year the total of the amounts of mercury allowances for the units at such facility determined by clause (i) and (iii) auction an amount of mercury allowances equal to five percent of the allocation amount under section 473 and conduct the auction on the first business day in October following the respective promulgation deadline under paragraph (1) and in accordance with section 483.

(b) Notwithstanding any other provision of law to the contrary, the determination of the amount of mercury allowances under subparagraph (1)(A) and the recording of securitization proceeds for providing for the transfer of mercury allowances and section 405(c) establishing the Allowance Tracking System for mercury allowances, by July 1 that is eighteen months before January 1 of such year, then it shall be unlawful for any affected EGU to emit mercury during such year in excess of 30 percent of the mercury content (in ounces per mmBtu) of the coal and coal-derived fuel consumed by the unit.

PART E—NATIONAL EMISSION STANDARDS FOR FREESTANDING REFINERY AND BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY REQUIREMENTS

SECTION 481. NATIONAL EMISSION STANDARDS FOR FREESTANDING REFINERIES

(a) DEFINITIONS.—For purposes of this section:
(1) The term “commenced,” with regard to construction, means that the owner or operator has either undertaken a continuous program of construction or has entered into a contractual obligation to undertake and perform within a reasonable time, a continuous program of construction. For boilers and integrated gasification combined cycle plants, this term does not include undertaking such a program or entering into such an obligation more than 36 months prior to the date on which the unit begins operation. For combustion turbines, this term does not include undertaking such a program or entering into such an obligation more than 18 months prior to the date on which the unit begins operation.

(2) The term “construction” means fabrication, erection, or installation of an affected unit.

(3) The term “affected unit” means any unit subject to emission limitations under subsection (c) or, if earlier, proposed regulations prescribing a standard under this section that will apply to such unit.

(4) The term “construction” means the replacement of components of a unit to such extent that—

(A) the fixed capital cost of the new component exceeds 50 percent of the fixed capital cost of the unit that would have been converted to construct a comparable entirely new unit; and

(B) it is technologically and economically feasible to meet the applicable standards set forth in this section.

(7) The term “simple cycle combustion turbine” means a stationary combustion turbine that does not extract heat from the combustion turbine exhaust gases.

(b) EMISSION STANDARDS.—

(1) In GENERAL.—No later than twelve months after the date of enactment of the Clean Air Act of 2002, the Administrator shall promulgate regulations prescribing the standards in subsections (c) through (d) for the specified affected units and establishing requirements—

(A) that two or more units utilize a single stack, separate monitoring shall be required for each affected unit for the pollutants for which the unit is subject to the standards.

(B) The Administrator shall, by regulation, require—

TABLE A — TOTAL MERCURY ALLOWANCES ALLOCATED OR AUCTIONED FOR EGUS — Continued
(1) the owner or operator of any affected unit subject to the standards for sulfur dioxide, nitrogen oxides, or mercury under this section to—

(i) install and operate CEMS for monitoring output, including electricity and useful thermal energy, on the affected unit and to quality assure the data; and

(ii) comply with recordkeeping and reporting requirements, including provisions for reporting output data in megawatt-hours.

(2) the owner or operator of any affected unit subject to standards for particulate matter under this section to—

(i) install and operate CEMS for monitoring output, including electricity and useful thermal energy, on the affected unit and to quality assure the data; and

(ii) comply with recordkeeping and reporting requirements; and

(iii) perform alternative monitoring, quality assurance, recordkeeping, and reporting requirements for any period of time for which the Administrator determines that CEMS with appropriate vendor guarantees are not commercially available for particulate matter;

(3) COMPLIANCE.—For boilers, integrated gasification combined cycle plants, and combustion turbines that are gas-fired or coal-fired, the Administrator shall require that the owner or operator demonstrate compliance with the emission limits under subparagraph (2)(A) of this paragraph through (D) through (H) of this paragraph (including any applicable provisions for new source review in section 114) for each affected unit and to quality assure the data.

(B) nitrogen oxides in excess of 1.0 lb/MWh; or

(C) particulate matter in excess of 0.20 lb/MWh.

(3) After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any combustion turbine that is a new affected unit to operate such unit in violation of any standard applicable to such unit.

(c) OTHER AUTHORITY UNDER THIS ACT.—Nothing in this section shall diminish the authority of any other statute under which the Administrator or the Administrator's designee has under this Act to implement and enforce such standards.

(2) Notwithstanding the requirements of paragraph (1)(a), the Administrator shall—

(i) 0.289 lb/MWh (12 ppm at 15 percent oxygen); or

(ii) 1.01 lb/MWh (42 ppm at 15 percent oxygen), if the unit is not a simple cycle combustion turbine and is located within 50 km of a class I area.

(3) The Administrator shall, at least every 8 years following the promulgation of standards under subsection (b), review and, if appropriate, revise such standards to reflect the degree of emission limitation achievable through the application of the best system of emission reduction which will assure compliance with applicable air quality standard, except that no new affected unit subject to standards under this section shall be subject to standards under section 111 of this Act.

SECTION 482. RESEARCH, ENVIRONMENTAL MONITORING, AND ASSESSMENT.

(a) Purposes.—The Administrator, in collaboration with the Secretary of Energy and the Secretary of the Interior, shall conduct a comprehensive program of research and environmental monitoring and assessment to enhance scientific understanding of the human health and environmental effects of particulate matter and mercury and to demonstrate the efficacy of emission reductions achieved under this title. The purposes of such a program are to—

(1) expand current research and knowledge of the contribution of emissions from electricity generation to exposure and health effects associated with particulate matter and mercury;

(2) enhance current research and development of promising multi-pollutant control strategies and CEMS for mercury;

(3) produce peer-reviewed scientific and technical information to inform the review of emissions levels under section 110;

(4) improve environmental monitoring and assessment of sulfur dioxide, nitrogen oxides and mercury, and their transformation products, to track changes in human health and the environment attributable to emission reductions under this title; and

(5) periodically provide peer-reviewed reports on the costs, benefits, and effectiveness of emission reductions achieved under this title.

(b) Research.—The Administrator shall enhance expanded and ongoing laboratory and field research and modeling analyses, and conduct new research and analyses to produce peer-reviewed information concerning the human health and environmental effects of mercury and particulate matter and the contribution of U.S. electrical generating units to those effects. Such research shall be conducted on a priority basis for uncovered units (including units located in an area with a qualified air quality standard) subject to the new source review provisions in section 114, and each affected unit subject to standards under this section shall be treated in the same manner as a stationary source under section 111. Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or require any regulatory requirement, limitation, or standard relating to affected units that is more stringent than a regulation, requirement, limitation or standard in effect under this section or under any other provision of this Act.

(c) Cooperative Research Efforts.—The Administrator shall—

(1) coordinate with other Federal agencies and with States or political subdivisions to implement research programs and strategies that will achieve the purposes of this section.

(2) coordinate with other Federal agencies to conduct research that will enhance scientific understanding of the human health and environmental effects of particulate matter and mercury and to demonstrate the efficacy of emission reductions achieved under this title.

(3) work with other Federal agencies and States or political subdivisions to implement programs that will achieve the purposes of this section.

(4) establish a program to improve understanding of the rates and processes governing chemical and physical transformations of mercury in the atmosphere, including speciation of emissions from
electricity generation and the transport of these species; 

(2) improve understanding of the contribution of mercury emissions from electricity generation to mercury in fish and other biota, including:

(a) the response of and contribution to mercury in the biota owing to atmospheric deposition from U.S. electricity generation on both local and regional scales; 

(b) long-term contributions of mercury from U.S. electricity generation on mercury accumulation in ecosystems, and the effects of mercury reductions in that sector on the environment and public health; 

(c) the contribution of mercury, from U.S. electricity generating facilities and anthropogenic and natural sources to fish contamination and to human exposure, particularly with respect to sensitive populations; and 

(D) the contribution of U.S. electricity generation to population exposure to mercury in freshwater fish and seafood and quantification of linkages between U.S. mercury emissions and domestic mercury exposure and its health effects; and 

(E) the contribution of mercury from U.S. electricity generation in the context of other domestic and international sources of mercury, including transport of global anthropogenic mercury burdens.

(3) improve understanding of the health effects of fine particulate matter components related to electricity generation emissions (as distinguished from the particulate fractions and indoor air exposures) and the contribution of U.S. electrical generating units to those effects including:

(A) the chronic effects of fine particulate matter from electricity generation in sensitive population groups; and 

(B) the impact of exposure to fine particulate matter from electricity generation.

(4) improve understanding, by way of a review of the literature, of methods for valuing human health and environmental benefits associated with fine particulate matter and mercury.

(c) INNOVATIVE CONTROL TECHNOLOGIES.—

The Administrator shall collaborate with the Secretary of Energy to enhance research and development, and conduct new research that facilitates research into and development of innovative technologies to control sulfur, nitrogen, and mercury, including technologies to control sulfur, nitrogen, and mercury, and particulate matter at a lower cost than existing technologies. Such research and development shall be based on information on the cost and feasibility of technologies. Such information shall be included in the report under subsection (d). In addition, the research and development shall:

(1) upgrade cost and performance models to include results from ongoing and future electricity generation and pollution control demonstration projects conducted by the Administrator and the Secretary of Energy; 

(2) evaluate the overall environmental implications of the various technologies tested including impacts on the characteristics of coal combustion residues; 

(3) evaluate the impact of the use of selective catalytic reduction on mercury emissions from the combustion of all coal types; 

(4) evaluate the potential of integrated gasification combined cycle to adequately control mercury emissions; 

(5) expand current programs by the Administrator to conduct research and promote, lower cost CEMS capable of providing real-time measurements of both speciated total mercury and integrated compact CEMS that provide cost-effective real-time measurements of sulfur dioxide, nitrogen oxides, and mercury; 

(6) expand lab- and pilot-scale mercury and multi-pollutant control programs by the Secretary of Energy and the Administrator, including development of enhanced sorbents and scrubbers for use on all coal types; 

(7) characterize mercury emissions from low-rank coals, regenerative catalytic controls, like scrubbers and selective catalytic reduction; and 

(8) improve emission modifications and controls for dry-bottom boilers.

(d) EMISSIONS LEVELS EVALUATION REPORT.—Not later than January 1, 2008, the Administrator, in consultation with the Secretary of Energy, shall prepare a peer-reviewed report to inform the review of the emissions levels under section 410. The report shall be entitled "Peer-reviewed scientific and technology information. It shall address cost, feasibility, human health and ecological effects, and net benefits associated with emissions levels under this title. 

(e) ENVIRONMENTAL ACCOUNTABILITY.—(1) The Administrator shall conduct a program of environmental monitoring and assessment to track on a continuing basis, changes in human health and the environment attributable to ambient mercury concentrations, where appropriate under this title. Such a program shall:

(A) develop and employ methods to routinely monitor, collect, and compile data on mercury emissions and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition; 

(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and 

(iv) improve understanding of the effectiveness and cost of mercury emissions controls.

(B) modernize and enhance the national air quality and atmospheric deposition monitoring networks in order to cost-effectively improve the ability to monitor, collect, and compile data on mercury emissions and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) monitor the status and trends of mercury and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition; 

(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and 

(iv) improve understanding of the effectiveness and cost of mercury emissions controls.

(C) modernize and enhance the national air quality and atmospheric deposition monitoring networks in order to cost-effectively improve the ability to monitor, collect, and compile data on mercury emissions and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition; 

(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and 

(iv) improve understanding of the effectiveness and cost of mercury emissions controls.

(D) modernize and enhance the national air quality and atmospheric deposition monitoring networks in order to cost-effectively improve the ability to monitor, collect, and compile data on mercury emissions and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition; 

(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and 

(iv) improve understanding of the effectiveness and cost of mercury emissions controls.

(e) ENVIRONMENTAL ACCOUNTABILITY.—(1) The Administrator shall conduct a program of environmental monitoring and assessment to track on a continuing basis, changes in human health and the environment attributable to ambient mercury concentrations, where appropriate under this title. Such a program shall:

(A) develop and employ methods to routinely monitor, collect, and compile data on mercury emissions and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition; 

(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and 

(iv) improve understanding of the effectiveness and cost of mercury emissions controls.

(B) modernize and enhance the national air quality and atmospheric deposition monitoring networks in order to cost-effectively improve the ability to monitor, collect, and compile data on mercury emissions and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition; 

(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and 

(iv) improve understanding of the effectiveness and cost of mercury emissions controls.

(C) modernize and enhance the national air quality and atmospheric deposition monitoring networks in order to cost-effectively improve the ability to monitor, collect, and compile data on mercury emissions and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition; 

(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and 

(iv) improve understanding of the effectiveness and cost of mercury emissions controls.

(D) modernize and enhance the national air quality and atmospheric deposition monitoring networks in order to cost-effectively improve the ability to monitor, collect, and compile data on mercury emissions and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that:

(i) improve the ability to routinely measure mercury in processes; 

(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition; 

(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and 

(iv) improve understanding of the effectiveness and cost of mercury emissions controls.

(f) MANAGEMENT AND Promotion OF TECHNOLOGY TRANSFER.—The Secretary of Energy, in consultation with the Administrator, shall conduct a major effort to identify, publicize, and promote innovative technologies to control sulfur dioxide, nitrogen oxides, and mercury, including regional estimates of total atmospheric deposition; 

(g) status and trends in mercury production, including consumption; 

(h) trends in atmospheric deposition and mercury concentrations in fish; 

(i) status of mercury and its transformation products in fish; 

(j) occurrence and effects of coastal eutrophication and episodic acidification, pertinence with respect to high elevation watersheds; and 

(k) reduction in atmospheric deposition rates that should be achieved to prevent or reduce adverse ecological effects.

SEC. 483. EXEMPTION FROM MAJOR SOURCE RECONSTRUCTION REVIEW REQUIREMENTS AND BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY REQUIREMENTS.

(a) MAJOR SOURCE EXEMPTION.—An affected unit shall not be considered as a major emitting source having a major emitting facility or major stationary source, or a part of a major emitting facility or major stationary source for purposes of compliance requirements under part D of title I of this Act, if the affected unit is not subject to an enforceable permit issued pursuant to title V or a permit program approved or promulgated as part of an applicable implementation plan to limit the emissions of particulate matter or, the owner or operator of the affected unit is subject to an enforceable permit issued pursuant to title V or a permit program approved or promulgated as part of an applicable implementation plan to limit the emissions of particulate matter from the affected unit to 0.03 lb/mmBtu within eight years after the date of enactment of the Clean Skies Act of 2002; and 

(b) RECONSTRUCTION REQUIREMENTS.—Each State shall include in its plan under section 110, a program to provide for the regulation of the construction of an affected unit that ensures that the following requirements are met prior to the commencement of construction of an affected unit: 

(c) P RECONSTRUCTION REQUIREMENTS.

Each State shall include in its plan under section 110, a program to provide for the regulation of the construction of an affected unit that ensures that the following requirements are met prior to the commencement of construction of an affected unit:

(A) in an area designated as attainment or unclassifiable under section 107(d), the owner or operator of the affected unit must demonstrate to the State that the emissions increases from the construction of the affected unit will not cause, or contribute to, air pollution in excess of any national ambient air quality standard.

(B) in an area designated as nonattainment under section 107(d), the State must determine that the emissions increases from the construction or operation of such unit will not interfere with ambient air quality standards that are in effect.

(C) the construction of an affected unit shall not interfere with any program to assure attainment of national ambient air quality standards; 

(D) the owner or operator of the affected unit shall not be considered as a major emitting facility or major stationary source, or a part of a major emitting facility or major stationary source for purposes of compliance requirements under part D of title I of this title.
physical change in, or change in the method
modification of any affected unit.

(4) The State shall provide for the opportunity for interested persons to comment on the Class I area protections and preconstruction requirements as set forth in this section.

(4) Definitions.—For purposes of this section:

(1) The term “affected unit” means any unit that is subject to emission limitations under subpart 2 of part B, subpart 2 of part C, or part D.

(2) The term “construction” includes the construction of any affected unit and the modification of any affected unit.

(3) The term “modification” means any physical change in, or change in the method of operation of, an affected unit which increases the hourly emissions of any air pollutant at the unit’s maximum capacity.

SEC. 3. OTHER AMENDMENTS.

(a) Title I of the Clean Air Act is amended—

(1) by removing from section 103 subparagraphs (j)(3)(E) and (j)(3)(F); and

(2) by modifying paragraph 107 by adding—

(A) paragraph (D)(1)(A) by

(i) deleting the “or” at the end of clause (ii);

(ii) replacing the period with “or” at the end of clause (iii);

(iii) adding clause (iv) to read as follows:

'(iv) notwithstanding clauses (i)–(iii), an area may be designated transitional for the fine particles national primary ambient air quality standard or the 8-hour ozone national primary ambient air quality standard if the Administrator has performed air quality modeling and, in the case of an area that needs additional local control measures, the State has performed supplemental air quality modeling, demonstrating that the area will attain that standard no later than December 31, 2015, and such modeling demonstration and all necessary local controls have been approved into the state implementation plan no later than December 31, 2003.”; and

(iv) adding to the flush language at the end a sentence to read as follows:

'... However, for purposes of the fine particles national primary ambient air quality standard and the 8-hour ozone national primary ambient air quality standard if the Administrator has performed air quality modeling and, in the case of an area that needs additional local control measures, the State has performed supplemental air quality modeling, demonstrating that the area will attain that standard no later than December 31, 2015, and such modeling demonstration and all necessary local controls have been approved into the state implementation plan no later than December 31, 2003.”; and

(B) clause (d)(1)(B)(i) by adding at the end a sentence to read as follows:

'... Provided, however, that the Administrator is required to redesignate areas for the revised fine particles national primary ambient air quality standard and 8-hour ozone fine particles national primary ambient air quality standard, provided that 5 months after the States are required to submit recommendations under section 107(d)(1)(A), but in no event shall the period for determining the redesignations be extended beyond November 30, 2004.'

(3) modifying section 110 by—

(A) adding clause (a)(2)(D)(1) to read as follows:

'(D) contain adequate provisions—

(i) except as provided in subclause (II), prohibiting, for purposes of any area redesignation under this section, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—

(A) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(B) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,

(II) The Administrator, in reviewing, under subclause (I), any plan with respect to which emissions from affected units, within the meaning of section 126(d)(1), are substantial—

(A) shall consider, among other relevant factors, emissions reductions required to be achieved in the applicable implementation plan for such nonattainment areas in the other State or States; and

(B) may not require submission of plan provisions—

(i) subjecting affected units, within the meaning of section 126(d)(1), to requirements with an effective date prior to January 1, 2012; or

(ii) mandating an amount of emissions reductions based on the Administrator’s determination that emissions reductions are available from such affected units, unless the Administrator determines that emissions reductions from such units, which cost-effectively as emissions from other principal category of sources of sulfur dioxide or nitrogen oxides, including industrial boilers, off-road mobile sources, and any other category of sources of the Administrator may identify, and that reductions in such emissions will improve air quality in the petitioning State’s nonattainment area(s) at least as cost-effectively as reductions in emissions from other principal category of sources of sulfur dioxide or nitrogen oxides, to the maximum extent that a methodology is reasonably available to make such a determination.

The Administrator shall develop an appropriate methodology for making such determinations by December 31, 2006. In making this determination, the Administrator will use the best available peer reviewed models and methodology that consider the proximity of the source or sources to the petitioning State or political subdivision and incorporate other source characteristics.

(III) Nothing in subclause (II) shall be interpreted to require revisions to the provisions of Chapter 111. (j)(121) and 112. (j)(122) (2001) as would be amended in the notice of proposed rulemaking at 67 Federal Register 8396 (February 22, 2002).

(B) adding a new subsection (q) to read as follows:

'(q) Transitional Areas.—

(1) Maintenance.—

(A) By December 31, 2010, each area designated as transitional pursuant to section 107(d)(1) shall submit an updated emission inventory and, if appropriate, a determination of whether growth in emissions, including growth in vehicle miles traveled, will interfere with attainment by December 31, 2015.

(B) No later than December 31, 2011, the Administrator shall review each transitional area’s maintenance analysis, and, if the Administrator determines that growth in emissions interferes with attainment by December 31, 2015, the Administrator will consult with the State and determine what action, if any, is necessary to assure that attainment will be achieved by 2015.

(2) Prevention of Significant Deterioration. Each area designated as transitional pursuant to section 107(d)(1) shall be treated as an attainment or unclassifiable area for purposes of the prevention of significant deterioration provisions of part C of this subchapter.

(3) Consequences of Failure to Attain by 2015. No later than June 30, 2016, EPA shall determine whether each area designated as transitional for the 8-hour ozone standard or for the fine particles standard has attained that standard. If EPA determines that a transitional area has not attained the standard, the area shall be redesignated as nonattainment within 1 year of the determination and the State shall be required to submit recommendations under section 110(a)(2)(D)(ii) to EPA, if EPA determines that emissions reductions are available to achieve those standards,

(B) adding subsection (q) to read as follows:

'(q) List of Source Categories.—

(1) In General.—Not later than 12 months after November 15, 1990, the Administrator shall publish, and shall from time to time, but not less often than every 8 years, revise, if appropriate, in response to public comment or new information, a list of all categories and subcategories of major sources and area sources listed under paragraph (3) of the air pollutants listed pursuant to subsection (b) of section 110(a)(2)(D)(i) and (D)(ii). The Administrator shall have the authority to regulate the emission of hazardous air pollutants listed under section 112(f)(2) through (4) of the Act, and hazardous air pollutants listed under part D of title IV of the Act, by electric utility steam generating units in accordance with the regime set forth in section 112(f)(2) through (4). The section 112(a)(2) determinations shall be based on actual emissions by electric utility steam generating units in 2010. Any such regulations shall be promulgated within 8 years of 2010. To the extent practicable, the categories and subcategories listed under this subsection shall be consistent with the list of source categories established pursuant to section 111 and part C. Nothing in the preceding sentence limits the Administrator’s authority to establish subcategories under this section, as appropriate.

(B) paragraph (n)(1)(A) to read as follows:

'(n) Other Provisions.—

(1) Electric Utility Steam Generating Units.—

(A) The Administrator shall perform a study of the hazards to public health reasonably anticipated to occur as a result of emissions by electric utility steam generating units of pollutants listed under subsection (b) after imposition of the requirements of this Act. The Administrator shall report the results of this study to the Congress within 3 years after November 15, 1990.

(b) modifying section 114 by—

(A) revising subsection (b) by replacing—

section 110(a)(2)(D)(ii) with this section and the prohibition of section 110(a)(2)(D)(ii) with “the prohibition of section 110(a)(2)(D)(ii)”;

(C) revising subsection (c), flush language at end, by replacing—

section 110(a)(2)(D)(ii) with “section 110(a)(2)(D)(ii)”;

(C) modifying section 114 by—

(A) deleting subsection (c) and deleting the last sentence;

(B) adding a new subsection (d) to read as follows:

'(d) Environmental Justice.—

(1) For purposes of this subsection, the term “affected unit” means any unit that is subject to emission limitations under subpart 2 of part B, subpart 2 of part C, or part D.

(2) To the extent that any petition submitted under subsection (b) after the date of

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enactment of the Clear Skies Act of 2002 seeks a finding for any affected unit, then, notwithstanding any provision in subsections (a) through (c) to the contrary—

(a) for purposes of this subsection—

(A) the Administrator shall consider, among other relevant factors, emission reductions required to occur by the attainment date or dates of any relevant nonattainment areas in the petitioning State or political subdivision.

(B) the Administrator may not determine that affected units emit or would emit any air pollutant in violation of the prohibition of section 116(a)(2)(D) unless that Administrator determines that—

(i) such emissions may be reduced at least as cost-effectively as emissions from each other principal category of sources of sulfur dioxide or nitrogen oxides, including industrial boilers, on-road mobile sources, and off-road mobile sources, and any other category of sources that the Administrator may identify; and

(ii) reductions in such emissions will improve attainment deadlines under subsection (b) to the extent that a methodology is reasonably available to make such a determination. In making this determination, the Administrator shall only use available peer reviewed methodologies that consider the proximity of the source or sources to the petitioning State or political subdivision and incorporate other sources characteristics.

(C) the Administrator shall develop an appropriate methodology for determining such cost-effectiveness to the extent that a methodology is reasonably available to make such a determination.

(D) the Administrator may not determine that affected units emit or would emit any air pollutant in violation of the prohibition of section 116(a)(2)(D) unless that Administrator determines that—

(i) such emissions may be reduced at least as cost-effectively as emissions from each other principal category of sources of sulfur dioxide or nitrogen oxides, including industrial boilers, on-road mobile sources, and off-road mobile sources, and any other category of sources that the Administrator may identify; and

(ii) reductions in such emissions will improve attainment deadlines in subsection (c) to the extent that a methodology is reasonably available to make such a determination. In making this determination, the Administrator shall only use available peer reviewed methodologies that consider the proximity of the source or sources to the petitioning State or political subdivision and incorporate other sources characteristics.

(E) the Administrator, by rulemaking, shall extend the compliance and implementation timelines in subsection (c) to the extent necessary to assure that no affected unit shall be subject to any such deadlines prior to January 1, 2012.

(b) Title IV of the Clean Air Act is amended by adding section 307(d)(1)(G) to read as follows:

"(G) the promulgation or revision of any regulation under title IV—"

"(C) Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.) is—"

(1) amended by renumbering sections 401 through 403 as sections 701 through 703, respectively; and

(2) renumbered as title VII.

(d) Title VIII of the Clean Air Act Amendment of 1990 (miscellaneous provisions) is amended by modifying section 821(a) to read as follows:

"(a) MONITORING.—The Administrator of the Environmental Protection Agency shall promulgate regulations within 18 months after enactment to require that affected sources subject to part 1 of part B of title IV of the Clean Air Act also monitor carbon dioxide emissions according to the methodologies in section 405(e).

The regulations shall require that such data be reported to the Administrator. The provisions of section 405(e) of title IV of the Clean Air Act are applicable for purposes of this action in the same manner and to the same extent as such provision applies to the monitoring and data referred to in section 405. The Act amends section 405(e) of title IV to section 405 of title IV of the Clean Air Act by reducing $500,000, per couple, is excluded on that sale of a principal residence if the individual has lived in the house for at least two of the previous five years.

However, when enacted, Congress failed to provide a special rule for military and Foreign Service personnel who are required to move either within the U.S. or abroad. Senators McCain and Graham both have introduced legislation to address this problem in the five-year period while away on assignment, meaning those years would count toward neither the two years nor the five-year periods. This is also similar to provisions on H.R. 5063.

On July 9, 2002, the House passed unanimously a bill, H.R. 5063, that provided limited relief to military personnel. Perhaps one more reason to provide a special rule for members of the armed forces in determining the exclusion of gain from the sale of a principal residence and would restore the tax-exempt status of death gratuity payments to members of the Armed Forces. In the efforts of the House, but believe we can go farther.

These are the men and women that put their lives on the line for our freedom on a daily basis. We need to ensure that the Congress pass do not negatively impact them. We should also develop sound policy that serves as an incentive for our youth to provide military personnel with the best quality of life available. And, I’m happy to include this provision in my legislation.

Under current law, military personnel in a combat zone are afforded an extended period for filing tax returns. However, this does not apply to contingency operations. This proposal would extend the same benefits to military personnel assigned to contingency operations.

It can’t be easy trying to figure out our complicated tax system while you are in combat. This is just wrong.

I support the provisions of H.R. 5063 and S. 2783, therefore I have included introduced S. 2785. It is important that we support all our troops when they are overseas.
When Congress passed the Tax Reform Act of 1986, we included a provision stating that qualified military benefits are excluded from income. It is not absolutely clear whether child care provisions are covered under this provision. It appears that any child care benefit provided to military personnel would be excludable from income. Senator LANDRIEU has introduced S. 2807, a similar measure. I support this measure and am proud to include it in this piece of legislation.

It is my intention to mark-up this legislation soon in hopes that we can move it through the Senate quickly. It is important that we continue to show members of the armed forces our support and solidarity during this time of war. Amendment has brought to light the essential role the armed services play in upholding freedom throughout the world. I would like to see a military tax equity bill signed into law by the President before the end of the year.

Mr. President, I ask 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. 2816

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Foreign and Armed Services Tax Fairness Act of 2002.”

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of section, 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 Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.
Sec. 2. Restoration of full exclusion from gross income of death gratuity payment.
Sec. 3. Special rule for members of uniformed services and Foreign Service in determining exclusion of gain from sale of principal residence.
Sec. 4. Qualified military base realignment and closure fringe benefit.
Sec. 5. Extension of tax filing delay provisions to military personnel serving in contingency operations.
Sec. 6. Deduction of certain expenses of members of the reserve component.
Sec. 7. Modification of membership requirement for exemption from tax for veterans‘ organizations.
Sec. 8. Clarification of the treatment of dependent care assistance programs sponsored by the Department of Defense for members of the Armed Forces of the United States.

SECTION 2. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

(a) IN GENERAL.—Subsection (b)(3) of section 134(b)(1) of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.

(b) CONFORMING AMENDMENT.—Subparagraph (c) of section 134(c) of title 10, United States Code, is amended by striking “subparagraph (b)” and inserting “subparagraphs (b) and (c)”.

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

SEC. 3. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.

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

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

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

(1) IN GENERAL.—The term ‘qualified official extended duty’ means any extended duty performed by a member of the uniformed services for a period in excess of 30 days.

(2) EXTENDED DUTY.—The term ‘extended duty’ means any period of duty pursuant to a call or order to such duty for a period in excess of 30 days or for an indefinite period.

(3) SPECIAL RULES RELATING TO ELECTION.

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

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

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

SEC. 4. QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE BENEFIT.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking “or” at the end of the section and inserting “and” in its stead.
"(8) qualified military base realignment and closure fringe.",

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by inserting at the end of subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section, the term ‘qualified military base realignment and closure fringe’ means I or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to offset the adverse effects on households as a result of a military base realignment or closure."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 5. EXTENSION OF TAX FILING DELAY PROVISION TO MILITARY PERSONNEL SERVING IN CONTINGENCY OPERATIONS.

(a) In General.—Section 7658(a) (relating to time for performing certain acts postpone by reason of service in combat zone) is amended by inserting at the end the following new paragraph:

"(E) CERTAIN EXPENSES OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—For purposes of this section (o) and by inserting after subsection (m) the following new subsection:

"(m) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States for part of the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.",

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.

"(8) qualified military base realignment and closure fringe.",

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for which such individual is away from home in connection with such service.

SEC. 6. DEDUCTION OF CERTAIN EXPENSES OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, in amounts not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services performed by a member of a reserve component of the Armed Forces of the United States.".,

SEC. 7. MODIFICATION OF MEMBERSHIP REQUIREMENTS FOR EXEMPTION FROM TAX FOR VETERANS ORGANIZATIONS.

(a) In General.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers, or ancestors" and inserting "or widowers, or ancestors"

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 8. CLARIFICATION OF THE TREATMENT OF DEPENDENT CARE ASSISTANCE PROGRAMS BY THE DEPARTMENT OF DEFENSE FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.

(a) In General.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program sponsored by the Department of Defense for members of the Armed Forces of the United States.",

(b) CONFORMING AMENDMENTS.—

(1) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)"

(2) Section 3306(b)(15) is amended by striking "or 129" and inserting "129, or 134(b)(4)"

(3) Section 3401(a)(18) is amended by striking "or 129" and inserting "129, or 134(b)(4)"

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 9. MODIFICATION OF MEMBERSHIP REQUIREMENTS FOR EXEMPTION FROM TAX FOR VETERANS ORGANIZATIONS.

(a) In General.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers, or ancestors"

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.
number of students, particularly women and minorities, who study technology, mathematics, and engineering. And a final point: the bill reforms NSF’s program on major research and facilities equipment to help prioritize projects and guard against cost overruns and non-merit reviewed proposals.

Scientific discovery and development continues to set America apart from other nations and is one of our enduring legacies. The National Science Foundation Doubling Act of 2002 is a solid piece of legislation building on our Nation’s history in the sciences and promoting a better future. It deserves to be considered quickly, and I believe favorably, by the United States Senate.

Mr. HOLLINGS. Mr. President, I join my colleagues, Senator KENNEDY, and Senator MIKULSKI and Senator BOND, in introducing this bill to authorize the National Science Foundation through FY 2007. My friends and I represent three Committees with a strong interest in NSF, and we chose a straightforward title for the name of this bill, the NSF Doubling Act, because our intentions simple and straightforward. Congress’s intent is to double NSF’s budget over the next 5 years. NSF is the Nation’s premier federal science agency that invests in basic research across all disciplines that is on the frontiers of science. In 1945, Vannevar Bush’s report for President Roosevelt led to the establishment of the National Science Foundation. Since then, this nation has been on a path of solid investment in the scientific research that underlies our future economic health and well being. It’s no mistake that Alan Greenspan and other important economists have noted that more than one-half of our Nation’s economic growth since World War I has stemmed from technology driven by science.

By next year, we in Congress will have succeeded in increasing the budget of the National Institutes of Health. I applaud that effort. But as scientific disciplines have become fundamentally interdependent, advances in the health sciences necessarily depend on advances in math, computer science, and engineering. NSF is the only Federal agency specifically charged with ensuring a broad and deep base of fundamental knowledge across disciplines. This mission is critical to technological innovation, our economy, and our general health and welfare as a Nation.

I have said that our intentions are simple and straightforward. So let me set out three simple reasons why this doubling is vital to our future: the first concerns our security. Not only does NSF fund areas, such as cyber security, that are critical to protecting our nation, but NSF is the agency that takes the lead in ensuring that this country has sufficient human capital to ensure our continued world leadership in science and technology. The Hart-Rudman Commission on National Security warned that our failure to invest in science and to reform math and science education was the second biggest threat to our national security, only the threat of a weapon of mass destruction in an American city was a greater danger. NSF invests in math and science education from kindergarten all the way through to the post-doctoral level and beyond. This bill allows the Foundation to increase that investment, while reaffirming our commitment to women, minorities, and people with disabilities. These under-represented groups, together, make up more than half of our Nation’s work force and are only increasing. Letting these groups fall by the wayside would not only threaten our economic competitiveness, but also our national security.

Second pertains to our economy. I have already talked about science and technology driving our economic growth. Let me give just one example: how NSF’s investment will spur our economy. NSF is the leading agency in the National Nanotechnology Initiative. Nanotechnology, which is the science of manipulating matter at the atomic and molecular level, will cut across every scientific discipline, including health and medicine, energy and the environment, agriculture, biotechnology, information technology, and national security. Worldwide, the market for nanotechnology is expected to be worth $1 trillion annually within 10 to 15 years. NSF’s cross-disciplinary approach, which includes groundbreaking research into the way society and this new technology will interact, will help this nation take advantage of Nanotechnology sooner, better, and with greater confidence.

The third involves basic research. NSF is responsible for the overall health and well-being of the research enterprise in this country. One way to think about this is that, for the past 15 years, NSF has supported the EPSCoR program. EPSCoR supports the development of the science and technology resources of individual States like South Carolina, through partnerships that involve the State’s universities, industry, government, and the Federal research and development enterprise. For example, NSF supports an Engineering Research Center focused on advanced fibers and films at Clemson University that, through investments over the next 10 years, will make Clemson the national leader in advanced fibers and films technologies.

I think these arguments are solid, simple, and straightforward. We can talk about NSF’s past outstanding contributions to science. We can talk about the future and the importance of science and technology to our economy. But, where the rubber meets the road, we have to stop talking and invest, with real money, in the science that will guaranty the health, economic viability, and security of our future. I, for one, appreciate the hard work that NSF has done over the past 52 years promoting the progress of science, and I urge my Senate colleagues to support me in providing this agency the resources needed to conquer tomorrow.

Mr. BOND. Mr. President, I rise today to express my support for the National Science Foundation Doubling Act of 2002. As an original co-sponsor, I am pleased to join my colleagues, Senators KENNEDY, HOLLINGS, and MIKULSKI in introducing this important legislation that will strengthen the long-term economic competitiveness and health of our Nation. As an appropriator and as an authorizer of NSF, I have a special interest in NSF and the basic science research it supports. I believe this bill underscores the critical role NSF plays in the economic and intellectual growth and well-being of this Nation.

As many of my colleagues know, Senator MIKULSKI and I have led a bipartisan, bi-cameral effort to double NSF’s budget and this authorization bill further supports our doubling effort over a five-year period. NSF is funding innovative and cutting-edge research in nanotechnology, plant biotechnology, and information technologies are not only important for these research programs but also in the area of education. NSF plays a valuable role in supporting math and science education and developing the Nation’s supply of scientists and engineers in this country.

Unfortunately, despite our efforts on the appropriations committee, the Federal Government has not provided adequate support to NSF and the physical sciences in general. I believe the lack of adequate support for the physical sciences puts our Nation’s capabilities for scientific innovation at risk and, equally important, at risk of falling behind other industrial nations.

I have said before that without Missouri and the country have told me that despite the tremendous support we have provided for the life sciences, their research in the biomedical field will stagnate without adequate government support of the physical sciences that NSF supports. Many medical technologies such as magnetic resonance imaging, ultrasound, digital mammography and genomic mapping could not have occurred, and cannot improve to the next level of proficiency, without NSF-supported work in biology, physics, chemistry, mathematics, engineering, and computer sciences. Simply put: supporting NSF supports NIH.

The high-tech industry also in concerned about NSF funding because they are struggling to find qualified home-grown engineers and scientists and becoming more reliant on foreign nationals to fill their positions. Many notable researchers in the high-tech industry have told me that the significant investments, trust, and support of NSF, have allowed engineers and scientists to limit the growth potential of the electronics and software industries and allowed foreign
competitors to catch up to U.S. industry capabilities.

To address the development of tech talent in this country, NSF provides a wide array of support to preK-12, undergraduate, and graduate schools. One notable tool is the Math and Science Partnership program—a new joint program between NSF and the Department of Education. This program encourages partnerships among local school systems, higher education entities, and other organizations to improve student outcomes in math and science for all students.

Another important tool that I support is the tech talent program. This program was initiated at the urging of me and my Senate colleagues—Senators LIEBERMAN, FRIST, MIKULSKI, and DOMENICI. Last year, we introduced S. 1549, the Tech Talent Act to improve undergraduate education in math, science, engineering, and technology. We provided $5 million in the Fiscal Year 2002 VA-HUD and Independent Agencies Appropriations Act to jumpstart this important initiative and another $20 million was added in the fiscal year 2003 bill that passed the Appropriations Committee last week. NSF has already received 177 applications requesting an aggregate sum of almost $60 million.

Lastly, I am very supportive of efforts to improve the accountability of NSF’s programs and activities—especially those projects funded through the major research equipment and facilities construction account. The bill includes a number of provisions to ensure that funding decisions on large research facilities are done in a rational and understandable manner. Before the bill reaches the floor, I hope to work with my colleagues on addressing other issues related to the National Science Board. As the budget for NSF grows, it is important that the Board has the tools it needs to fulfill its statutory responsibilities. Specifically, we need to provide the chairman of the Board the authority to hire its own staff to support the Board’s oversight and policy-making responsibilities and to ensure that it can provide the Congress and the President with independent science policy advice. These tools will also ensure that the Board is not a “rubber stamp” for the Director of NSF.

I urge my colleagues to support this bill, understanding that some of my colleagues have concerns about the bill, but I believe that overall, this is a good bill. I look forward to working with my colleagues in the Senate and the House in moving a strong bipartisan NSF reauthorization bill and in advancing our effort to double NSF’s budget.

I thank the Chair.

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 Tuesday, July 30, 2002, at 10 a.m. in room 106 of the Dirksen Senate Office Building to conduct a hearing on a Legislative Proposal of the Department of Interior/ Tribal Trust Fund Reform Task Force; to be followed immediately by a second hearing on S. 2212, A bill to establish a direct line of authority for the Office of Trust Reform Implementations and Oversight to oversee the management and reform of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and to advance tribal management of such funds and assets, pursuant to the Indian Self-Determination Act and for other purposes.

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, August 1, 2002, at 2 p.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Interior Secretary’s Report on the Hoopa Yurok Settlement Act.

The Committee will meet again on Thursday, August 1, 2002, at 2 p.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Problems Facing Native Youth. 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 Friday, August 2, 2002, at 2 p.m. in room 106 of the Dirksen Senate Office Building to conduct a hearing on S. 958, A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A–1, 326-A–3, 326-K, and for other purposes. Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 884, 885, 886, 890, 891, 892, 893, 904, 905, 910, 912, 913, 914, 915, 916, 917, 918, 919, and 920; that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD; that the President be immediately notified of the Senate’s action; and that the Senate then return to legislative session, with the preceding all occurring without any intervening action or debate.

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

The nominations were considered and confirmed, as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jeffrey D. Wallin, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Wilfred M. McClay, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2001.

DEPARTMENT OF JUSTICE

Lawrence A. Greenfield, of Maryland, to be Director of the Bureau of Justice Statistics. Anthony Dichio, of California, to be United States Marshal for the District of Massachusetts for the term of four years.

Michael Lee Kline, of Washington, to be United States Marshal for the District of Washington for the term of four years.

James Thomas Roberts, Jr., of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

FARM CREDIT ADMINISTRATION

Fred L. Dailey, of Ohio, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation. Grace Trujillo Daniel, of California, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

J. Russell George, of Virginia, to be Inspector General, Corporation for National and Community Service.

DEPARTMENT OF JUSTICE


James Robert Dougan, of Michigan, to be United States Marshal for the Western District of Michigan for the term of four years. George BREFFNI WALSH, of Virginia, to be United States Marshal for the District of Columbia for the term of four years.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Peter J. Hurtgen, of Maryland, to be Federal Mediation and Conciliation Director.

NATIONAL COUNCIL ON DISABILITY

Robert Davila, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2003.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Earl A. Powell III, of Virginia, to be a Member of the National Council on the Arts for a term expireing September 3, 2006.

Naomi Shihab Nye, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Michael Pack, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 452, S. 1339.
The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1339) to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POWs and MIA's, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.

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 “Persian Gulf War POW/MIA Accountability Act of 2001.”

SEC. 2. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM PROGRAM.—The Bring Them Home Alive Act of 2000 (Public Law 106-484; 114 Stat. 2195; 8 U.S.C. 1157 note) is amended by inserting after section 3 the following new section:

SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM PROGRAM.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(I) any alien who—

(A) is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Attorney General in consultation with the Secretary of State); and

(B) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

(C) any parent, spouse, or child of an alien described in paragraph (1).

(ii) who is a member of a uniformed service (within the meaning of section 103(3) of title 37, United States Code) in a missing status (as defined in section 561(2) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action; or

(ii) who is an employee (as defined in section 561(2) of title 5, United States Code) in a missing status (as defined in section 561(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action.

(b) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined, under section 522(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(i) any alien who—

(A) is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Attorney General in consultation with the Secretary of State); and

(B) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

(C) any parent, spouse, or child of an alien described in subparagraph (A).

(ii) who is an employee (as defined in section 561(2) of title 5, United States Code) in a missing status (as defined in section 561(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action, means the status of an individual as a result of the Persian Gulf War, or such successor conflict, operation, or action, if immediately before that status began the individual—

(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

(c) DESIGNATION OF PROGRAM DIRECTOR.—The Attorney General in consultation with the Secretary of State shall designate a program director to administer this program with regard to American Persian Gulf War POW/MIA; and

(d) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in this subsection, notwithstanding any other provision of law.

(e) FILING OF COMMITTEE-REPORTED LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS.—Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The bill (S. 1339), as amended, was read the third time and passed.

FILING OF COMMITTEE-REPORTED LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The bill (S. 1339), as amended, was read the third time and passed.

ORDERS FOR TUESDAY, JULY 30, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m., Tuesday, July 30; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then proceed to a pe riod of morning business that at 11:30 a.m. the Senate resume consideration of S. 812, with the time until 12:30 p.m. equally divided and controlled between Senators Kennedy and McConnell or their designees; that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the regular party conferences; and that the mandatory quorum required under rule XXII be waived with respect to the two cloture motions filed.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Tuesday, July 30, 2002, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES


WILFRED M. MCLAY, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

THOMAS MALLON, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

FARM CREDIT ADMINISTRATION

FRED L. DALLEY, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

GRACE TRUJILLO DAnEL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

J. RUSSELL GEORGE, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

FEDERAL MEDIATION AND CONCILIATION SERVICE

PETER J. HURTGEN, OF MARYLAND, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR.

NATIONAL COUNCIL ON DISABILITY

ROBERT DAULLA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING OCTOBER 27, 2003.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES


THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES’ COMMITMENT TO RESPOND TO RELEASES TO APPEAR AND TESTIFY TO ANY Duly CONSTITUTED COMMITTEE OF THE SENATE.
THE JUDICIARY

JULIA SMITH GIBBONS, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

JOY FLOWERS CONTI, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

JOHN E. JONES III, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

DEPARTMENT OF JUSTICE

LAWRENCE A. GREENFELD, OF MARYLAND, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS.

ANTHONY DICKEY, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

MICHAEL LEE KLINE, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

JAMES THOMAS ROBERTS, JR., OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

MARCO D. JIMENEZ, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

MIRIAM F. MQUELON, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS.

JAMES ROBERT DOUGAN, OF MICHIGAN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

GEORGE BRENNAN WALSH, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.
Mr. HOLT. Mr. Speaker, today I am both pleased and saddened to be in a position to present these remarks about TONY HALL. Pleased because I had the opportunity to serve with TONY for the past four years, and pleased because I know he will do so much to help the hungry and the less fortunate in his new job; yet saddened because his guiding hand and steadfast effort on behalf of those less fortunate will be missed when he leaves Congress.

Because TONY's reputation precedes him, TONY was one Member I was especially looking forward to knowing when I arrived in the House. Three times nominated for the Nobel Peace Prize, Congressman TONY P. HALL has been the leading advocate in Congress for hunger relief programs and improving international human rights conditions. Over the last twenty-four years, there is not a single Member of this great body who has contributed more to those who cannot stand up for themselves. Without TONY here, we will all need to pull together to make sure that those less fortunate are not left behind.

TONY has worked actively to improve human rights conditions around the world, especially in the Philippines, East Timor, Paraguay, South Korea, Romania, and the former Soviet Union. In 2000, he introduced legislation to stop importing “conflict diamonds” that are mined in regions of Sierra Leone under rebel control. In 1999, he was the leader in Congress calling for the United States to pay its back dues to the United Nations.

TONY HALL's record on hunger issues is unparalleled in Congress. TONY was a founding member of the Select Committee on Hunger and served as its chairman from 1989 until it was abolished in 1993. He has been an outspoken advocate in Congress for hunger and he has initiated legislation enacted into law to fight hunger-related diseases in developing nations. He has visited numerous poverty-stricken and war-torn regions of the world. He was the sponsor of a successful 1990 emergency measure to assist state Women, Infants and Children (WIC) programs and legislation to establish a clearinghouse to promote gleaning to provide poor people with food. TONY has worked to promote microenterprise to reduce joblessness.

When the Hunger Committee was abolished, TONY fasted for three weeks to draw attention to the needs of hungry people in the United States and around the world.

Rep. HALL was nominated for the Nobel Peace Prize in 1998, 1999, and 2001 for his humanitarian and hunger-related work. For his humanitarian legislation and for his proposal for a Humanitarian Summit in the Horn of Africa, Mr. HALL and the Hunger Committee received the 1992 Silver World Food Day Medal from the Food and Agriculture Organization of the United Nations. Mr. HALL is a recipient of the United States Committee for UNICEF 1995 Children's Legislative Advocate Award, U.S. AID Presidential End Hunger Award, 1992 Oxfam America Partners Award, Bread for the World Distinguished Service Against Hunger Award, and NCAA Silver Anniversary Award.

Despite the number of awards he has won, TONY HALL's impact can be felt not by the number of plaques and awards in his office, but by the number of men, women and children around the world who have seen their lives brightened, and their sense of hope renewed because of his actions.

TONY was recently nominated by the President to serve as our ambassador to the United Nations Food and Agriculture Organization, the world's preeminent hunger fighting organization. While I am disappointed that I will no longer have the pleasure of serving with TONY in the U.S. House of Representatives, I am reassured by the belief that somebody of his talent and heart will be representing our Nation in an effort to fight hunger around the world.
CONGRESSIONAL RECORD — Extensions of Remarks
July 29, 2002

E1408

Last year around this time, my beloved predecessor, Bill Brown, passed away. There was a Quaker gathering for Bill in Lincoln, Virginia. It was a beautiful service. Jim used to comment that prayer followed House on occasion, not publicly, but there were long periods of silence and then I felt so inspired. Bill’s public speaking, and I said, Bill never lobbied for anything, except for one resolution, and that was on January 15, 1979, the opening of the 96th Congress. Bill had not met with the new Chaplain and he needed a pay raise. So the Parliamentarian took it upon himself to make sure the floor was clear of all potential objectors and at the appropriate time, 7 came up, called up by Jim Wright on January 15 and, boom, the Chaplain’s salary was tripled. I mentioned that at Bill’s Quaker meeting. And some further period of quiet intervened and Chaplain Ford, retired, was in the congregation. He stood up and said, “I was there. It was a series of ‘whereas’ clauses of an amendment. It was not orchestrated. I don’t think he can orchestrate Quaker meetings, at least for that event, but there was Chaplain Brown in 1979 and the rostrum was humming.”

He had his own separate chaplany right at the rostrum of the House. I will allude to certain incidents that go along here, because as I go along here, but here was Jim Ford,tip of the cap. Peter, remember, who was the Atlanta with Sweat’s farm, then the others come up, boom, the hat is gone forever and the sail is ripped. It was in our first hour. He spent the rest of the day getting his sail sewn up. It could have been very humiliating for him, but he saw the humor in it. It just was the way he could laugh at himself during this adventurous part of his life.

Then in his later years, he flew ultralight airplanes, as some of you know. He would always brag, “I’m the only one in our group who hasn’t crashed yet.” And one day 2 years ago, Bill Brown and I and our wives would celebrate New Year’s Eve at Bill’s log cabin. I said, “Jim, why don’t you fly over, and I’ll just kind of tell people that you’re going to do a flyover of Bill’s farm on New Year’s Day.” He said, “All right.” So we went out. I said, “Let’s go out for a walk.” It’s New Year’s morning, we are out there, I don’t want to talk anymore, I want to go back and do Christmas in January. Someone said, “Charlie, forget it. He’s not coming. The dream is over.” Just then this sound of an ultralight. He had to come across Jim’s farm. He had said he didn’t want to land because it would disturb the neighbors. Bill had 300 acres. He didn’t know how to land. But he showed up. He showed up and he dipped his wings as a token of friendship.

And then there were these civility retreats to which some of you Members, Ray and others, have attended. He would come in on a motorcycle or on horseback, and there was this one video that he showed of himself on a motorcycle in the Statuary Hall, as if he were one of the statues, intoning the history of the House of Representatives. He showed me this video. He knew I thought that was just gorgeous and laughed at it, that he would subject himself to this kind of thing. And I said, “What would Will Rogers have said to you, Jim, in Statuary Hall?” He thought that was a beautiful thought. In a more serious way, he was a listener. He used to say, “Text without context is pretext.” He would come up and sit on the floor and talk about the history of the House and guest chaplains by the hundreds would come and he would be with them. Then he would spend a lot of time with them after they had left. He often would come back after listening to some very provocative 1-minute and he would come back and sit on the rostrum with me in day and day out, and we would just kind of try to pull together the thoughts that these guest chaplains might have had, what their impressions were of us, the personalities involved in the 1-minute. He would bring to me a context of the humanity of the House viewed from his own eyes. He would come up with the thoughts of the people, and the personalities involved in the 1-minute. He was always a tremendous sense of inspiration when he did that for me.

But what I really want to honor today, and I think we all do, is really the way Jim brought a modern chaplaincy to the House. As the first full-time Chaplain, he was available. He may not have always been here for a full minute, but he was gone for the evening, and he would come onto the floor and he would be available to Members. He always said, “You know, Johnson, you’ll never get that resolution through on the benediction.”

I said, “Why?” “Because I have 218 votes.” I said, “Well, how do you know that?” And he pulled out a red book and that book had the names of his appointments, past, present and future. There were a lot of Members’ names in that book. He said, “I’ve got names. I’ve got enough on these various names in this book that they will never support this resolution.”

Chaplain, you saw that red book. Every time you would call it up, you would bring a true chaplaincy to the House. And as his pastoral, he being a pastor to Members and staff was the modern chaplaincy, full-time, in conference, a priest-penitent relationship, the confidence could say things to me that wouldn’t reveal a confidence but would give me a better perspective.

His notion of inclusiveness. He loved to have people from other faiths or from no particular faith be part of a dialogue with himself. Not many people know this. I see a couple. He had a pretty good plenum circuit. Every one of those honorarium checks as far as I know went to the Luther Place homeless shelter. Thousands of dollars. Thousands of dollars. Very generous. He never mentioned it.

In a very personal way, obviously you can tell we were friends, but on his behoof went to a place called Camp Dudley in Westport, New York, 13 summers to preach. It is the oldest boys camp in the country. He went there for 13 years and then he took his young boys on the shores of Lake Champlain in an outdoor chapel. His recurring theme, he would talk about adventure and all this, was the fact that he had the attitude I remember the little saying that he would used when he used it with young people it was especially impressive, but the fact that he went 13 years, and one time he came in on a motorcycle cross-country with Peter just to be there. He knew he had to be there. He started in Washington State, came across country, and then he came in on the Capitol grounds in August of last year.

Speaker Hastert arranged it. It was a hot day. It was about 98 degrees. His whole family was there. It was wonderful.

There was a little reception afterwards. Then I went away for a couple of weeks, and while I was away, I learned that he had passed away. I got a beautiful note of thanks from Jim and so on behalf of all the employees, rostrum, police force, the folks whom he counseled during that terrible shooting. I am here as a staffer to honor Jim and the way he brought a true chaplaincy which lives to this day to the House of Representatives. REMARKS:
The Honorable Martin Olav Sabo, United States House of Representatives

MR. SABO. Mr. Speaker, Mr. Leader, family and friends of Chaplain Ford, wasn’t that beautiful?

The rest of us, I think, should really sit down, because that really captured Jim Ford. Why? It is difficult to find words to describe this wonderful person. Charlie really captured that zest of life that he had. It was unique. I think that is what caught the attention of all of us. He was somebody who was a little Midwestern Lutheran, and it was rather easy and simple to do. On the other hand, I watched in amazement his relationship with the diversity of the House. He was there. From the minute he walked in he was probably the most beloved member around the House, and I think that is accurate. I think the membership just had tremendous respect for him as an individual, but also as a clergy and knowing that they could visit and talk to him about whatever might be bothering them in life and they knew that with this exuberant, zesty person, that whatever that relationship was, it was very professional. He was a pro who really enjoyed doing for most of us. Simply came down to it, he was most fundamentally a friend.

So today, to the family, to everyone, I would like to remember Jim Ford. I would like to think about somebody who was the ultimate pro, somebody who had a life of public service, who thoroughly enjoyed life but ultimately, most important, was simply a friend to all of us. REMARKS:

The Honorable Lois Capps, United States House of Representatives

Mr. Speaker, Mr. Leader, Peter, Sarah, family and friends, today as we celebrate the life of Chaplain Jim Ford, we are thankful for the life that he lived and for the sharing with him with us, with our beloved House, with a grateful Nation. There are many family connections that have made Chaplain Jim Ford a very special person to the Capps family and these connections go back to 1959. Reverend Sodergren’s countenance soften into a congratulatory smile. And when my husband came to Washington with the 105th Congress and met Marcy’s husband, the two became fast friends.

Walter loved Jim, as I did and, as one does a brother or a lifelong friend. And when Sarah and I were on the news of Jim’s death, I confessed that my first thought was that he and Walter are now having a fine time telling Lars and Oley jokes. They are living some of the best days, just as they did on the House floor. In fact, Jim told several of those corny jokes when he spoke at Walter’s memorial service in 1997. And so, on that day, going through the death of my husband and then my daughter, Chaplain Ford ministered to me and to my family, to Walter’s and my staff with utmost compassion and strength and sensitivity. I learned in a very personal way the importance of the Chaplain to the House of Representatives, and thus I was honored to serve on the Speaker’s search committee with my colleagues who are here to find a new Chaplain and was reminded time and time again during that process of the incredible skills that Jim Ford possessed.

On November 10, 1999, it was my privilege to help manage H.Res. 373 to appoint Reverend James David Ford as Chaplain Emeritus of the House of Representatives. I described him with these words: “He has infused this House with spiritual strength in times of triumph and in times of tragedy. He had a most powerful ministry of being present to House members providing pastoral care to Members and staff who desperately need his guidance. He has taught us to respect and to nurture the diversity of our own, men, women, and in doing so has reminded us that one of our Nation’s greatest strengths is our religious pluralism.

Looking back, it is somewhat unsettling to realize that I intended to use this quotation on September 11, the original date of that service. Oh, well. I know how we all wished that we had Jim Ford to shepherd us through that horrible day and its aftermath. He would have calmed our fears, he would have made us strong so that we could confront our Nation’s challenges, and he would have ensured that our justifiable rage did not turn into hatred and intolerance.

I will never forget what Jim said at Walter’s memorial service. He quoted Martin Luther who said, “Send your good men into the ministry but send your best men into politics.” For me, this was a good man. He was the best of men. He walked the delicate and yet vital line between faith and public life, between religion and politics. He did this with unparalleled skill and devotion.

I have wanted to reach out to Marcy as one woman to another woman to share with her some of Jim’s words of remembrance and prayer which he shared at Walter’s memorial service. He wrote them about Walter, and so I am trying to find the full or at least parts of it. I will insert Jim’s name where he put Walter’s. I have vividly remember the Chaplain saying these words on that day at the Old Mission in Santa Barbara.

“Ceremonies such as we have today are for the living and the lessons we can learn from the present Speaker of the House, but two illustrious former Speakers of the House who are here, and lots of others who have a myriad of connections with this place, I have been here a quarter of a century now. Time flies when you are having fun. And I must tell you, I am more in awe of the institution every day than the first day I got here, and I believe every Member sees this same way. This is a place where the hopes and dreams, expectations, grievances of 260 million-or-so people get channelled on a daily basis. This is what democracy is all about. And there was no Parliamentarian to call you into order.

I often say that politics is a substitute for violence. I used to get snickers at that and even some laughing; and in recent days, as we see suicide bombers blowing themselves up, people being assassinated around the world, we know better; that this is the reality of what it is. This is the real ingredient of this place. It takes a lot of human effort to allow this institution to do what it is supposed to do.

Jim Ford was an important part of that mix that allows the House to do its work and to do it successfully as it is done. First of all, he obviously had this wonderful sense of humor. It was kind of what I always recognized was the sparkle in his eyes when he would come up to you on the floor and tell you a kind of silly joke and you thought was pretty funny. Sometimes it was, usually it wasn’t, but what the heck. It was the glistening in his eyes and the way he would just tickle himself about what he was saying that made it funny. And humor can lubricate and get you over any tough place that you are in, and he used it as well as I have ever seen.

But he also understood that we all got elected by half a million or so people, that but we
are just people, the same kind of people you would find anywhere in the United States; the same problems, the same difficulties, the same failures, the same high moments that anybody else might have. That is why we need that kind of help and guidance and counseling and to have a friend as much as anybody else. He provided that friendship, that advice, that council that human caring, that help. Members often desperately need. He may have had a book, Charlie, and he may have even had names in it; but he did this for 21 years, and he did it better than anybody else. He did this for the people, all the people, all the way through, all the people who served there and the people that he got to know, and the young chaplains that came up underneath him and who he brought along. He was able to have churches and ministries of their own.

But I remember his prayers on the House floor. His prayers were like poetry. They were lyrical. They were like the stories of the men and women who served there and the people who served there. They were all about their strengths, and he knew their weaknesses. He knew every Member of this Congress. He knew their strengths, and he knew their weaknesses.

Jim Ford was a Lutheran minister, and he had an amazing gift of delivering a positive message that resonated with people of all faiths. He often told me the story over and over again of how Tip O'Neill used to call him Monsignor just because he wore the collar. One day he went out and spoke, I would try to come up here for a second; and we would be together, and we both got to know him pretty well. And if our children are a guide to how we lived our lives, then we are all the people that he knew. He broke down those barriers that sometimes you find in these political places, sometimes the things that stop us from really talking about how we really feel about things and our real appreciation for people. By his many years of service, he touched many lives, providing spiritual guidance to Members and staff of all religions and political persuasions. I remember first as a Speaker and in leadership, one thing that happens, you get to go to a lot of funerals; and Jim was one of the ones who always had a kind word and a special story. He knew every Member of this Congress. He knew their strengths, and he knew their weaknesses.

Jim Ford was a Lutheran minister, and he had an amazing gift of delivering a positive message that resonated with people of all faiths. He often told me the story over and over again of how Tip O'Neill used to call him Monsignor just because he wore the collar, and he thought that maybe Tip really didn't know. I think maybe Tip really did know.

We will always remember Jim Ford as a charming and an honest man who dedicated himself to the service of this Congress and its work with people. He served this body with the utmost distinction. His loving spirit will live in the hearts of all of our lives that he touched. I think it is fitting and, Peter, I would like to ask you to come up here for a second; and I would like to present to you a flag that was flown over the Capitol Hill floor. His prayers were like poetry. They were lyrical. They were like the stories of the man we gather here to remember and to honor and to give thanks.

The Family was all here on September 11, and you need to know that. They came from all over the country and all over really from many parts of the world; and of course many, many people of course, went for many obvious reasons. But two of the family, direct family members, are Peter and Sarah; and I know you carry with you the thoughts of the spirit in your hearts of your children, spouses, grandchildren, and certainly your mother who is visiting one of those places that he loved and the men and women who served there and the people that he got to know, and the young chaplains that came up underneath him and who he brought along. He was able to have churches and ministries of their own.

I wish to bring those thanks to you. Peter is here and Peter did receive the honor of the flag and the letter; but maybe, is there anything you would like to add or just say to the group?

MR. PETER FORD: Yes. I do want to say thank you all for coming here. I know you. My father, he loved you all. My father was a giver. He loved a couple of things about this place. He loved religion, of course. You were his flock. He didn't have a church. He always talked to Pastor Steinbrook, because he had a church. He said he was always down there for churches. He felt like he was in a command post here. You were his flock, and also the fact that he loved democracy. When he would go out and speak, I would try to come along with him as often as possible, because I knew I would always hear him when he talked about religion, and then afterward he would talk about democracy and talk about the rancor of this place and the debate, and he would talk about loudness. And he thought this was a very honorable profession to be up here.

If you are ever up at West Point, Rear Admural Carrigan up at West Point, and he is buried 30 feet, 30 yards—the many people he buried in the 1960s during the Vietnam War. So it was sort of interesting to see that. If you are ever up at West Point, you know that MacArthur coming up; and at the beginning, they show his father's face, and they go into the West Point cadet, buried in plot 34. So if you are ever up there, that is interesting.
He loved you all. Thank you for being very nice to him. This is closure, and we do appreciate it as a family. After September 11, we didn’t feel that it was appropriate, so we are glad that it did happen. I did learn more about being myself today. My father always told me he didn’t want to print his prayers because he wanted to save taxpayer money. But I wish he would have printed them, because now they are going through the whole house, and my mother saved every prayer. Every day he would bring home the Congressional Record, tear it out, and she would put them all in one place. I wish he would have printed them.

I want to say to Marcie, his wife, and Peter his eldest son, you were very much. You were his rock. If my father came back right now, my family, we are a totally loving family, and we wouldn’t have one question for him. We were happy that he was back, but we will see him some day. So thank you from the Ford family.

MRS. SARAH FORD STRIKE: I am Sarah Ford Strike, and I just got married just 4 weeks ago, so I am still getting used to my last name. But I am the youngest of the five kids, and again I want to say thank you very much for putting this together. You have all been so honorable to us and to our family, because after September 11, we thought since there are so many other tragedies in this world, this will pass, we will honor our dad in our own special way; and you all are very nice to come and visit this, and we appreciate that.

My mom is in Brussels visiting our sister Marie and her family, so she is not here today. But I want to say that we are his family; but you are also his family, because you made his past 21 years here so happy. He would put them all in one place. I wish he would have printed them. Back, but we will see him some day. So thank you from him.

Mr. HORN. Mr. Speaker, this afternoon we honored a Celebration of the Life of Dr. James D. Ford, the Chaplain Emeritus of the House of Representatives.

When we traveled to meeting with the delegations of the European Parliament, we found that Jim was a very fine companion. Jim Ford was a great teacher. When we met diplomats and officers, Jim was able to lighten up some of us who were stressed from negotiations and differences among various factions.

Jim was a fine scholar of the Bible. When we were in Israel, Jim was well versed in three of the great religions which are in Jerusalem. He would take us to the House, he had been for 18 years as the Chaplain of the United States Military Academy at West Point. As a result of his experiences at West Point, he would talk about how they grow to be leaders for our country. When a delegation of the House met with General Wesley Clark, the Supreme Commander of the North Atlantic Treaty Organizaton (NATO). When the General met the Chaplain there was a warm hug. We saw a four star General, but, Dr. Ford remembered him as the very bright senior who was President of the Bible Society during Clark’s senior year at West Point.

Dr. Ford was an effective counselor of members that work hard and often needed to be working with people under stress. One of Jim’s great adventures was when he and three volunteer cadets from West Point navigated a boat with sails, guided by the stars. The waves tossed the small boat in the North Atlantic Ocean. It was a great experience.

Jim was a people-person. When colleagues had medical operations at the Walter Reed Army Medical Center, Jim would come out to see us. He brought us cheer. His humor was delightful.

He will not be forgotten. Our condolences to Marcie, his wife, and Peter his eldest son, and the Ford family.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2003

SPEECH OF HON. DANNY K. DAVIS OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5120) 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, and for other purposes:

Mr. DAVIS of Illinois. Mr. Speaker, I join my colleagues today in support the Treasury and General Government Appropriations Act of 2003, H.R. 5120.

This has been an extraordinary year for our nation, and our civil servants have responded with professionalism to the threats against our borders and assaults against our values. They certainly should be counted among our heroes. It is, therefore, most appropriate that all Federal employees, both civilians and military members, receive the same 4.1% pay raise in FY 2003.

I am also pleased with the Postal Service Appropriations Act of 2003 for it reaffirms the basic principles of our universal postal service—6-day mail delivery, rural delivery of mail, and maintenance of post offices in rural areas.

Since 1912, 6-day delivery of mail has been an essential service that the American public has relied upon, particularly working families that depend on the Postal Service for the timely delivery of paychecks. Ending Saturday mail deliveries would not only cause delays in the delivery of mail, but would also cause higher postal costs, due to the additional overtime that would be required to handle the resulting backlog of mail.

Another great efficiency in our country is the ability to send a letter from rural Arkansas to downtown Chicago—and have confidence in knowing it will get there. Whether you live or work in rural or urban America, the satisfaction of knowing that you can communicate provides peace of mind. Many of our communities have limited methods of communication and rely on the post office to provide the glue that binds people together. By maintaining rural post offices, we will continue to bind together our country.

I urge my colleagues to join me in support of this appropriations bill.

FUTURE INFRASTRUCTURE

HON. DON YOUNG OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. YOUNG of Alaska. Mr. Speaker, The House Transportation and Infrastructure Committee, which I chair, is conducting a series of fact finding hearings as we prepare to reauthorize the Nation’s highway and mass transit programs next year.

Surface transportation and the immense infrastructure that supports our Nation’s transportation system extends to every corner of this country and every Member’s district. That is why we are now examining the effectiveness and funding needs of existing programs, as well as the need for any new direction that the infrastructure of our country may need into the future.

I have said many times that I am concerned about the state of the Nation’s infrastructure. This concern is shared by many members of my committee.

The hearings underway in the Transportation and Infrastructure Committee are serving to highlight the need for a modern, effective transportation infrastructure. Our economic health depends upon our roadways and transportation infrastructure. To ignore the physical state of these systems is to invite disruption that could have enormous economic consequences to this country.
While we examine our highway programs, we will also review mass transit programs and other programs to address and avoid congestion as well as new technology that might enable us to become more efficient and to improve the transport of people and goods. During the process of reviewing the infrastructure needs of the Nation and the role of highway and mass transit programs, it is my intention to invite comments on the future benefits and needs for the hydrogen option in our transportation system.

We can no longer afford to be years away from actually employing fleets of, vehicles fueled by hydrogen but we owe it to ourselves to determine how this important new fuel source can be integrated along our transportation infrastructure. Just think of the different dynamic we would face in the Middle East if our transportation system were equipped with hydrogen vehicles and refueling stations based upon hydrogen.

Nearly fifty years ago, during the Presidency of Dwight Eisenhower, the Nation embarked upon the construction of the federal interstate highway system. Today, after thousands of miles of highways have been constructed at billions of dollars expended, we have an interstate highway system that is the envy of the world.

We have a transportation network, five decades in the making, that is the lifeline upon which our commerce flows. That system required enormous and sustained federal support as well as cooperation with state and local governments and agencies and the ideas, innovation and hard work of hundreds of thousands of people from the private sector.

Many of the advancements we take for granted today took decades to design, improve and construct. I believe it is time to begin work on an effort that may become just as important as that of President Eisenhower, an effort to use hydrogen as a key component of our transportation base. I believe it is time for us to realize that our future surface transportation system may well be fueled using hydrogen, so we must begin the planning and thinking now.

We are at the question stage of this process. When we are ready to select a final course of action to install hydrogen fuel infrastructure, I do believe that hydrogen can become the key part of the nation’s future transportation system. As Chairman of the Transportation and Infrastructure Committee, I believe that we should undertake a process, in the reauthorization of our highway programs, to study the feasibility of hydrogen infrastructure in the future.

This process will allow us to question timing and to ask if such a transformation is feasible, is real, is efficient and is in the Nation’s best interest. Because our bill will authorize the highway program for at least six years, it is important that we not miss this window of opportunity to ask these questions and possibly, to initiate actions that will expedite any transformation process.

The automobile industry and President Bush have announced an initiative known as Freedom CAR, an industry and government research and development program to develop fuel cell vehicles as well as needed R&D relating to the hydrogen fuel that will power these vehicles.

We already know a great deal about fuel cells and we already know a great deal about the production of hydrogen. But, we clearly do not know enough. The effort of the private industry and the Administration to develop these sources of fuel can be assisted by the review and development of a meaningful infrastructure system to refuel these vehicles.

Industry and government researchers alike have asserted that a focused infrastructure development program likely will garner the confidence needed to produce the vehicles. As we develop the confidence to proceed it also will be necessary to commit to the production of a sufficient number of vehicles for widespread deployment so we would be positioned to move forward towards the manufacture of thousands and then millions of such vehicles.

During each of these stages, a meaningful and effective refueling hydrogen infrastructure will be needed. We should avoid a chicken and egg problem: What comes first the vehicle or the fueling infrastructure? Will the vehicles be produced if the infrastructure is not readily available? Will the infrastructure be made available if the vehicles are not forthcoming?

The infrastructure should be developed in parallel with the vehicles. Consumers are unlikely to buy fuel cell vehicles over traditional vehicles unless the hydrogen fuel is available. We may never see the mass production of fuel cell vehicles, even after they are technically proven, unless the fueling infrastructure is in place.

We are fighting a war on terrorism that is precipitated, in part, by our country’s dependence upon foreign supplies of crude oil. The lives of our military personnel are at risk every day. As long as we continue dependence upon foreign sources of oil we will face war and an enormous human and economic toll that is placed upon our society and economy. If we do nothing, our energy future, foreign oil is projected to grow from fifty percent today to more than 60 percent by 2020. That dependency has grown already from 35 percent in the mid-1970’s when we first confronted war over oil in the Middle East.

Congress is facing a question that will partially ease the dependence on foreign oil sources as it conferences the energy bill. In the House, we say we should allow exploration and development of a fringe area of the Arctic National Wildlife Refuge in my state. I passionately believe that this is vital right now. The answer to oil dependency is a sensible U.S. domestic oil production in ANWR, as well as looking for other solutions that will ease the problem in years to come.

We need to develop all possible sources of energy to insure that our country has a diversity of energy sources available. Hydrogen, the most abundant element in the universe is a source of energy that should be developed for application in the long term. It can be derived from gas, bio-mass, renewables, even water. Someday, like electricity today, hydrogen could become a type of energy used in daily transportation and as a source of fuel for electricity generation to power homes, business and industry.

Now is the time to begin a long investigation that looks beyond a successful research and development program. We need to consider the need to begin our public and private efforts now to create an infrastructure to serve and fuel a transportation system based in part upon fuel cell vehicles and the need for hydrogen.

I do not know if there will be success or failure of these efforts to perfect the technology but I think it wise to consider those actions we can take. Our design should be to encourage and maintain momentum towards adoption of a new form of transportation based not entirely upon fossil fuels from other lands. We need to begin a process to determine government’s proper role in this effort that may be as technically challenging as the Apollo program and as important as the Interstate Highway System.

Regardless of the energy source that propels our vehicles, now or in the future, we must also ensure that it pays its fair share to the Highway Trust Fund, as well as maintain a user fee based system to invest in our transportation infrastructure.

The reauthorization effort should examine where we are, what needs to be done, what resources will be required, and what partnerships need to be encouraged if we are to add hydrogen as a cornerstone of our transportation sector in a timely manner. The Subcommittee Chairman Mr. PETRI, and Ranking Member Mr. BORSKI, can get the perspectives of all relevant sectors on this issue and address them in the reauthorization bill. I expect to be actively involved in this effort as well.

CONFERENCE REPORT ON H.R. 3763, SARBANES-OXLEY ACT OF 2002

SPEECH OF
HON. DIANA DeGETTE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

July 29, 2002

Ms. DeGETTE. Mr. Speaker, I rise in support of the conference report to H.R. 3763, the “Public Company Accounting Reform and Investor Protection Act. This agreement accepts almost every Democratic proposal contained in the “Sarbanes” bill and has only been altered by adding increased penalties for corporate crimes. I am pleased that the Republicans in Congress agreed to the much stronger Democratic proposals that will reach to the very roots of the problems in corporate America that caused the collapse of companies like Enron, WorldCom, and Adelphia. Unfortunately, the country will most likely continue to see companies fall due to accounting improprieties and, while I believe this is a strong bill, more must certainly be done. However, the changes in our nation’s financial accounting structure contained in this agreement will strengthen the confidence and trust of investors and will increase the transparency and accountability of financial statements.

The agreement that we are considering today is almost identical to the Democratic proposals contained in the “Sarbanes” legislation that passed the Senate 97-0. The fact that the Republicans accepted the Democrats’ position certainly shows that the Republicans in Congress are feeling the heat over corporate accountability. After all, the American public trusts Democrats to fix the problems in corporate America and to increase investor confidence in the markets.

The proposal offered by Republicans to deal with corporate abuse was to increase penalties for corporate crime, coupled with weak, industry-controlled, standard-setting bodies. They wanted to deal only with the “bad apples” instead of getting to the heart of the problem. The conference committee agreed to
accept their increased penalties for crime. But, the conference committee recognized that corporate abuses will not end until Congress makes changes that attack the root of the problems. So the conference accepted the Democratic proposals almost in their entirety. As we have seen in the collapse of Enron and other large corporations, auditors had guiding principles that were extremely weak and easily ignored by accountants and corporate management. Additionally, accounting improprieties were purposely overlooked because the auditors became too cozy with the companies they were supposed to police. So...
home and ranch at the base of the Mayacamas, just east of what is now Hwy. 12.

Over the past 130 years the Glen Ellen Post Office has been guided by the experienced hands of a long list of postmasters. The first being the highly respected steamboat captain from San Francisco, Charles Justi. He served as postmaster for nine years until the reigns were passed to John Gibson, the original petitioner for what was almost the Lebanon Post Office. Gibson served for three years until his partner, Charles Crofoot succeeded him on November 28, 1888. Crofoot, who served for nearly four years, was followed by a long se-
tires of esteemed guardians of Glen Ellen’s treasured institution. Today, located in the pic-
turesque vineyards of Jack London country, the Glen Ellen post office is presided over by
postmaster Kip Fogarty.

Even during the 1880’s Glen Ellen was a tourist destination. During its heyday many people came and stayed at the Glen Ellen Hotel. The area, now known as the Valley of the Moon, was already becoming known for vineyards when winemaker Kate Warfield, daughter of Post Master Mary Overton, won national awards for her Glen Ellen wines pro-
duced at Ten Oaks Vineyard on Dunbar Road.

Mr. Speaker, I am pleased to congratulate Glen Ellen’s first experience with music came at the age of six when his parents taught him to
sang. In the 8th grade, unable to buy an instru-
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sang. In the 8th grade, unable to buy an instrument, he borrowed one from a friend and was able to play it.

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sang. In the 8th grade, unable to buy an instru-
mnet from Kress “five and dime” Store. Mr. M.C. Lewis, Sterling High School Band Director, and some members of the band heard him playing Sousa marches on his toy instrument. They gave him an alto tuba, a fingering chart, and a “march
book”. On Tuesday of that week he marched with the band at halftime.

Upon graduating Salutatorian from Sterling High School, Mr. Hunt entered South Carolina State College, now S.C. State University, in 1942 where he won a band scholarship and had the rare honor of being chosen as a
freshman to play in the dance band known as the “State College Collegians.” At S.C. State
College, he studied the trumpet. He earned a B.S. Degree in Mechanical Engineering in 1946, and a Master’s Degree in Education in 1958.

Mr. Hunt is often called the “First Band Di-
rector” because of his many “first” achieve-
ments. He was the first band director at
Wilkinson High School in Orangeburg, a posi-
tion he held for 25 years. He was the first
band director at Shannon Junior High School, Brookdale Middle School and Belville
Junior High. With the merger of Orangeburg High and Wilkinson High Schools in 1971, he
organized and became the first director of the
Orangeburg-Wilkinson High School Band. He was the first director of an integrated band to
march in the Railroad Daze Festival in Branchville, S.C., and in 1972 this band par-
ticipated in the Shrine Bowl Parade and halftime show in Charlotte, NC.

Mr. Hunt has placed more than 250 stu-
dents in South Carolina All-State Bands spon-
sored by the South Carolina Music Association. He served as president of the Band Masters Association for three years and was selected
“Band Director of the Year” in 1962. His peers
recognized him for his significant contributions to music education in South Carolina at the S.C. State College Second Alumni Band Con-
cert in 1976. In 1987 he was inducted into the S.C. State College Jazz Hall of Fame. Mr. Hunt is most proud of the accomplishments of his former students who include Johnny Wil-
laims, member of the Count Basie Band since 1970; Shellie Thomas, a retired music teacher in the Columbia schools; and member of the Original Honey Dippers Band; Horace Ott, Broadway composer and arranger and some-
times conductor for the Queen of Soul, Aretha Franklin; three of the famous Javis Brothers and Javis Sister, Priscilla; and 2000 Hall
of Fame inductee Dwight McMillan.

Mr. Hunt has been married for more than 50 years to the former Lerilon Hilton. They have

two daughters: Mrs. Deborah Hunt Woods, a 1999 Teacher of the Year in Lithonia, Georgia, and Dr. Marilyn Hunt Antal

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Director of the Division of Mechanical Engineering and Applied Mechanics.

Along with carrying the title as educator, Dr. Bowen served his nation serving in the United States Air Force, where he functioned as a faculty member of the Air Force Institute of Technology.

Mr. Speaker, to express their profound appreciation for the work of Dr. Bowen, the Board of Regents at Texas A&M University has conferred upon him the title of President Emeritus, to be effective on the day after his departure from the role of President.

For my part, I am proud to call him a friend. This university and this nation are better for his service. Mr. Speaker, on behalf of all the students, faculty, former students, and friends of Texas A&M University, I am proud to recognize Dr. Bowen for his outstanding achievements and contributions bestowed not only upon Texas A&M University, but also this great nation.

RECOGNIZING THE SERVICE OF TONY HALL

HON. EVA M. CLAYTON
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. CLAYTON. Mr. Speaker, I rise today to honor my dear friend and colleague TONY HALL as he prepares to accept the nomination for the past six years in Congress, I fail to find adequate words to express my appreciation and deep respect for this unique gentleman.

Dr. Bowen is quiet and intelligent, wonderfully organized and highly disciplined. He has a commanding presence, yet he is as much at home mingling with students and watching an Aggie baseball game as he is discussing education policy with Texas and America’s political leaders and advanced technologies with the nation’s brightest scientific minds.

As you would imagine, he has surrounded himself with an outstanding and dedicated staff and faculty which reflect his innate leadership as well as his desire to bring out the best in those around him. I will not soon forget the tragic Bonfire collapse in November 1999, nor Dr. Bowen’s calm, compassionate and reassuring leadership during those terribly difficult days and months. Through it all, in public and private, he remained steadfastly focused on the families of those injured and the Aggie family that leaned upon him so heavily.

It is said the times that future generations elect to recall are not those of ease and prosperity, but of adversity bravely borne. Dr. Bowen and his team bore this unimaginable adversity with dignity and grace.

I am proud to call him my friend. This university and this nation are better for his service.

Mr. Speaker, on behalf of all the students, faculty, former students, and friends of Texas A&M University, I am proud to recognize Dr. Bowen for his outstanding achievements and contributions bestowed not only upon Texas A&M University, but also this great nation.

Recent Violence in Northern Ireland

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. PALLOONE. Mr. Speaker, I rise this evening to condemn the recent sectarian violence, that has occurred in Northern Ireland over the past several weeks. It is quite obvious to me that the parties who are organizing these attacks are hoping that they can derail the 1998 Good Friday Peace Accord. Mr. Speaker, as you may know, for the first time since January, an individual was killed in Belfast due to sectarian violence. This murder was one of several coordinated acts of violence which occurred Monday evening. At different points throughout the night, several young men were shot at in Catholic neighborhoods. All acts were credited to the Ulster Defense Association, also known as the Red Hand Defenders.

Late Monday evening, Gerald Lawler, a Catholic teenager was walking home from a local Belfast pub, when he was suddenly shot to death in a drive-by attack. His crime: he was a 19-year-old Catholic walking home from a predominately Catholic bar, in a predominately Catholic neighborhood. He was killed solely because of his religion. According to news reports he wasn’t even active politically.

This attack occurred only days after the Irish Republic Army (IRA) issued an unprecedented public apology for civilian deaths which occurred over the more than 30 year conflict. This surprise gesture was an obvious sign that the IRA and other Catholic groups want to work to ensure the survival of the new government of Northern Ireland. By apologizing the IRA takes a significant step in showing the world that they are ready to obey the guidelines of the ‘98 accords. Unfortunately, extremist groups on the other side of the conflict do not feel the same way.

The murder of Gerald Lawler Monday night by the UDA confirms that loyalist groups refuse to give up to Catholics, called for in the Good Friday Accords. These extremist groups feel that by once again escalating the conflict they can destroy the accords and the power-sharing government thus reverting back to sectarian Protestant control.

Yesterday (Wednesday), Prime Minister Blair called for an end of the violence in Northern Ireland and vowed to toughen its enforcement of paramilitary cease-fires. To enforce these cease-fires, Blair plans to deploy hundreds of extra police and soldiers to spearhead a campaign to keep the peace.

While I am encouraged by Prime Minister Blair’s comments, I am worried that an increase in British police and military personnel will do little to stem the violence. In the past, when the offenders of these groups which are loyal to the crown, the police frequently turned a blind eye to the violence, refusing to arrest and prosecute offenses...
against Catholics. This only caused the conflict to escalate rather than encourage peace. I call on Prime Minister Blair and First Minister David Trimble, the Protestant government leader, to take real steps to stop the violence. They need to find all the perpetrators of the violence in the North, especially those which occurred most recently, and take appropriate legal action against them. For the Good Friday accords to be successful all parties in Northern Ireland must stop the sectarian violence.

The conflict in Ireland between Catholic and Protestants is centuries old. However, for the first time a real solution, which is equitable to all sides, has been reached and is in the early stages of working. Now both sides need to come together and stop any and all sectarian violence and allow for true democracy to work.

PAYING TRIBUTE TO KELLER HAYES

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Keller Hayes of Colorado, a remarkable individual who has assisted in building economic prosperity and equality in the Denver business market. It is my honor to applaud an individual who demonstrates determination and perseverance despite the obstacles, and a privilege to pay tribute to such a deserving Coloradan who has donated countless hours towards the betterment of the Denver community.

Keller Hayes was raised on a rural Nebraska ranch, where her grandmother instilled in her ethics and morals that she fervently displays today. Keller overcame hurdle after hurdle throughout her life, and after graduating from college with a minor in women’s studies, she embarked on her mission to bring equality to women in the workplace. Keller is a beacon to women everywhere, and she serves on numerous boards and panels working to ensure the rights of working women nationwide. She is an active member of the Colorado Women’s Chamber of Commerce, the largest women’s chamber in the country. Her assistance in training, mentoring, counseling, and advising women of all ages, has helped build a strong community. Because of Keller’s diligence and perseverance, she received the prestigious award of ‘Women Business Advocate of the Year’.

Mr. Speaker, it is my sincere honor to pay tribute to Keller Hayes before this body of Congress and this nation. Thank you Keller for providing integrity and dignity to our community, and selflessly donating countless volunteer hours to your community. Congratulations on your award, and good luck in all your future endeavors.

TRIBUTE TO FATHER JOHN GLAROS

HON. MICHAEL BILIRAKIS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. BILIRAKIS. Mr. Speaker, I would like to honor Father John Glaros, a valued member of the community in Florida’s ninth district, who passed away June 22, 2002. Father Glaros had a lifelong history of service to his community and country by fulfilling religious and government roles alike.

Father Glaros was born in 1920 in Plant City, Florida, although he was raised and educated in Greece for the first eighteen years of his life. He returned to America to enlist in the U.S. Army where he was trained in special operations and served as a member of the Office of Strategic Services in World War II. After his honorable discharge, he returned to Plant City to operate the Dixie Restaurant. In the late 1950’s, he became a Plant City commissioner and was subsequently elected Plant City mayor. Dedicated to remain active in his community, Father Glaros sat on the Hillsborough County Commission from 1967 to 1971.

He began his commitment to the Greek Orthodox Church in 1976 when he was ordained as a priest. For twenty-one years he assisted churches in the Winter Haven, Naples, and Port Charlotte communities on an as-needed basis until his ordination as a priest, which he believed was his calling due to his family’s Greek heritage. He contributed to these communities.

Father Glaros was preceded in death by his wife, Dorothy Cribbs Glaros. He leaves two sons, Steve and Jim of Jacksonville and Plant City, respectively; one daughter, Linda Konstantinidis of Clearwater, six grandchildren, and two great-grandchildren. Mr. Speaker, I pay tribute to the life of Father John Glaros and thank him for the contributions he made. I give my condolences to his family. Father Glaros will be sadly missed throughout our community but will be fondly remembered.

PERSONAL EXPLANATION

HON. SHELLIE BERKLEY
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Ms. BERKLEY. Mr. Speaker, due to a family medical emergency, I missed Roll Call votes No. 320, No. 321, No. 322, and No. 323. Had I been present, I would have voted “yea” on No. 320, “yea” on No. 321, “nay” on No. 322, and “nay” on No. 323.

HONORING OFFICERS ROBERT ETTER AND STEPHANIE MARKINS

HON. MARK GREEN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, I am profoundly dismayed today to share a piece of dreadful news from my district with this House and with our entire Nation.

On Monday, in an act of terrifying evil, a man deliberately crashed his truck into a police squad car in the Town of Hobart, Wisconsin. The two police officers in the car, Robert Etter and Stephanie Markins, were killed.

Mr. Speaker, I want to recognize these families tragically demonstrating that law enforcement is a dangerous job whether it’s done in New York City, Hobart, Wisconsin. As it shows that the people who choose it as their profession are truly extraordinary in their character, their courage, and their dedication to their fellow citizens.

I offer today these few brief remarks to honor the memories of Officers Etter and Markins, to ensure that they are remembered in the annals of our nation’s history, to recognize these families’ incredible loss, and to remind all of us of the sacrifices made every day by law enforcement officers and their loved ones.

INTRODUCTION OF THE DEFENSE OF FREEDOM EDUCATION ACT

HON. THOMAS E. PETRI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. PETRI. Mr. Speaker, today I have introduced the Defense of Freedom Education Act, legislation which is designed to create new, and strengthen existing, post-secondary education programs which teach the nature, history, and philosophy of free institutions, Western Civilization, and the threats to freedom from totalitarianism and fanaticism.

In order to sustain freedom and civilization, it is imperative that every generation be taught to understand their full significance and value, and the threats with which they are faced. However, in almost all of our institutions of higher education today, the study of American history and Western Civilization has been systematically de-emphasized. For a variety of reasons, these subject areas have fallen into disfavor on college campuses, to the point that it is possible at many leading universities to get a liberal arts degree without having taken the course in history or Western Civilization. This perpetuation of ignorance about the philosophical underpinnings of our nation can only have baleful consequences for the future.

To see that this de-emphasis is already having an effect, one must only examine the stunning ignorance about basic facts of American history and Western Civilization, as detailed in a 2000 study conducted by the American Council of Trustees and Alumni. To cite just one of the many horrifying examples...
from that report, while 99 percent of the 556 college seniors tested at 55 leading colleges and universities (including Harvard and Princeton) correctly identified Beavis and Butthead as popular cartoon characters, just 23 percent had any idea who James Madison was. The questionnaire used in this study appeared in the CONGRESSIONAL RECORD for July 10, 2000 (page H5662–H5663). These multiple-choice questions, which, in truth, a well-educated ninth-grader should be able to breeze through, are increasingly over the heads of college graduates (the average score in the study was 53 percent).

Two years ago, I was very involved in a congressional effort to highlight this appalling situation. This effort led to the unanimous, bicameral passage of a concurrent resolution (S. Con. Res. 129) which stated, in part, that “the historical illiteracy of America’s college and university graduates is a serious problem that should be addressed by the Nation’s higher education community.” The nonbinding resolution urged colleges and universities to review their curriculum and add requirements in American history courses. However, perhaps it is time for Congress to take a more active role in trying to reverse this continuing loss of our collective civic memory.

To address the Decline of Freedom Education Act would offer grants to institutions of higher education, specific centers within such an institution, or associated nonprofit foundations. These grants would be used to establish courses at both the undergraduate and graduate levels which teach any or all of the following: courses on the American history directly and the ideas that serve as America’s foundation:

The concepts, personalities and major events surrounding the founding of America. This includes the philosophical background behind the Declaration of Independence, the Constitution, and the free institutions which we take for granted today. Earlier generations were taught these subjects as a matter of course, but we are increasingly moving towards a time where Americans will think of the 4th of July as simply a day when we shoot off fireworks and hold picnics.

Western Civilization and the defining features of human progress which it embodies. These include democracy, universalism, individual rights, market economies, religious freedom, advanced science, and efficient technology. Programs of study funded under this bill can also examine the impact of the West on other civilizations, the Western debt to other civilizations, the comparative study of high civilization, and the process by which Western and other civilizations may be gradually and organically evolving into a world civilization.

Threats to free institutions. Some of these threats emerge from philosophical systems such as Fascism, Nazism, Nazism, and totalitarian thinking in all its guises. Others emerge from widespread human predilections subversive of tolerance, individual rights, and civil society, such as racism, caste consciousness, and zealotry. Some are the products of perverse ambition such as autocracy, despotism and militarism. All threaten freedom, provoke war, and induce terrorism. While we who lived through the 20th Century are painfully aware of the depredations wrought by these forces, lesser threats to freedom are often overlooked.

Projects supported under this program could include the design and implementation of computer center devoted to the ends of this bill, research and publication costs of relevant readers and other course materials, and other clearly related activities. Support will also be given to professional development projects designed to help improve the content and quality of education about the founding and the history of free government at the K-12 level. (After all, a huge part of the problem is the awful quality of American history instruction provided by many school systems. A student really shouldn’t have to reach the university level before finding out who James Madison was and why he was important to our country.) While I don’t always see the creation of a new government program as the best way to solve pressing societal problems, there are several precedents for the use of such programs. It seems to me that it is a worthy use of government funds to try and arrest the progressive deterioration of America’s collective memory which is now occurring. I encourage my colleagues to join in cosponsoring this bill and advancing this effort.

PAYING TRIBUTE TO JAMES SUCKLA

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay respect to the passing of James Suckla, who recently passed away at the age of 82 in Cortez, Colorado. James, known as Jack to his family and friends, will always be remembered as a generous, wise cattleman. His voice was heard at many a rodeo, his auctioneering at many a livestock sale, and his advice was sought by many in his community. Jack’s wise management of his ranches and his wisdom and wit on committees earned him a respect that many only dream of and his love and care for his family and friends should be a guide for all to live by.

Jack Suckla was born in Frederick, Colorado on July 25th, 1919, to Anthony and Dorothy Suckla. The eldest of seven children, Jack learned many important lessons in his childhood, which served him well throughout his life. He married Helen Bradfield in Aztec, New Mexico on July 29, 1941 and remained with her for the following sixty years in which they were blessed with children and eight grandchildren. Jack joined the Navy during World War II, and after being wounded, returned to Cortez and followed the rodeo circuit as an announcer for twenty years. Jack awed the crowd during his rodeo career as a saddle bronco rider. He purchased the Cortez sale barn in 1953, and operated it with two of his sons, Larry and Jimmy. Jack went on to serve on numerous committees, including the NCA, SWCLA, BLM advisory board, the Forest Service, Vectra Bank Board of Directors, and the American Legion. His service stands as a testament to his dedication not only his long love of ranching but to his community and country.

Mr. Speaker, Jack Suckla was a remarkable man whose leadership and goodwill towards people have inspired so many and whose good deeds certainly deserve the recognition of this body and the country. His contributions to his community and country and many others in expressing my deepest condolences to the friends and family of Jack Suckla.

INDIA SHOULD ACT LIKE A DEMOCRACY—SELF-DETERMINATION FOR KASHMIR, KHALISTAN AND OTHER NATIONS OF SOUTH ASIA

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. BURTON of Indiana. Mr. Speaker, India calls itself “the world’s largest democracy” yet it does not act democratic. As you know, a report from the Movement Against State Repression shows that India admitted to holding 52,268 Sikhs as political prisoners. Fort-two Members of Congress from both parties wrote to President Bush to urge him to work for the release of these political prisoners. There are tens of thousands of other political prisoners also, according to Amnesty International, and they must also be released. Recently, the Council of Khalistan wrote to Secretary of State Colin Powell to urge him to work for the release of political prisoners.

India has killed over 250,000 Sikhs since 1984, over 80,000 Kashmiri Muslims since 1989, and over 100,000 people in Nagaland since 1947, and tens of thousands of other minorities. Mr. Speaker, this is not acceptable, and it shows that using the term “democracy” to describe India may not be the best use of the term.

Recently, former Senator George Mitchell said “the essence of democracy is the right to self determination.” I’m not in the habit of quoting Democrats, Mr. Speaker, but Senator Mitchell is right about this. In 1948, India promised the United Nations that it would allow the people of Kashmir to decide their future in a free and fair plebiscite. No such vote has ever been held. Instead, over 600,000 troops have been sent there to suppress the legitimate aspirations of the people for freedom. Similarly, in Punjab, Khalistan, which declared its independence from India on October 7, 1987, over half a million troops have terrorized the population to destroy the Sikh nation’s freedom movement, even though the Sikhs were one of the parties to the agreement establishing the independence of India and were supposed to get their own state. Nagalnd, which is predominantly Christian, has been trying to secure its freedom and India has reacted with similar terror. All in all, there are 17 freedom movements within India’s artificial borders.

Mr. Speaker, it is time for all the people of South Asia to enjoy freedom. Until India allows the people to exercise their legitimate rights, we should stop all U.S. foreign aid to India. We also should formally declare our support for self-determination for Kashmir, Khalistan, Nagaland, and other nations of South Asia. These measures will go a long way towards securing the blessings of freedom to all the people of the subcontinent.
Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Ohio’s Fifth Congressional District. Norm Walker of Defiance, Ohio, will celebrate twenty-five years of dedicated service with the Defiance Police Department on August 15, 2002.

Mr. Speaker, Norm began work with the Defiance Police Department in 1977, and, over the years, has risen through the ranks to his current position as Chief of Police. On his way to becoming Chief of Police, he served as a Patrolman, Sergeant, Detective, Lieutenant, and as the Assistant Chief of Police.

Norm has proven his skills as an effective leader and organizational manager. In 1993 he assumed control of the city’s law enforcement branch, and since then the Defiance Police Department has become a model after which other local police departments can pattern themselves.

During Norm’s tenure as Chief of Police he has led the effort to modernize the department’s resources, including the upgrading of all computer and communication equipment. These upgrades also include the installation of Mobile Data Terminals, which are in-car computers that provide real-time data to the patrolmen on duty. He has also increased the overall size of the department, and mandated leadership training for all newly promoted officers. Restructuring the department’s organizational methodology to a more pro-active approach through the introduction of community oriented policing strategies has been one of Norm’s largest accomplishments since taking over as Chief of Police.

Norm has been recognized for his diligent service and unselfish commitment to establishing a modern and pro-active law enforcement agency. Among his numerous awards and recognition, he has received a Certificate of Exemplary Service by the Domestic Violence Task Force for the development and implementation of a countywide response protocol. Norm has also been honored by the Gang Resistance Education and Training (G.R.E.A.T.) Program for his instrumental role in implementing the program within the local school system.

Mr. Speaker, I would ask my colleagues to join me in paying special tribute to Norm Walker. Our local public service agencies and the American people are better served through the diligence and determination of public servants, like Norm, who dedicate their lives to serving the needs of others. I am confident that Norm will continue to serve his community and positively influence others around him. We wish him the very best on this special occasion.
from a variety of questionable accounting practices by a number of companies. Unfortunately, stock options of all types have been tarred by a common brush. This proposal is a new approach to options. In spite of current problems, it is good for both employers and employees if workers are also owners of the business.

Congress is considering legislation to impose new laws on corporations and accountants. Volume is reasonably intense in the debate on the advisability of expensing the value of stock options when they are granted. Expensing options in financial statements may happen—even though there are several unresolved issues. If expensing happens, one hopes that we will leave it to the FASB and SEC to develop the best approach. Having said that, we would propose that the new type of option contained in this bill would be exempt from such valuation as a noncompensatory plan. Why? The option would be priced at market, fully available to nearly all employees, as well as management, on a nondiscriminatory basis, and subject to a relatively modest individual dollar cap. If we require expensing of such a widely held benefit, employers simply will not offer it.

The highlights of the bill include: (1) substantially all full-time U.S. employees would be eligible to participate, (2) the option price would be 100% of the fair market value at the time of grant, the maximum annual amount of a grant per employee would be $11,000 (same as indexed 401(k) amount), (4) no tax to the employee at time of grant or exercise, including AMT, (5) at time of sale the employee would receive ordinary income to the extent of the fair market value at time of exercise, with any excess being capital gain, and (6) the employer’s deduction would be the fair market value at time of exercise (same amount as employee reports at sale).

The ever-widening compensation gap between the highly paid and the nation’s work force is cause for great concern. Once again, let us emphasize: This new 423(d) option is designed for working men and women, whose everyday, solid work enhances the company’s overall performance. This is a broad-based stock option; employees ought to be able to build their wealth beyond that which they would ordinarily receive from a salary or bonus. This proposal would add another leg on the stool for employee retirement by providing an additional means of accumulating assets. It would encourage the long-term holding of stock by deferring all tax until sale.

We encourage our colleagues to join in sponsoring this legislation.

THANKS TO GLAXOSMITHKLINE ON ITS COMMITMENT TO THE LYMPHATIC FILARIAISIS ELIMINATION PROGRAM

HON. CASS BALLINGER OF NORTH CAROLINA IN THE HOUSE OF REPRESENTATIVES Friday, July 26, 2002

Mr. BALLINGER. Mr. Speaker, Last month, the pharmaceutical company GlaxoSmithKline produced the world’s first donated tablet of albendazole, a drug that is being used to eliminate a devastating tropical disease called lymphatic filariasis (LF). I would like to congratulate GlaxoSmithKline (GSK) on this outstanding accomplishment, and thank the company for its commitment to the World Health Organization’s (WHO) Lymphatic Filarialis Elimination Program.

GlaxoSmithKline has its U.S. headquarters in Mississauga, Canada, where it employs close to 6,000 North Carolinians in the search for disease treatments and cures that improve the quality of human life by enabling people to do more, feel better and live longer. In addition to developing leading treatments for such diseases as diabetes, depression, asthma and HIV/AIDS, GSK estimates the drug called albendazole that is used to prevent a tropical disease known as lymphatic filariasis, or LF.

LF is a parasitic disease caused by thread-like worms that live in the human lymphatic system after being transmitted by a mosquito bite. LF is one of the leading causes of permanent and long-term disability in the world. The WHO estimates there are a billion people at risk in about 80 countries, mostly in India, Africa, South Asia, the Western Pacific and Central and South America. Over 120 million people have already been affected by LF, and over 40 million of these are seriously incapacitated and disfigured by the disease. In an infected person, the adult worms damage the lymphatic system, causing fluid to collect and cause swelling in the arms, legs, breasts and genitals. Severe infections cause a grotesque hardening and thickening of the skin, known as elephantiasis.

LF has been a scourge of civilization for thousands of years, being first depicted on the pharaonic murals of Egypt and in the ancient medical texts of China, India, Japan and Persia. Elephantiasis was first associated with parasitic filarial worms and their mosquito vectors in the late 19th century by French, English and Australian physicians working with patients from Cuba, Brazil, China and India.

The WHO has determined that LF can be eliminated through an intense prevention program that will break the chain of infection through the use of anti-parasitic drugs. When these efforts succeed, LF will be only the second disease in history, after smallpox, to have been eradicated through human intervention.

In December 1997, GlaxoSmithKline formed a collaboration with the WHO to spearhead efforts to eliminate LF. GSK would donate albendazole, one of three essential anti-parasitic drugs, for as long as necessary until the disease was eliminated—best estimates put the scale of this commitment at around five to six billion treatments. Since then, the program has evolved into a major public-private partnership known as the Global Alliance to Eliminate Lymphatic Filariasis.

GSK has been an active and involved partner in eliminating LF along with the WHO, organizations in the private and public sectors, and academia. By the end of the program to eliminate LF, GSK will have donated approximately five to six billion albendazole treatments for people in 80 countries. In addition to providing albendazole, GSK is supporting the Global Alliance for the Elimination of LF through help with coalition building, planning, training and communication initiatives.

GSK’s production of the millionth dose of albendazole for the LF Elimination Program is an outstanding milestone achievement. On the road to what will become the single largest pharmaceutical donation in history, I am pleased to represent the employees of GlaxoSmithKline, and proud to share the news of their historic accomplishment with this chamber.

PAYING TRIBUTE TO WILLIE TRAVNICEK

HON. SCOTT McINNIS OF COLORADO IN THE HOUSE OF REPRESENTATIVES Friday, July 26, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate an outstanding individual from Colorado whose hard work and dedication have earned him the Colorado Division of Wildlife Officer of the Year Award. Willie Travnicek, 59 years of age, has been kicked by deer and poked by horns, he has trapped dangerous bears and looked death in the eye in an upside down kayak. Throughout his obstacles and exciting situations, Willie prevailed and today we applaud his 35th year with the Colorado Division of Wildlife. Willie’s efforts and achievements deserve the recognition before this body of Congress and this nation.

Willie, of Salida, Colorado, began his career in 1970 as a technician in Hot Sulphur Springs in Northern Colorado. For numerous years, he helped round up and relocate herds of deer and elk. Never one to shy away from danger, Willie worked closely with Ron Dobson and became one of the first wildlife managers in the state to use a kayak for fishing-law enforcement purposes. During his thirty-year career and many years living in Salida, Willie has built a memorable reputation as a biologist, education specialist, and law enforcement officer.

Mr. Speaker, it is clear that Willie Travnicek is a man of great dedication and commitment to his profession and to the people of Colorado. His efforts have greatly added to the protection of Colorado’s wildlife and I am honored to bring forth his accomplishments before this body of Congress today. He is a remarkable man and it is my privilege to extend to him my congratulations on his selection as the Colorado Division of Wildlife Officer of the Year. Willie, congratulations and all the best to you in your future endeavors.

A TRIBUTE TO KIM GRANHOLM

HON. JAMES L. OBERSTAR OF MINNESOTA IN THE HOUSE OF REPRESENTATIVES Friday, July 26, 2002

Mr. OBERSTAR. Mr. Speaker, I rise today to honor a fallen hero. Captain Kim Granholm, a member of the Esko, Minnesota Volunteer Fire Department, was tragically killed in the line of duty while fighting a fire on Interstate 35 near Duluth on July 1, 2002.

Captain Granholm was only 28 when he died, but his legacy will continue for years to come. For four years, he was a dedicated member of the Esko Volunteer Fire Department where he was loved and respected by his fellow firefighters. In the outpouring of grief for Kim, Granholm, over 1,000 people attended his funeral, including hundreds of firefighters and emergency workers from across the state of Minnesota.
In her spare time, Mrs. Hamilton makes beautiful hand-sewn quilts that can be found in many homes from Jamestown, S.C. to various communities along Interstate 95 from Florida, to Maryland. Having made over 100 of these quilts as gifts to her many family members and friends, “Grandma Vic,” who is a mother, Grandmother, Great-Grandmother, and Great-Great-Grandmother, has spread and continues to spread tremendous love and affection to everyone with whom she comes in contact. Mr. Speaker, I ask that you and my colleagues join me in honoring an outstanding South Carolina woman whose dedication to her family, and love for her fellow man are legendary. I wish her good luck and Godspeed, and a very Happy 100th Birthday.

RECOGNIZING THE LIFE OF THE LATE PRESIDENT JOAQUIN BALAGUER

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. RANGEL. Mr. Speaker, I rise today to recognize the late President of the Dominican Republic, Mr. Joaquin Balaguer. President Balaguer passed away on July 14th in the national capital of Santo Domingo in the Dominican Republic.

President Balaguer was a long time friend of the United States. He held the presidency of the Dominican Republic from 1966 to 1978 and again from 1986 to 1996. Mr. Balaguer was born in Navarette in the Dominican Republic. He is the son of a Puerto Rican father of Castillian descent and Dominican mother of Spanish blood. He wrote books, including volumes of poetry and political science. At the age of 14, he wrote a collection of poems called, “Pagan Psalms.”

After graduating from law school in Santo Domingo, he became a member of the foreign service, where he served in Madrid and Paris in the 1930s. He earned his doctorate of law from the Sorbonne in Paris. He also taught law at the University of Santo Domingo before becoming vice president in 1957 and president in 1960.

Mr. Balaguer served under dictator Rafael Trujillo as cabinet member, diplomat, vice president and President for over three decades in the late 1930s. After General Trujillo was assassinated in 1961, Mr. Balaguer was thrust into the leadership of the Dominican Republic. He quickly changed the name of the capital from Ciudad Trujillo back to Santo Domingo, the city’s original name.

He fled to exile in New York City after riots and political turmoil erupted in 1962. While living in New York City, he formed his lasting right-wing political party from there.

He returned to the Dominican Republic only after U.S. President Lyndon B. Johnson sent 20,000 U.S. Marines to the island nation to put down a leftist mutiny within the army in April 1965.

With the support of the U.S., he was elected president in 1966 in one of the Dominican Republic’s first freely contested elections.

He established, in just a few years of his election victory, the first solid middle class by implementing massive public work projects and economic reform, even though he was elected at a time when 60% of the nation was unemployed and two-thirds of its population was illiterate and its streets and towns were in ruins.

Mr. Balaguer’s first term was viewed as “pseudo” dictatorial in that he led with a firm grip and used the country’s military to rule the country at the same time he made weekly visits through the nations small villages, visiting residents and passing out medicine to the sick and toys to children and listening to the desires of all.

Mr. Balaguer was a major defender of presidential elections in 1978 after serving three terms. He remained leader of the political party he founded in the 1960’s, now called the Social Christian Reform Party, and in 1986 won another bid to power.

He won elections in 1990 and 1994. In 1996, under increasing pressure from the U.S. and international bodies due to suspected election irregularities, he agreed to resign. Mr. Balaguer remained an important figure in the political party he created until his death. Some herald him as the most influential Dominican.

Some herald him as the most influential Dominican leader of his era. He was chosen in the 1990’s as one of the 100 most important Latin American leaders by Time Magazine. He was a long time friend of President Bill Clinton.

Mr. Balaguer, 95, the authoritative and paternalistic president of the Dominican Republic for more than 20 years between 1961 and 1996, died July 14 in the national capital of Santo Domingo. He was hospitalized since July 4 for breathing difficulties, served briefly as president in the early 1960s, then held the office again from 1966 to 1978 and a third time from 1986 to 1996. President Balaguer, who has been called one of Latin America’s caudillos, hardly projected the image of a strongman. An award-winning poet, he had been a career diplomat and law professor before entering the political arena. He was a little over five feet tall, was lame and nearly deaf, and wore thick glasses before going blind with glaucoma in the 1960s.

His mentor was the notorious military dictator Rafael Trujillo, who ruled the country with an iron hand for 30 years before the future president held a variety of jobs under Trujillo, dealing largely with education, foreign affairs and administration, before being elected vice president on a ticket headed by Trujillo’s brother, Hector, in 1956. In 1960, the brother stepped down, and President Balaguer took office.

Real power remained with Rafael Trujillo until his assassination in 1961. After that, President Balaguer began liberalizing the government with such changes as legalizing political parties, restoring freedom of the press and education improvements and instituting modest land reforms. But without the army backing of Trujillo, President Balaguer was too closely identified with the late dictator’s unpopular actions to continue in office.

He was forced into exile in New York, Juan Bosch, a leftist, became president until overthrown by a military coup in 1963. Bosch’s supporters took to the streets to restore him to power. Chaos seemed to erupt in the nation of 8 million people, which shares its Caribbean island with Haiti.

The United States, fearing that a left-leaning Bosch might help turn his nation into another Cuba, dispatched U.S. Marines to the Dominican Republic to protect U.S. lives. Those who had begun testing U.S. involvement in Vietnam added
Dominicans considered him “slight, ascetic and sad-eyed,” reported in 1965 that he was “neither an orator, nor a schemer,” adding that many Dominicans considered him “an honest, kindly reformer.”

President Balaguer lost the 1978 and 1982 presidential races, then was again victorious in 1986. He won reelection in 1990 and 1996 (defeating President Balaguer, whose only interests included the enormous 1992 Christopher Co.

But politics became his life. He was head of his country. Soon after he took office the first time, critics were stifled, many going into exile while others were imprisoned or disappeared. Vote fraud and corruption were新政 constant in the Dominican Republic, regardless of who was president.

He instituted large-scale public works, including the enormous 1992 Christopher Co.

He was fluent in English and French as well as Spanish.

But politics became his life. He was head of his political party until his death, continuing to broker political deals and to counsel not only his party colleagues but other needles when in office.

Joaquín Balaguer Ricardo was born in the small town of Villa Biso, the only son of eight children, never married and had no children. He wrote books, including volumes of poetry and political science. He was fluent in English and French as well as Spanish.

The future president, who won a poetry award as a teenager, graduated with a degree in philosophy and letters from the Normal School in Santiago and was a 1929 graduate of the University of Santo Domingo law school. He worked as an attorney in the district court before entering the foreign service in 1932. He served in Madrid and then in Paris, where he received a doctorate in law and political economy from the University of Paris in 1934.

In 1936, he was named undersecretary of state for the presidency. In the 1940s, he served as ambassador to Colombia and Venezuela. He entered the cabinet as secretary of education and culture in 1949 and became secretary of foreign affairs in 1954. He also taught law at the University of Santo Domingo before becoming vice president in 1957 and president in 1960.

He ruled the Trujillo years as a time when a strong hand was needed to rule a backward nation not yet ready for democracy.

Yet in his 1988 autobiography, President Balaguer admitted that his first presidency, when he was the figurehead chief of state for the brutal and bloody Trujillo, was “the saddest and most humiliating” time in his political life.

President Balaguer also had at times deplored the “unavoidable excesses” of his own security forces and deplored corruption, though stoutly maintaining that corruption stopped at his door.

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002
Mr. DINGELL. Mr. Speaker, I rise today to recognize and pay tribute to La-Z-Boy, Incorporated, which was founded and remains headquartered in my Congressional District in Monroe, Michigan. La-Z-Boy is celebrating 75 years of bringing comfort, quality and style into homes and offices worldwide through its extensive selection of furniture.

The La-Z-Boy story is the story of the American dream. On March 24, 1927, in Monroe, Michigan, two young entrepreneurs and cousins, Edward M. Knabusch and Edwin J. Shoemaker, left the security of their jobs to take a leap of faith and begin manufacturing a unique recliner, a moniker that has become a world-wide household term.

Using money from Edwin’s mortgaged family farm and donations from relatives, the cousins built their first factory by hand, brick by brick. After introducing the revolutionary chair that both rocked and reclined, La-Z-Boy sales skyrocketed. La-Z-Boy evolved from a small business to having a place on the New York Stock Exchange.

La-Z-Boy has grown immensely in its 75 years of operation. The company has added many new products and features over the years, which have enabled it to remain competitive in the furniture industry since its founding. La-Z-Boy has grown from “two guys in a garage” to nearly 19,000 employees worldwide. Today, La-Z-Boy generates annual sales in excess of $2 billion, making it the largest manufacturer of upholstered furniture and the world’s leading producer of reclining chairs.

La-Z-Boy is a great success and consistently shares its good fortune with the community of Monroe. Its philanthropy is rooted in small towns that prevailed when Mr. Knabusch and Mr. Shoemaker first launched the company. During World War II, La-Z-News kept the community informed about overseas news, and the company rented out garages to build the most comfortable tank seats and crash pads in the country. La-Z-Boy continues being very much involved in the city of Monroe, which has been a major asset to Michigan’s 16th Congressional District.

Mr. Speaker, I would like you to join me in commending the La-Z-Boy corporation and its employees for their leadership in both their industry and in their community, as we celebrate their 75th anniversary.

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002
Ms. ESHOO. Mr. Speaker, I was absent March 12 through 14 for medical reasons. Had I been here, I would have voted “yes” on rollcall votes 53–54, 56–61, 63–64 and “no” on rollcall votes 55 and 62.

HONORING THE SERVICE OF MASTER GUNNERY SERGEANT MICHAEL THOMAS FLETCHER, UNITED STATES MARINE CORPS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002
Mr. EVANS. Mr. Speaker, on the occasion of his retirement, it is my pleasure to recognize an exceptional United States Marine, Master Gunnery Sergeant Michael Thomas Fletcher. Master Gunnery Sergeant Fletcher has served our Nation with distinction for over three decades in the United States Marine Corps, rising from Private to Master Gunnery Sergeant. He has served in times of both war and peace and has gone from patrolling the jungles of Vietnam to walking the halls of Congress. During the Vietnam War, he was awarded the Combines Action Ribbon, the Vietnam Service Medal with one star, the Republic of Vietnam Campaign Medal, and the Republic of Vietnam Meritorious Unit Citation of the Gallantry Cross. His personal awards have included two Navy/ Marine Corps Achievement Medals, a Navy/Marine Corps Commendation Medal, and he has been recently recommended for the Legion of Merit.

During Master Gunnery Sergeant Fletcher’s last six years of service, he has been the Administration Chief in the United States Marine Corps’ Office of Legislative Affairs. That office supports Members of Congress and Congressional committees in matters of legislation, protocol, and logistics for Congressional travel. Master Gunnery Sergeant Fletcher brought a wealth of managerial expertise and leadership to this office and contributed significantly to the successful accomplishment of its mission.

During these six years, Master Gunnery Sergeant Fletcher has helped carry the Corps’ message to the Congress. He has enabled the Marine Corps’ Office of Legislative Affairs to provide consistent and timely responses to the United States Congress, and in doing so, has made a lasting contribution in the containment of today’s readiness and shape of tomorrow’s Marine Corps. Particularly noteworthy have been its efforts in directing, organizing, and escorting Members of Congress and their staffs around the world. Attention to detail in making these important trips logistically successful is yet another indication of this Marine’s talent and professionalism.

Master Gunnery Sergeant Fletcher has made immeasurable contributions to both to the United States’ Corps and to the Corps of the 21st Century. His superior performance of duties highlights the culmination of more than 30 years of honorable and dedicated Marine Corps service. By his exemplary competence,
TRIBUTE TO THE 13-COUNTY MUTUAL ASSISTANCE ASSOCIATION OF NORTH ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR. OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the North Alabama 13-County Emergency Management/Civil Defense Mutual Assistance Association as it celebrates over three decades of dedicated service to the North Alabama community. The association, which dates as far back as 1971, consists of the Emergency Management officials in Colbert, Cullman, DeKalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan and Winston Counties across North Alabama. This organization has tirelessly protected countless lives in Alabama over the last thirty years, and I rise on behalf of my constituents in North Alabama to express my sincere appreciation to these EMAs.

Formally organized in December 1978, the association was established with a purpose of working together among the thirteen counties across North Alabama to help each other protect lives and property in a coordinated, efficient, reliable and effective way during times of emergencies that exceed the capabilities of any single affected local government. The association works closely with the State of Alabama Emergency Management Agency to better facilitate effective response to critical situations.

The EMAs from these thirteen counties had the foresight over three decades ago to recognize a concept that is today strongly advocated by all levels of government, that being, just how critical it is to cooperate across artificial jurisdictional boundaries in order to respond to emergencies. And now, when securing our homeland and preparing for emergency response is of utmost importance, the rest of the country has begun to realize the value of this kind of cross-district cooperation by strongly promoting and requiring mutual aid and regional response capabilities, I want to commend the North Alabama EMAs in the 13-County Mutual Assistance Association who have worked so hard to protect the livelihood of North Alabama citizens.

The 13-County Mutual Assistance Association serves as a standard for EMAs across our nation. In today’s uncertain world, our first responders have to be ready to react quickly and effectively to large-scale emergency situations that cross city and county lines. Mr. Speaker, on behalf of the citizens of North Alabama, I am pleased to recognize and thank the 13-County Mutual Assistance Association of North Alabama for leading the nation with their innovative outlook on cooperative emergency response developed over thirty years ago.

PAYING TRIBUTE TO WARREN BYSTEDT

HON. SCOTT MCNIS OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. McNiis. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from Grand Junction, Colorado. Over the years, Warren Bystedt has grown to love cross-country running and he continued running today at the age of 72. It is a great pleasure today, to honor Warren Bystedt for his numerous achievements and accomplishments before this body of Congress and this nation.

Earlier in Warren’s life when he was an amateur boxer, he trained consistently, but avoided running because he disliked that element of conditioning. Today the Grand Junction resident has a different view, and can be seen pounding the pavement diligently every morning. Warren’s passion for running has motivated him to train everyday for fifty or so yearly races. Gus said, “If I didn’t start my morning with that, (run) I wouldn’t know what to do.” Warren provides the same determination and thoroughness to his daily activities and events.

Warren consistently finishes among the top in the sixty or seventy and older of age divisions in races throughout the country. His competitive nature comes from his earlier days as an amateur boxer when he lost only seven of seventy bouts fighting in the flyweight division. A long time educator and administrator in Minnesota, Illinois, and Iowa, he took up running after taking a hard look at his family history noting that his brothers and father all died of heart attacks and not wanting to suffer the same fate, he began running around his neighborhood in Davenport, Iowa, in 1979. Grand Junction, Colorado, has given Warren the optimum climate in which to run on a year-round basis and he is an active member the Mesa Monument Striders.

Mr. Speaker, I rise to acknowledge the work and contributions of Warren Bystedt, a distinguished citizen and role model for his community. His achievements are impressive, and it is my honor to recognize his accomplishments today. Best wishes to Warren, and good luck on all your future races.

HONORING ANDREA FOX

HON. LYNN C. WOOLSEY OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Andrea Fox of San Rafael, California, a talented professional planner, community volunteer, athlete, and breast cancer activist and an inspiration to many.

Andrea Fox lost her tenacious battle against breast cancer on July 2, at the age of 35, leaving a legacy of extraordinary courage and compassion.

A beautiful young woman with incredible grace and dignity, “Annie” Fox was dedicated to finding a cure for breast cancer. Diagnosed with a particularly aggressive cancer in 1998, the former triathlete, who ate organically and exercised regularly, had none of the traditional risk factors for cancer. Undergoing a lumpectomy, she continued her athletic training and the stage IV cancer seemed to disappear. But, in April 2000, cancer came back and, pursuing every treatment she could find, including non-western, untraditional methods, Andrea appeared to have beaten it back again.

Andrea focused her considerable energies on increasing public awareness and getting national attention for the serious epidemic of breast cancer in Marin County, joining the board of Marin Breast Cancer Watch. “Annie was our angel,” said Board President Roni Peskin Mentzer. Whether lobbying in Sacramento for breast cancer research or educating the community about the dangerously high rates of cancer in Marin, Annie made a difference, she made history.

Never daunted, she participated in athletic events such as the renowned Dipsea Race and the Human Race, and was organizing new events, like the July 20, 2002 foot race from Mill Valley to the Mountain Theater on Mt. Tamalpais to increase public knowledge and raise such needed funds for research.

In October 2001, only two months after her engagement to longtime partner and soul mate, Chris Stewart, the cancer reappeared and, mounted state another heroic campaign. Not one to seek sympathy, she was driven to passionately lead the fight for all women to find a cause to this insidious disease. Despite increasing pain, she continued her work at the Marin Civic Center. “Annie was a special person,” Stewart said, “bringing a wonderful happiness to all those who knew her. . . . She was passionate about her work and about preserving the environment.”

A woman of uncommon positive spirit, Andrea Fox lost her courageous battle with breast cancer surrounded by friends and family, leaving her devoted fiancé, mother, brother, and a grieving community.

We are all more fortunate to have been grac ed by the presence of Andrea Fox, her wisdom and strength. Her love, resolve and remarkable will are the cornerstones of the legacy of courage she has left so that we might continue the fight. While Annie is gone, the spirit of this “angel” of our community will forever be with us.

STATEMENT ON THE ELI HOME CARINO WALK-IN CENTER

HON. LORETTA SANCHEZ OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Ms. SANCHEZ. Mr. Speaker, I rise today to congratulate the Eli Home Carino Walk-In Center in Anaheim which opened its doors on July 13 to families throughout my district.

Many families in my district do not have a place to go to get support, find information, or just ask questions. The Center will help these families, many of whom are dealing with economic crises and other stress creating situations.

The Eli Home is dedicated to providing free, bilingual services to Spanish-speaking families. The center offers parenting classes, weekly forums, case management, counseling, and child-abuse prevention.
The City of Anaheim has recognized this organization and has welcomed it into the community. I would like to do the same. I would like to personally thank The Eli Home Carino Walk-In Center staff for their hard work and dedication to the community and for creating a positive environment for my district.

SCOTT DETROW: REACHING TO AMERICA’S FUTURE

HON. THOMAS M. BARRETT
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. BARRETT. Mr. Speaker, I wish to recognize Scott M. Detrow from my district, a talented young man who recently won the 2002 Voice of Democracy Broadcast Scriptwriting Contest. Sponsored by the Veterans of Foreign Wars (VFW), this competition provides an opportunity for high school students to voice their opinion on their responsibility to our country. More than 85,000 secondary school students participated this year, with only 58 winning a national scholarship.

Mr. Detrow’s essay on the American response to the September 11 terrorist attacks captured the contest’s theme of “Reaching to America’s Future.” He channeled his feelings and emotions to create an inspirational piece upon which everyone can reflect. I ask my colleagues to join me in recognizing Scott M. Detrow for this special achievement, and I submit to the CONGRESSIONAL RECORD the complete text of Mr. Detrow’s piece:

A hush fell over the students as they entered the plaza. Their joking and fidgeting suddenly stopped as their eyes came upon the massive sculpture before them. It was a sunny and cool autumn day in lower Manhattan, perfect for a field trip to the World Trade Center Monument. The high-schoolers found it hard to believe that some fifty years before, two of the tallest buildings in the world had stood there, and that they had been destroyed in a matter of minutes.

“Imagine the terror New Yorkers and Americans must have felt that day,” the tour guide began. “No one knew what to expect, who had done it, or why. For the first time since the War of 1812, mainland America had been attacked; for the first time since Pearl Harbor, flung headlong by surprise into war.”

“How did the country react?” piped up one of the more outgoing students. “Excellent question,” replied the tour guide. “From the ashes of the Trade Center and the Pentagon rose the Phoenix of Patriotism, of courage, of will. Americans rushed to blood centers, waiting for hours to give the gift of life. Hundreds of millions of dollars were raised to help the victims. Millions more prayers were offered, as Americans flocked to their mosques, synagogues and churches. Rescue teams were overwhelmed by the crush of volunteers, and the support of the entire nation was heaved upon their president and leaders, wholeheartedly trusting in the American system of democracy.”

“It was a day you could not go a block without seeing Old Glory. From the steps of the Capitol— still standing thanks to courageous passen- sengers who fought off suicide hijackers—to the playing fields of professional sports, to schools all across the country came the sweet sound of ‘God Bless America.’”

By now many students had their hands up. “But I read that the economy went into a recession, and that soon afterward biological terror- orism began arriving by mail. How could this spirit be maintained in such a dark time?”

“That’s a paradox that helps make America such a great country,” answered the guide. “It seems that throughout our history, our darkest hours were also our finest. In 2001 we refused to let the terrorists win. People continued with their regular lives, but a bit more mindful of what was at stake. Friendships were rekindled, old rifts erased, and the country truly became one nation under God. The country felt up to any challenge, and took it one day at a time. Every time a new problem arose, Americans simply dealt with it and continued to march forward. Everyone rose to the occa- sion, from the President to the firefighters, to the average Joe.”

The students gazed at the monument, reflecting on the greatness of the generation past. They had never seen their grandparents and great-grandparents in this light, and were stunned by the character they showed and the actions they took in the face of adversity. Faced with pure evil, they had stood up to it and won. These were the true heroes, these men and women who stood on the very spot where they worked non-stop for months on end sorting through the rubble, hoping against all odds to find survivors.

As a distant clock struck twelve, the sun shone directly upon the monument. The students saw the memorial in its full splendor, a firefighter, a police officer, old man, and young girl, all gazing and pointing off into the distance. The reflecting pool cast a glimmer of hope in the statues’ faces: the promise of a new tomorrow.

HUMAN RIGHTS ISSUES

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. MORELLA. Mr. Speaker, while our na- tion recovers from the tragedy of September 11 and turns its focus toward hemispheric de- fence, we should also realize that crucial human rights issues are in jeopardy in our own backyard. Unbeknownst to many in this country, the situation in Guatemala is wors- ening by the day. During the Cold War, a 36- year civil war raged in this Central American nation, resulting in an estimated 200,000 civil- ian deaths. Now, the infamous architect of Guatemala’s most intense period of genocide in the state because of their cooperation with UN Special Representative Hina Jilani during her May visit. Clearly, Mr. Speaker, Guatemala’s militant regime is willing to commit whatever atrocity is necessary to shield its murderous past from the eyes of the international commu- nity.

COHA researcher Blandford calls for the re- newal of the 12-year U.S. ban on International Military Education and Training (IMET) to Guata- mela. This resolution would illustrate the de- sire of the United States to attain peace and justice, as well as security, in Central America. By denying funds to the military, the U.S. would inherently be guarding civilians from political intimidation and violence. Con- sequently, the article is of great relevance since the need to constructively engage Guata- mela is likely to grow in intensity in the coming months, given the nation’s mushrooming trend of death squad killings.

PAYING TRIBUTE TO PARKVIEW HOSPITAL

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. McINNIS. Mr. Speaker, I stand before you, this body of Congress, and our nation to recognize Parkview Medical Center of Pueblo, Colorado. For the past eighty years, Parkview Hospital has provided medical care to the community in a kind, friendly, and dedicated manner. It is hard to match the kind of integrity and honesty provided by the staff of Parkview, and I thank the staff for their extra- ordinary contributions.

Parkview Hospital fist emerged because of the influence of six prominent physicians in 1921 after a disastrous flood in 1921. Parkview was officially established in 1923 and had great success from its inception, which required the facility to expand and ren- ovate every ten years. Today, several addi- tional wings have been added to create what is today a state-of-the-art medical center in Southern Colorado. Parkview offers the cit- izens of Pueblo and surrounding communities a radiological cancer treatment department, obstetrical floor, surgical section, Psychiatric and Chemical Dependency Unit, Neurological Imaging, Ultrasound, Tomography Whole Body Scanner, Same-Day Surg- ery Wing, and Kidsville Pediatric Unit. More- over, Parkview fulfilled requirements to classify
Ohio. The Pooch Parade is an annual event to recognize the Pooch Parade held in Worthington, Ohio. He envisioned an event that would draw thousands, provide a fun time for all, and be for all, and be a great vehicle for increasing public awareness of homeless pets and pet overpopulation.

In 2000, that idea became the Pooch Parade. In April of that year, approximately 800 dogs and 5,000 people participated in the Parade. Rescue groups were there with dogs looking for a “forever home.” There were vendors with an assortiment of dog-related items. People and dogs had a great time and an annual event was born. In 2001, the Pooch Parade attracted approximately 2,500 dogs and 8,000 people as well as more rescue groups and vendors. The 2002 Pooch Parade was attended by over 3,800 dogs, 9,000 dog-lovers and 50 rescue groups making the Worthington Pooch Parade the largest official Pooch Parade in the country.

The theme of the 2002 Parade, held in April, was “America’s Best Friend.” Ohio search and rescue dogs that worked in New York after the 9/11 terrorist attacks were honored.

I congratulate all of those involved with the Pooch Parade for their dedication to the issues of homeless pets, pet overpopulation and rescue dogs, and wish the Parade many more years of success.

HONORING BILL LAIRD FOR HIS COMMITMENT TO YOUTH

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. GORDON. Mr. Speaker, I rise to speak today about a distinguished member of my district who is being honored by an organization that has had an immeasurable impact on America. Bill Laird, a retired employee of Willis Corroon, is Junior Achievement’s National Middle School Volunteer of the Year.

He has volunteered for nine years and taught 25 JA classes in that time. Mr. Laird always goes above and beyond his classroom duties, using his work and life experiences as a way to educate young people about business, economics and the free-enterprise system.

The history of Junior Achievement is a true testament to the indelible human spirit and American ingenuity. Junior Achievement was founded in 1919 as a collection of small, after school business clubs for students in Springfield, Massachusetts.

Today, through the efforts of more than 100,000 volunteers in classrooms all over America, Junior Achievement reaches more than four million students in grades K-12 per year. JA International takes the free enterprise message of hope and opportunity even further to nearly two million students in 113 countries.

Junior Achievement has been an influential part of many of today’s successful entrepreneurs and business leaders. Junior Achievement’s success is truly the story of America—the fact that one idea can influence and benefit many lives.

Mr. Speaker, I wish to extend my heartfelt congratulations to Bill Laird of Franklin for his outstanding service to Junior Achievement and the students of Tennessee. I am proud to have him as a constituent and congratulate him on his distinguished accomplishment.

HONORING TAKIRA GASTON
HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Takira Gaston of Hartford, Connecticut. On July 4, 2001, Takira was playing in her family’s Fourth of July cookout like any 7 years old would be on hot summer afternoon. However, this typical American scene was shattered in an instant by the sound of gunshots. Two drug dealers were exchanging gunfire when one of the bullets struck Takira.

Takira survived and has faced numerous surgeries, with more to come. She has handled the pain and fear with courage that is rare in such a young person. Her brave fight was chronicled by Tina Brown of the Hartford Courant on the one-year anniversary of the shooting. This moving story describe Takira’s perseverance and I wish to submit it for the RECORD.

No child should have to go through the ordeal that Takira has gone through. I ask my colleagues to join me in honoring Takira’s courage and continuing to work to rid our cities of the violence that plagues them.

[From the Hartford Courant, July 4, 2002]

THE COURAGE TO HEAL
(By Tina A. Brown)

NEW HAVEN.—After riding the toy cars and playing “Donkey Kong” on the computer, Takira Gaston flashes a bright smile that makes others in the pediatric surgery center forget the protruding scars on her face.

She’s having a good day on this sunny Thursday despite being at Yale-New Haven Hospital for her second round of reconstructive surgery. She’s thinking about splashing in her family’s above-ground pool and jumping on the trampoline in her backyard, a safe place in a new neighborhood where gunfire is seldom heard.

After playing, Takira takes time to think of someone else. Someone like her, who was shot in the face.

Takira tells her adoptive mother, Delphine Gaston-Walters, that she wants to visit New Haven police Officer Robert Fumiatti, who’s recovering at Yale-New Haven after being shot last month by a suspected drug dealer. They talk briefly with Fumiatti, whose head is stabilized by a metal halo. He calls Takira “courageous” and reaches out to shake her hand. But her good mood vanishes. She’s scared. She refuses to shake his hand and backs out of his hospital room.

“They are not going to touch my face,” she says, with anger in her eyes, as she returns to the surgery center. Deep down, she knows she has no choice, but that doesn’t stop her from launching into an hour-long temper tantrum.
Such are the shifting emotions of an 8-year-old girl trying to recover from a stray bullet that tore through her face—and awoke people to the violence in the city—on July 4, 2001. Responsible for her shooting, Anthony Carter and Maurice Miller, were convicted this spring. But for Takira, the physical and emotional scars continue to heal, in fits and starts.

**TAKING A GAMBLE**

Unlike a light-skinned person with a bullet wound, Takira faces another obstacle to her healing: she simply because she happens to be dark-skinned.

She is prone to keloids, an excessive growth of scar tissue common among African Americans. Excision of the thick, shiny scar tissue in the areas where the bullet cut through her cheek and where surgeons cut under her chin to piece her face back together.

She has returned to surgery to have the keloids removed, a gamble that her doctors and Gaston-Walters believe is worth taking. If the surgery is successful, Dr. James C. Alex, director of the division of facial plastic and reconstructive surgery at the Yale School of Medicine, is hopeful that the remaining tissue in Takira’s face will gradually blend in with her otherwise perfect skin tone. But there’s a 50 to 80 percent chance the keloids will return, just as bad or worse.

Takira has drifted into drug-induced sleep just before 3 p.m., as she is rolled through the double doors, draped in a cornflower blue paper sheet.

The sheet covers her up to the lower half of her chin, which is facing upward toward the satellite dish-shaped lights. As the clock on the wall marks 3:11 p.m., Alex sits on Takira’s left side and Dr. Bruce Schneider sits at her right.

Alex begins the delicate process of cutting out the scars and sewing Takira’s face back together, much like a master quilter. Nurse John Breslin hands him a scalpel to cut around the U-shaped scar under Takira’s chin. Schneider swabs the blood where Alex takes out the stitches on her cheek and Alex has finished sweeping civil rights legislation since the Civil Rights Act of 1964.

Mr. HOYER. Mr. Speaker, today, we commemorate the 12th anniversary of the landmark Americans With Disabilities Act, the most sweeping civil rights legislation since the Civil Rights Act of 1964. We do so with pride, as we measure our progress. We do so with sadness, as we mourn the recent passing of Justin Dart Jr., the ADA’s “father” and an indefatigable soldier of justice. And we do so with concern, as the courts continue to issue decisions that limit the ADA’s scope and undermine its intent.

Twelve years ago today, the first President Bush signed the ADA into law, hailing it as the “world’s first comprehensive declaration of equality for people with disabilities.” As the lead House sponsor of this historic law, I knew it would not topple centuries of prejudice overnight. But I knew that, over time, it could change attitudes and change hearts, and unleash the untapped abilities of our disabled brothers and sisters.

The ADA sent an unmistakable message: It is unacceptable to discriminate against the disabled simply because they have a disability. And it is legal.

The ADA, which enjoyed overwhelming bipartisan support, prohibits discrimination against the more than 50 million disabled Americans—in employment, in public accommodations, in transportation and in telecommunications. It recognizes that the disabled belong to the American family, and must share in all we have to offer: equality of opportunity, full participation, independent living and economic self-sufficiency.
Its first dozen years have ushered in significant change. Thousands of disabled Americans have joined the workforce, many for the first time in their lives. The ramps, curb cuts, braille signs and captioned television programs that were once novel are now ubiquitous.

However, despite such demonstrable progress, the ADA increasingly has become a legal lightning rod with courts issuing narrow interpretations that limit its scope and undermine its intent. In the most recent term, for example, the United States Supreme Court issued a series of decisions involving the ADA, ruling against the claimant each time.

In Chevron v. Echazabal, the Court held that an employer can keep a worker from filling a job that could be harmful to the worker’s own health, even though the ADA itself only allows employers to deny jobs to those who pose a “direct threat” to other workers. Whether intended or not, this decision stands for the proposition that disabled Americans cannot exercise independent judgment on what is best for them. Thus, Echazabal perpetuates the paternalistic attitudes that the ADA sought to combat.

In another ironic twist, the Court held in Toyota Motor Manufacturing v. Williams that a worker needed to show that her condition not only affected her on the job, but also prevented or restricted her from performing “tasks that are of central importance to most people’s daily lives.” Because the claimant in Williams had not sufficiently demonstrated how her disability limited her in performed tasks such as brushing her teeth, the Court said, she was not “disabled” under the ADA.

Yet, is this really what Congress intended when it passed the ADA, that a determination of “disability” would require courts to examine whether claimants can brush their teeth? The answer is obviously no.

This decision has put disabled Americans who avail themselves of the law’s protection in a Catch-22: They must demonstrate that their impairment is substantial enough so that it constitutes a disability under the ADA, but not so substantial that the claimant cannot do the job without a reasonable accommodation. In other recent ADA decisions, the Supreme Court has stripped state workers of their right to sue for monetary damages for ADA violations, and held that corrective or mitigating measures such as eyeglasses or medication to sue for monetary damages for ADA violations. Thus, the point is discrimination.

As we commemorate this 12th anniversary of the ADA today and pay tribute to a wonderful man who devoted his life to promoting justice and equality for others, let’s recognize that our work is far from finished. The Supreme Court has stripped state workers of their right to sue for monetary damages for ADA violations.

We have come so far in the last dozen years. And we have poured a strong foundation for our house of equality, where Americans are judged by their ability and not their disability.

Yet, the promise of the ADA remains unfulfilled today but still is within reach. It falls to us now to carry on the fight and to realize Justin Dart’s vision of a revolution of empowerment. Let’s rest until the work is done.

CONSTITUTIONAL LIBERTIES AND THE COSTS OF WAR AGAINST TERRORISM ACT

HON. CYNTHIA A. MCKINNEY
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Ms. McKinney. Mr. Speaker, the attacks of September 11th, 2001 caused significant changes throughout our society. For our military, this included increased force protection, greater security, and of course the deployment to and prosecution of the War on Terrorism in Afghanistan and elsewhere.

Sadly, one of the first acts of our President was to waive the high deployment overtime pay of our servicemen and women who are serving on the front lines of our new War. The Navy estimates that the first year costs of this pay would equal about 40 cruise missiles. The total cost of this overtime pay may only equal about 300 cruise missiles, yet this Administration said it would cost too much to pay our young men and women what the Congress and the previous Administration had promised them.

In another ironic twist, the War on Terrorism has the potential to bring the U.S. military into American life as never before. A Northern Command has been created to manage the military’s activity within the continental United States. Operation Noble Eagle saw combat aircraft patrolling the air above major metropolitan areas, and our airports are only now being relieved of National Guard security forces.

Moreover, there is a growing concern that the military will be used domestically, within our borders, with intelligence and law enforcement mandates as some now call for a review of the Posse Comitatus Act prohibitions on military activity within our country.

In the 1960s, the lines between intelligence, law enforcement and military practices were considered unconstitutional. The question is whether we as a nation want to make America a better place for all were targeted and attacked for political beliefs and political behavior. Under the cloak of the Cold War, military intelligence was used for domestic purposes to conduct surveillance on civil rights, social equity, antiracism, and other activities.

In the case of Dr. Martin Luther King, Jr., Operation Lantern Spike involved military intelligence covertly operating a surveillance operation which the military claimed was to protect America in the wake of his assassination. In a period of two months, recently declassified documents on Operation Lantern Spike indicate that 240 military personnel were assigned in the two months of March and April to conduct surveillance on Dr. King. The documents indicate that 16,900 man-hours were spent on this assignment.

Dr. King had done nothing more than call for black suffrage, an end to black poverty, and an end to the Vietnam War. Dr. King had been the lantern of justice for America; spreading light on issues the Administration should have been addressing. On April 4, 1968, Dr. King’s valuable point of light was snuffed out.

The documents I have submitted for the record outline the illegal activities of the FBI next to him after program A. 1967 memo from J. Edgar Hoover to 22 FBI field offices outlined the COINTELPRO program well: “The purpose of this new counterintelligence endeavor is to expose, disrupt, misdirect, or otherwise neutralize” black activist leaders and organizations.

As a result of the Church Committee hearings, we later learned that the FBI and other American Intelligence agencies were conducting black bag operations that included illegally breaking and entering, private homes to collect information about individuals. FBI activities included “bad jacking,” or falsely accusing individuals of collaboration with the authorities. It included the use of paid informants to set up false charges targeted individuals. And it resulted in the murder of some. Geronimo Pratt Ji Jaga spent 27 years in prison for a crime he did not commit. And in COINTELPRO documents subsequently released, we learn that Fred Hampton was murdered in his bed while his pregnant wife slept next to him after a paid informant slipped drugs in his drink.

Needless to say, such operations were well outside the bounds of what normal citizens would believe to be the role of the military, and the brutal tactics employed by Senator Frank Church found that to be true.

Though the United States was fighting the spread of communism in the face of the Cold War, the domestic use of intelligence and military assets against its own civilians was unfortunately reminiscent of the police state built up by the Communists we were fighting.

We must be certain that the War on Terrorism does not threaten our liberties again. Amendments to H.R. 4547, the Costs of War Against Terrorism Act, that would increase the funding of military intelligence to include counter intelligence, and that would increase the military intelligence’s ability to conduct electronic and financial investigations, can be the first steps towards a return to the abuses of constitutional rights during the Cold War. Fortunately, this bill includes funding for museums.

When taken into account with the extra-judicial incarceration of thousands of immigrants, the transfer of prisoners from law enforcement custody to military custody, and the next consideration of a “volunteer” terrorism tip program, America must stand up and protect itself from the threat not only of terrorism, but of a police state of its own.
There does exist a need to increase personnel pay accounts, replenish operations and maintenance accounts and replace lost equip-ment. The military has an appropriate role in protecting the United States from foreign threats, and should remain dedicated to pre-paring for those threats. Despite the uses of the military have long been prohibited for good reason, and the same should continue to apply to all military functions, especially any and all military intelligence and surveillance. Congress and the Administration must be in-creasingly vigilant towards the protection of and adherence to our constitutional rights and privileges. For, if we win the war on terrorism, but create a police state in the process, what have we won?

INTRODUCTION OF THE CHILDREN’S DEVELOPMENT COMMISS-IATION ACT

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. MALONEY of New York. Mr. Speaker, today I am reintroducing legislation (H.R. 1112, 106th Congress) that is intended to help solve the shortage of available, affordable child care facilities. In my congressional dis-trict in New York City, more than half of all women with pre-school children are in the workforce and the need for child care is enor-mous. This is not a local problem but one that is national in nature.

The “Children’s Development Commission Act” or “Kiddie Mac,” (H.R. 1112, 106th), will address this problem by authorizing HUD to issue guarantees to lenders who are willing to lend money to build or rehabilitate child care facilities. It also creates the Children’s Devel-opment Commission which will certify the loans and create federal child care standards. Kiddie Mac will also give “micro-loans” to fa-cilities which need to make the necessary changes to come up to licensing standards, as well as provide them with lower cost fire and liability insurance. Through some of the pre-miums paid by the lenders, a non-profit found-ation will be formed which would focus on re-search on child care and development, as well as create educational materials to guide po-tential providers through the certification proc-ess.

It is late in the session but I urge my col leagues to consider the proposal and join me in enacting it this year or in a future Congress.

IN HONOR OF TEXAS EQUUSEARCH MOUNTED SEARCH & RECOVERY TEAM AND ITS FOUNDER, TIMOTHY A. MILLER

HON. NICK LAMPSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. LAMPSON. Mr. Speaker, I rise today to honor Tim and the Texas EquuSearch Mounted Search and Recovery Team (TES). Since Tim had horses of his own, and given a rash of missing persons in his area, many people suggested that he should start a horse search and rescue team. Tim shared this idea with some friends and was amazed at all the positive interest and support received.

The first official TES officer meeting was held in August of 2000 and then the work started. Tim, and his faithful and incredibly supportive wife, never real-ized how difficult forming an organization like this could be; or that it would require giving up his business as a general contractor to devote himself full time to the founding and operation of TES. Two years later, I’m proud to say that Tim and his Alberta are working harder than ever to help bring home loved ones who are missing.

Since Texas EquuSearch was formed, they have been on nearly one hundred searches in two short years. They have an an administrator record of working constructively with our na-tion’s local law enforcement agencies and the Federal Bureau of Investigation. As these words were being written Tim and TES are on still another search near TES’s headquarters in Dickinson, Texas.

TES was founded in loving memory of Laura Miller, Tim’s daughter. The success rate of TES in finding missing people and returning many of them home alive is truly impressive. It is a living tribute to the spirit of Laura Miller. That spirit is a very important volunteer of TES. The following words are Tim’s own:

I know how important a search and rescue team can be. My daughter, Laura Miller was abducted in September of 1984. I went to the police department to report her missing and file a missing persons report. Five months prior to Laura’s disappearance the remains of a young lady named Heidi Villareal Fye, were found and identified at an abandoned oil field on Calhoun Island in League City, Texas. I told the police officer taking the report of my concerns, and would they please check the area where she had been found, or tell me where it was located so that I might check myself. Of course they said Laura is sixteen, she ran away and will be coming back home. We called and drove to all of Laura’s friends to see of anyone had seen her. Three days went by and I found out that Heidi had only lived 4 blocks from our house. So I went to the police station and told them my new worries about the close location of our houses and could they go and check the field where Heidi was or please take me to where they found her! They said Laura was sixteen and she had run away so we should go home and wait by the phone for her to call.

The days turned into weeks, weeks into months, several trips to the police station and still no Laura. Seventeen months later, kids were riding dirt bikes on Calhoun Island when they smelled a foul odor. They felt as though it was a dead animal but walked over to the area of the odor to see anyway. The odor was not from a dead animal; it was in fact the remains of a female who had been there approximately two months. The police were called out to investigate, and during the in-vestigation stumbled across the remains of yet another female some sixty feet from the other. These remains of the other girl found were those of my daughter, Laura Miller. The remains of the other girl found there have not been identified to this day and still is only known as Jane Doe.

These were by far the most frustrating and lonely seventeen months of my life and there was some feeling of relief when Laura was found, at least now we know. I often think of what would have changed back in 1984 when Laura disappeared. Texas EquuSearch. Would Laura have been found alive? Probably not, but she would have been found and there probably would have been some evidence on the scene to help the police in the investigation. Would Jane Doe have been murdered? My thoughts—probably not or at least not at that time.

Mr. Speaker, the Texas EquuSearch Mounted Search & Recovery Team, was founded in loving memory of Laura Miller by her father Timothy A. Miller to search for our nation’s missing and abducted children and adults. It has received help from the citizens of Hous-ton, the State of Texas and the United States to successfully search for and find the lost, ab ducted, and missing. Our nation’s communities and law enforcement agencies, including the Federal Bureau of Investigation, have already recognized the significance and value of the Texas EquuSearch Mounted Search & Recovery. It is now appropriate that the People and the Congress of the United States of America applaud and urge on Texas EquuSearch to continue forward—assuring that “The lost are not alone”.

ANIMAL FIGHTING ENFORCEMENT ACT

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. ANDREWS. Mr. Speaker, today I am pleased to introduce the Animal Fighting En-forcement Act. This legislation targets the reprehensible and surprisingly widespread activi-ties of dogfighting and cockfighting, in which animals are bred and trained to fight, often drugged to heighten their aggression, and placed in a pit to fight to the death—all for their amusement and illegal wagering of the animals’ handlers and the spectators.

These are indefensible activities, and our state laws reflect public disdain for these forms of animal cruelty. Dogfighting is banned in all 50 states, and it is a felony in 46 states. Cockfighting is banned in 47 states, and it is a felony in 26 states.

Even though there is a something verging on a national consensus that dogfighting and cockfighting should be treated as criminal conduct, the industry continues to thrive. Accord-ing to The Humane Society of the United States, there are 11 underground dogfighting publications. There are numerous above-ground cockfighting magazines, including The Gamecock, The Feathered Warrior, and Grit & Steele, that promote cockfights, rally cockfighters to defend the practice, and adver-tise and sell fighting birds and the accoutrements of animal fighting.

Earlier this year, the House and Senate passed legislation to close loopholes in Section 26 of the Animal Welfare Act to cover any interstate shipment or exports of dogs or birds for fighting. That was a much-needed and long-overdue action by the House, and I commend the leadership provided on that legisla-tion by Representatives EARL BLUMENAUER, TOM TANSEY, and COLLIN PETERSON. Senators WAYNE ALLARD and TOM HARKIN led the parallel effort in the other chamber. The legis-lation was designed to help the states enforce their laws and provide a strong federal state-ment and statute against dogfighting, and cockfighting. In states where cockfighting is il-legal, cockfighters had been using the loop-hole in federal law as a smokescreen to con-ceal their animal fighting activities; they
claimed that they were merely raising and possessing birds to sell to legal cockfighting states and countries, when in reality they were often engaging in illegal fights in their own states. It makes enforcement of state laws against cockfighting very difficult.

During consideration in this Congress of the Farm bills, the House and Senate passed identical versions of legislation to close the loopholes in the law. Unfortunately, the conferences removed a provision, identical in both bills, to increase jail time for individuals who violate any provision of Section 26 of the Animal Welfare Act. The House and Senate increased the maximum jail time from one year to two years, seeking to make this illegal animal fighting a federal felony.

U.S. Attorneys have told humane organizations and others that they are reluctant to pursue animal fighting cases with such a modest penalty. They will be far more likely to pursue cases if it is a felony offense.

My legislation today seeks to restore what the House and Senate originally passed in terms of penalties. The adoption of this provision will bring federal law in better alignment with state laws. As I mentioned previously, 46 states have either dogfighting or cockfighting felony provisions. It is fitting and appropriate that the federal government treat dogfighting and cockfighting as felony offenses. It is well known that these forms of animal cruelty are often associated with drug traffic, illegal firearms possession, violence to people, and illegal gambling. In short, other criminal conduct goes hand in hand with animal fighting.

My legislation also bans the interstate shipment of deadly knives and gaffs, which are the implements attached to the birds’ legs to heighten the bloodletting and expedite the conclusion of fights. These knives and gaffs are sold through cockfighting magazines and through the Internet, and it is time that this traffic in these deadly implements is halted. A number of states have prohibitions on the sale of these implements, but it is time to adopt a national standard.

Finally, this legislation improves and updates other enforcement language in the Animal Welfare Act, provisions that were adopted more than a quarter century ago, on forfeiture and disposition of animals seized by law enforcement once they make arrests of individuals participating in illegal animal fights.

I thank several colleagues for adding their names as original cosponsors, and hope that the committee of jurisdiction give this legislation proper and prompt attention and action. I hope it can be passed before the 107th Congress completes its work.

EGMONT KEY LAND TRANSFER

HON. DAN MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. DAN MILLER of Florida. Mr. Speaker, I rise today to introduce legislation to convey Egmont Key, which is currently under the jurisdiction of the U.S. Fish and Wildlife Service to the Florida State Park Service.

Egmont Key is located at the mouth of Tampa Bay within the Congressional Districts of Mr. Bill Young, Mr. Jim Davis, and myself, both of which are greatly supportive of my efforts and are also original cosponsors of the bill. Egmont Key’s cultural history dates back to 1830’s, as a matter of fact the construction of Fort Dade in 1882 was to protect the city of Tampa during the outbreak of the Spanish-American War. Egmont Key even served as a site for the Union blockade of the Gulf Coast blockade in the Civil War. Area residents, including my family and I, have enjoyed Egmont Key’s historical and recreational benefits for years, and the local support for conveying ownership of this island to the Florida State Park Service is strong.

The bill will convey the title of Egmont Key, a small island, which is approximately 350 acres, to the Florida State Park Service. This bill will not only improve the management of the public facilities, historical remains and wildlife habitat on the island, but also save the federal government money in the long term by removing it from federal responsibility.

Transfer of this property to the State of Florida will prove to be highly beneficial to its visitors. Providing more efficient facilities and an all around atmosphere of family interaction. Egmont Key serves as a habitat for numerous species of birds, and its white sandy beaches are valuable to the lives of many turtles, animals, and plants. The State of Florida’s ownership of this picturesque island would improve the quality of life for its inhabitants and the quality of enjoyment for its enthusiasts.

Mr. Speaker, due to the limited amount of time left in the 107th Congress and my pending retirement this year, it is my hope that this bill will move quickly through the legislative process. I strongly believe that Egmont Key is best operated through the ownership of the Florida State Park Service, therefore I am requesting my colleagues join me today in cosponsoring this legislation. Egmont Key is a valuable resource to our area, and ownership by the State of Florida would simply provide the desired access to the community while also maintaining the ecosystem.

REMARKS ON SUSAN HIRSCHMAN

HON. ILEANA ROS LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Ms. ROG-LEHTINEN. Mr. Speaker, I rise today, not to bid farewell, but to extend my heartfelt wishes for a future of success and happiness, to Susan Hirschman. Susan has served as the Chief of Staff to our Majority Whip, Tom Delay, since 1997, managing the personal, district and Whip offices for our good friend from Texas. Many of us have turned to her throughout the years for her political acumen and superb strategic skills.

Since moving to Washington, D.C. in 1987, she has been in the trenches promoting the Republican agenda—America’s agenda. She is more than a colleague. She is a friend.

While she is leaving the Hill, her passion and commitment to priority issues will keep her nearby.

I will surely miss the dinners we shared, as well as the late-night discussions over Chinese food and fried chicken in the Whip’s office. Godspeed Susan!
people aimed at annexing the island to Greece (Enosis).

Turkish Cypriots resisted Greek attempts to ‘hellenize’ Cyprus and, with the help of Turkish Guarantor Powers under the Treaty of Guarantee of 1960, succeeded in defending and maintaining their existence in Cyprus as one of the two equal peoples of the island. Yet, this did not come at a heavy cost to the Turkish Cypriots, with thousands of them being killed, wounded or missing; a quarter of the Turkish Cypriot population evicted from their homes and properties in 103 villages; and the entire Turkish Cypriot population condemned to live in enclaves on 3% of the territory of Cyprus deprived of all population condemned to live in enclaves on.

The events of 1974 were followed by a popular mandate of the Turkish Cypriot leader Makarios in his dramatic admission before the UN Security Council on 19 July 1974.

Turkey exercised its right of intervention under these circumstances, in order to prevent the annexation of Cyprus by Greece. Turkey’s legitimate and justifiable intervention did not only achieve all these aims, but also led to the downfall of the military junta in Greece. The legitimacy of the Turkish intervention was confirmed by prominent outside sources, including the Standing Committee of the Consultative Assembly of the Council of Europe, which, in its decision dated 29 July 1974, stated the following:

‘‘Turkey exercised its right of intervention in accordance with Article IV of the Guarantee Treaty.’’

Even the Athens Court of Appeal, in its decision of March 21, 1979, also held that the intervention of Turkey in Cyprus was legal: ‘‘... The Turkish military intervention in Cyprus which was carried out in accordance with the Zurich and London Agreements was legal. Turkey, as one of the Guarantor powers, had the right to fulfill her obligations. The real culprits... are the Greek Officers of the Turkish military intervention...’’

The severity of Greek Cypriot attacks was so discouraging that they don’t even try.
RECOGNIZING HALIE JACOBS FOR HER BRAVERY AND HEROISM

HON. VAN HILLERY
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. HILLERY. Mr. Speaker, I pay tribute today to a brave little girl who lives in Normandy, Tennessee, a small town in the congressional district I represent. Halie Jacobs is only seven years-old. Yet, when her mother’s life was in danger, Halie braved darkness, angry dogs and a broken foot to walk two miles to get help for her injured mother.

On July 10th, around midnight, Halie and her mother Crystal were on their way home, driving through fog and missing rain down the kind of narrow, twisting country road that is so common in rural Tennessee. Their car hydroplaned into a ditch, leaving Halie’s mother severely hurt and Halie with a cracked bone in her foot. Halie stayed by her mother’s side until, according to Halie, “I couldn’t talk to her.”

Not knowing for sure if her mother was living or dead, Halie did something uncommonly brave for a seven-year-old. In spite of her own injury, she set out on a pitch-black, lonely road toward home and help for her mother.

Halie got home, got help and showed them the way to her mother.

I am happy to report Crystal is regaining her health. She still has a long way to go, but because of her daughter’s heroism, Crystal is on her way to recovery.

I know Crystal is proud of her extraordinary daughter. All of us in the Fourth Congressional District are. Bedford County, Halie’s home county, awarded her its first “911 Hero Award” for making the right call.

Though I haven’t met Halie myself, the Tullahoma News, one of the local newspapers at the award ceremony noted Halie “handled the attention and barrage of questions from television and newspaper reporters with quiet maturity.” The article went on to state, “It was the same maturity she exhibited two weeks ago when she walked barefoot more than two miles, in the middle of the night, to get help for her injured mother.”

Mr. Speaker, being in a car accident, seeing your mother gravely injured and then watching her pass out would be highly traumatic for anyone, let alone a seven-year-old. Yet Halie Jacobs kept her wits and did what she knew she had to do. I commend Halie for her unyielding courage.

Mr. RANGEL. Mr. Speaker, I rise today to recognize the Republic of Trinidad and Tobago on its celebration of the 40th anniversary of its Independence.

I will spend a brief moment describing the beginnings of the Republic of Trinidad and Tobago and describe its ties with the U.S.

Trinidad was settled by the Spanish a century after Columbus landed there. The original inhabitants—Arawak and Carib Indians—were largely wiped out by the Spanish colonizers, and the survivors were gradually assimilated. Although it attracted French, free Black, and other non-Spanish settlers, Trinidad remained under Spanish rule until the British occupied it in 1797. During the colonial period, Trinidad’s economy relied on large sugar and cocoa plantations.

Tobago’s development was similar to other plantation islands in the Lesser Antilles and quite different from Trinidad’s. The smaller island of the pair, Tobago became known first as Tavaco, then Tabagua, then as Tobago. This was the name given by its tribals people who used a long stemmed pipe in which they smoked a herb called Vochoba, known today as tobacco.

During the colonial period, French, Dutch, and British forces fought over possession of Tobago, and the island changed hands 22 times—more often than any other West Indian island. Tobago was finally ceded to Great Britain in 1814. Trinidad and Tobago were incorporated into a single colony in 1888.

If Trinidad was a sugar economy in the 19th Century it became an oil economy in the 20th. With the advent of the automobile and the conversion of the British Navy from coal to oil the search for and the production of oil received a strong boost.

Oil was discovered in the Guayaguayare, Point Fortin, and Forest Reserve areas in Trinidad. Over time oil and oil related exports came to dominate the economy and transformed much of populace from a rural to an urban one.

Besides oil, another important event was the establishment of U.S. bases on the island in 1941. This was agreed to in exchange for 50 destroyers which at the time was sorely needed by an overstretched Britain. These bases included a large chunk of the Chaguramas Peninsula as well as an air base at Wallerfield. The G.I.s injected American culture and money into a stagnant economy and shifted the focus of country from Britain to the U.S. More important, U.S. Marines helped construct numerous roads including the important Northern Coast Road which still is functional today.

In the 1950s, the British sponsored the West Indies Federation as a potential post-colonial model, in the belief that most of the Caribbean islands would be unable to survive politically or economically on their own. The Caribbean peoples thought otherwise and the Federation collapsed in the early 1960s.
In Trinidad and Tobago a movement was being born in the 1950s. After receiving his Ph.D. and serving as assistant professor at Howard University, Eric Williams returned to Trinidad and Tobago and formed the People’s National Movement (PNM), a political party of which he became the leader. In September of 1956, the PNM won the national elections and he became the chief minister of the country from 1956 to 1959, premier from 1959 to 1962, and prime minister from 1962 to 1981. During his term as prime minister, Williams led Trinidad and Tobago into full independence within the Commonwealth in 1962. Eric Williams is considered the father of Trinidad and Tobago. He died in office on March 29, 1981.

After its 1962 independence, Trinidad joined the United Nations and the Commonwealth. In 1967, it became the first Commonwealth country to join the Organization of American States (OAS).

Trinidad and Tobago and the U.S. enjoy cordial relations. U.S. interests focus on investments and on enhancing Trinidad’s political and social stability and positive regional role through assistance in drug interdiction and legal affairs. A U.S. embassy was established in Port of Spain in 1962, replacing the former consulate general. Today, the Republic of Trinidad and Tobago remains a stable government with close ties and a working relationship to the United States.

Evidence of government stability is represented in the fact that U.S. investment in Trinidad and Tobago exceeds one and one-quarter billion dollars. In addition, Trinidad and Tobago is becoming the leading importer of liquefied natural gas to the U.S. It also is active in the U.S.-initiated Summit of the Americas process and fully supports the establishment of the Free Trade Area of the Americas.

This has made Trinidad and Tobago one of the most prosperous islands in the Caribbean.

With a population of 1.2 million people and the third-largest in the English-speaking Caribbean, Trinidad and Tobago maintains strong relations with its Caribbean neighbors as well. As the most industrialized and second-largest country in the English-speaking Caribbean, Trinidad and Tobago has a long tradition of political stability and economic growth.

Ms. PELOSI. Mr. Speaker, I rise today to recognize and pay tribute to Ambassador F. Hayden Williams, a great American whose distinguished service and leadership has been instrumental in the creation of a World War II memorial on the National Mall in Washington, D.C.

Ambassador Williams has devoted a lifetime to public service. Through his time in the Navy Reserve during World War II, his work in the Kennedy and Eisenhower administrations, and his tenure as an Ambassador to Micronesia, Ambassador Williams has made important contributions to our government over more than fifty years. He has served with distinction on numerous boards and committees and in advisory capacities on defense and international affairs.

Ambassador Williams’ connection to San Francisco and the Bay Area began as an undergraduate at the University of California at Berkeley, where he studied Political Science and History. He has since given much to the Bay Area, as an exemplary citizen, as a Trustee of U.C., Berkeley, and as a Commissioner of the Asian Art Museum of San Francisco.

Ambassador Williams’ effort to build a World War II memorial is his most recent contribution to public life. He served as a Commissioner of the American Battle Monuments Commission from 1994 until 2001 and was named Chairman of the National World War II Memorial Committee. He directed the selection of the Memorial’s site on the Mall and coordinated all aspects of the Memorial’s design. He worked closely with Representative MARCY KAPTUR and others in the United States Congress to garner legislative support for the Memorial.

Ambassador Williams helped shape the purpose of the Memorial. He wanted it to honor and express the Nation’s enduring gratitude to all American men and women who served in the United States Armed Forces during World War II, those who gave their lives in battle, those missing in action, and those who survived. He made sure that the Memorial would convey a sense of remembrance and national pride in the fortitude, valor, and sacrifice of our armed forces. He envisioned a Memorial that would acknowledge and honor the nation at large, the vigorous, spirited commitment of the American people to the war effort, and the vital contribution of the home front to America’s victory in World War II.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in honoring Ambassador F. Hayden Williams. I join with his family and friends in recognizing his service and dedication to ensuring that the country honors those who fought so valiantly in World War II.

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Since 1940, Dr. Cooke has been married to the former Rose M. Clifford. Their four children have earned six college degrees. The achievements of Dr. Paul Phillips Cooke serve as an inspiration for us all as we work to expand educational opportunities in the nation's capital. It is important that the praise be noted for a woman of her expertise. As the Congresswoman for the District of Columbia, I applaud Dr. Cooke's commitment to step into the breach and provide opportunities, options and hope, and give my best wishes for continued success in his important work.

INTRODUCING THE TEACHER VICTIMS' FAMILY ASSISTANCE ACT OF 2002

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. HASTINGS of Florida. Mr. Speaker, a recent study conducted by the National School Safety Center on School Associated Violent Deaths notes that between 1992 and 2001, 33 teachers, school administrators, school employees, or volunteers, have been fatal victims of school violence. This means that during the nine-year period, teacher, school administrator or some other school employee in America was killed while performing the duties of his or her job every fourteen weeks.

A similar study done by the U.S. Department of Justice, stated that teachers, school administrators and other school employees accounted for nearly 10 percent of all fatalities from school violence on campuses nationwide. Even more disturbing is that the majority of faculty fatalities occurred when a school employee attempted to stop a fight or some type of disagreement between students or other faculty members. In trying to stop school violence, these school employees became victims of school violence themselves.

On May 26, 2000, my district was struck with horror when a thirteen year old student walked into Lake Worth Middle School and shot and killed his teacher, Mr. Barry Grungow. While this tragic event once again brought the overall planning and direction of the school safety, gun control, and the minimum age at which a child can be tried as an adult, to the Grungow family, the tragic death of Barry Grungow meant much more.

In addition to the painful loss of a father and husband, Barry Grungow's death had a long-term effect on the entire Grungow family. Barry's death meant that, within six months, the entire Grungow family would find themselves without health care coverage; Barry's death meant that the Grungow family would incur added and unexpected expenses; and, ultimately, Barry's death means one less income that can be used to support Pam Grungow and her two children in the years to come.

In Spring 2001, the Florida State Legislature passed and the Governor signed the Barry Grungow Act, a measure that provided death benefits to the spouses and children of victims of school violence. Today, I come to the floor of the House of Representatives to say that it is time for Congress to build Florida's lead and pass a similar measure.

Mr. Speaker, I rise today to introduce the Teacher Victims' Assistance Act of 2002. Simil-
ON THE PASSING OF NOLAN HANCOCK

HON. GEORGE MILLER OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. MILLER of California. Mr. Speaker, sadly I wish to bring to the attention of my colleagues the passing of Nolan Hancock. Many of us have known Mr. Hancock as the former Legislative Director of the Oil, Chemical, and Atomic Workers International Union. Mr. Hancock died this week of a heart attack in West Valley City, Utah. He is survived by his wife, Barbara, four children, fourteen grandchildren, and five great grandchildren.

Nolan Hancock was an electrician by trade and an OCAW member for 48 years. For twenty-one years he worked in various local and international positions for the union. He retired five years ago after serving as Legislative Director for the union for 18 years.

Nolan Hancock worked with tremendous ability and integrity on behalf of the members of OCAW and all working Americans. Among the greatest privileges of being a Member of Congress is to work with people of the caliber of Mr. Hancock. I am proud to have known and worked with him.

ONE MORE REASON WHY RELIGIOUS IDEOLOGY SHOULD NOT DRIVE PUBLIC POLICY

HON. FORTNEY PETE STARK OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. STARK. Mr. Speaker, As critics predicted, Bush’s goal to make faith-based institutions the primary deliverers of social services is staking their religious beliefs on government money. Today, the Washington Post reported that a Louisiana federal judge ruled that the state illegally used federal money to promote religion in its abstinence-only sex education programs.

How many more examples do we need before Bush abandons this failed social policy?

JUDGE ORDERS CHANGES IN ABSTINENCE PROGRAM

(By Ceci Connolly)

A federal judge in Louisiana ruled yesterday that the state illegally used federal money to promote religion in its abstinence-only sex education programs, a decision that could jeopardize President Bush’s ambitions for expanding the faith effort nationwide.

U.S. District Judge G. Thomas Porteous Jr. ordered the state to stop giving money to individuals or organizations that “convey religious messages or otherwise advance, religion” with tax dollars. He said there was ample evidence that many of the groups participating in the Governor’s Program on Abstinence were “furthering religious objectives.”

Using government money to distribute Bibles, stage prayer rallies outside clinics that provide abortions and perform skits with characters that preach Christianity violate the Constitution’s separation of church and state, he ruled.

One group in its monthly report talked about using the Christmas message of Mary as a prime example of the virtue of abstinence.

“December was an excellent month for our program,” the Rapides Station Community Ministries said in a report quoted by the court. “We were able to focus on the virgin birth and make it apparent that God’s desire (sic) sexual purity as a way of life.”

Gov. Mike Foster (R) expressed dismay over the decision and said he would review the state’s legal options.

“It’s a sad day when such a worthwhile program is attacked by the very people who are supposed to protect the interests of the citizens of Louisiana,” he said.

The suit, filed in May by the American Civil Liberties Union, was the first legal challenge to abstinence-only programs created under the 1996 welfare reform legislation. Bush has asked Congress to extend the $50 million-a-year program and increase other federal abstinence grants from $40 million to $50 million a year, a $50 million-a-year program and increase other federal abstinence grants from $40 million to $50 million this year to $73 million next year.

Cities, states or organizations that receive the federal grants must use the money to teach abstinence as the only reliable way to prevent pregnancy and sexually transmitted diseases. Supporters say abstinence education helps youngsters build character and develop the skills to “say no to sex.” Grant recipients may not discuss contraception, except in the context of failure rates of condoms.

“Today’s decision should stand as a wake-up call that this practice is unacceptable,” said Catherine Weiss, director of the ACLU Reproductive Rights Project.

The ruling was also a victory for liberals and public health advocates who argue that abstinence-until-marriage programs are unrealistic and put young people in danger of unwanted pregnancy and sexually transmitted diseases.

Abstinence-only “is not a public health program,” said James Wagener, president of Advocates for Youth, which lobbies for broad-based sex education. “This is either ideology or religious instruction trying to pass itself off as public health.”

The most recent, detailed analyses have concluded “the jury is still out” when it comes to teaching abstinence, said health researcher Douglas Kirby.

Wagener called on policymakers to conduct audits of the abstinence programs similar to the current federal investigation of other types of sex education and HIV prevention programs.

Bill Pierce, spokesman for the Department of Health and Human Services, said the administration “remains deeply committed” to both abstinence-only programs and faith-based initiatives.

Weiss and Wagener said that the misuse of abstinence money went beyond Louisiana and that they had begun to collect evidence of other instances of similar activity. Many have close ties to the anti-abortion movement, they said.

Three weeks ago, HHS awarded $27 million in new abstinence grants to numerous organizations with religious affiliations. Weiss acknowledged that it is constitutional to funnel tax money to religious groups as long as the money is used for secular purposes.

During a court hearing last month, Dan Richey, head of the Louisiana program, testified that the state had stopped subsidizing religious activities or overwhelmingly religious groups.

Porteous acknowledged the changes but added, “The Court does, however, feel the other to install legal safeguards to ensure the GFA (Governor’s Program on Abstinence) does not fund ‘pervasively sectarian’ institutions in the future.

TRIBUTE TO NELLIE M. MCKAY

HON. JOSE´ E. SERRANO OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a wonderful community activist and dedicated humanitarian. Mrs. Nellie M. McKay will turn 73 years old on July 27th and her birthday is cause for great celebration.

Nellie was born in 1929 to two hard-working parents, Polly and Alex Brown. She grew up with ten brothers and sisters and learned the importance of sharing and support at a young age. Nellie has applied these values through her life as a community activist.

New York was fortunate enough to become home to Nellie in 1950, when she immediately became a volunteer with the Baby Tracks program at the old Lincoln Hospital in the South Bronx. She also lent her time and energy to the Prothesis Clinic at St. Luke’s Hospital, easing the spirits of patients there. Nellie was a key player in the immunization program at local public schools, which is a crucial initiative for under resourced schools, especially during those times.

Mr. Speaker, Nellie has always been committed to helping those around her and she has also been committed to educating and fostering awareness in those around her. Having earned a Bachelor of Arts degree from
Norwich University, she champions the importance of education. She has facilitated countless workshops on Black History to empower members of the Black community with knowledge of their history and culture as well as to inform members of other ethnic communities. Her main goal was to bring people together through educational events.

Many young people and adults throughout the South Bronx consider Nellie a second mother. She has cared for hundreds of children in her home and coordinated numerous events with young people in the community. The love Nellie shows for the children under her care is a sense of pride in their neighborhood. She has spearheaded the repair of abandoned buildings and vacant lots and the repaving of roads and sidewalks. Knowing that she and her neighbors deserved quality public transportation service, she called for and implemented the local bus line. Nellie has also helped empower fellow Bronx residents by participating in a number of voter registration drives, encouraging her neighbors to make their voices heard.

Mr. Speaker, at 73 years of age, Nellie continues to work hard and is currently the Chairperson of the Housing Committee of Planning Board 1, Assistant Chairperson of the Patterson Volunteer Committee, a lifetime member of the National Council of Negro Women, and a member of the New York NAACP, as well as many other prestigious organizations. This exceptional human being is the mother of three, grandmother of six, great-grandmother of seven, and mother-figure of hundreds. I ask my colleagues to join me in honoring Mrs. Nellie McKay on her 73rd birthday and to thank her for sharing so much of her heart, time, and energy.

HONORING DR. JOHN E. SIRMALIS
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to honor Dr. John E. Sirmalis. Dr. Sirmalis recently retired from the position of Technical Director of the Naval Undersea Warfare Center (NUWC) after 45 years of outstanding service. He earned his Bachelor of Science Degree in Mechanical Engineering in 1956, and a Master of Science Degree in Mechanical Engineering in 1958, both from the Massachusetts Institute of Technology. In 1975, he received a Doctorate Degree in Mechanical Engineering from the University of Rhode Island. He has a widely heralded reputation as a true leader and an exceptional visionary for submarine and undersea warfare systems. He has also been considered the nation's foremost authority on undersea weapons. As the "hands-on" leader of the Naval Undersea Warfare Center, Dr. Sirmalis stressed the importance of leading the Navy into the future with innovation, transformation, and visionary concepts. Under his leadership and guidance, an incredible and significant series of accomplishments were produced in many fields, including Sonar Technology, Combat Control Systems, Periscopes, and Launchers.

As a recognized expert in management and technology, Dr. Sirmalis has served as a member of a number of high-level Navy panels and served as the Navy’s undersea weapons and data exchange programs. He played a vital role in the fielding and improving of the Mark 48 and the Mark 48 Advanced Capability (ADCAF) torpedoes and other undersea vehicles. Dr. Sirmalis also implemented productivity enhancements and energy conservation program, and prioritized over-head functions to selectively reduce the cost of service. As a direct result of his initiatives, the Naval Undersea Warfare Center reduced overhead and costs while improving efficiency. Throughout his distinguished career Dr. Sirmalis has received numerous awards. In 1997, Dr. Sirmalis received the Navy Distinguished Civilian Service Award, the highest award that can be received by a member of the Federal Government’s Senior Executive Service and has also been the recipient of the Meritorious Executive Presidential Rank Award, both in 1984 and 1994. He received the 1995 VADM Charles B. Martell Award presented for his outstanding record achievement and reputation as the world’s foremost authority on undersea weaponry. Most recently he was selected to receive the 2000 Distinguished Civilian Award from the Naval Submarine League.

Mr. Speaker, Dr. Sirmalis has been a long serving and dedicated public servant and a true patriot. I am proud to recognize his long and distinguished accomplishments as Technical Director of the Naval Undersea Warfare Center. True naval tradition, I ask my colleagues to join me in honoring Dr. John E. Sirmalis "Fair Winds and Following Seas" as he enters into retirement.

IN RECOGNITION OF JAMAICA'S 40TH YEAR OF INDEPENDENCE

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. RANGEL. Mr. Speaker, it is with profound pleasure that I speak today in honor of the 164th year of Emanicipation and the 40th anniversary marking Jamaica’s independence from Great Britain. On August 6, 1962, Jamaica won its political independence from the colonial rule of Great Britain. This year, Ambassador Seymour Mullings will be leading the Jamaican-American community in the United States in their yearly tradition of celebrating freedom from colonialism and slavery.

To give a brief history, Jamaica’s first inhabitants were the South American Arawak Indians. In 1494, Columbus arrived on the island and claimed the land for Spain. Suffering a similar fate of the nearby Caribbean islands, the Arawak Indians were enslaved or died from diseases carried over by the Spanish settlers during their 160 year reign. In 1655, the island was captured by the British and immediately instituted an aggressive large-scale importation of Africans for slave labor in the sugar plantations. The inhumane nature of slavery made slave revolts a common phenomenon in Jamaica. Both freed and escaped slaves (Maroons) continually fought their British captors for their right to live free. The most famous of these revolts happened in 1831 by Reverend Sam Sharpe. Known as the “Christmas Rebellion”, this insurrection lasted for four months and is credited for bringing about the end of slavery. Rear Admiral Sam Sharpe is recognized as a national hero in Jamaica.

It was not until after the American Colonies declared themselves independent from England in 1776 that the abolition movement began to flourish throughout Jamaica. March 18, 1808 marked the end of the slave trade between Africa and Jamaica was abolished by the British Parliament.

In 1834, the Emancipation Act officially ended slavery; however, the slaves did not gain complete freedom until four years later on August 1, 1838. Many ex-slaves settled down as small farmers in the Blue Mountains, far away from the plantations they used to cultivate. Those who stayed on the plantations now received compensation for their labor. Struggles over land culminated in the Morant Bay Rebellion led by the great Jamaican national heroes: George William Gordon and Paul Bogle, and forcing Great Britain to proclaim Jamaica as a crown colony in 1865.

Inspired by the political ideas of Marcus Garvey, a national movement for independence began in the late 1930s. Political parties started forming and years later in 1944, Jamaica was proud to hold its first democratic elections. Over a decade later on August 6, 1962, full political independence was granted, allowing Jamaica, a new member to the British Commonwealth, to draft its own constitution and create a bicameral Parliament with elected representatives and a Prime Minister.

Jamaican-born Marcus Garvey was ultimately recognized as one of America’s greatest Black leaders. He challenged the myths of racial inferiority and inspired hundreds of thousands of Black American supporters with hope for a better future. It is my hope that this Congress will support my bill, H.Res. 50, to exonerate this internationally renowned leader in the struggle for human rights. I ask my colleagues to join me today in clearing Marcus Garvey’s name in honor of Jamaica’s Emancipation from slavery and Independence from colonialism.

With 4,411 square miles of beautiful beaches, mountains and farms, Jamaica overcame centuries of economic and social struggles to become internationally acclaimed in all aspects of human culture, including tourism, music, and sports. Millions of tourists from all around the world vacation in Jamaica and experience for themselves the beauty that the inhabitants of this great nation get to see year round.

Although it is a small island nation of only two million people, Jamaica has had a remarkable impact upon the world of music. With its reggae beat played throughout the world, Jamaica has produced the musical stylings of Harry Belafonte, Jimmy Cliff, Peter Tosh and Bob Marley. The country is involved in all sports competitions, including cricket, soccer, basketball, boxing, and even more remote sports like baseball, hockey, and bobsledding. Great Jamaican athlete Lennox Champion Lennox Lewis and Patrick Ewing of the New York Knicks have contributed extensively to the American sports culture.
Mr. Speaker, it is an honor to speak in recognition of what has been accomplished by the people of Jamaica as we celebrate its independence. Jamaica has elevated itself from the perils of slavery and oppression to a country of great power and prestige. As we move forward, I am confident that our friendship with Jamaica will continue well into the future.

HON. JOSEPH R. PITTS OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. PITTS. Mr. Speaker, our nation celebrated our independence, freedom and democracy on the Fourth of July. Another independence day was commemorated one day later on July 5th—that of our friend and ally, Algeria, which celebrated 40 years of independence this year.

President Bush sent his congratulations to President Bouteflicka to mark the occasion, expressing his solidarity with the Algerian people. The President reiterated U.S. support for Algeria’s efforts in the war on terror and progress in political and economic reforms for the Algerian people.

Algeria has been an increasingly staunch ally of the U.S. over the years, and has been a particularly helpful friend and ally in our war on terrorism. Algeria was one of the first nations to offer its condolences and assistance in the immediate aftermath of the attacks. In addition, Algeria has cooperated fully with our law enforcement and intelligence agencies as a partner in the global coalition against terrorism. Ambassador Francis X. Taylor, head of the State Department’s Counterterrorism Office, praised Algeria’s cooperation calling that nation “one of the most tenacious and faithful partners of the United States” which has “cooperated with us in every domain.”

As important as Algeria is to us today, it will be increasingly important in the future as we explore liquefied natural gas reserves there to meet our nation’s growing energy needs. Algeria has some of the largest natural gas reserves in the world, exporting over four million barrel per day, soon to be five million—the largest exporter in Africa. Algeria could be a prime market for our agricultural products. It is a home to U.S. investment and will be an increasingly important economic partner in the years to come.

Mr. Speaker, I would like to add my congratulations to the people of Algeria on the occasion of their forty years of independence and recognize the important contribution that nation is making in the international war on terror, as well as the progress being made towards real and lasting democracy.

HON. NANCY PELOSI OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. PELOSI. Mr. Speaker, It is with great personal sadness that I rise to pay tribute to my friend John Jacobs, a great friend to San Francisco’s business and conservation communities. John worked passionately to keep San Francisco’s economy vital and its environment sound. The former head of the San Francisco Planning and Urban Research Association (SPUR) and the San Francisco Chamber of Commerce, he passed away on July 15th at the age of 93.

A native of Philadelphia, John served as a paratrooper in the 101st Airborne Division during the Battle of the Bulge during World War II. Following the war, he worked for NATO in England and France. He attended New Mexico State University on a football scholarship, he was selected from thousands of applicants for a journalism scholarship at the University of Minnesota, awarded by CBS station WCCO-TV in Minneapolis. Following college, he was hired as a reporter at WSVN in South Florida and, at 22, he became the youngest anchor in the market when he became the station’s weekend anchor.

Today, I ask my colleagues to join me in honoring Rick Sanchez for his ground breaking achievements in broadcasting and for paving the way for the Hispanic community.

IN MEMORY OF ARIEL MELCHIOR
SR., CO-FOUNDER OF THE DAILY NEWS OF THE VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN
OF THE VIRGIN ISLANDS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to honor and pay tribute to Ariel Melchior Sr., co-founder of the Daily News of the Virgin Islands, died Tuesday night, July 23, 2002 at the Roy L. Schofield Hospital on St. Thomas in my district, the U.S. Virgin Islands. Members of his family were at his bedside at the time of his death. He was 93. Together with the late J. Antonio Jarvis, Melchior started the newspaper on August 1, 1930 and headed the publication for almost 50 years before it was purchased by Gannett Co. Inc. in 1978.

Melchior, Sr. is survived by two sons, Earl and Ariel, Jr.: six daughters, Marjorie Preston, Valerie Wade, Rita Watley, Norma Gomez, Laurel Melchior, and Juel Love; stepchildren George Dudley, Jr. and Rita Grant. A sister, Zenia Petersen, also survives together with many grand and great-grandchildren.

A giant among his fellow men, even though very few are aware of his intense love for his community or of his courage to stand by his decisions, Ariel Melchior, Sr., was a quiet but forceful champion of human rights. Chief among his contributions to his society is the establishment of the Daily News, a newspaper which has become a substantial force in the territory. Appearing on the newsstand on August 1, 1930, the paper was a joint effort of Mr. Melchior and the late Jose Antonio Jarvis, a teacher. Throughout the years, Melchior served on the paper in several positions, including business manager, a post he held for about 10 years.

When Jarvis sold his interest to his partner, Melchior then assumed full ownership and served as editor. Under his guidance, the paper observed almost half a century, never missing one day’s publication. It was also...
under his leadership that the paper was the recipient of several awards and citations. A partial listing of these tributes include certificates of appreciation from the Junior Chamber of Commerce, St. Thomas (1963); Boy Scouts of America (1961), The National Safe Boating Week, 1966); a Public Service award from the Secretary of Interior (1959); John D. Melchior (former), Governor, U.S. Virgin Islands (1961); Hubert Humphrey, Vice President of the United States (1965); Fred Seaton, U.S. Senator of Washington, D.C. (1954); Erik Eriksen, Danish Information Services (1967); William H. Hastie, Judge United States Court of Appeals for the Third Circuit (1954); Syril E. King, Governor, U.S. Virgin Islands (1975); Women’s League, St. Thomas (1966); M. Pawlowski, Governor, U.S. Virgin Islands (1975); The Very Reverend Edward J. Harper, Bishop, Roman Catholic Diocese, St. Thomas, V.I. (1975).

These expressions attest to the successful role the newspaper has played in fulfilling its obligations to the democratic process and to provide for good, clean government. To achieve these goals, Mr. Melchior even took his cause to the courts. A classic example in which he challenged violations of the Constitution was the case of Melchior诉Park Authority, et al, 1966. In that case, Mr. Melchior contested the action of the local Park Authority for prohibiting or restricting the use of any part of Magen’s Bay on St. Thomas to the public because the beach was conveyed from Arthur S. Melchior for the use of the people of the Virgin Islands in perpetuity. The court agreed and granted a permanent injunction against the Park Authority and the Government of the Virgin Islands.

In another instance via the Daily News, Mr. Melchior, particularly in Gary Melchior, was brought to the public’s attention during congressional hearings on the Virgin Islands Elective Bill on June 20, 1968. Remarks made at this hearing by representative John P. Saylor indicated that there was a violation of the Hatch Act by government employees. The Daily News further charged that the persons involved were duly notified and warned. In the conclusion of his remarks, Mr. Saylor gave credit to the paper for its commitment to preserving good government.

Always a civic matter, in 1939 Mr. Melchior intervened when the name of Alvaro de Lugo, the first native born U.S. Postmaster was omitted from the bronze plaque which was being installed in the U.S. Post Office in Charlotte Amalie, St. Thomas. He brought the omission to the attention of the U.S. Fourth Assistant Postmaster General, Smith W. Purden. As a result, the name of the Postmaster and the Governor, Lawrence Cramer, were included.

Besides the power of the press, it was also through personal involvement as a concerned citizen or through his charitable affiliations that Mr. Melchior has continued to contribute to his community. After the sale of the Daily News in 1978 to the Gannett Publishing Company, he concentrated on several other goals. He established the Ariel Melchior, Sr. Foundation, an agency which among other activities rented scholarships to students or other persons with interests in journalism.

In addition, the foundation, along with the St. Thomas Historic Trust, in 1980, erected a bust of the late Antonio Jarvis, an outstanding Virgin Islander. The life-sized bronze statue is based on a six-foot marble pedestal. Areas where Mr. Melchior are attached on six “books” on which his arm rests. The memorial is housed in the educator’s park in St. Thomas.

Another of his personal accomplishments is the publication of “Thoughts Along the Way” (1980). A compilation of selected Daily News Editorials, the book gives an in-depth look into the newspaper, letters of commendation have been received from the United States Department of Commerce, St. Thomas (1961), Boy Scouts of America (1970), and an anniversary award from the Charlotte Amalie High School (1971).

On occasions of various anniversaries of the paper, letters of commendation have been received from National, International, and Local figures and organizations. Some of these are Dwight D. Eisenhower, President of the United States (1959); John D. Melchior (former), Governor, U.S. Virgin Islands (1961); Hubert Humphrey, Vice President of the United States (1965); Fred Seaton, U.S. Senator of Washington, D.C. (1954); Erik Eriksen, Danish Information Services (1967); William H. Hastie, Judge United States Court of Appeals for the Third Circuit (1954); Syril E. King, Governor, U.S. Virgin Islands (1975); Women’s League, St. Thomas (1966); M. Pawlowski, Governor, U.S. Virgin Islands (1975); The Very Reverend Edward J. Harper, Bishop, Roman Catholic Diocese, St. Thomas, V.I. (1975).

Many of the organizations with which he has been affiliated have, through the years acknowledged his contributions. A member of the Inter-American Press Association (In 1969 he was named vice chairman by the president of the association, James S. Coplen). In recognition of this position, he was commended by prominent newspaper publishers in industry. In 1973, he was among seventeen residents honored by the V.I. Academy of Arts and Letters for the contributions to the cultural heritage of the territory. In addition, Mr. Melchior received a plaque as evidence of this membership in the association. He was also awarded a plaque in 1979 for his outstanding service to the Rotary Club of St. Thomas. In 1979 he was awarded a service award in recognition of outstanding service as a senior member of the Governing Board of the Virgin Islands Professional League of Virgin Islanders. In 1979 he received a certificate of appreciation for his personal interest in making the intensive care unit at the Knud-Hansen Memorial Hospital a reality. Other agencies recognizing his contributions include Virgin Islands National Guard, Boy Scouts of America, Junior Chamber of Commerce, and executive board of the Rotary Club of St. Thomas. A few other outstanding certificates include the Navy League’s certification of Life Membership, the United States Congressional Advisory Board’s Certificate of Recognition of His Outstanding Services and the 1982 Trustees Distinguished Achievement Award from the College of the Virgin Islands, now the University of the Virgin Islands. He is currently a member of the Board of Overseers of the University and was its key speaker at the 1982 graduation ceremonies. The Virgin Islands Legislature has publicly recognized the contributions of Mr. Melchior on two separate occasions. In 1950, the fifteen Legislative Assembly approved a resolution on the event of his twenty-fifth anniversary at the paper. In 1975 the eleventh Legislature approved a resolution in honor of his 45th year as a publisher.

It was Francis Xavier Cervantes, Regional housing director, who in 1975 best summarized Mr. Melchior’s impact on his community with this quote, “The past of the Virgin Islands is wrapped around him like a cloak, and the future will regard him as the elder statesman of this age.”

Formerly married to the late Violet Cruz, he was the father of their seven children: Earle, Marjorie Melchior Preston, Valerie Melchior Wade, Ariel Jr., Rita Melchior Watley, Norma and Laurel.

He and his second wife, Gertrude Lockhart Dudley Melchior, are world travelers who have visited many countries in Europe, Asia, Central America, South America, and the Caribbean. An avid sportsman, Mr. Melchior enjoys deep sea fishing and sailing.

Mr. Speaker, the description of Ariel Melchior, Sr.’s accomplishments which I recite here today, is taken from a book entitled “Profiles of Outstanding Virgin Islanders,” written by Ruth Moolenaar of St. Thomas.

A Tribute to Langston Hughes

Hon. Charles B. Rangel

In the House of Representatives

Friday, July 26, 2002

Mr. RANGEL. Mr. Speaker, this year is the 100th anniversary of the birth of Langston Hughes (February 1, 1902). Schools, universities, libraries, and organizations around the country are celebrating his life. I want to take the time to recognize an outstanding individual who has contributed greatly to this country.

Langston Hughes was born in Joplin, Missouri to abolitionist parents and attended high school in Cleveland, Ohio where he first began writing poetry. After his father’s encouragement, Hughes attended Columbia University to studying engineering for a “practical” job. However, Hughes left the field in order to pursue his love for words. Hughes received a scholarship to Lincoln University, in Pennsylvania, where he eventually received his B.A. degree in 1929. His first published poem was “The Negro Speaks of Rivers” and became one of his most famous works.

Hailed as a genius, Hughes gave the gift of words to a country in turmoil. His writing began to flourish during the Harlem Renaissance of the 1920’s and 30’s, a time in which racism, war, the Depression, and other social ills plagued this nation. Hughes traveled throughout Europe, West and Central Africa during the early 1920’s and returned to Harlem in 1924.

In the following year he moved from Harlem to Washington, DC. While in our nation’s capital, he was heavily influenced by the blues and jazz scene. His work captured the dynamic of black music on paper, inspiring academia to study and recognize the uniqueness of blues music as being an authentic American art form.

Some of Hughes most famous works are Not Without Laughter (1930), The Big Sea (1940), and I Wonder As I Wander (1956), his autobiographies. His poetry includes Tambourines To Glory (1958), The Weary Blues (1926), The Negro Speaks of Rivers (1926), The Legend of the Tub (1934), and The Mystic Recitations (1931), The Dream Keeper (1932), Shakespeare In Harlem (1942), and The Best of Simple (1961).
In all, he wrote 16 books of poems, two novels, three collections of short stories, four volumes of editorial and documentary-type fiction, 20 plays, children’s poetry, musicals and operas, 3 autobiographies, a dozen radio and television scripts and dozens of magazine articles. He earned seven anthologies.  

He continued throughout his life to write and edit literary works up until his death on May 22, 1967 when he succumbed to cancer. Later, his residence at 20 East 127th Street in Harlem was given landmark status by the New York City Preservation Commission. His block of East 127th Street was renamed “Langston Hughes Place.”  

We are inspired by the words of Langston Hughes; “We build our temples for tomorrow, as strong as we know how and we stand on the top of the mountain, free within ourselves.”  

Hughes and babies were massacred. His historical voice will live on throughout future generations.

BURMA

HON. JOSEPH R. PITTS  
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. PITTS. Mr. Speaker, I am deeply disturbed by the horrifying reports of increasing repression in Burma. Accounts detail ongoing massacres, torture, burning of villages and churches, and forced labor of villagers by Burma’s military regime in theKaren state and throughout the country. Despite the regime’s promises of change and liberalization, Burma’s military dictatorship has shown more of the same terrible treatment of the people—recently a dozen innocent civilians, including children, were massacred.

I have in my office graphic photos showing the April 28, 2002, massacre in Burma’s Dooplaya district. The photos show the bodies of victims stacked neatly after their murder. The regime’s soldiers shot and killed Naw Daw Baw, a two-year-old girl, and Naw PLAY and Naw Ble Po, two five-year-old girls. Nine others were shot, but fortunately escaped, including a six-year-old boy who played dead until the military left the site. These first-person accounts, plus the photos, provide incontrovertible evidence of the State Peace and Development Council’s (SPDC) horrifying human rights abuses and crimes against humanity as they continue their attempt to subjugate the entire country through whatever means they see necessary.

Mr. Speaker, what possible threat do babies and two and five-year-old little girls present to military men with arms?

Numerous reports from eyewitnesses and credible human rights organizations reveal that this latest massacre is but one example of an ongoing campaign of terror by Burma’s military regime against its own people. The SPDC has burned down scores of villages and forcibly relocated villagers to areas near military bases to be forced laborers. During attacks on villages, the military also has burned down places of worship and tortured and killed ministers and monks. The military regime drove thousands of Burmese and other ethnic villagers into hiding in the jungle—these internally displaced people have tried to flee to Thailand to Join the 120,000 plus living in refugee camps.

In Burma’s Shan state, hundreds, if not thousands, of women have been raped by Burma’s SPDC in its quest to dominate those who struggle for freedom and democracy. Shockingly, Burma’s military regime operates with impunity. Amnesty International, in its most recent report on Burma, says, “No attempt has been made by the SPDC [regime] to hold members of the tatmadaw [military] accountable for violations which they committed, and villagers do not have recourse to any complaint mechanism or other means of redress.”

Mr. Speaker, no one should be forced to live like a hunted animal always on the run, in fear for its life. It is time that the international community wake up and take action against the horrors occurring in Burma. While the military regime wows diplomats, business guests, and others in downtown Rangoon, Burma’s people are fleeing in fear of intensifying and acute repression. Our government and the international community must press the SPDC to immediately cease its campaign of terror against the people of Burma. I urge my colleagues to join in solidarity with the Burmese people by raising their voices for freedom.

IN GOD WE TRUST THREATENED BY PLEDGE SUIT

HON. STEVEN R. ROTHMAN  
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. ROTHMAN. Mr. Speaker, as we are all aware, the Ninth Circuit Court of Appeals recently held that the Pledge of Allegiance is unconstitutional because the phrase, “under God,” combined with daily recitation of the Pledge, violates the establishment clause of the Constitution. Following their victory, the plaintiffs vowed to challenge the motto, “In God We Trust,” which appears on American currency. Fair Lawn, New Jersey Mayor and numismatic expert David L. Ganz recently published an article in the Numismatic News that analyzes why “In God We Trust” was chosen as the national motto, and why it should remain on our currency. With the chair’s permission, I wish to submit this article, entitled “In God We Trust Threatened by Pledge Suit,” for the RECORD. I also urge the members of this body to support the current Pledge of Allegiance and the continued use of “In God We Trust” on our nation’s currency.

[From the Numismatic News, July 16, 2002]

In God We Trust Threatened by Pledge Suit

By David L. Ganz

Front-page news and accompanying legislative denunciations have greeted the decision of the United States Court of Appeals for the 9th Circuit that the nation, “under God,” indivisible, in the Pledge of Allegiance is unconstitutional. The successful plaintiffs have separately pledged to initiate an attack on the national motto, “In God We Trust,” to remove it from U.S. currency.

Although the motto has been attacked recently held that the Pledge of Allegiance is unconstitutional. The successful plaintiffs have separately pledged to initiate an attack on the national motto, “In God We Trust,” to remove it from U.S. currency.

Although the motto has been attacked severally times in other appellate courts, the Supreme Court has never explicitly ruled on it—there is some question as to what success this might have, and the consequences to coin and paper money design.

Involved is the case of Newdow v. U.S. Congress, 00-16423 (9th Cir. June 26, 2002), which was decided by the appellate court that covers California and much of the American West, comprising 20 percent of the nation’s population and about a third of its area and natural resources.

Newdow, an avowed atheist, brought the suit because his young daughter attends a public elementary school in the Elk Grove Unified School District in accordance with state law and a school district rule, teachers begin each school day by leading their students in a recitation of the Pledge of Allegiance.

Young Miss Newdow is not required to say the pledge; that was decided some 60 years ago when the case of West Virginia v. Barnette, a 1943 decision in which the U.S. Supreme Court prohibited compulsory flag salutes. Her father’s objection was that she was intimidated by listening to it, at all.

On June 22, 1942, Congress first codified the Pledge in Public Law 642 as “I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation indivisible, with liberty and justice for all.” (The codification is found in 36 U.S.C. §1927.)

A dozen years later, on June 14, 1954, Congress amended Section 1927 to add the words “under God” after the word “Nation” (Pub. L. No. 83-536, Stat. 249 (1954) (“1954 Act”). The Pledge is now that one “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” (4 U.S.C. §1 (1998)).

The following year, 1955, largely at the instigation of Matt Rothert, later president of the American Numismatic Association, Congress amended the U.S. Code to require the national motto to be placed on all coins and currency. (Earlier, Congress took action to place the motto on the Honest piece (1864), and on some gold coins (1908)).

There is some utility in reviewing what the Pledge of Allegiance is, and for that matter, the history of the national motto, “In God we Trust,” where the “we” is not capitalized and all other letters are.

Francis Bellamy, a Baptist minister with socialist leanings, wrote the original version of the Pledge of Allegiance Sept. 8, 1892, for a popular family magazine, The Youth’s Companion, a Reader’s Digest-like periodical of the era.

The original pledge language was “I pledge allegiance to my Flag and to the Republic for which it stands, one nation indivisible, with liberty and justice for all.”

A generation later, in 1923 the pledge was adopted by the first National Flag Conference in Washington, where some participants expressed concerns that use of the words “my flag” might create confusion for immigrants, still thinking of their home countries. So the word “my” was changed to “the Flag of the United States of America.” In 1954, Congress after a campaign by the Knights of Columbus added the words, “under God,” to the Pledge. God was now both a patriotic and a public prayer.

Legislation approved July 11, 1955, made the appearance of “In God we Trust” mandatory on all coins and paper currency of the United States. By Act of July 30, 1956, “In God we Trust” became the national motto of the United States.

Several courts have been asked to construe whether or not the motto was unconstitutional and a violation of the Pledge Amendment to the Constitution—freedom of religion arguments being raised.

In a 10th circuit Court of Appeals case arising in Colorado v. US, 74 P.3d 214 (10th Cir. 1996), the Court quoted a number of Supreme Court precedents and concluded.
that, “The motto’s primary effect is not to advance religion; instead, it is a form of ‘ceremonial deism’ which through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief.”

As neat a package as that creates for concluding the controversy, that is simply not the history of the motto and Secretary Chase exercised his authority to “In God We Trust.”

The motto was removed for the reason that “Teddy” thought it blasphemy. Congress responded by legislatively directing its continuation.

Where all this leads in the 21st century remains an unknown—but an interesting hypothesis can be derived. The 9th Circuit’s “Pledge of Allegiance” case will be appealed to the Supreme Court as not, because the “In God We Trust” elimination suit will progress in the U.S. district court.

As Justice William O. Douglas noted in a concurring opinion in the 1962 Supreme Court case Engel v. Vitale, 370 U.S. 421 (1962), “Our Crier has from the beginning announced to our countrymen and the whole world that we added ‘God save the United States and this Honorable Court.’ That utterance is a supplication, a prayer in which we, the judges, are free to join.

Justice Douglas, one of the most liberal in first amendment views, saw little the matter with it. Indeed, he said, “What New York does on the opening of its public schools is what each House of Congress does at the opening of each day’s business.”

The 9th Circuit, by contrast, says “The Pledge, as a matter of constitutional law, is an impermissible government endorsement of religion because it sends a message to unbelievers ‘that they are outsiders, not full members of the political community,’ and the accompanying message to adherents that they are, insiders, favored members of the political community.”

An earlier 9th Circuit case in 1970 which dealt with a direct attack on the motto on the coinage was briefly discussed in a footnote of the lengthy opinion. “In Aronow v. United States, 432 F.2d 242 (9th Cir. 1970), this court, without reaching the question of standing, upheld the inscription of the phrase ‘In God We Trust’ on our coins and currency. But cf. Wooley v. Maryland, 430 U.S. 705, 722 (1977) (Rehnquist, J., dissenting) (stating that the majority’s holding lacks logicality to the conclusion that ‘In God We Trust’ is an unconstitutional affirmation of belief).”

Nothwithstanding Justice Rehnquist’s dissent, a more contemporary analysis of his views are more apparent in later cases since his becoming Chief Justice, and they suggest strongly that he has no issue with the pledge on the national motto on coinage.

Most likely, the next several months will see ahardening of positions and a wending process in which the courts decide, and appeal move toward highest court resolution. That could come in 2003 or 2004, in time for it to have impact on the next presidential election.

For now, until a stay is issued, the pledge is out in California and the 9th Circuit; God remains on our coinage, so long as we trust.

HONORING WESTERN NEW YORK GROUND ZERO VOLUNTEERS

HON. THOMAS M. REYNOLDS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. REYNOLDS. Mr. Speaker, during his State of the Union Address, President George W. Bush said, “none of us would ever wish the evil that was done on September the 11th. Yet after America was attacked, it was as if our entire country looked into a mirror and saw our better selves. We were reminded that we are not just one another, but family, to our country, and to history. We began to think less of the goods we can accumulate, and more about the good we can do.”

In Western New York, as in communities across this great nation, we witnessed first hand our better selves: as Americans from all backgrounds and walks of life came together to show their love of country and of their neighbor. We saw it in countless acts of selflessness and heroism: from those brave patriots aboard United Airlines Flight 93 to our police and firefighters, medical and emergency crews, and countless volunteers—who showed us and the world the true strength of America’s heart and America’s character.

Mr. Speaker, I rise today to honor the memory of Glenn J. Winuk, a heroic citizen who sacrificed his life on September 11th to save the lives of others. Glenn served the Jericho community for 19 years as an attorney, an EMT, and commissioner of the Jericho Fire District.

Immediately after the World Trade Center Towers were attacked on September 11th, Glenn, a partner in the law firm of Holland & Knight LLP, helped evacuate tenants of his office building at 195 Broadway, about a block away. Glenn then identified himself as a rescue professional to other rescue workers on the scene, borrowed a mask, gloves, and First Response medic bag to assist others as the South Tower fell minutes later. His remains were recovered, medic bag by his side on Wednesday, March 30th, 2002.

Glenn Winuk was an attorney, but his real passion was firefighting. His passion and bravery were displayed on many occasions, such
as rendering aid in 1993 when terrorists bombed the World Trade Center and in 1990 at the Avianca plane crash on Long Island.

On September 11th, Glenn ran to Ground Zero as a volunteer firefighter and EMT worker. He acted quickly and without regard for his own life, only for those in trouble. It was not Glenn's responsibility to put his life on the line for others that terrible day. But he had the training to help and was in the position to do so. Glenn Winuk paid the ultimate price while saving the lives of others, and his memory will serve as a testament to his bravery. Let us honor the life he gave, and the heroic legacy he left behind.

THE CONTRACTOR ACCOUNTABILITY ACT OF 2002

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. MALONEY of New York. Mr. Speaker, today I introduce legislation that will fortify the current Federal debarment system. The United States is the largest consumer in the world and invests over $215 billion in goods and services annually.

Yet the Federal government's watchdogs, the Federal suspension and debarment officials, currently lack the information they need to protect our business interests. We have no central way of accounting for the performance of our purchases. Beyond a listing of currently debarred or suspended persons, officials are limited to their individual agency's knowledge of an entity's track record, press reports and personal contacts with other agencies. The American public's knowledge is limited even further. Often times this allows Federal contractors and assistance recipients to repeatedly violate Federal law yet still receive millions of dollars from the Federal government. In a time when corporate accounting scandals are being revealed at an unprecedented pace, isn't it wise to have a full accounting of the Federal government's investments?

A recent report conducted by the Project on Government Oversight (POGO) discovered that 16 of the 43 top Federal contractors (based on total contract dollars received) have a total of 28 criminal convictions. The top 4 contractors have at least 2 criminal convictions since 1990.

The Contractors Accountability Act of 2002 establishes a centralized database on actions taken against Federal contractors and assistance participants, requiring a description of each of these actions. This will provide debarring officials with the information they need to protect the business interests of the United States. It places the burden of proving responsibility and subsequent eligibility for contracts or assistance on the person seeking contracts or assistance should they have been previously convicted of two exact or similar violations that constitutes a charge for debarment. Additionally, it improves clarifies the role of the Interagency Committee on Debarments and Suspension (ICDS) that provides for retention by the prosecuting Federal agency of fines paid by offender for reimbursement of costs associated with suspension and debarment activities.

LATINO CHILDREN AND HEALTH DISPARITIES

HON. CHARLES B. RANGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. RANGEL. Mr. Speaker, I rise to call to the attention of my colleagues the growing health problems of Latino children.

The Journal of the American Medical Association reports that children have suffered from "a disproportionate number of health problems that have been poorly studied." Diabetes, obesity, and asthma are disproportionately prevalent in the Latino community. Additionally, about 30% of the Latino population are uninsured and of those that do have health insurance, many have problems gaining proper access to medical attention.

Language barriers often continue to exist despite the executive order issued by President Clinton in August 2000 "mandating that physicians who receive Medicaid and Medicare as minority populations must do for patients who do not speak English." Yet citing cost, national medical associations are opposed to implementing these services.

Far too little health research has been conducted within minority populations. This fosters a lack of clarity of common diseases among minority communities.

As a result, medical practitioners are hampered in developing culturally sound interventions that promote the well-being of minority individuals. For example, why do Latino children tend to receive less pain medication than white or African-American children while hospitalized for limb fractures?

Access to health care, quality of care, health insurance coverage, environment, and lifestyle are most likely the contributing factors, but we do not understand the dynamics of why minorities, especially children, are not benefiting from our health care system.

Eliminating health disparities in minority communities has been a major goal since the year 2000. In that year, the Office of Research on Minority Health (ORMH) established in 1999, was elevated to the National Center on Minority Health and Health Disparities (NCMHD). This effort was encouraged by Congress to "promote minority health and to lead, coordinate, support, and assess the NIH effort to reduce and ultimately eliminate health disparities and to reach out to minority and other health disparity communities."

It is imperative that we begin to envision this country as a place where all populations have equal opportunity to live long, healthy, and productive lives. More research on health disparities must be conducted and doctors, health officials, and the American people must recognize that these disparities are a very real problem.

We must take a stand to seriously address the health disparities within Latino children and other minority populations.

CELEBRATING SALVADORAN DAY

HON. MICHEL M. HONDA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. HONDA. Mr. Speaker, I rise today to applaud the California State Legislature for its efforts to recognize a day that celebrates the contributions of the Salvadoran community in the State of California. On August 6, 2002, the State of California will officially celebrate El Dia del Salvadorano (Salvadoran Day) for the first time. There are more than 275,000 Salvadorans in California, the majority of whom reside in Los Angeles County. These individuals have actively participated in the professional and political arenas, as well as many other fields. It is my hope that the strengths, struggles and triumphs of this culturally-rich community can be remembered and passed on for generations to come.

Salvadorans throughout California and El Salvador currently celebrate Salvadoran Day on August 6 as an act of remembrance and celebration. This year’s celebration is expected to draw up to thirty thousand people. Historically speaking, the official founding of El Salvador occurred on August 6, 1525, in the Valle de las Hamacas (Valley of the Hammocks). In this place, the indigenous peoples of Central America fought historic battles against the Spanish conquistadors. The spirit of those indigenous warriors lives on in the Salvadoran people today and is evident in their will to survive and fight to better the lives of their families and communities.

The Salvadoran American National Association (SANA) should be commended as well for its actions on behalf of Salvadoran communities across the country. SANA is a multi-ethnic organization founded by Salvadoran-American citizens who have been involved in the community for over 25 years.
Mr. Speaker, I am very proud of the California Legislature and SANA for their contributions to the Salvadoran community. Having served two years as a Peace Corps volunteer in El Salvador, I am especially touched by this issue because of my close ties to the people there and to the Salvadoran community in California. I would like to thank the bravery, the generosity and friendship of the Salvadoran people, and I am proud to celebrate with them this Dia del Salvadorero.

JUNIOR ACHIEVEMENT VOLUNTEER OF THE YEAR DAVID SCHRADER

HON. PETER HOEKSTRA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. HOEKSTRA. Mr. Speaker, I rise today in recognition of a distinguished resident of Michigan’s Second Congressional District who is being honored by an organization that has had an immeasurable impact on America. David Schrader, of Baker College in Muskegon, has volunteered for 2 years and taught 34 JA classes in that time. Each class encompassed an hour of time and focused on the teaching of fundamentals of business and economics to students. Having started his own accounting firm, and through his work as a professor at Baker College, Mr. Schrader was able to share his professional insights and experiences with the students he instructed.

Mr. Schrader brings a unique energy and enthusiasm to the classroom, and he always goes above and beyond in his efforts. He has volunteered to teach students at the elementary, middle and high school levels, and he has volunteered in rural parts of Michigan, so that young people in those areas can share in the important business and economic educational programs supported by JA as well.

Founded in 1919 as a collection of small, after-school business clubs for students in Springfield, Massachusetts, Junior Achievement serves as a testament to the human spirit and American ingenuity. Mr. Schrader is one of the more than 100,000 volunteers who assist JA in spreading the free enterprise message of hope and opportunity to young people across America.

Mr. Speaker, David Schrader represents the proud and longstanding tradition of volunteerism in the State of Michigan. I wish to congratulate him on his accomplishments and for his outstanding service to Junior Achievement and the students of Michigan.

ON THE PROGRESS OF FUEL CELLS AND THE CONTINUING NEED FOR ALTERNATIVE ENERGY SOURCES

HON. MICHAEL R. McNULTY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. McNULTY. Mr. Speaker, on Tuesday of this week, at the Town Hall in Babylon, Long Island, located in New York’s Second Congressional District and represented by my colleague, Mr. Israel, without much fanfare, we saw into the future.

A device was switched on, Mr. Speaker, that—by converting natural gas to hydrogen—produces both usable electricity and usable heat. The heat is used to warm the building, and the electricity is harnessed and channeled to supplement the structure’s power supply. And no contaminants or particulates of any kind are, or will be, released into the atmosphere or water supply at any point in the process.

This device is the first of its kind in use in the State of New York to provide the combined supplemental heat and electricity for a building. This device is called the “GenSys5C” and is produced by Plug Power in Latham, New York—which, I am proud to say, is located in my Congressional District. This device, Mr. Speaker, is called a fuel cell.

Last year, I joined a number of my colleagues from both sides of the aisle to introduce H.R. 1275, a bill to provide tax incentives for the development and production of fuel cells and related technologies.

Wisely, this tax credit was included in both the House-passed and Senate passed versions of the energy bill. As our colleagues on the conference committee meet to resolve the differences, I encourage them to support the preservation of this provision in the final report.

Fuel cells, Mr. Speaker, represent the future of energy efficiency, the future of clean and renewable heat and electricity energy sources for our Nation.

There are solutions to our energy crisis that avoid the continued depletion of our natural resources and destruction of the environment, and fuel cell technology is one of them. I am proud to call attention to the milestone reached on Long Island by Plug Power. I call this a cold, but no ailment serious enough to make her stay home.

I may have sneezed or something, or had a little bit of a cold,” she said. “If I had a headache, I just went in there. If I was around people, I would forget.”

Parsons said she doesn’t take vitamins or use secret herbs. “I eat whatever I want,” she said. “I eat a lot of TV dinners, whatever sounds good or looks good at the time.”

She gets some exercise. There’s ballroom dancing and the six-block walk to the bus to stop each workday, and back again, from her home in suburban Maryland. But she credited her good health to the joy of “being around people.”

Her boss, Van Harp, who heads the FBI in Maryland, called her “Millie” by her co-workers. “She was a joke. Her sense of humor was second to none.”

Ms. Parsons moved to FBI headquarters in Washington in 1990, she was a federal agent in charge of the Baltimore field office. She is retiring this month.

By the end of her career yesterday, she had worked under six FBI directors and 30 bosses at the field office. “People ask who my favorite boss was,” she said. “That’s something I do not discuss.”
I enjoyed working for the majority of them. Everyone had a little different style, which made it more interesting."

Some notable moments included being summoned to the office of J. Edgar Hoover, who wanted to give her a 10-year anniversary pin for her service. "He was very, very nice, very formal," recalled Parsons.

She also remembers the time she spoke with Shirley Temple. Her boss in the early 1960s, who was from California, had friends in Hollywood. One day, he asked her to get the actress on the phone.

'I gave her my name, I said, 'I think I've seen all your movies.' . . . I had to tell her that.'

Parsons was always discreet about discussing her work. She wouldn't even share FBI information with her husband, who drove her to work every day until his death in 1967.

With leisure at hand, she plans to continue with ballroom dancing and keep up with her favorite television program, "JAG."

Other than that, "I have no plans. . . . I can't help but miss [the FBI]. I mean, I've been here for over 62 years. It will probably take a while to get used to it.'

COMMENDING MS. SUSAN FULLER

HON. MICHAEL M. HONDA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. HONDA. Mr. Speaker, I rise today to express gratitude to Santa Clara County's outstanding librarian, Susan A. Fuller, who has announced her retirement after 37 years serving Santa Clara County. Susan has performed her duties with great dedication and leadership. Her work will be missed, but always appreciated.

During Susan's service as County Librarian, the library was ranked first in the nation for its size in Hennen's American Public Library Index for the year 2000. Susan has the responsibility of working with the staff and elected officials of ten jurisdictions to restructure the County Library after tax shifts that caused a 40 percent revenue loss.

One of Susan's most notable accomplishments was her ability to build library use from 2,500,000 materials in circulation in 1985 to nearly 8,450,000 materials in 2001. Her loyalty during a time of great stress in California libraries reflects her enthusiasm and strength.

Furthermore, her welcoming personality enabled her to develop trusting relationships with ten district jurisdictions.

During her time with the library, Susan showed her interest in improving library services through renovation and increased electronic services. She was honored with Library Journal's title of National Librarian of the Year 1998. In 1995, she received both the "Outstanding Public Administrator of the Year" and "Outstanding Public Program of the Year" awards from the Santa Clara Valley Chapter of the American Society of Public Administrators. In 1991, Susan also negotiated two highly politicized censorship issues: the rights of minors to access material on video and through the library.

Susan has been a true role model for the community, and has excelled in many facets of her job since she earned her Masters in Library Science from the University of California at Berkeley. Susan has, however, made many intangible contributions during her career as well. She has always demonstrated a firm commitment to the principle of protected access to knowledge and information, access she believes should be equally available to all citizens. She has stood firm in the face of censorship, fought for freedom of speech, and when it has been attacked by not only lawmakers but also from others within the library system who would compromise this important cornerstone of American democracy. Her work is commendable, and the ideals that drive her are equally remarkable.

Mr. Speaker, it is my great pleasure to honor Susan Fuller before the House. I extend my congratulations and warmest wishes to Susan for her commendable contributions.

HONORING JAKE SCHEIDEMAN FOR BEING WORLD CITIZEN OF THE YEAR

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. THOMPSON of California, Mr. Speaker, I rise today to honor Jake Scheideman for his humanitarian work in Nicaragua and his dedication to both his local community and the world. As a resident of my hometown of St. Helena, California, Jake has inspired the people around him as well as the people of Nicaragua. He has been recognized as one of St. Helena's World Citizens of the Year.

Jake Scheideman has spent the last decade traveling between the United States and Nicaragua on a mission to build a baseball field in the small town of Matagalpa, Nicaragua. He has raised over $50,000 for the project and has brought dozens American volunteers to Nicaragua to assist with the building of the dugouts and backstops. He has been helped by General Charles Wilhelm, General Carrion of the Nicaraguan Military, Ambassador Oliver Garza as well as many others. The involvement of so many distinguished people attest to Jake's ability to motivate and inspire.

However, where Jake's mark is most visible is in the community where he worked. The residents of Matagalpa, Nicaragua and its surrounding areas have come to call the project the "Field of Dreams." An American Flag flies beside the Nicaraguan Flag and is proudly raised at every game.

Jake Scheideman received a Bachelors Degree in Business Management from Pacific Union College in 1981. After graduation Jake moved to St. Helena where he quickly became involved in the community. He was a Parks and Recreation Commissioner for six years, a member of the Napa Valley Conference and Visitors Bureau Board for four years and was President of the St. Helena Merchant Association. He has been active in the St. Helena Chamber of Commerce, serving as its President in 1999. He also founded important community events and organizations. Jake has been a Volunteer Firefighter and Emergency Medical Technician for the St. Helena Volunteer Fire Department for twelve years.

Mr. Speaker, let me recognize the achievements of Jake Scheideman. At a time when this country is feeling the repercussions of the inhumane acts of September 11th and needs positive inspiration, Jake Scheideman reminds us of the humanity and compassion that is still out there.
in order to build safer and more secure neighbor-
hoods to reduce crime, decrease local vio-
ence, and lower the demand for drugs. NATW
provides information, program support and
technical assistance to its associated mem-
bers, which include Neighborhood, Crime,
Community, Town and Block Watch groups,
local and state and regional crime prevention
organizations, businesses, civic groups, and community volunteers.

I greatly support the mission of NATW and
National Night Out, and in past Congresses
have introduced resolutions in recognition of
NNO, and have supported continued funding
for the program. The House passed resolu-
tions in support of National Night Out in 2000
and 2001.

This year I have again introduced a resolu-
tion expressing support of the House for this
important event. H. Res. 437 commands Na-
tional Night Out and encourages the Presi-
dent and his administration to focus appropriate at-
tention on neighborhood crime prevention
and community policing, and to coordinate federal
efforts to participate in “National Night Out”,
including supporting local efforts, neighbor-
hood watches and local officials to provide
homeland security.

I am grateful to Chairman SENSENIBRENNER
and the Judiciary Committee for last week’s
voice vote passage of this resolution, and I
thank Chairman SENSENIBRENNER for his great
help on this issue.

Recently the Senate passed Senators BIDEN
and SPECTER’s companion resolution on NNO,
S. Res. 284. The Senators have also authored
an op-ed that appeared in several news-
papers highlighting NNO. Neighborhood
watch, volunteerism and community-crime pre-
vention, I commend the op-ed written by Sen-
ators BIDEN and SPECTER and request that it
be included in the RECORD.

Neighborhood watch and community crime
prevention are especially important in the
aftermath of September 11th and I encourage
my colleagues to participate in NNO on Au-
gust 6th.

HOW NEIGHBORS CAN HELP THwart
TERRORISM

(By Joseph R. Biden and Arlen Specter)

Remember when neighbors knew neigh-
bors? Remember when you could perch on the
front stoop and talked over the fence?

On Aug. 6 of this year, more than 33 mil-
ion people in 9,700 communities from all 50
states will participate in the 19th-annual Na-
tional Night Out to revitalize the America’s
neighborhood spirit and remind us of a time
when neighbors routinely looked out for one
another, and everyone knew the cop on the
beat. This year, as our nation recovers from the
shock of Sept. 11, we encourage everyone to
participate.

This will be a National Night Out Against
Crime, and we urge every citizen from coast
to coast and town on outside lights, to look
over the fence and open the gates, get to
know your neighbors, meet with local police,
and participate in block parties and parades.

In concert with the National Association of
Town Watch, National Night Out has been
at the forefront of community crime preven-
tion and neighborhood watch for nearly two
decades, providing a mechanism for citizens to
become active supporters and caretakers of their
communities.

The effort involves citizens in all 50 states
who volunteer to make a difference by lead-
ing anti-crime efforts in their communities—
restoring the sense that we are all members
of a community and that our common con-
cerns and shared values are as important as
individual rights. When we act together, and
look out for one another, our communities
become safer, safer. By participating in NNO,
we are working together to confront the
destabilizing challenges and创造
safe places in which to live and raise our families.

One of the reasons we so strongly sup-
port the concept of neighborhood watch is that it
literally creates and strengthens social bonds. The
seeds of National Night Out were planted in our
tri-state area of Pennsylvania, New Jersey, and
Delaware nearly two decades ago.

What began in a few mid-Atlantic states has
now grown to become a national grass-
roots event supporting communities orga-
nized in local chapters to fight crime year
round. It is an amazing event when you con-
side that currently one out of every nine
Americans participates.

We believe in a neighborhood watch con-
cept because it works. Studies show that 85
percent of all police arrests are the direct re-
sult of a citizen phone call. They also show
that neighborhood watch programs effect-
ively lower crime rates.

Neighborhood Watch programs, like those
championed during the National Night Out
event, have been a valuable part of crime and
drug prevention for decades. Today, crime
watch programs also can play an important
role in heightening awareness to combat ter-
rorism and uniting neighborhoods to respond
and assist one another in the event of emer-
gencies.

At a time when homeland security is on
the minds of everyone, we support every ef-
fort to bring Americans together by per-
suading them to volunteer in their commu-
nities.

With the nation on a permanent terror
alert, neighborhood volunteers can play a
crucial role in identifying potential dangers
and, if need be, alerting law enforcement and
emergency officials. Psychologically, the
knowledge that trusted members of our com-
unity are providing an extra measure of se-
cURITY should reassure everyone.

We applaud every effort to support Neigh-
borhood Watch because it is about building
community, preventing crime, and, now,
thwarting terrorism. Working side by side
with local law enforcement, neighborhood
watch crime watch groups are an invaluable re-
source.

The tragic events of last Sept. 11 reminded us
of the fragility and frivule of our faith, neighbors, and communities. It also re-
mined us how closely all of America’s com-
munites are linked.

Every year, National Night Out serves as a
great opportunity for Americans to get to
know their neighbors, become involved in
their communities, and show their sense of
patriotism.

This Aug. 6, National Night Out will bring
Americans together again to help make a
difference, one doorstep at a time. Let’s all
be part of it.

COMMEMORATING THE AMERICAN
MUSEUM OF ASIAN HOLOCAUST
OF WWII (1931–1945)

HON. MICHAEL M. HONDA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

FRIDAY, JULY 26, 2002

Mr. HONDA. Mr. Speaker, I rise today to
congratulate Eugene Wei on the grand open-
ing of his American Museum of Asian Holo-
cast, located at 400 Taylor Avenue in Falls
Creek, Pennsylvania. The museum came
about as a result of Mr. Wei’s vision. I com-
mend Mr. Wei for having the foresight to cre-
ate such an important learning institution.

The mission statement of the museum is “to
remember those events of World War Two in
Asia, preserve them through photographs, writ-
ten word and multimedia, and to educate
the public now and in the future that the
wounds of the past may be healed through re-
pentance of the perpetrators and forgiveness
from the victims and their families.”

This museum will have photographic exhib-
ts of the Asian Holocaust of World War Two,
which was perpetrated by the invading and oc-
cupying forces of Japan in Asian countries in-
cluding China, Korea, the Philippines, Singa-
pore, Indonesia, and Malaysia, as well as sto-
 ries of the American defense of Bataan and
Corregidor. The museum will tell the story of
the plight of the American POWs who were
forced to work for Japanese companies as
slave laborers in coal mines, shipyards, cop-
per mines and steel mills and their horrible
hell ships experiences.

Existing exhibits made by the Alliance for
Preserving the Truth of Sino-Japanese War
(APTSJW) on the Rape of Nanking, Comfort
Women, and Japanese Unit 731 biological
and chemical warfare, will be on display at the
museum as well. A special display on anthrax
attacks in China by Japan during the years
1942–1944 will also be present.

I commend Eugene Wei for educating the
public about the atrocities that took place in
the Pacific Theater during World War Two. This
is not an easy history to tell, but it must
be told so that we do not repeat it in the fu-
ture. Mr. Speaker, I encourage all those
who have the opportunity, to visit this impor-
tant museum.

MINNESOTA’S 10TH ANNUAL
STAND DOWN

HON. BETTY MCCOLLUM
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

FRIDAY, JULY 26, 2002

Ms. MCCOLLUM. Mr. Speaker, I rise today
to congratulate Minnesota Stand Down, an
annual Stand Down, held August 1–4, 2002.

Minnesota Stand Down is an annual event
that provides homeless veterans and their
families with a break from the daily struggles
of unemployment, personal issues, and med-
ical and legal problems. Over the past nine
years, 3900 volunteers have gathered on the
banks of the Mississippi River to give their
time and energy serving thousands of home-
less and near homeless veterans and their
families. The unified efforts of these volunteers
provide a brief, yet welcoming, respite for
those veterans who face the struggles of the
street and the despair of poverty.

I am proud to be a cosponsor of a bill rec-
ognizing the merits of Stand Downs and in-
creasing the number of Stand Downs in Amer-
ica. H.R. 3271, the Bruce Vento Stand Down
Act, will enact a pilot program authorizing
the Secretary of Veterans Affairs to conduct
and participate in at least one Stand Down in
every state. This effort will also increase the
number of Stand Downs in America through a
partnership between the Department of Vet-
 erans Affairs’ service organizations, and
community volunteers in coordinating Stand Down events for our nation’s homeless
veterans.
The Minnesota Stand Down is a fitting and worthy event, recognizing the efforts of the veterans in our community and providing needed relief from the difficulties of day-to-day life. As a state legislator, I was especially proud to represent veterans in Minnesota and champion their patriotism, courage and honor. As a member of Congress, I will continue working to support Stand Downs across the country and I encourage my colleagues to do the same.

RECOGNIZING NORM AND LINDA MANZER FOR BEING WORLD CITIZENS OF THE YEAR

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. THOMPSON of California, Mr. Speaker, I rise today to honor Norman and Linda Manzer for being named St. Helena World Citizens of the Year 2002. As residents of St. Helena for over 30 years, they have continued to make positive contributions to my hometown.

Norm and Linda Manzer have dedicated their lives to making their city, their country and the world better through community service. Norm and Linda have made thirteen trips to Russia in the past decade for humanitarian work with Rotary International, which is an organization of business and professional leaders united worldwide who provide humanitarian service, encourage high ethical standards in all vocations and help build goodwill and peace in the world. Norm and Linda have been instrumental in Rotary International’s Children of Russia Project. Norm and Linda’s tireless work to improve the lives of the Russian people has been invaluable.

Norm has worked as a General Insurance Agent for 29 years. His insurance office has grown along with the St. Helena community to provide for over 1200 families. He has volunteered his time to a number of organizations. He served as the President of the Silverado Chapter of the American Red Cross, President of the St. Helena Chamber of Commerce. He is a member of the Napa County Farm Bureau and the co-founder of Friends of Napa Valley. He has lectured at Pacific Union College and St. Helena High School.

Linda has dedicated her life to her family and community. In addition to her community service work, she and Norm raised two wonderfully successful children.

Mr. Speaker, please join me in recognizing the achievements of Norm and Linda Manzer. The town of St. Helena, the entire Napa Valley, and our nation should aspire to achieve the success of these two great Americans.

LOUIE BERENSON
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. MALONEY of New York, Mr. Speaker, for almost seven years, Lori Berenson, an American, has been imprisoned in Peru under exceptionally harsh conditions that have seriously affected her health. From the beginning, many of us have said that Lori’s convictions were based on extremely flawed trials in which she was denied due process. Her first conviction by a hooded military tribunal was so tainted that it was thrown out by Peru. Earlier this month, the Inter-American Commission on Human Rights announced that her second trial was also flawed, determining that the Peruvian government violated Ms. Berenson’s rights.

Indeed, much of the evidence used against Lori was gathered during her discredited military trial, in many cases from witnesses who had been subjected to torture. Most of the witnesses have since recanted their earlier statements. The only witness against Lori at the second trial received a reduced sentence in return for his initial testimony condemning Lori and, on the eve of Lori’s second trial, was given a new trial so that he can get another reduction in sentence. Furthermore, court proceedings clearly show that the judges had decided the verdict long before this trial began. How fair is a trial in which a judge proclaims a defendant guilty while witnesses are still being heard? Even this badly tainted court admitted that Lori was innocent of terrorist acts or of belonging to a terrorist organization. Further, the law under which Lori was convicted has been widely condemned by the international community for its broad scope and outrageously harsh penalties.

The Inter-American Commission has spoken and Peru should listen. Lori has condemned terrorism and has said that she opposed the violence and deaths there have been. Peru embarrasses itself by continuing to keep her in prison based on a flawed trial and an indefensible statute.

She has been in prison for far too long. It is time for Lori to come home.

COMMENDING MR. DENNIS DEMELLOPINE
HON. MICHAEL M. HONDA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. HONDA of California, Mr. Speaker, I rise today to commend Mr. Dennis DemelloPine, and to wish him and his fiancee, Miss Pattie Christman, the very best on the occasion of their wedding. A native of Santa Clara, California, Mr. DemelloPine has devoted a tremendous amount of time and energy to community leadership, labor leadership, and charitable causes. His greatest contribution, however, has been his professional career-thirty years of dedicated service to the Bay Area as a firefighter.

Dennis’s love for aviation as a young man led him to become a United Airlines mechanic, in which capacity he perfected the skills that would eventually help him become a licensed pilot. But Dennis decided to make aviation an avocation rather than a career, and in 1972, he joined the Santa Clara County Fire Department. Over the course of the next decade, Dennis served in several different communities, and became a Fire Captain in 1979. A few years later, he settled in permanently at the University Avenue Station in Los Gatos, where he has served for the last twenty years. His fellow firefighters could not have been happier with the town’s new captain. Dennis is not only a great friend, but a great professional. His leadership has made an invaluable contribution to the fire department more efficient and accessible.

Dennis’s commitment to family is every bit as strong as his commitment to the community and to his career. He has close relationships with his brothers, cousins, aunts and uncles, relationships serving as an important balance to the demanding nature and stressfulness of his job. Most importantly, Dennis has been a good friend and a great parent to his son for his whole life, and much of the success Dennis has enjoyed in life can be attributed to this wonderful woman.

Mr. Speaker, I commend Mr. Dennis DeMelloPine and wish him and his lovely fiancee, Miss Pattie Christman, all the best on the occasion of their wedding. They have both brought much happiness and security to our community, and may they now do the same for each other.

TRIBUTE TO THE LIFE SERVICE OF MARION P. CARNELL
HON. LINDSEY O. GRAHAM
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. GRAHAM of South Carolina, Mr. Speaker, I rise today to honor Marion P. Carnell of Ware Shoals, South Carolina. Mr. Carnell has lead an extrordinary life, more than half of which has been dedicated to our state in the capacity of a state legislator. I am proud to represent him in the United States Congress.

Mr. Carnell graduated from Ware Shoals High School in 1945. Among his many accomplishments is an Honorary Doctor of Law Degree from The Citadel in 1993 and an Honorary Ph.D. of Law from Lander University in 1999. Currently Mr. Carnell is a successful retail merchant and President of Piggly Wiggly Supermarket of Ware Shoals, South Carolina. Mr. Carnell and his wife of 52-years, Sara, are the proud parents of Marion Ray and the late Toni Lynn. They
are also the proud grandparents of five grandchildren.

Since being elected to the General Assembly in 1961, Mr. Carnell has diligently worked to improve the health care system in South Carolina, taking extra steps to advocate for the mentally and physically disabled.

On several occasions many organizations have named Mr. Carnell legislator of the Year. The Greenwood Area Chamber of Commerce inducted Mr. Carnell into the Greenwood County Hall of Fame for his contribution to the economic prosperity and quality of life in Greenwood County. In 1982 he was named the Woodman Outstanding Man of the Year, in 1990 he was awarded the Special Service Award, and in 1995 and 1999 the S.C. Citizens and Merchants Association honored him as an Outstanding Legislator. These are just a few of his many accomplishments that have set him apart and are a testament to his service to South Carolina.

I am exceptionally proud to note that Mr. Carnell has recently received the Order of the Palmetto. Awarded by the Governor of South Carolina, this award is the state’s highest civilian honor. Mr. Carnell rightly deserves this great honor for his 40 years of hard work and dedication in ensuring a bright future for our state.

Mr. Speaker, I hope this body will join me today in honoring Mr. Marion P. Carnell for his hard work and dedication to the people of South Carolina.

EXTRADITION TREATY WITH MEXICO
HON. DAN MILLER OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. DAN MILLER of Florida. Mr. Speaker, I rise today to bring an issue to the floor of great importance to every member of this body and to the entire nation. Throughout my career on Capitol Hill I have worked hard to ensure that criminals who flee our borders are returned to face our justice system. Unfortunately, many criminals are never returned to the United States, particularly those who flee to Mexico. Too many criminals are running south where, in violation of our bilateral extradition treaty, the government refuses to extradite criminals who may face a penalty of life imprisonment or the death penalty. This is an outrage! Why should hardened criminals with no respect for human life be allowed to serve lesser penalties in Mexico or even be set free in direct violation of our treaty? They should not. They should be returned to face our legal system.

This is a problem that has tormented many prosecutors and plagued many states, including my home State of Florida. I recognized the need for extradition reform after Jose Luis Del Torro killed a mother of four in Sarasota, Florida and fled to Mexico. After an enormous amount of negotiation, we were able to bring Del Torro to justice. But instead of a possible death sentence, arrangements were made for Del Torro to spend the rest of his life in a jail cell.

In May of this year, David March, a dedicated 33-year-old Los Angeles County Sheriff’s Deputy, was shot to death during a routine traffic stop in Irwindale, California. The prime suspect in the cold-blooded execution style murder of this police officer is a known and repeated violent criminal and is believed to have fled to his native Mexico. If arrested in Mexico, there is no guarantee that Deputy March’s killer will ever be brought to justice. Current Mexican policy prevents extradition for any future prosecution in the United States for the murder of Deputy March—a crime that under California law requires at least a potential life sentence.

For years criminals have fled our southern border to evade our justice system, and we now have a case where a cop killer is believed to have done the same.

Mr. Speaker, Mexico claims that no matter what the crime, a criminal can in fact be rehabilitated and thus does not respect our penalties. Our penalties, however, are the way we, the United States, send a message to those who disdain our laws and way of life. I strongly urge everyone in this room to support extradition reform and ensure that cop killers do not flee to Mexico to escape justice.

HONORING THE BLUE CROSS OF CALIFORNIA STATE SPONSORED PROGRAMS FOR THEIR DEDICATED SERVICE
HON. MIKE THOMPSON OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the Blue Cross of California State Sponsored Programs (BCC SSP) for their dedicated service to the citizens of California. The BCC SSP has had a tremendous impact on over one million low-income Californians who would otherwise be without health insurance. BCC SSP is the largest commercial health plan provider in California’s Medi-Cal Managed Care and Healthy Families Programs, and is the only health plan that serves every county in the state.

One of the primary challenges that the BCC SSP has faced is the vastly different ethnic and regional characteristics of California. To meet the challenge of serving this diverse population, the BCC SSP has created Community Resource Centers in eleven counties. These centers are staffed by local professionals who have a deep understanding and commitment to the community. Using this regional approach ensures that every community gets the most appropriate and helpful health care services it needs.

The BCC SSP has received awards from the California Department of Health Services for quality improvement and clinical quality of care standard assessment studies. In 2001 the American Association of Health Plans recognized five of BCC SSP’s innovative member service programs as Best Practices, including: the Asthma Management Program, the Pre-natal Program, its AIDS Program, the Fire Safety Program and the statewide Telemedicine Program. The BCC SSP has received numerous awards for its innovation in health care.

Mr. Speaker, it is appropriate at this time that we recognize the Blue Cross of California State Sponsored Programs for the tremendous services that they provide for the people of California. The programs are true assets to the State of California and its communities and I speak on behalf of the people of California when I thank the BCC SSP for its services.

THE LAW ENFORCEMENT PARTNERSHIP TO COMBAT TERRORISM ACT
HON. JIM SAXTON OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. SAXTON. Mr. Speaker, I rise today to introduce the Law Enforcement Partnership to Combat Terrorism Act. This legislation seeks to designate 25 percent of available COPS grant funding for the hiring and training of intelligence officers and analysts by state and local police departments, in an effort to further promote our nation’s anti-terrorism efforts.

Much has changed since September 11, 2001. With a heightened awareness of the devastating effects of terrorism, our nation is undergoing change on every level, in order to ensure that National and Homeland Security are at the forefront of our agenda.

As the Chairman of the House Armed Services Special Oversight Panel on Terrorism, I have played an active role in many of these initiatives. While many important steps have already been taken in fighting the war on terrorism, I believe that more can be done to ensure a concentrated, connected, nation-wide effort.

To this end, I feel that it is imperative to enhance the anti-terrorism efforts of our police departments, as opposed to simply providing funding for the traditional community policing efforts. Designating 25 percent of available COPS funding to increase the number of law enforcement officers involved in activities that are focused on intelligence efforts is an important step in this direction.

The Law Enforcement Partnership to Combat Terrorism Act states that specialized training will be provided for one intelligence officer and one analyst officer per grant recipient. Such training will include enhancing the officers’ observation, information gathering, foreign language, and analytic skills necessary to spot terrorist threats in their communities. The officers, in turn, will share their skills with the other members of their police force. In addition, my legislation directs the Attorney General to ensure that all intelligence and analyst officers have top secret security clearances. Such security clearances will allow these State and local law enforcement officers to share information with Federal officials, facilitating a concentrated effort.

By providing the necessary funding, we can further promote coordination among Federal, State, and local law enforcement officers to ensure an interconnected, concentrated effort in our war on terrorism. I am confident that these efforts will be successful in allowing state and local law enforcement officers to play a vital role in the enhancement of our Homeland Security.
CONDEMNING THE HUMAN RIGHTS VIOLATIONS AGAINST WEST PAPUA BY THE INDONESIAN GOVERNMENT

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. UNDERWOOD. Mr. Speaker, I rise today to bring attention to a problem of growing concern in Southeast Asia. I want to inform my colleagues of the human rights violations committed by the Indonesian government against the people of West Papua. For the past forty years, West Papuans have lived under the rule of a government that has virtually declared martial law on people who only want to participate in the determination of their own destiny. Like in East Timor before their independence from Indonesia, the military and local law enforcement officials continue to violate the human and civil rights of West Papuans.

West Papua has been under the rule of foreign governments for almost three hundred years, beginning with colonization by the British in 1793 to the Dutch in the mid twentieth century. In the early 1960s, West Papuans almost achieved a form of self determination with a Dutch-sponsored election for a local government called the West New Guinea Council. Unfortunately, the results of the Dutch plan were rejected by the United Nations. The Indonesian military subsequently invaded West Papua. After nearly a decade of uncertainty, the U.N. in 1969, supervised a vote for the so called “Act of Free Choice” which gave representatives a vote between independence or continued rule under the Indonesian government. This vote did not truly reflect the opinions of the West Papuans because only 195 out of the 1,026 elected representatives actually voted. As reported in New Internationalist Magazine, most of those votes were cast under pressure by military leaders.

Over the years, the people of West Papua formed an independence movement coordinated by the Papuan Council under the leadership of Mr. Theys Hijoo Eluay. I am sad to report that Mr. Eluay, a revered figure among his people, was assassinated last November. According to a report published by the Institute for Human Rights Study and Advocacy, Mr. Eluay’s death was caused by asphyxiation. While this report only moderatelly implies that the military and police were responsible, it recognizes that the assassination may be part of a military strategy to quell the independence movement. Other tactics used include arbitrary executions, random detention, torture, kidney and rape have been frequently used by the military. The Indonesian government has declared that any protest or congregation of dissident groups would be seen as treason and stopped immediately.

A few weeks ago, I had the pleasure of meeting with Mr. Thom Beanal, Acting Chairman of the President of the Papuan Council and Mr. Willy Mandowen, Facilitator for the Dialogue for the Presidency of the Papuan Council. These men and their colleagues, who are proponents of independence and human rights, happen to cause through peaceful means, yet they continue to face threats of physical harm by the military who oppose the independence movement.

I ask my colleagues to imagine living each day under the threat of violence. Imagine living with the knowledge that at least one member of every family in your town has experienced a loss of a loved one at the hands of the Indonesian militia. Imagine living with the fear that for some reason you have been targeted, gunmen, only to be found burned and buried in a shallow grave. West Papuans don’t have to imagine. They live with this every day.

We acted in the case of East Timor and the results have been spectacular. Since it became a sovereign nation on May 20, 2002, the people have regained their rights and liberties of which all people are entitled to. Had Congress not intervened when East Timorians were under heavy rule by the Indonesian government, surely they would not be celebrating the new freedoms that they enjoy today.

Mr. Speaker, our actions in East Timor helped give birth to the world’s newest democracy that thrives today. We must continue to note the events in West Papua and take action when it is necessary. For too long, we have remained silent on the issues of human rights around the world. It is time for us to take a stand. I urge my colleagues to join me in condemning the actions of the Indonesian government. A peaceful resolution to West Papuan independence is possible, but it must be with the cooperation of the Indonesian government and military.

HONORING ELI SIEGEL
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. CUMMINGS. Mr. Speaker, I rise today to honor a great Baltimore poet, educator, and founder of Aesthetic Realism, Eli Siegel. Mr. Siegel was born in 1902 and grew up in Baltimore, Maryland where his contributions to literature and humanity began. Mr. Siegel founded the philosophy Aesthetic Realism in 1941, based on principles such as: man’s deepest desire and the proper goal of art, is to lift the world on an honest or accurate basis, and that the world, art, and self explain each other: each is the aesthetic oneness of opposites. Mr. Siegel explained that the deepest desire of every person is “to know the world on an honest basis.” He gave thousands of lectures on the arts and sciences.

Mr. Siegel’s work continues at the not-for-profit Aesthetic Realism Foundation in New York City, where classes, lectures, workshops, dramatic presentations, and poetry readings are offered. In addition, a teaching method, based on aesthetic realism, has been tested in New York City public schools. The teaching method has been tremendously successful. Understanding and using the teaching method may be used as an effective tool to stop racism and promote tolerance; because it enables people of all races to see others with respect and kindness.

In 1925, Eli Siegel won the esteemed “Nation” Poetry Prize for “Hot Afternoons Have Been in Montana,” which brought him to national attention. Eli Siegel’s Multicultural Poems, 1918-1978 was published by the John Day Company. His final book, Aesthetic Realism, was published in 1978. Eli Siegel taught for more than sixty years in the classroom and at the Aesthetic Realism Foundation in New York City. It describes truly some of Mr. Siegel’s philosophy he founded, Aesthetic Realism.

At this time, I would like to insert the Mayor’s proclamation and a few of Eli Siegel’s poems found in the June 5, 2002 of the Aesthetic Realism Foundation magazine for the record.

Eli Siegel died in 1978, but his thinking and the education of Aesthetic Realism will be studied in every English, literature, and art classroom across the nation for years to come.

I would like to end this tribute by reciting a poem Eli Siegel wrote honoring Dr. Martin Luther King, Jr.

SOMETHING ELSE SHOULD DIE: A POEM WITH RHYMES
(Re Eli Siegel)

In April 1865
Abraham Lincoln died.
In April 1968
Martin Luther King died.
Their purpose was to have us say, some day;
Injustice died.
Eli Siegel wrote poems for more than six decades. These poems expressed his thoughts on people, feelings, everyday life, love, nature, history. I am proud to offer this tribute.

Thank you.

—From Aesthetic Realism Foundation, June 5, 2002

THE RIGHT OF AESTHETIC REALISM TO BE KNOWN
BALTIMORE REPRESENTS THE WORLD—
CONTEMPT CAUSES INSANITY

Dear Unknown Friends:
In this issue we reprint the text of a public document that is beautifully important in the history of culture and justice. It is a proclamation by the Mayor of Baltimore, the city in which Eli Siegel spent his early years. Mr. Siegel was born on August 16, 1902, and the proclamation is a formal honoring of him on his centenary, an expression of pride in and gratitude for his work, by this major American city. It describes truly some of Mr. Siegel’s greatness and the profound philosophy he founded, Aesthetic Realism.

The mayoral proclamation was first read publicly on April 28 in the Wheeling Auditorium of Baltimore’s branch of the Pratt Free Library. It began an event hosted by the Library in partnership with the Aesthetic Realism Foundation, “The Poetry of Eli Siegel: A Centennial Celebration.”

I and others have written much about the horrible anger Mr. Siegel met from persons who resented the vastness of his knowledge, the fullness of his honesty, the newness of his thought. The Baltimore Proclamation stands for what is natural and just: if something or someone is great—Eli Siegel is—we should rejoice.

When a public document is mighty it is because, while impersonal, it embodies the deep feelings of people, their beating hearts, and the careful judgment of their minds. This Proclamation does. It resounds and is warm. With its legal structure, it stands, for example, for my own love of Mr. Siegel, my intellectual opinion of him: it represents people now and for all time.

In honor of Baltimore as representing the world, and to show something of Eli Siegel early in his life, we include here two writings by him from the Baltimore American. After his winning the Nation Prize in February 1925, Mr. Siegel was a columnist for the American, a major newspaper of the time.
First, we reprint a column about the firemen of Baltimore. The way of seeing people that is in it stands for who Mr. Siegel was, and is central to Aesthetic Realism. Fifty years later, in his Godfrey Professor lectures of the 1970s, he said with ringing clarity that the most important question for America is “What does a person deserve by being himself,” is the big question today, in 2002: it cries to be asked plainly and answered honestly. It was at the basis of the kind, passionately logical thought of Eli Siegel at age 22 as he wrote about Baltimore’s firemen.

In his teaching of Aesthetic Realism, Mr. Siegel showed that there are two aspects to what is human. He was brilliant and uncompromising about people’s need for both, and we see both in this article: 1) Every person deserves to live with dignity—deserves sufficient money, just compensation for his labor, respectful working conditions. And 2) a person deserves to be comprehended, his thoughts and feelings understood. In Aesthetic Realism, Mr. Siegel provided the means by which every person, in all our dear individuality, can be understood to our very core.

The second writing in the 1925 paper concerns a memorial hall, just opened to the public in Baltimore, honoring soldiers of the Great Seal of the City of Baltimore, and do urge all citizens to join in this celebration.

In WITNESS WHEREOF, I have hereunto set the Great Seal of the City of Baltimore to be affixed this twenty-eighth day of April, two thousand and two, and I do hereby proclaim:

NOW, THEREFORE, I, MARTIN O’MALLEY, MAYOR OF THE CITY OF BALTIMORE, do hereby proclaim August 16, 2002 as “Eli Siegel Day” in Baltimore, and do urge all citizens to join in this celebration.

[signed] MARTIN O’MALLEY, MAYOR

From the Baltimore American, February 12, 1976

Most people think the life of a fireman is easy. The fireman needs to be paid much more; democracy demands it. The fireman’s work has to be known more; the fireman’s family needs more money. The fireman must be paid much more. Well, nothing to worry about until tomorrow. Morning and night don’t mean much to a fireman.

The fireman gets $1500 a year, $125 a month, about $30 a week. A fireman gets married and has a family; these families live on $30 a week. That is, they have to live on it.

The fireman needs to be paid much more: no getting away from that. The city could pay it if it stopped doing foolish and hurtful business in paying big sums to officials who have high-sounding titles, but don’t do anything much in the way of useful work. The fireman is a man it pays to keep contented; and when a man can support himself, his family without worrying greatly doing it, he can be contented; but $30 a week won’t do it, and ought not to do it. Every fireman, when approached by me, seemed to think it was dealt with unjustly by the city. He is willing to do his job well, but he feels he could do it better if he didn’t have to worry about making a living.

The fireman needs more money. If a fireman keeps on after working hours, of course he works on. He gets a pension more than likely if he’s injured, and his wife gets one if he’s killed; but a sound uncapped body is worth many, many pensions. Pensions are unsatisfactory things when one gives a leg, or one’s eyesight or one’s health or life in exchange. And anyone may see, who reads the newspapers, that very often a company of firemen go out to fight a fire and don’t come back the way they went out.

I am now about to name the Baltimore Fire Department of Baltimore City. These men are doing the city a public service as great as any. They fight fires, but they do many other things. They are public servants in this world; and there’s very much injustice that politicians or men who govern cities, states and nations do. Of this injustice the fireman get their share. Since justice is a good thing (as most people say), the firemen’s lives need to be understood better and their services paid for better both in the way of honoring them and giving them more money.

(from the Baltimore American, April 5, 1925)

War Is Remembered By Eli Siegel

1. A mother who has lost her son here sees the Memorial Hall

He is in his grave
Which I have never seen
And I am here. In this great building that looks so well. His grave must be small, and people I’m sure never look at it.

Look at that great man make a speech; He was talking about his way of life. I like the looks of this place, But I’d rather see Tom’s grave.

And, Oh, God, I’d like to see him.

2. A seventeen-year-old uses it.

Say, Ed, it sure looks good, doesn’t it? I’ve seen men working on it days and days, when I used to ride by on the car.
I'll have to tell Lucy about it, you know, that New York girl. Who thinks she's much, just because she comes from the big town. We can get in, can we? I wish we could. What will this place be for? Well, Lucy will hear of this place, I tell you. She'll know she doesn't see everything just because she's in New York. Say, Ed, what's that woman crying about anyway? Oh, yes, I guess you're right; she must have lost her son in the war.

3. A sonneteer poet sees it.

This, our great house of stone, is for our war's dead. Our dead; they died away from us; far away In France, they, fighting, died. There, this very day. Their bodies lie. Yet, let it not be said, Ever, that mem'ry of their dying has now fled. This white, great house is for them, and O, man, It serve their cause well and long. It is they Who made, own it. Let us all Know war, hate war. This is our dead men's plea.

4. One of the jobless warriors of once sees it.

This place is swell, no getting away from that. The walls so white and tall and clean. The place is so big, I'd be scared to sleep in it. I guess May and I will be moving soon. Whether we like it or not. Our three rooms could get in a corner of this, And the plaster is falling off in places. For our uncaring and unknowing. Let us all Know war, hate war. This is our dead men's plea.

RECOGNITION OF NATIONAL COMMUNITY HEALTH CENTER WEEK

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. THOMPSON of California. Mr. Speaker, August 18th will mark the kick-off of National Community Health Center (CHC) Week—a time to raise awareness about and pay tribute to the vital services that our community health centers provide to our communities.

Community health centers are local, non-profit health care providers that serve our poorest and our medically underserved rural and urban communities. Often they are the sole source of care for these Americans. Last year, our community health centers served almost 12 million people in over 3,000 communities nationwide. Almost 5 million were uninsured; 650,000 were migrant and seasonal farmworkers; 5.4 million lived in rural areas; and almost 8 million were people of color. California’s community health centers provided service to 15 percent of that population—almost 1.8 million people.

In California’s First District, over 100,000 people sought the services of our 18 community health centers on over 300,000 separate occasions. These CHCs play an especially vital role in the rural areas of my district, given the financial and geographic constraints of these populations. Approximately 20 percent of the people served by our CHCs are farmworkers and other migrant laborers are either uninsured or on Medicaid. Over 65 percent earn less than the federal poverty level each year. Were it not for the critical services our CHCs provide, many Northern Californians would have gone to the emergency room or they would have gone without any care altogether.

In this way, CHCs are a cost-saver for our health care system—by providing a significantly cheaper alternative to emergency room care for basic treatment—and they improve overall community health. They deliver care to those that would otherwise go without and they target that delivery to their service population. This means that patients receive care when they need it, where they need it and in a way that makes them comfortable and that they understand.

To accommodate different schedules, centers offer daytime, weekend and after-hours care. To accommodate language barriers—in some areas of my district Latino patient loads are as high as 62 percent—most centers offer services in both Spanish and English. And, to accommodate those who cannot travel to receive services, many centers operate mobile units. These “clinics-on-wheels” travel to our schools, migrant camps, community centers and homeless centers.

CHCs provide a truly comprehensive range of care, with basic services including adult and pediatric primary care, obstetrical and gynecological care, mental health counseling, nutritional and dietary instruction and mental health counseling. In addition, some clinics are also able to offer dental care, tobacco cessation programs and HIV care. Outreach and education campaigns are an integral component of their service delivery and all community health centers help those who are eligible to enroll in California’s Medicaid and CHIP programs.

I thank the community health centers of Del Norte, Humboldt, Mendocino, Lake, Napa, Sonoma and Solano counties for their dedication to the health and welfare of the residents of the First District of California. As we move towards National Community Health Center Week, I urge my colleagues to help raise awareness of the important services that their local CHCs provide. Undoubtedly, many more Americans would lack access to care were it not for the commitment of our nation’s community health centers to the service of the poor and medically needy.
with my friend and the Ranking Member of the Committee on Veterans’ Affairs, Mr. Evans, that would change funding of the Department of Veterans Affairs (VA) health care system from discretionary to mandatory spending.

We are introducing this bill in recognition of the continually frustrating annual struggles to obtain sufficient funding to provide access to quality care for the nation’s veterans in VA health care facilities. The current discretionary appropriations process subjects these veterans’ health care needs—needs of the heroes who won the Battle of the Bulge, endured as prisoners of war in Bataan and Corregidor and survived human-wave assaults in the frozen Chosin Reservoir—to annual health fund- ing competition with federal highway funding and sewage treatment projects. This reality alone vividly illustrates the inherent weakness in the discretionary appropriations process for VA health care and the need to reform it.

Mr. Speaker, 2 years ago, we passed TRICARE for Life, a new program to guarantee access to health care services for millions of veterans and their families. I was proud to support that program for hundreds of thousands of military families, who are now assured of free health care services sponsored entirely by the government. The bill we are introducing today would ensure a kind of guarantee to the remainder of America’s veterans, to assure their continued access to the VA health care system.

H.R. 5250 would establish a formula to fund the VA health care account directly from the U.S. Treasury with a method similar to that used by Congress to provide funding for TRICARE for Life. Veterans’ disability compensation payments are already funded through mandatory formulas, and our legisla- tion would apply the same priority to meeting the health care needs of our veterans.

The bill we are introducing today would establish a base funding year, calculate the average cost for a veteran using VA health care, and then index the cost for inflation. Multiplying this average cost by the number of veter- ans who are enrolled each year on July 1st, would determine the funding allotment for the Veterans Health Administration for the next fiscal year.

It should be noted that H.R. 5250 would neither take away the Secretary’s power to man- age the VA health care system nor to curtail the Secretary’s control of enrollments in VA. And unlike TRICARE for Life, it would not extend benefits to family members of veterans.

Mr. Speaker, for at least the past five years, veterans’ usage of VA health care services surpassed Administration estimates. Just this past week, we received a revised workload estimate for FY 2003 from VA showing an increase of 500,000 veteran patients; and that’s on top of the 375,000 increase in patients esti- mated in the budget submission made only five months ago. VA now estimates that there will be 4.9 million unique veteran patients in FY 2003, versus the 3.7 million veterans that had been projected one year ago for FY 2002—a 33 percent increase overall.

Mr. Speaker, the continuing rise in demand for VA health care services is driven by many factors, including the growth of new and conven- ient VA community-based outpatient clinics, improved safety and quality of care, as well as available prescription drug benefits. VA has increasingly become a supplier of pre- scription drugs to veterans, particularly for senior veterans. Further evidence of the urgent funding needs of VA health care comes from a new report issued this month by VA measuring the amount of time veterans are waiting for med- ical services. According to VA’s report, there are at least 300,000 veterans waiting for med- ical appointments, half of whom are waiting 6 months or more and the other half having no appointment at all. This is the first attempt to measure a situation about which we have all heard from our constituents, and we suspect that the scale of the problem is actually greater, since this estimate only counts those veter- ans already enrolled in the VA health care system.

Mr. Speaker, we have a sacred obligation to ensure that our nation’s veterans receive the honors and benefits that they have earned through their service to this nation. In the past decade, more and more veterans have turned to the Department of Veterans Affairs for medical services, particularly World War II and Ko- rean War veterans. We have attempted to meet our obligation to them by passing record VA budgets for two years in a row. As our col- leagues may recall, the House-approved budget resolution for fiscal year 2003 con- tained a substantial $2.6 billion increase in the funding of medical care for our nation’s veter- ans.

However, the demand for services continues to outpace the supply of federal funding of VA health care. In the supplemental appropri- ation bill that we passed, Congress included $417 million for additional health care funding to try to meet the current year’s shortfall, and that was based upon the older workload estimates. Mr. Speaker, it is becoming increasingly clear that Congress needs to look at new methods and sources for veterans’ health care funding, and the Committee on Veterans’ Af- fairs has been seeking additional ways to match resources to the growing demand. Working with the Committee on Armed Serv- ices, we attached an amendment to the De- partment of Defense (DOD) authorization bill that would seek to increase health care re- sources sharing between the DOD and VA health care systems, and we hope it will see final passage this year. We have sought to increase third-party collections through the VA Medical Care Collections Fund with more aggressive oversight and legislative improve- ments.

In addition, earlier this month the Committee examined ways to improve coordination and allocation of resources between Medicare and VA, since about half of the veterans receiving VA health services are also Medicare-eligible. Yet, despite all of these efforts, VA continues to struggle each year to provide all the funds needed for the task. It is becoming in caring for mil- lions of frail, elderly veterans.

Mr. Speaker, with the introduction of H.R. 5250 we hope to begin an important debate on the future of veterans’ health care and its funding needs. We will shortly request Admin- istration views on the bill, and cost information from the Congressional Budget Office. We in- tend to meet with colleagues on both the Committees on the Budget and on Appropriations to obtain their views; and it goes without saying that we will be consulting with veterans organizations in the months ahead in order to ensure for the task. It is becoming in caring for mil- lions of frail, elderly veterans.

Mr. Speaker, with the introduction of H.R. 5250 we hope to begin an important debate on the future of veterans’ health care and its funding needs. We will shortly request Admin- istration views on the bill, and cost information from the Congressional Budget Office. We in- tend to meet with colleagues on both the Committees on the Budget and on Appropriations to obtain their views; and it goes without saying that we will be consulting with veterans organizations in the months ahead in order to ensure that we are preparing for a combination of other changes will solve this vexing problem confronting America’s veterans and the health care system serving them.

We urge all our colleagues to examine H.R. 5250 and work with us to find a means to pro- vide dependable, stable and sustained funding for the health care needs of veterans of our armed forces. They deserve no less from a grateful nation.

RECOGNIZING THE SERVICE OF TONY HALL

HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. TANNER. Mr. Speaker, I wish to join our colleagues today in recognizing the work of my friend, the Honorable TONY HALL, as he prepares to leaves this House of Representa- tives to pursue a great endeavor that will call on his practical leadership skills to help people around the world.

Over the years, Mr. HALL’s work in this body has proven that his compassion stretches far beyond the Third District of Ohio. He has shown through his tireless fight against world hunger that he possesses a genuine concern for his fellow man, and I know that quality will continue to guide his work from this point for- ward.

I am honored to have had this opportunity to work with Tony, who is an exceptional leader, an honorable man and a good friend. All our best wishes go with TONY as he continues his noble work in this new capacity.

HONORING THE 150TH ANNIVER- SARY OF THE CITY OF FERN- DALE, CALIFORNIA

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 150th anniver- sary of the founding of the Victorian Village of Ferndale, Humboldt County, California. In 1852, brothers Seth and Stephen Shaw and their companion Willard Allen, traveled through the Eel River plain exploring a wilder- ness of ferns and redwood trees. Desiring to farm the fertile land, they constructed cabins which eventually became the village of Fern- dale.

Situated near the Pacific Ocean, surrounded by dairy farms, Ferndale has preserved its ar- chitectural heritage, attracting thousands of tourists who cross the Fernbridge over the Eel River and step back into another era. Named one of America’s “Dozen Distinctive Destinations,” the National Trust for Historic Preservation added Ferndale to its 2002 list of the best-preserved and unique communities in the nation. The Trust cited well-managed growth, a commitment to historic preservation and interesting and attractive architecture as influential in its choice of The Cream City for the designation.

Seeking historically accurate locations, filmmakers have discovered The Victorian Village of Ferndale is an ideal place to make movie pictures. The citizens of Ferndale have enthusiastically sup- ported the use of their city as a film site and fill the scenes as “extras.”
Ferndale will welcome visitors with an old-fashioned birthday party in celebration of this historic anniversary on August 23rd and 24th, 2002. The art galleries, parks and beautiful houses that grace the city make Ferndale a delightful place to live and to visit.

Mr. Speaker, it is appropriate at this time that we recognize the City of Ferndale, California on the occasion of its 150th anniversary.

MEDICARE BENEFICIARY ASSISTANCE IMPROVEMENT ACT OF 2002

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. DINGELL. Mr. Speaker, today my colleagues and I are introducing a bill that will make significant and long-overdue improvements in the programs that provide assistance to low-income Medicare beneficiaries. Medicare provides coverage to all 40 million elderly and disabled beneficiaries, regardless of income, but the cost of uncovered services, premiums, and cost-sharing is a serious burden on those with the lowest incomes.

Most of the cost of Medicare beneficiaries has incomes below 200 percent of poverty (a little more than $17,000 a year). These low-income beneficiaries are nearly twice as likely as higher-income beneficiaries to report their health status as fair or poor, but are less likely to have private supplemental insurance to cover the cost of uncovered services or Medicare cost-sharing. Poor beneficiaries also bear a disproportionate burden in out-of-pocket health care costs, spending more than a third of their incomes on health care compared to only 10 percent for higher-income beneficiaries.

Medicaid, through what is known as the “Medicare Savings Programs,” fills in Medicare’s gaps for low-income beneficiaries, providing supplemental coverage to 17 percent of all Medicare beneficiaries. Millions of beneficiaries, however, who are eligible for assistance under the Medicare Savings Programs are not enrolled. For example, only half of the beneficiaries below poverty who are eligible for assistance are actually enrolled. Lack of outreach, complex and burdensome enrollment procedures, and restrictive asset requirements keep millions of seniors from receiving the assistance they desperately need.

The Medicare Beneficiary Improvement Act of 2002 takes a number of steps to address these problems. First, the legislation improves eligibility requirements for these programs. It raises the income level for eligibility for Medicare Part B premium assistance from 120 percent to 135 percent of poverty. This expansion was originally enacted in 1997 but it expires this year; it is simple common sense to make this provision permanent. The bill also ensures that all seniors who meet supplemental security income (SSI) criteria are automatically eligible for assistance. Currently, automatic eligibility is only required in certain states, meaning that beneficiaries in other states may miss out on critical assistance unless they know enough to apply. The bill also eliminates the restrictive asset test that requires seniors to become completely destitute in order to qualify for assistance. Most low-income Medicare beneficiaries have limited assets to begin with—85 percent of beneficiaries with incomes below the poverty level have fewer than $12,000 in assets—but the asset restrictions are so severe, a beneficiary could not keep a fund of more than $1,500 for burial expenses without being disqualified from assistance.

Second, the legislation eliminates barriers to enrollment. The legislation allows Medicare beneficiaries to apply for assistance at local social security offices, encourages states to station eligibility workers at these offices (as well as the VA, by senior citizens and individuals with disabilities), and ensures that beneficiaries can apply for the program using a simplified application form. In addition, this bill will ensure that once an individual is found eligible for assistance, the individual remains continuously eligible and does not need to re-apply annually.

Third, the legislation improves assistance with beneficiary out-of-pocket costs. It provides three months of retroactive eligibility for “qualified Medicare beneficiaries” (QMBs). All other groups of Medicare beneficiaries are subject to this protection currently. In addition, it prohibits estate recovery for QMBs for the cost of their cost-sharing or benefits provided through this program. The fear that Medicaid will recoup such costs from a surviving spouse is often a deterrent for many seniors to apply for such assistance.

Finally, the legislation funds a demonstration project to improve information and coordination between federal, state, and local entities to increase enrollment of eligible Medicare beneficiaries. This demonstration would help agencies identify individuals who are potentially eligible for assistance by coordinating various data and sharing it with states for the purposes of locating and enrolling these individuals. In addition, the legislation provides grant money for additional innovative outreach and enrollment projects for the Medicare Savings Programs.

All told, this legislation should go a long way in making sure that the Medicare Savings Programs are working as they should to provide assistance with high-cost cost-sharing and premiums for vulnerable low-income seniors. As Congress addresses Medicare issues this year, we must ensure that in addition to addressing provider payments, we also address these important beneficiary protection issues as well. I look forward to working with my colleagues to pass this legislation.

H.R. 5256—VETERANS HEALTH CARE FUNDING GUARANTEE ACT OF 2002

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. EVANS. Mr. Speaker, today, I want to extend my support as an original cosponsor of the “Veterans Health Care Funding Guarantee Act of 2002” being introduced by the Chairman of our Committee, Chris Smith. The bill, supported by all of the major veterans’ service organizations, would create a mandatory spending stream for veterans’ health care and medical construction in the Department of Veterans Affairs.

VA medical care is one of the biggest domestic discretionary accounts in the federal budget. While Congress has historically improved upon inadequate Administration budget requests, VA has still suffered from ebbs and flows in its funding streams that often have little to do with the number of veterans served or the cost of the services they receive. We, in Congress often must work within artificially constrained budget assumptions that do not allow the growth in funding VA needs or our veterans deserve.

This has been particularly difficult in recent years in which the growth in veterans seeking care in the system, often for the first time, has been unprecedented and unpredictable. A mandatory funding stream, such as that which the Chairman of our Committee proposes, will bring increased stability and predictability in funding the health care system designed to meet the needs of our nation’s veterans.

The Chairman’s bill would use medical inflation and growth in the VA’s enrollment to ensure that these uncontrollable factors are appropriately addressed. The bill would also require a one-time “bump” of twenty percent in the appropriation to adjust VA’s baseline, deemed by our major veterans’ service organizations to be significantly underfunded for the last several years.

Our veterans’ health care system is struggling to accommodate significant growth in use by veterans. Finding that VA is a source of inexpensive prescription drugs, aging middle-class veterans have recently enrolled in record numbers. About five years ago, lower priority veterans (those who are not service connected or medically indigent) constituted about 2 to 3 percent of the veterans’ patient population; they now constitute about 30 percent of the 6 million veterans enrolled in the system.

Appropriations have simply not kept pace with veterans’ increased demand for VA health care. As a result VA has unmanageable waiting times and is neglecting its core population—the veterans with service-connected conditions, with certain exposures or service or the veterans who are considered medically indigent. I recently received data from the Secretary of Veterans Affairs that indicates that there are more than 300,000 veterans either waiting for their first VA appointment or who have waited longer than six months for care. I believe that all veterans deserve access to their health care system, but we cannot pretend that they have this access simply because we allow it. The system must be funded to ensure that it is able to meet the demand veterans produce.

I believe the Chairman’s bill will address the problems Congress has chronically been unable to redress. I applaud his innovation and look forward to working with him on this bill.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably delayed on June 26th and was absent for a journal vote. I would like the record to show that had I been present, I would have voted “yea” on rollover vote 261. I was also unavoidably absent from this chamber on July 12, 2002. I would like the
TRIBUTE TO TEXICO, NEW MEXICO IN ITS 100TH ANNIVERSARY

HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Texico, New Mexico, as its citizens celebrate their centennial this month. Texico is a small community on the New Mexico-Texas border. It is known for its rich history and abounding sense of community, which has, over the years, sustained the town's traditional values, superb education, intellectual strengths and high quality of life in Curry County.

I want to offer my sincere congratulations to Mayor Jerry Cunningham and all the residents of Texico on this happy occasion. On Saturday, July 27th, 2002, Texico, New Mexico, will celebrate its 100th anniversary. A parade beginning in Texico and ending in Farwell, Texas, its twin city, will lead citizens to Farwell Park, where craft shows, food booths, and class reunions will commemorate “Border Town Days.” I know how excited everyone is about this special event.

Texico is located in what has been described as the “Golden Spread.” This southwestern edge of the Great Plains is filled with the spirit of pioneers, who faced excitement, adventure, hardship, hope, fulfillment, disappointment, sadness and happiness as they moved West. Those that chose to found Texico gave the town the distinction of being the oldest community in Curry County.

In 1902, settlers moved into the area after railroad officials were considering Texico as a possible site for a railroad cutoff to Belen. The federal government and the New Mexico territorial government passed homestead laws in an effort to settle the eastern region of New Mexico. Soon settlers swarmed the area, and on either side of a muddy street, buildings soon formed a line of merchant shops and pioneer stores. Rooms for overnight visitors were quite reasonable—only twenty-five cents per night or $1.40 per week. Harry’s Café offered the best steaks, lamb chops, fresh vegetables, and eggs in town, and after dinner the dancing hall offered entertainment.

The bank ranked as the most important institution, but close behind was the Cozy Cottage Hotel. The hotel served as Texico’s only two-story building, which was very distinct. A church was later built, along with a one-room schoolhouse, to which students would ride their mules every morning. By 1925, the graduating class consisted of nine students.

Today, Mayor Jerry Cunningham governs a total of about 1,065 citizens. The true charm of Texico is the fact that not much has changed in its 100-year existence. People have come and gone and businesses have opened and closed; but the warmth, friendliness and character have remained intact. Agriculture and its support services have always been the backbone of the community, and the wholesome rural nature has been preserved.

The citizens of Texico, and Curry County in general, should be very proud of that status.

Mr. Speaker, in closing, with all the historical grandeur Texico boasts, we have great reason to celebrate today. Accordingly, I extend my warmest congratulations to all friends of Texico on its 100th Anniversary. Texico most certainly has distinguished itself through its historical and social presence, and I call upon my colleagues to join me in applauding 100 years of excellence.

RECOGNIZING DAVID C. DARLING FOR HIS THIRTY-ONE YEARS OF LAW ENFORCEMENT SERVICE

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize David C. Darling as he retires from the St. Helena Police Department. Officer Darling has spent the last thirty-one years of his career serving the people of St. Helena, California.

As a native of St. Helena, I can attest to the strong embodiment of law enforcement, that David provides on a daily basis. His dynamic experience also includes stints as a Campus Police Officer at Napa College and a Police Reserve Officer for the City of Calistoga. As an officer for the St. Helena Police Department, he was recognized as St. Helena Police Officer of the Year in 1987. David has served as the President of the St. Helena Police Officers Association for more than ten years and also served as the President of the Napa County Peace Officers Association.

In addition to these many accomplishments, Officer David Darling has built a reputation as being reliable and truly dedicated to his work. He often served as acting sergeant and shift supervisor. Officer Darling could be called on for any assignment. He made a name for himself in his relentless and noble campaign against drunk driving. For many years Officer David Darling was the uncontested champion of removing drunk drivers from our streets and securing their convictions. He was dedicated to the cause well before it was taken up as a public campaign.

Mr. Speaker, it is appropriate at this time that we recognize David C. Darling for his tremendous work for the people of the Napa Valley. He is a true asset to our community, and I speak on behalf of the people of St. Helena when I thank Officer David C. Darling for his service.

LEGISLATION TO CREATE A 2,800-ACRE PARK IN JOHNSON COUNTY

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. MOORE. Mr. Speaker, on April 22, 2002, I introduced legislation in celebration of Earth Day that would create a 2,800-acre park in Johnson County on the former site of the Sunflower Army Ammunition Plant. Senator PAT ROBERTS has truly been a leader on this issue by inserting the language from our bills (S. 2107/H.R. 4544) into the National Defense Authorization Act for Fiscal Year 2003. As the House and Senate go to conference to mitigate the differences between our two bills, I would like to strongly encourage the conferees to keep this important language in the final authorization bill.

I have been working on this issue since I was sworn into office in January 1999. Johnson County has experienced rapid growth in recent years making it even more important that we set aside areas for parks and nature preserves now, before they are developed. The transfer would expand the borders of the 850-acre Kill Creek Park in Olathe, which opened last year.

The greatest gift we can give to future generations is acres and acres of local parks and nature trails. I have four grandchildren; I would love nothing more than to be able to take them to play in the parks like the one this authorization language would create. By transferring this land from the federal government to local control, we’ll continue our local system of parks and recreation areas.

TRIBUTE TO LT. GEN. P.K. CARLTON UPON HIS RETIREMENT FROM THE UNITED STATES AIR FORCE

HON. CIRO D. RODRIGUEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. RODRIGUEZ. Mr. Speaker, I would like to take a moment to pay tribute to Lieutenant General Paul K. Carlton, Jr., Surgeon General of the Air Force, on the occasion of his retirement.

On Tuesday, December 1, 2002, General Carlton will end 37 years of extraordinary military service. A distinguished graduate of the U.S. Air Force Academy in 1969, General Carlton completed medical school at the University of Colorado and launched a spectacular career as an Air Force surgeon.

I have personally come to know General Carlton since he was commander of Wilford Hall Medical Center in San Antonio, Texas. Then, as now, Wilford Hall Medical Center is a major presence in our community. Under his leadership and support, the 311th Medical Systems Wing at Brooks AFB has become a worldwide leader in research, development and training for bioterrorism surveillance, detection, and response. The Air Force medical professionals in San Antonio have been active leaders in that city’s remarkable successes in developing a disaster response plan.

Over the last 2 years as Surgeon General, General Carlton has revolutionized the Air Force Medical Service’s readiness mission to fund reforms of the Air Force doctrine of shape, respond, and prepare. This has not been an easy undertaking—as with any change, it means upsetting the status quo. General Carlton’s leadership and perseverance has prevailed, giving the United States Air Force, and this country, a new standard of care.

I was also unavoidably delayed on Thursday, July 25, 2002. I would like the record to show that had I been present in this chamber, I would have voted “yea” on rollcall vote 324 and 325.

Friday, July 26, 2002
Mr. DeFazio. Mr. Speaker, on rollcall No. 351, passage of H.R. 4946, Improving Access to Long-Term Care—because of a family emergency I was not present to vote.

Had I been present, I would have voted “No.”

SPEECH OF
HON. DARRELL E. ISSA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 2002

Mr. ISSA. Mr. Speaker, I rise today to voice my support for the Velázquez-Issa-Wilson amendment. I would like to thank the gentlewomen from New York and New Mexico for joining me in introducing this amendment that is so important to America’s small businesses.

Small businesses are the backbone of our nation’s economy. They represent over 99% of all companies in the United States and employ over half of the nation’s workforce. The Department of Homeland Security should facilitate a competitive purchasing atmosphere where high quality goods provided by small businesses can assist in the critical mission of this new agency.

The Velázquez-Issa-Wilson amendment will require the Department of Homeland Security to adhere to the same minimum procurement goals as other federal agencies. Additionally, the amendment puts accountability into the hands of procurement officials by making goal attainment an element of worker performance evaluations.

It is critical that government support American small businesses, which is why Congress created statutory goals for small business procurement.

Support the Velázquez-Issa-Wilson amendment and let us secure a place for small businesses in Homeland Security’s procurement market.

SPEECH OF
HON. JOHN E. SUNUNU
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 2002

Mr. SUNUNU. Mr. Speaker, no one in the corporate world should ever believe that their position puts them above the law or outside the bounds of ethical responsibility. Those who do should be held accountable, those who break the law should go to jail.

Today, the House will vote for the third time this year to hold corporate America to the highest standard. This amendment today will inform executives that their actions will be scrutinized, with the threat of real penalties for violations of their legal responsibilities to shareholders and the public.

The citizens of my state, and indeed all Americans, have watched the stock market tumble as accounting scandals have shaken investor confidence. Investors have watched as the values of their portfolios have fallen. They want—and deserve—tough action against fraud and malfeasance. In short, they want Wall Street to abide by the common sense principles that guide Main Street, and the public deserves nothing less.

This conference report, which I am proud to support, includes key provisions from our House-passed legislation that will improve disclosure, impose tougher penalties, and better protect investors in such cases of fraud.

By establishing for the first time a requirement for real-time corporate disclosure, the bill will better protect investors. Companies will now have to disclose any information that would materially affect the company’s financial health. That is the kind of information that can never be—and should never be—withheld from the public. Accurate and clear financial disclosure will enable better investment decisions to be made based on a company’s true financial performance.

Second, by strengthening the penalties for corporate fraud, the bill will act as a deterrent to those seeking to stretch or test the boundaries of the law. This conference report provides double the jail time that was included in the Senate bill—up to 20 years—for corporate criminals who defraud the public, destroy documents or obstruct justice.

Finally, the investor restitution provision in this bill will enable investors who lose money in the markets as a result of corporate malfeasance to reclaim the gains of corporate criminals. Under the FAIR provision, a fund will be established to collect civil penalties and other funds from executives who violate the laws and defraud investors.

Mr. Speaker, I want to commend the conferences for working quickly to develop a bill that can win bipartisan support. The passage of this conference report will send a clear message to the corporate world that Congress and the American people expect them to play by the rules or face the consequences.

NURSE REINVESTMENT ACT

SPEECH OF
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, July 22, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the bipartisan Nurse Reinvestment Act. I applaud the hard work of Congresswoman CAPPS and thank her for her dedication to this important public health issue.

Today’s nurses are overworked, period. And despite their best efforts, the nursing shortage is impacting patient care.

Included in this bill’s many worthy provisions, are measures to provide incentives for young Americans to decide to become nurses. Keeping our nurses in the workforce, while recruiting new staff will be critical to reversing these startling shortages.

Our nation’s nurses are stressed and overworked. More and more, the stress and the work conditions have caused many nurses to stop practicing. According to a U.S. Department of Health and Human Services report, 19 percent of New York’s registered nurses were not practicing in 2000, up 4 percent since 1996.

Worse yet, three quarters of nurses feel the quality of nursing care at the medical facility at which they work has decreased over the last two years, in large part due to understaffing. In New York, the nurse patient ratio violations have become so frequent that the New York Professional Nurses Union has put the hotline to report these violations on the front of their webpage, right next to instructions on how to take a sick day, or a vacation day. When nurse patient ratio violations are as common as a sick day, health care is clearly hurting.

Again, I applaud the hard work of Mrs. CAPPS and her colleagues. Thank you, Mr. Speaker.

IMPROVING ACCESS TO LONG-TERM CARE ACT OF 2002

SPEECH OF
HON. NANCY L. JOHNSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 2002

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of the Improving Access to Long-Term Care Act because it is an important first step in encouraging personal responsibility for planning for and financing one’s own LTC needs. Nearly 40% of us will need some form of LTC during our lives, but few of us plan for its costs. If we are going to slow the growth of Medicaid spending— currently, the primary payor of LTC expenses—and ease the burden of government on our children’s generation, we must focus on developing sound private insurance products so families can provide for their own futures by protecting their assets to support them and giving them choices in LTC services.

This bill will encourage the expansion of the LTC insurance market and strengthen consumer protections in LTC insurance policies. The market in this area is not mature, and these protections are extremely important to its development. Qualified LTC policies will have to meet requirements designed to protect purchasers, particularly seniors. Suitability standards, for example, attempt to assure that policies are suited to the purchaser’s resources and needs.

One aspect of this bill caused me concern and it is my hope that we will be able to re-evaluate the income guidelines for claiming the deduction and the limits on the deduction amount. For example, when this bill is fully phased in, a person with $20,000 income will get 7.5% in subsidy for every premium dollar spent on LTC insurance. That’s assuming they meet the asset test under the suitability requirements and that—at $20,000 in- come—they have sufficient tax liability for a deduction to matter.
Because of the looming tidal wave of baby boomers that will age into the need for LTC services, I have been introducing LTC insurance premium deductibility legislation for over four years. My previous bills have also included a tax credit to offset the costs of caregiving for families that provide LTC assistance for a family member.

HIAA and the AARP have been strong supporters of that legislation. They have educated Members and 205 of you have co-sponsored that bill. While I will continue to fight for passage of a deduction that is not limited to lower income, the tax credit for caregiver expenses, I support H.R. 4645 tonight because it is a first step toward that goal. In addition, it will put in place the consumer protections we need in the LTC insurance market, and these protections will be available to all pur-chasers of LTC insurance who access one of the other tax code incentives that incorporate the definition of “qualified LTC insurance policy”.

This bill will encourage personal responsibility for private financing of LTC expenses and support the development of the LTC insurance market.

CONFERENCE REPORT ON H.R. 3763, SARBANES-OXLEY ACT OF 2002

SPEECH OF HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2002

Mr. MARKEY. Mr. Speaker, I rise in support of the conference report on the corporate accountability bill. Make no mistake about it, Mr. Speaker: This conference report is the result of investors’ refusal to be fooled by empty speeches, photo-ops and weak proposals that failed to go far enough to fix the crisis of confidence in the marketplace.

Mark Twain used to say, “A cat, once burned, won’t get on a hot stove again. But it won’t get on a cold stove either.”

Despite intense lobbying efforts to weaken the Sarbanes bill passed unanimously by the Senate, investors recognized that only tough new reforms would fix the problems plaguing corporate America. The average investor thinks the financial market is rigged, so trust is hard to come by. Trust is to the economy what oil is to a machine—hard to come by. Trust is to the economy is what oil is to a machine—hard to come by. Trust is to the economy.

In 1998, I served as Chairman of the Ways and Means Health Subcommittee. Essentially, I was the pharmacist who filled his prescription for the Medicare Catastrophic Coverage Act.

I share his sentiment that if that law had stayed in effect, we would not be here more than a decade later trying to pull out who to get a prescription drug benefit into Medicare—it would already be there. The law may not have been perfect, but we had a drug benefit and we snatched defeat from the jaws of victory.

WE FILLED THE PRESCRIPTION

HON. FORTNEY PETE STARK
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. STARK. Mr. Speaker, Dan Rostenkowski, former chairman of the Ways and Means Committee, recently wrote an op-ed in the Washington Post that I commend to my colleagues. It follows:

In 1998, I served as Chairman of the Ways and Means Health Subcommittee. Essentially, I was the pharmacist who filled his prescription for the Medicare Catastrophic Coverage Act.

I share his sentiment that if that law had stayed in effect, we would not be here more than a decade later trying to pull out who to get a prescription drug benefit into Medicare—it would already be there. The law may not have been perfect, but we had a drug benefit and we snatched defeat from the jaws of victory.

WE FILLED THE PRESCRIPTION

I have a prescription drug plan for you. Here’s what it does:

It pays 80 percent of drug costs after a $710 deductible has been met, and it costs a relatively modest amount—a $4-a-month premium for 49 percent of beneficiaries and a maximum of $800 a year for the richest 5 percent.

It’s never happen, you say. Well, it already has. Just last week, I was told by Congress and signed into law by President Reagan in 1988. Unfortunately, mistakes were made in implementing the plan, and it was repealed a year later. But the concept behind it is worth another look today, as we contemplate huge new federal expenditures for prescription drugs for the elderly.

Of course, if we attempted something similar now, the numbers would be different. Because of inflation, the basic monthly premium would be nearly $8, the maximum premium would be in the $1,600 range and the deductible would rise to nearly $1,100.

It’s important to note that the original program was designed to cost the federal government nothing to be self-fi-nanced by the elderly population. That was a big issue back then, when people were concerned about big deficits and the need to bring the budget back on track. Priorities have changed. Today we see dueling plans that would, over the next decade, cost our government $350 billion to $800 billion. That’s not chump change, especially considering that the Medicare program is already unstable and expected to run out of fairly early in this century unless some big changes are made.

In today’s free-spending atmosphere, the promised benefits are also a bit more liberal than those offered by the old program, kick-in after only $100-$250 is spent, depending on the plan. Obviously my successors have learned one lesson: Proposing an insurance program that doesn’t promise benefits to most of the people who pay premiums can be a politically divisive and dangerous act.

Nevertheless, the odds are very long against any of the plans now on Capitol Hill actually becoming law. This is especially true for the GOP plan, which requires private sector providers to bid. Some of us remember what happened when we invited private firms to provide Medicare coverage: Few took the challenge, and many that did failed to stay the course, deterred by government reimbursement that was less generous than what they had anticipated.

The plan we passed 14 years ago providing Medicare drug coverage was repealed by legis-lation signed in 1989 by the first President Bush. I’m convinced the Bush administration would have been fully phased in, the program would still be operating.

One of the mistakes we made was collecting the premiums immediately while waiting for the benefits to kick in. This was the fiscally responsible thing to do, of course—ensuring that money would be available to pay the promised benefits. But it was a big political mistake.

To be sure, if the program we enacted had survived, it would have changed over time, much as the tax system changes or the Medi-care program has evolved in response to cost pressures. Perhaps it would be even more generous. Maybe there would be a formula to push patients toward the drugs that are most cost effective; the government has gotten quite sophisticated at squeezing other Medi-care providers to as to maintain benefits while controlling cost increases.

But in any event there would be a program, however imperfect, helping a lot of people who need the aid—something we don’t have now. Personally, I don’t wish to see any Medicare drug benefits paid until the latter half of this decade, if then. And if the fiscal health of Medicare declines further, the entire issue may be put on hold.

More than 300 House members voted for the prescription drug program in 1988. More than 300 voted for repeal the following year, a drastic switch strong enough to induce po-lite whiplash. In the interim, I was re-minded once again of how no good deed goes unpunished: Unhappy seniors blockaded my car when I tried to exit a meeting called to discuss the issue. That was temporarily em-powering for me, but the ones who are feeling the long-term pain, I suspect they wonder where the benefits are now that they need them.

After that failure, the issue became politi-cally radioactive and went virtually un-touched by Congress for a dozen years.

Will Washington be smart enough to learn from the past so that America’s elderly will get the help they need in the future? My fear is that we’re witnessing an unrealistic de-pendence that will, at best, yield nothing more than a crop of partisan and empty talking points.
IN TRIBUTE TO TAVIS SMILEY

HON. EVA M. CLAYTON
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. CLAYTON. Mr. Speaker, three years ago, many of the communities in my Eastern North Carolina District were devastated and nearly destroyed by a succession of hurricanes and floods that swept through. Lives were shaken or lost, and the hopes of many nearly dashed. Particularly hard hit was historic Princeville, North Carolina—settled and incorporated by former slaves. When you live in a rural area it is sometimes easy to feel alone. One of the early sources of inspiration and hope to my constituents was the voice of Tavis Smiley—whom Newsweek profiled as one of the “20 people changing how Americans get their news.”

In the immediate aftermath of the storms, Tavis Smiley surely demonstrated that he is one of the nation’s “captains of the airwaves,” calling attention to the plight of the people in Princeville through his national radio audience and in appearances on national television, ranging from The Tavis Smiley Show from NPR, The Tom Joyner Morning Show, BET Tonight, and CNN among others. Tavis Smiley is one of the few powerful voices in America’s mass media today who makes the term “advocacy journalist” something to be proud of. One of the most successful African-Americans in the media today, Mr. Smiley is also the founder of the Tavis Smiley Foundation, a nonprofit organization whose mission is to encourage, empower and enlighten Black youth.

His role in rallying Americans to understand the magnitude of the incredible natural disasters that befell Princeville and other communities in Eastern North Carolina had an enormous impact on our ability to cope and revive. In the hearts and minds of Eastern North Carolinians, he’s not just a “captain of the airwaves,” he is a Prince of Public Service.

CONGRATULATING EBBY HALLIDAY ACERS

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to honor one of Texas’s most respected and most successful businesswomen—Ebby Halliday of Dallas—on the occasion of her 91st birthday. Her countless community activities, successful business venture and endless enthusiasm make her truly a remarkable woman.

Ebby Halliday Realtors, the company that she founded 57 years ago, has grown from its infancy into a nationally known entity. This company that began with one office has now expanded to become one of the world’s largest independently owned and operated realty firms. And at the age of 91, Ebby still works 9-hour work days. Ebby Halliday Realtors assisted some 17,500 home buyers last year, and Ebby’s remarkable business acumen is evident in the many awards that she has received from her industry and peers.

In 1996 Ebby was introduced into the Texas Business Hall of Fame. She was the recipient of the Distinguished Service Award from the National Association of Realtors and the International Real Estate Federation. Ernst and Young named her the regional Entrepreneur of the Year in 1997, and she was inducted into the Dallas Business Hall of Fame in 1999. In 2000, Ebby received the Lifetime Achievement Award in Real Estate from Texas A&M’s Real Estate Center and was named Most Influential Woman in the Business and Professional Category by the Ft. Worth Business Press. Ebby was the first recipient of the Executive Women International’s Executive Excellence Award—a award that will carry her name in the future—and she was conferred the Degree of Doctor of Humanities by Dallas Baptist University.

Aside from running a successful business, Ebby has selflessly devoted time and resources to local civic organizations. She has served as chairperson of the Thanksgiving Square Foundation, served on the boards of St. Paul Medical Foundation, the Communities Foundation of Texas, the Dallas Community College District Foundation, and the Better Business Bureau. She has also supported the Alexia de Taddei Foundation, the St. Paul Medical Center Foundation was dedicated to Ebby and her husband, Maurice Acers, in honor of their service.

Ebby’s remarkable energy and philanthropy are a testament to her devotion to her career and to her community, and the State of Texas is grateful for her many significant contributions. Mr. Speaker, it is an honor for me to recognize an outstanding citizen for her remarkable lifetime of achievement and philanthropy—my dear friend, Ebby Halliday Acers.

A TRIBUTE TO THE KNIGHTS OF COLUMBUS, ST. CABRINI COUNCIL #3472 ON THEIR 50TH ANNIVERSARY

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Knights of Columbus, St. Cabrini Council #3472 on the occasion of their 50th Anniversary. On Saturday, June 29, the Knights of Columbus will celebrate this auspicious occasion in a number of community groups which they have supported throughout the years. Each year, the group is responsible for raising between $6,000 to $8,000 for charitable groups throughout Los Angeles County. Most notably, the Knights have been recognized for their funding of organizations that assist the mentally handicapped and for their efforts on behalf of Rancho San Antonio, a Boy Town of the West, a residential facility run by the Holy Cross Brothers and open to boys up to 18 years old who find themselves in conflict with the law.

Additionally, the Knights of Columbus have been active in offering scholarship opportunities to students in Catholic grade schools and high schools to assist these students in their pursuit of education. Their efforts have also extended to local Boy Scouts of America Troops in the way of sponsorship and financial contributions.

I ask all Members of the United States House of Representatives to rise today and honor the Knights of Columbus, St. Cabrini Council #3472 on the occasion of their 50th Anniversary and for all that they do for our community.

IN TRIBUTE TO SHIRLEY CAESAR

HON. EVA M. CLAYTON
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. CLAYTON. Mr. Speaker, three years ago, many of the communities in my Eastern North Carolina District were devastated and nearly destroyed by a succession of hurricanes and floods that swept through. Lives were shaken or lost, and the hopes of many nearly dashed. Particularly hard hit was historic Princeville, North Carolina—settled and incorporated by former slaves. When you live in a rural area it is sometimes easy to feel alone. One of the early sources of inspiration and hope to my constituents was a very special lady whose clarion voice and spirituality powerfully invoked the universal language of music—Shirley Caesar.

Shirley Caesar’s mesmerizing musical talents have enthralled and uplifted millions of Americans over a career spanning more than thirty years. She is the winner of ten Grammys and numerous other awards for her heartfelt renditions of gospel, soul, and rhythm and blues music. Her music is part and parcel of her role as Pastor of Shirley Caesar Outreach Ministries and a number of her concerts and recording proceeds support her ministerial activities. Hers is an incredible example of triumph over adversity, exceeding
others’ expectations, finding her voice and her calling—helping the needy in her own community and anywhere help was needed.

In the immediate aftermath of the hurricanes and floods that almost washed Princeville away, Shirley Caesar came to our community and gladdened the hearts of saddened souls in need of uplift, hope and revival, singing such stirring songs as “You’re Next in Line for a Miracle.” Her efforts supported the rejuvenation of Princeville and other Eastern North Carolina communities rocked by the rains and ruin. She not only speaks to what is right and good, but also sings it. Princeville will always be grateful for her “amazing grace.”

TRIBUTE TO CHILDREN WITH DIABETES AND THE CHILDREN WITH DIABETES FOUNDATION

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor children with Diabetes and the Children with Diabetes Foundation. On July 18, 2002, the foundation will welcome hundreds of families, doctors and experts from around the nation and world to the 3rd Annual “Friend for Life” National Children with Diabetes Conference, held in Orlando, California.

Children with Diabetes, an online community for children, families, doctors and researchers, was founded by Mr. Jeff Hitchcock shortly after he learned that his young daughter had contracted Type I diabetes, often known as juvenile diabetes. At the time, Mr. Hitchcock, knowing little about diabetes, was ill prepared to help his daughter cope with its affects and demands. In order to help prevent this feeling of helplessness for himself and for other parents like him, Mr. Hitchcock launched the Children with Diabetes website. Since 1995 the Children with Diabetes website has become a clearinghouse of information for juvenile diabetes. Children and their parents have access to information from physicians, dietitians, treatment suggestions, treatment guidelines and a myriad of other services that have proved helpful to those living with the daily affects of diabetes. The site has also become a useful tool for physicians and researchers who now have the ability to share information about new treatments and cutting edge research from across the globe.

While Children with Diabetes continues to act as an informational resource for juvenile diabetes, the Children with Diabetes Foundation acts to assist people financially living with diabetes and supports physicians and researchers around the world who are working towards a cure. Each year, the Children with Diabetes Foundation raises and awards thousands of dollars in scholarships and grants to researchers who are moving closer to a cure each day and families working hard to live with this disease.

That is why this week’s national conference is so important. It will bring together people from around the world who are working, in their own way, to eradicate this disease. The conference will include speeches by Dr. Francine Kaufman, President of the American Diabetes Association, small group workshops, community forums, and appearances by Olympian Gary Hall and Miss America 1999 Nicole Johnson. The conference will culminate in the display of a quilt assembled by children suffering from diabetes.

I ask all Members to rise and join me in congratulating and thanking Children with Diabetes and the Children with Diabetes Foundation for all that they do to fight against the negative affects of diabetes, especially juvenile diabetes, throughout the world. I am sure that through their efforts, we will one day find a cure for this disease.

A DEMOCRATIC PALESTINIAN STATE

HON. JOE KNOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. KNOLLENBERG. Mr. Speaker, A democratic government is the foundation of a stable, peaceful society. This is because of democracy’s proven ability to effectively promote human rights, equity, and economic growth, while diminishing the probability of conflict between countries.

That is why greater democracy is necessary in order for the Palestinian people to realize definitive rights overseen by an independent judiciary. Democracy will lay the groundwork for security arrangements with Israel, Egypt, and Jordan. Greater democracy in the region will lead to economic development with support from the international community. Only then will we realize a feasible Palestinian state.

I support a two state solution to the Israeli-Palestinian conflict. But a Palestinian state can exist only in a new democracy with leaders who fully embrace peace. I sincerely hope the Palestinian people strive to create a democracy with leaders who enact the reforms necessary for stability.

IN HONOR OF JIMMY WARFIELD

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. KUCINICH. Mr. Speaker, I rise today in recognition and remembrance of Jimmy Warfield. As a trainer with the Cleveland Indians since 1971, Mr. Warfield will be remembered for his unrivaled dedication to the professional baseball community. But most importantly, Mr. Warfield will be remembered as a beloved husband, caring father, wonderful son, cherished brother, and an unforgettable friend.

A native of Hershey, Pennsylvania, Mr. Warfield grew to develop a strong love not just for baseball, but for Penn State football, one of his passions. Though a graduate of Indiana University, he never forgot his childhood team, and constantly followed and defended his heroes, including Penn State, and an unforgettable friend.

In 1971, Mr. Warfield joined the Cleveland Indians’ professional baseball organization. For six years he worked as an assistant trainer under Head Trainer Paul Spicuzza. Following Mr. Spicuzza’s departure six years later, Mr. Warfield took the position as Head Trainer, a position with which he was honored to hold for twenty-six years. Arriving early in the morning, and staying at the field until late at night, Mr. Warfield, called “Bruiser” by former Indians’ manager Pat Corrales, and “Daddy Warbucks” by former manager Mike Hargrove, not only used his skill and experience to help ballplayers recover from injury, but he also helped them in their personal lives. He was always there to add a soothing word, or a calming piece of advice.

A tolerant, amiable, and wise man, Mr. Warfield has touched hundreds of lives. Though he will be greatly missed, his life—a life dedicated to friends and family—is cause for recognition and celebration. Mr. Warfield is a man commonly considered to be the most beloved figure in the history of the Indians’ organization.

Mr. Speaker and colleagues, please join me in honor and remembrance of a truly outstanding individual, Jimmy Warfield, whose kind, compassionate and thoughtful nature profoundly impacted so many lives, in and out of the Indians’ clubhouse. His unforgettable spirit will be a shining legacy which will live on forever.

4-H 100-YEAR ANNIVERSARY

HON. ROB SIMMONS
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. SIMMONS. Mr. Speaker, I rise to wish the National 4-H Program a happy 100th birthday. This is a wonderful milestone in the life of this national institution.
The 4-H program began as a series of clubs for boys and girls in rural America. The 4-H taught young people a variety of skills related to farming by using a learning-by-doing strategy. The program has grown tremendously in scope and today encompasses a broad range of subjects, but hands-on learning remains at the heart of the 4-H experience.

Another constant for the 4-H is the organization’s continued commitment to the 4-H values in its name—Head, Heart, Hands and Health. For 100 years this organization has provided opportunities for thousands of young people in my district and my state and to millions across the country. The 4-H teaches young people the importance of learning, kindness, a healthy lifestyle and helping one’s neighbors. Those are great characteristics to instill in our young people.

In my state of Connecticut, New London County’s 4-H camp was founded in 1947 on 24.5 acres, in Franklin, as an education and recreational facility. The camp is open to any and all youth ages 16 to 17, and campers do not have to be members of the 4-H to attend. The camp provides these young people with an experience in group living in the great outdoors. Through a wide variety of activities that focus on self-development, environmental awareness and a concern for safety and health, campers develop a greater understanding of themselves, others and the world around them.

The Middlesex County 4-H camp was established in 1962, on 90 acres in Moodus. This educational/recreational facility offers a mixture of traditional camping and innovative programs for young people. A variety of camp sessions offer programs for children between the ages of 7 and 14 and a Teen Camp is available for youths ages 13 to 16. From traditional sports to horsemanship to archery and creative arts, the camp achieves its mission to strengthen and uplift the youth’s social, mental and physical development.

The Windham-Tolland 4-H camp has served families since 1954. Located in Pomfret Center, the camp’s 270 acres contains woodlands, cabins, recreational areas and a beautiful lake. Campers enjoy a variety of sports, arts and crafts, woodworking, canoeing and campouts. Like all 4-H camps, the staff at Windham-Tolland focuses on fostering leadership skills, enhancing self-esteem and increasing each camper’s individual potential.

In Connecticut, and across our nation, the 4-H continues to exemplify the very best of our youth and of America. I am pleased to wish them a Happy 100th Birthday.

TRIBUTE TO THE JET PROPULSION LABORATORY

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. SCHIFF. Mr. Speaker, it is my pleasure to rise today to honor the Jet Propulsion Laboratory, located in California’s 27th Congressional District, and pay tribute to for the enormous success of the Voyager Mission. On September 5, 2002, JPL will celebrate the 25th Anniversary of the Voyager Mission—one of America’s most successful space exploration endeavors.

In the summer of 1977, the Jet Propulsion Laboratory launched twin spacecrafts. Voyager 1 and Voyager 2 on a mission to conduct close-up studies of Jupiter and Saturn, Saturn’s rings and the larger moons of the two planets. In order to accomplish this mission, the spacecraft were built to last five years, but the results of the successful achievement of all of its objectives, the additional studies of the two outermost giant planets, Uranus and Neptune, proved possible. Thus, their two planet mission became four and their five year lifetime expectancy has stretched to nearly 25 years.

At the final completion of their mission, Voyager 1 and 2 will have explored all the giant outer planets of our solar system, 48 of their moons, and the unique systems of rings and magnetic fields those planets possess. Currently, the two Voyagers are headed towards the outer boundary of the solar system at a speed that would move them from New York to Los Angeles in less than four minutes. They are in search of the heliopause—the region where the Sun’s influence gives way to interstellar space. The heliopause has never been reached by any spacecraft; the Voyagers may be the first to pass through this region, which is thought to exist somewhere from 5 to 14 billion miles from the Sun.

The accomplishments of the Voyager Mission are a testament to 25 years of excellence by the staff at the Jet Propulsion Laboratory. From the scientists that worked on the mission in 1977 to today’s mission specialists, JPL staff have shepherded Voyager to the farthest reaches of our solar system and in the procession Voyager has unlocked mysteries that have revolutionized the science of planetary astronomy.

I ask all Members to please join me in congratulating the Jet Propulsion Laboratory on the 25th Anniversary of the Voyager Mission. It stands as a shining example of American ingenuity and our commitment to exploring and understanding the far reaches of our solar system.

IN HONOR OF GEORGE DURINKA

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of George “Bullwinkle” Durinka, for his outstanding service to our country both as a soldier and as a veteran. For the 2002–2003 year, Mr. Durinka has been selected to be the State of Ohio Commander for the Veterans of Foreign Wars.

Mr. Durinka joined the V.F.W. in 1966 following subsequent tours in Vietnam from 1968 to 1970. While overseas, he demonstrated his patriotism by earning, among others, the Vietnam Service Medal, the Vietnam Campaign Medal, and the National Defense Medal, for his honorable service as a fuel specialist in the US Air Force.

Currently serving his post as Judge Advocate of the Lake Erie VFW Post 1974, from 1990 to 1994, Mr. Durinka was elected Post Commander and was named an All-State Post Commander. In 1995, he was elected District 7 Commander, serving as the Athlete-of-the-year Chairman, the POW/MIA chairman, and the Color Guard. At the national level, Mr. Durinka has served as a member of the National VFW MIA/POW Committee, the National Veterans Service Resolutions Committee, the National Youth Development and Recognition Committee, and the National Veterans Employment Committee.

Outside of the V.F.W., Mr. Durinka is employed by J.G.D Associates, working as a civil engineering draftsman. Mr. Durinka enjoys training in the Martial Arts. Author of a 1985 Martial Arts book, and since 1979 the Chief Martial Arts instructor for the Western Campus of the Cuyahoga Community College, Mr. Durinka is a 4th Degree blackbelt in Tae-Kwan-Do. A family man, Mr. Durinka has the full support of his wonderful wife Judy, and the love of his two daughters, Kelly and Michelle.

Mr. Speaker, please join me today in tribute to George Durinka for his exemplary record of service, and for his unrivaled dedication to the Veterans of Foreign Wars. May his upcoming opportunity to serve as State Commander prove to be an incredible and memorable part of his career serving the both the V.F.W. and America in general.

HONORING SRI LANKA PRIME MINISTER RANIL WICKREMESINGHE

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to express my warm regards towards the Honorable Ranil Wickremesinghe, Prime Minister of Sri Lanka. His visit this week to the United States, the first visit by a Sri Lankan leader since a civil war broke out 19 years ago, confirmed that Sri Lanka is a valued friend and partner of the United States and an important ally in the campaign against international terrorism. The United States and Sri Lanka have enjoyed a strong friendship based on common values such as democracy and religious freedom.

For the past 19 years, there has been civil strife between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) that has unfortunately cost an estimated 65,000 lives and displaced an estimated 1,000,000 people. In a breakthrough brokered by Norway, the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), an agreement on a ceasefire was signed by both parties and went into effect February 22, 2002.

These peace talks are set to begin in August and at this time, I would like to commend the Prime Minister of Sri Lanka for his great effort to steer his country towards peace and for working for the current conflict at the negotiating table with LTTE leader, Velupillai Prabhakaran. I applaud the Prime Minister’s belief that a comprehensive and lasting peace solution is a priority and I support his denunciation of all political violence and acts of terrorism in Sri Lanka.

During talks this week between President Bush and Prime Minister Wickremesinghe, the Prime Minister emphasized that consistent U.S. diplomacy and international assistance will be critical in ensuring peace in Sri Lanka. In addition, the Prime Minister requested expanded military training program and improved economic ties between the U.S. and Sri Lanka.
As the founder and co-chair of the Congressional Caucus on Sri Lanka and Sri Lankan Americans, I would like to express my willingness for the U.S. to play a constructive role in supporting the peace process. In addition, I plan to encourage the Bush administration to take the steps necessary to support Sri Lanka during the peace process and to take the steps necessary to strengthen ties between the U.S. and Sri Lanka.

Mr. Speaker, I am encouraged by the leadership and dedication to peace so clearly exemplified by Prime Minister Wickremesinghe. I am pleased that his visit to the U.S. was a success and it is now time for the U.S. to proceed and actively support peace and reparation in Sri Lanka.

NATIONAL NIGHT OUT

HON. ADAM B. SCHIFF
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to show my strong support for National Night Out. This year, over 30 million people in 9,700 communities in all 50 states will celebrate National Night Out. Each year, National Night Out is our nation’s night to say no to crime and help take back and preserve the safety of our neighborhoods.

In 1984, the Executive Director of The National Association of Town Watch, Matt A. Peskin, introduced National Night Out. Searching for a way to heighten the awareness and strengthen participation in local anti-crime efforts, Mr. Peskin believed that a high profile, high-impact crime prevention event was needed.

In the first year of the event, over 2.5 million Americans in 400 communities across 32 states participated by turning on their porch lights. The front porch vigil remains a custom, National Night Out now includes block parties, cookouts, parades, festivities, neighborhood walks, safety fairs, rallies and safety meetings. This year’s event will prove to be a bigger success than ever and I am pleased to announce that many of the communities of California’s 27th Congressional District will be proud participants.

The communities of my district will call on their residents to participate in this national show of solidarity. Whether it is through large gatherings, community walks, small neighborhood vigils or a lighted porch light, the residents of the 27th District have always made a commitment to safe neighborhoods and streets.

Such an evening proves an opportune time to celebrate and thank our local police and fire departments. The men and women of these departments spend each day helping to ensure our safety and it is only with their help that we will be able to ensure the long-term safety of our children and our neighborhoods. On this night in particular, they deserve our respect and our praise for their dedication to serving all of us.

It is with all this in mind, that I ask all Members to join me in their strong support of National Night Out—America’s night to support safe neighborhoods and safe communities.

A SPECIAL TRIBUTE IN HONOR OF TEN YEARS OF INCORPORATION FOR THE TOWN OF AWENDAW, SOUTH CAROLINA

HON. HENRY E. BROWN, JR.
OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. BROWN of South Carolina. Mr. Speaker, small towns are wonders and today I would like to recognize the small town of Awendaw in my district. Awendaw is known as the “land of the Seeewe Indians.” It has a rich history that included a visit from the 1st President of the United States, George Washington while on a southern tour in 1781. During the 16th century, records show four Indian tribes that inhabited the land—the Samp, Sanpee, Seeewe and the Wando. Agriculture was their way of life. In 1670, English colonists came to South Carolina at Port Royal in Beaufort. They traveled down the coast until they sighted what is now called Bull’s Bay. They were captivated by the beauty of the unspoiled beaches, tall trees and dense forest. As the colonists approached the shore, Indians were waiting with bows and arrows. But the crew yelled out a friendly greeting calling “Appaads” meaning peace and the Indians withdrew their bows and welcomed them to shore. The Indians shared their food and the English colonists gave them goods such as, knives, beads and tobacco. Awendaw-bough was the name of the settlement when the English colonists arrived but the name was later shortened to Awendaw.

Awendaw is a special place. The arms of nature surrounds it and radiates its beauty. The Cape Romain National Wildlife Refuge, the Francis Marion Forest and the Santee Coastal reserve create a natural wall of protection around the area. Hunting and fishing are still a means of getting food just as it was for the Seeewe Indians.

The Churches of the Awendaw community are a “testimony of their faith.” The Ocean Grove (formerly Pine Grove), Mt. Nebo A.M.E., Ocean Grove United Methodist and First Seeewe Missionary Baptist are all historical churches that play a significant role in the lives of the people. In November 1988, the people of Awendaw began its fight to become a town. For four years, the people gathered once a month at the Old Porcher Elementary School to plan, organize and share information with the people. There were many hurdles set before the people of Awendaw by the Justice Department. In 1989, Hurricane Hugo interrupted the process, but it was resumed in 1990. The Awendaw community made two unsuccessful attempts to incorporate. Finally, after the third try, the Secretary of State granted a certificate of Incorporation on May 15, 1992. On August 18, 1992, the town of Awendaw elected its first mayor the Rev. William H. Atston. The first town council were Mrs. Jewel Cohen, Mrs. Miriam Green, the Rev. Bryant McNeal and Mr. Lewis Porcher (deceased).

This year the town of Awendaw will celebrate ten years of incorporation. The town has grown from 175 to over 1000 in population. Over the last seven years, the town of Awendaw has become famous for its annual Blue Crab Festival. This grand celebration brings thousands of people from neighboring communities to share in the festivities.

Mr. Speaker, I ask that my colleagues would join me in a salute to one of God’s little wonders, the Town of Awendaw, South Carolina. “Thank God for small towns and the people who live in them.”

PROJECT VARELA

HON. FRANK PALLONE, JR.
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. PALLONE. Mr. Speaker, I rise today to once again draw attention to important developments in Fidel Castro’s continued oppression of the Cuban people.

Needless to say, this summer has proved to be a memorable one for Fidel Castro.

It began on Friday, May 10, when over 11,000 citizens of Cuba took a courageous stand and petitioned the Cuban National Assembly to hold a nationwide referendum vote on guarantees of human rights and civil liberties. Named for the 19th century priest and Cuban independence hero, Padre Felix Varela, the Varela Project was the first-ever peaceful challenge to Castro’s four-decade long control of the island. Varela received no funding or support from foreign organizations or foreign governments and is a grassroots effort by the Cuban people to call on their government to provide them with internationally accepted standards of human and civil rights.

In an attempt to negate the effects of Varela, Castro scrambled to respond. Exactly one month to the day that Varela was delivered to the Assembly, Castro and his regime organized mass demonstrations all over Cuba in a sign of so-called “support” for Cuba’s socialist form of government. Castro began his own petition effort that asks members of the Cuban National Assembly to adopt an amendment to the Cuban Constitution that stipulates that Cuba is a “socialist state of workers, independent and sovereign, organized with all and for the good of all, as a unified democratic republic, for the enjoyment of political liberty, social justice, individual and collective well-being and human solidarity.” Castro has supposedly “obtained” the signatures of approximately 98% of Cuba’s voting population.

However, Castro’s poorly veiled attempt to erase the impact of the Varela Project has only backfired. As we near the middle of summer, Castro continues to strong-arm Cuban citizens into signing his petition, and word of the Varela Project continues to spread. Oswaldo Paya, Varela’s organizer, continues to collect signatures and continues to garner the world’s attention for his efforts.

It is critical that we continue to draw attention to and commend the efforts of Paya, his fellow organizers and all those who have signed Project Varela. Castro cannot continue to hide behind his forced petition and continue to ignore Project Varela. If Castro is so assured of his having the support of the Cuban people, then he must schedule a referendum on Varela’s reforms and allow the true voices of the Cuban people to be heard.
THE SYCAMORES

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor one of Pasadena's finest community organizations, The Sycamores. On September 29, 2002, The Sycamores will celebrate its 100th anniversary as one of the nation's premier mental health agencies serving California's children and families.

In 1902, Fannie Rowland, the first President of the Tournament of Roses, called a meeting of thirty prominent Pasadena community leaders. She wanted to discuss the "advisability of establishing a home for the care of needy children." From that meeting, the Pasadena Children's Training Society was founded. Initially, the Society's two-story yellow building served as a home for "door-step" babies—infants left on the facility's front steps.

It was from the front steps that this agency grew. By the mid-1960s the Society had outgrown its home and moved to the neighboring community of Altadena. With the new home came a new name—The Sycamores—a moniker selected in honor of the many trees surrounding the new campus. As the physical location and name of the Society changed, so did its focus. What began as a small orphanage, bloomed into a residential treatment center by the 1960s.

Since then, The Sycamores has increased its capacity to help. Its board of directors purchased additional properties, developed a state-certified school, offering family and adoptive services, a neighborhood family resource center and expanded mental health and transitional living programs.

Over the years, The Sycamores, as one of the area's most acclaimed and capable facilities, has cared for some of the most troubled and needy children in California. The extraordinary staff uses innovative and effective methods to help children and families learn to live productive, but more importantly, happy lives. It is this dedication that makes The Sycamores a vibrant and valuable asset to the community.

I ask all Members to join me in congratulating The Sycamores for 100 years of service and thank them for all that they do for the children of our community.

INTRODUCTION OF THE INCREASED CAPITAL ACCESS FOR GROWING BUSINESSES ACT

HON. SUE W. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. KELLY. Mr. Speaker, today I am introducing the Increased Capital Access for Growing Businesses Act. In 1980 Congress enacted changes to the securities laws to allow for the creation of Business Development Companies (BDCs)—publicly traded companies that would invest in small and medium sized business that needed access to capital. Today there are about 20 active BDCs that are in the business of providing capital and management expertise to grow companies into larger success stories.

There have been many success stories as a result of the BDC legislation. Companies that would never have had access to capital to grow and expand today owe their success to the securities law structure that was enacted more than twenty years ago. However, after twenty years it is important for Congress to modernize and update the BDC provisions.

In order to maintain status as a BDC, in general a company must invest at least 70 percent of its assets in securities issued by smaller companies. This asset criterion on which BDCs rely for eligibility of their portfolio companies are companies that do not have a class of securities on which, "margin" credit can be extended pursuant to rules or the Federal Reserve. According to the legislative history of the 1980 Amendments, it was estimated that the definition of eligible portfolio company would include two-thirds of all publicly held operating companies. Since 1980 when Congress adopted the definition of eligible portfolio company, the Federal Reserve has changed the requirements for marginability, and, effective January 1, 1999, margin securities include any securities listed on the NASDAQ Stock Market. This change has dramatically decreased the number of eligible portfolio companies.

The proposed legislation would allow BDCs to provide financing to a larger number of companies that are in need of capital and which cannot access the public markets or obtain conventional financing, consistent with the policy of the 1980 law. Specifically, it would add to the definition of "eligible portfolio company" any company with a market capitalization of not more than $1 billion. It would not, however, affect the requirement that the securities must be acquired in privately negotiated transactions.

Today more and more companies are finding that credit is simply unavailable. The ability for companies to grow and increase jobs is dependent on their ability to tap the capital markets. While this legislation may not be the answer for every small and medium sized company, it offers an opportunity for many companies that would otherwise find the capital market doors closed.

I urge my colleagues to join me in supporting this important legislation.

A SPECIAL BIRTHDAY TRIBUTE TO MRS. NANCY DINWIDDIE HAWK

HON. HENRY E. BROWN, JR.
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in celebration of the 80th birthday of a great American and an even greater South Carolinian, Mrs. Nancy Dinwiddie Hawk. Nancy Hawk was born on July 31, 1922. She is the proud mother of nine children and was the recipient of the "National Mother of the Year" award in 1987. Nancy was a stay at home mom who always put family first. It was not until after her children were grown that she decided to pursue her dream to become an attorney.

At the age of 55, Nancy Hawk graduated from the University of South Carolina Law School. Nancy is a natural leader, she was chairwoman of the South Carolina Republican Party for a number of years. She continues to be an inspiration to me and all who are fortunate enough to cross paths with her.

Please join me in wishing Mrs. Nancy Dinwiddie Hawk a Happy 80th Birthday.

PERSONAL EXPLANATION

HON. JOE KNOLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. KNOLENBERG. Mr. Speaker, on July 24, 2002 and July 25, 2002, I was unavoidably absent due to the death of my sister and missed roll call votes 339–351. For the record, had I been present, I would have voted: No. 339—Nay; No. 340—Yea; No. 341—Yea; No. 342—Nay; No. 343—Yea; No. 344—Yea; No. 345—Nay; No. 346—Yea; No. 347—Nay; No. 348—Yea; No. 349—Yea; No. 350—Yea; No. 351—Yea.

RECOGNIZING THE TRICENTENNIAL OF ALLEN, MARYLAND

HON. WAYNE T. GILCHRIST
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. GILCHRIST. Mr. Speaker, I rise today to recognize the Village of Allen's 300th birthday. This Maryland community is located in the First Congressional District, which I have the distinct honor of representing. Established in 1702, I recognize this village for its longevity, and through that longevity, for influencing the unique flavor of Maryland's Eastern Shore.

Allen sits in Wicomico County, along Wicomico Creek. Central to its establishment was the Grist Mill, which was originally built and operated by the Brereton family. The mill was fully operational until 1919 when, after 217 years, it finally closed. The mill dam formed Passerdyke Pond, still a local landmark, and it was the spillway, or trap, that gave the settlement its first name. Trap eventually became Upper Trappe, and then it was changed to Allen in 1882, named after a prominent resident at the time that was a storekeeper and served as postmaster.

With the mill and its location on the lower Eastern Shore, Allen developed into a considerable market during the 18th and 19th centuries. A post office helped give it status, along with the several general stores that have operated throughout its history and the introduction of the canning industry. And like many settlements on the Delmarva Peninsula, agriculture drove the local economy, and Allen residents have found fame over the years with strawberries, apple and peach orchards, tomatoes, and especially string beans.

The Asbury Methodist Church is another important Allen institution. Founded in 1829, the present sanctuary was built by carpenter Caleb Twilley in 1848. In 1999, the church was placed on the National Register of Historic Places. The first African-American
In 1979 Clarence earned a Masters Degree in Public Administration from Long Island University, NY. He is a member of the National Honor Society for Public Affairs and Administration (Pi Alpha Alpha). As a student in pursuit of his bachelor's degree at John Jay College of Criminal Justice, Clarence had the opportunity to go abroad to study and patrol with the London Police Department. In high school he was a football player and earned recognition for his athletic ability. Upon entering the criminal justice profession, Clarence continued to exhibit his tenacious ability now as a criminal investigator. He successfully completed the Criminal Investigator's Course commanded by the Federal Bureau of Investigation. He served as a Commander of the Confidential Information Unit and was responsible for the development of documentation designed to prevent internal theft from various state and local revenue collecting agencies; and represented the NYPD as a criminal investigator in many federal, state and city inter-agency investigations. His knowledge as a criminal investigator and his expertise in gathering evidence on behalf of the NYPD in various cities such as Atlanta, Boston and Washington, D.C. His civic activities include: serving as a marshal at the March on Washington, August 28, 1963; representing the Cerberean Society (Now the New York City Police Guardians) standing at the right of Dr. Martin Luther King Jr. at the Lincoln Memorial, as he delivered his now famous "I Have A Dream" speech. In 1983, he founded and served as Director of the Guardian Association and Anti-drug program located in Community School District 16, (Bedford–Stuyvesant). In 1986, he founded and coordinated the National Black Police Association and the Grand Council of Guardians–NYPD Inquiry Panel. The panel was formulated to review procedures used by the city to hire minority candidates to the position of police officer. In his community, he is an activist involved in all aspects of service to improve the quality of life for his neighbors. He is a member of the Black Community Council of Crown Heights; the Steering Committee for the 11th Congressional District; President of the 100 Men for Congressman Major Owens; a member of the Vanguard Independent Democratic Association and the NAACP. For youths of the community, one of his activities included Founder and Commissioner of the Interborough Youth Sports Complex which included approximately 1100 youths in the tri-state area. Other organizational affiliations include: National Black Police Association (NBPA) Northeast Region; Past Chairperson and Past Vice-chairperson; Transit Guardians, NY–Past Secretary, Recording Secretary and Sergeant-at-Arms; Grand Council of Guardians, NY–Historic. Clarence was affiliated with the National Conference of Black Lawyers.

Clarence states: His main purpose is to fight for the rights of Black people, keeping in mind, "now is the time tomorrow is not promised." We particularly salute Clarence Surgeon for his continuing volunteer activities despite a series of personal hardships. After enduring several serious operations and experiencing the death of his wife, Clarence has returned to the arena to continue working for the less fortunate and the community. For being a great role model for selfless dedication we are proud to salute Clarence M. Surgeon as a POINT-OF-LIFE for all Americans.
America. Junior Achievement reaches more than four million students in grades K–12 per year. JA International takes the free enterprise message of hope and opportunity even further to nearly two million students in 113 countries. Junior Achievement has been an influential part of many of today’s successful entrepreneurs and corporate leaders. Junior Achievement’s success is truly the story of America—the fact that one idea can influence and benefit many lives.

Mr. Speaker, I wish to extend my heartfelt congratulations to Bill Laird of Franklin for his outstanding service to Junior Achievement and the students of Tennessee. I am proud to have him as a constituent and congratulate him on his distinguished accomplishment.

TRIBUTE TO CONGRESSMAN TONY HALL
HON. RUBEN HINOJOSA
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. HINOJOSA. Mr. Speaker, I am honored to join my colleagues in paying tribute to my good friend, TONY HALL.

When I heard the news that TONY had been selected to become the U.S. Ambassador to the United Nations Food and Agriculture Organization, I immediately thought that there could be no one more qualified for this job. TONY’s passion for improving nutrition and ending hunger and homelessness is legendary. He not only talks tirelessly about the need to solve the problems of hunger, but he also acts on his beliefs. He has led hunger fasts and countless vigils to bring national attention to the needs of the homeless and the hungry. He has traveled repeatedly to developing countries to see first-hand the ravages of hunger and provide his excellent counsel to governments trying to deal with this enormous problem.

I have been proud to work with TONY on issues of child nutrition and today, largely due to his efforts, every child in this country gets at least one nutritional meal through their school. With the expansion of the School Breakfast Program, thousands of children now receive two meals. I will sorely miss his advice and counsel, but know he is moving on to receive two meals. I will sorely miss his advice and counsel, but know he is moving on to another part of many of today’s great leaders.

HON. OTIS LEAVILL COBB
HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. DAVIS of Illinois. Mr. Speaker, Otis Leavill was a friend of mine and a man that I admired and greatly respected. He was known to his fans for his smooth tenor voice, but his greatest gift was his ability to simply be himself and in spite of fame as an entertainer and producer, he lived in what we fondly call the hood, the Garfield Park Community, and he was instrumental in helping a number of young artists launch and develop their own careers.

Otis Leavill Cobb was born in Dewey Rose, GA. He arrived in Chicago as a youngster with his family. He lived on the westside where his father was a minister and he and his siblings sang in a gospel group. By the late 50’s and early sixties, Mr. Leavill Cobb was making his own mark, singing new R&B music under the name Otis Leavill, with a gospel feel. He was one of the people who put Chicago on the map in the soul music industry said W.L. Lillard a television talk show host/producer and businessman, as well as a close friend of Mr. Leavill’s.

Bob Pruter, the author of the book, “Chicago Soul,” said, when I was doing research for my book, I went to him because he knew everybody.


Mr. Leavill simply loved people and was happy to work behind the scenes, often teaming up with Carl Davis, Gus Redmond, W.L. Lillard and other “homeboys” to make things happen. He was also an avid fan of gospel music and the church. He was sort of a folk hero and loved by his community. Mr. Cobb was a police officer in Maywood, and owned his own business.

We extend best wishes to his family, wife, Minnie; his daughter, a son, Derrick, a sister, Evelyn Williams; three brothers, Maurice, Kenneth and Billie; and a granddaughter.

Oties Leavill Cobb, a good entertainer, a Great American.

HON. MARK R. KENNEDY
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. KENNEDY of Minnesota. Mr. Speaker, on rollcall No. 349 I was at a meeting in the Capitol basement and did not hear the bells. Had I been present, I would have voted aye.

HON. JANELLE GARCIA
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. UDALL. Mr. Speaker, I rise today to extend my deep appreciation for the hard work and professionalism of Janelle Garcia, a member of my staff, and to wish her the very best in all of her future endeavors.

Janelle has been my district scheduler since January 2001. She will be leaving my office in August to work with the Colorado State Fair. Still a young woman, Janelle Garcia has already established a formidable career in public service. Before coming to my office, she worked as the Program Administrator in the Governor’s Office of Economic Development and International Trade. She has worked for the Colorado Tourism Board, Colorado Ski Country USA and was the scheduler for Colorado Governor, Roy Romer.

Scheduling a member of Congress can be an extraordinarily challenging job. In my case, I am aware that my staff “fondly” refers to the phenomenon of “Udall time.” While I am not sure it really exists, I have heard “Udall time” is different from normal time by not running at an even rate. In fact, I have heard it described as being characterized by fits and starts so erratic they would baffle even the most accomplished physicist. In any event, Janelle always
was able to make any necessary adjustments to keep the ship running smoothly.

I speak for everyone on my staff when I say that I hold a deep respect and admiration for Janelle, as a professional and as a human being. The quiet strength and grace with which she has faced incredibly challenging times is something for which we are all very proud. Even in the depths of her deepest struggles, she never lost her spirit, integrity and professionalism. She has made a deep and lasting impression on each of us. Her caring heart and infectious laugh will be dearly missed.

I would like to personally thank Janelle on behalf of my family and myself. Janelle has worked with extraordinary effectiveness and patience to ensure that the demands of my service don’t come at the expense of my family.

I ask my colleagues to join me in honoring Janelle Garcia today. All of my best thoughts are with her and her daughters as they open this next chapter in their lives.

TRIBUTE TO REPRESENTATIVE TONY HALL

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. UDALL of Colorado. Mr. Speaker, as a junior Member of Congress, I have not known TONY HALL nearly as long as many of our colleagues who have spoken with such eloquence of his accomplishments and his record as a leader in the fight against hunger.

But even in the brief time I have known him, I have been greatly impressed with his deep commitment to trying to make life better for people throughout the world. And I have also greatly appreciated the way he has helped me to do a better job in representing my constituents and to be a better and more effective Member of the House of Representatives.

In particular, I have benefited from his cooperation and assistance with my efforts to expedite the cleanup and closure of Rocky Flats—a former nuclear-weapons site in my District—and to assist the people who work there to make the transition to new careers or secure retirement. Because of his own first-hand experience with a site in his District, Tony understood the challenges and opportunities at Rocky Flats. And because of his generosity and readiness to help, great progress has been made in meeting those challenges and making the most of those opportunities.

So, Mr. Speaker, I want to join our colleagues in praising TONY HALL for his leadership and breadth of vision and in wishing him every success in the important new duties he will be assuming. And I also want to add a personal note of thanks and to say that I deeply respect him and am very glad to have had the chance to benefit from our brief time together here in the House of Representatives.

PROVIDING FOR CONSIDERATION OF H.R. 5005, HOMELAND SECURITY ACT OF 2002

SPEECH OF
HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 2002

Mr. PAUL. Mr. Speaker, I do not oppose this rule because I would like to consider this important issue, but I am very concerned with the process of bringing this legislation before this body.

Mr. Speaker, since we began looking at proposals here in the House of Representatives, more questions have arisen than have been answered. We have put this legislation on a "fast track" to passage, primarily for reasons of public relations, and hence have short-circuited the deliberative process. It has been argued that the reason for haste is the seriousness of the issue, but frankly I have always held that the more serious the issue is, the more deliberative we here ought to be.

Instead of a highly crafted product of meaningful deliberations, I fear we are once again about to pass a hastily drafted bill in order to appear that we are “doing some-thing.” Over the past several months, Congress has passed a number of hastily crafted measures that do little, if anything, to enhance the security of the American people. Instead, these measures grow the size of the Federal Government, erode constitutional liberties, and enrich our economy by increasing the fed-eral deficit and raiding the social security trust fund. The American people would be better served if we gave the question of how to enhance security from international terrorism the serious consideration it deserves rather than blindly expanding the Federal Government. Congress should also consider whether our hyper-interventionist foreign policy really benefits the American people.

Serious and substantive questions about this reorganization have been raised. Many of these questions have yet to be resolved. Just because a bill has been reported from the Select Committee does not mean that a consensus exists. Indeed, even a couple of days before consideration, this bill it was impossible to get access to the legislation in the form introduced in the committee, let alone as amended by the select committee.

In the course of just one week, the President’s original 52-page proposal swelled to 232 pages, with most members, including myself, unable to review the greatly expanded bill. While I know that some of those additions are necessary, such as Mr. Obey’s amendment to protect the privacy of American citizens, it is impossible to fully explore the implications of this, the largest departmental reorganization in the history of our Federal Government, without sufficient time to review the bill. This is especially the case in light of the fact that a number of the recommendations of the standing committees were not incorporated in the legislation, thus limiting our ability to understand how our constituents will be affected by this legislation.

I have attempted to be a constructive part of this very important process. From my seat on the House International Relations Committee I introduced amendments that would do something concrete to better secure our homeland. Unfortunately, my amendments were not adopted in the form I offered them. Why? Was it because they did not deal substantively with the issues at hand? Was it because they addressed concerns other than those this new department should address? No, amazingly I was told that my amendments were too “sub-stantive.” My amendments would have made it impossible for more people similar to those who hijacked those aircraft to get into our country. They would have denied certain visas and identified Saudi Arabia as a key problem in our attempt to deal with terrorism. Those ideas were deemed too controversial, so they are not included in this bill.

I also introduced four amendments to the bill itself, including those that would prohibit a national identification card, that would prohibit the secretary of this new department from moving money to other agencies and depart-ments without congressional oversight, that would deny student visas to nationals of Saudi Arabia, and that would deny student and divers-ity visas to nationals from terrorist-spon-soring countries. All of these amendments, which would have addressed some of the real problems that we are all very concerned about. They were not even allowed onto the floor for a debate. This is yet more evidence of the failure of this process.
Mr. KINGSTON. Mr. Chairman, the Federal Law Enforcement Training Center in Glync, Georgia, provides critical training for a range of federal law enforcement personnel as well as state, local, foreign, and private sector security personnel. I want to associate myself with the remarks of my colleague from Georgia, Mr. KINGSTON, who has so effectively lead the effort to ensure that FLETC has adequate resources and support to continue to do its job so well.

In the war on terrorism, FLETC's role will become even more important. Training at the center has grown significantly since it first opened in 1970 and now serves the training needs of over 70 federal agencies in all three branches of government with 25 thousand graduates annually. The proposal we are discussing today will put nine law enforcement and security functions in the Department of Homeland Security. FLETC trains security personnel in each of these agencies and through its well-established network offers a unique training resource to all levels of federal, state, and local law enforcement. Newer roles for FLETC include training our air marshals and, hopefully, our pilots to provide an additional layer of aviation security.

I strongly support the Kingston amendment. We need to ensure that we have a robust law enforcement and security force that can effectively provide security for our nation. The men and women who conduct this critical training at FLETC are an integral part of our national security. While the bill transfers FLETC to the Department of Justice, this important amendment will ensure that FLETC's contributions to the development of our federal law enforcement and security functions in the Department of Homeland Security are acknowledged.

Mr. Speaker, today Ameri...
Southern University where he earned a Bachelor of Science degree and later earned a Master’s degree in economics in 1952.

His pinnacle academic achievement came when he earned a law degree from the Thurgood Marshall School of Law, at Texas Southern University. This degree led him to blaze the trail and knock down doors for those of us who would follow. His law degree allowed him to become an Assistant U.S. Attorney appointed by Attorney General Robert F. Kennedy. Marking yet another first, Judge Walker was the first African-American U.S. Attorney for the Southern District of Texas.

When not busy upholding the law, the Honorable Carl Walker, Jr. was involved in a number of civic and religious organizations in Houston, Texas.

He held positions with the Civic League, Eldorado Social Club, and the South Central YMCA Board of Managers. Mr. Walker served as President of the Harris County Council of Organizations, the Houston Chapter of the U.S.O., the Texas Southern University Alumni and Ex-Students Associations, the State Bar of Texas, the Texas Bar Foundation, the United States Tax Court, Federal Bar Association, Fifth Circuit of Appeals, and the Texas Judicial Association.

I was humbled by an invitation to give a special tribute to Carl Walker, Jr. at his passing. I told our men and women who have used their lives to better our country in the highest regard and take great pride in commemorating the extraordinary life of the Honorable Carl Walker Jr. It is because of Carl Walker’s good works that not only the Congressional District but all of Houston and America could have an improved quality of life. He was a tremendous moral force who will be sorely missed as we look to his example in the struggle for justice and integrity in our country today.

A BILL FOR EXTERNAL REGULATION OF NUCLEAR SAFETY AND OCCUPATIONAL SAFETY AND HEALTH AT DOE

HON. JERRY F. COSTELLO OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to introduce a bill that provides for the external regulation of nuclear safety and occupational safety and health at the Department of Energy.

This bill, which draws from the work of my friends and colleagues Congressman Tom Leary, Congressman Ken Calvert and former Congressman Tom Bliley, would push the Department of Energy to take a step that virtually everyone agrees is overdue: get the Department of Energy out of the business of regulating itself in the areas of nuclear safety and occupational safety.

Discussion of external regulation at the labs is an old idea. It received an official boost in 1993 when then Secretary of Energy Hazel O’Leary announced that she would seek to implement external regulation of worker safety. Then, in 1994, legislation was introduced forcing DOE to stop self regulating their nuclear facilities. DOE responded to these legislative initiatives by launching advisory groups to lay out a path to external regulation. In 1996, DOE embraced a ten-year plan to implement external regulation.

For many outside of the Department, this ten-year plan appeared too cautious. However, to those in the Department, it appeared too ambitious. In 1997, then Secretary Pena decided to take a step away from that commitment and run a 2-year pilot program to determine the costs and benefits of external regulation. With the end of that pilot program, Secretary Pena’s successor, Secretary Richardson, decided that external regulation would be unworkable.

Curiously, the two participating regulatory agencies involved in the pilot came to a very different conclusion. Both the Nuclear Regulatory Commission (NRC) and the Occupational Safety and Health Administration (OSHA) concluded the pilot had to be successful. I was the ranking member on the Energy Subcommittee of the Science Committee when the pilot was completed and we had an elaborate hearing on this issue. I came away convinced that while there were some questions about implementation, the overwhelming evidence was that external regulation would provide more safety to workers and communities near labs while allowing the labs themselves to focus more on the science and technology.

It is for this reason that laboratory managers also favor external regulation. They believe that external regulation would free up overhead costs involved in self-regulation and allow them to redirect resources towards doing more science. From the labs’ perspectives DOE is an inconstant regulator with changes in standards, reporting requirements, and interventions. The NRC and OSHA are both professional regulators that provide a clearer regulatory regime with significant cost savings to those subject to their regulatory guidance.

Recently, the Energy and Water Appropriations Subcommittee here in the House has taken a leading role in pushing the Department towards external regulation. Yet, the Department continues to resist external regulation. Just yesterday, the Energy Subcommittee of Science held a hearing in which the Director of the Office of Science said they are moving towards another study of external regulation. They are planning an elaborate study involving OSHA and NRC with preliminary results due next year. After nine years of studying this issue, we already know that external regulation is the right answer; yet, DOE insists that another study is needed.

There is a consensus everywhere outside of DOE that the labs should be subject to external regulation. GAO holds that position. The Labs hold that position. The potential regulators hold that position. I believe the workers, the communities near the labs and the taxpayers all deserve to see this happen sooner rather than later. As a Member of the Science Committee and Chair of the Committee of jurisdiction—this bill is intended as another signal to DOE that foot-dragging and endless studies will not satisfy this Congress.

H.R. 3763, THE CORPORATE AND AUDITING ACCOUNTABILITY AND RESPONSIBILITY ACT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of the Conference Report on H.R. 3763. I would like to commend the hard work of the conferees on this critically important legislation. The recent string of accounting scandals has badly damaged the confidence of many Americans in our nation’s corporations and markets. This legislation is a strong step toward restoring their confidence and stabilizing our nation’s economy.

It seems like every day we hear a new story of executives who misled their investors and their workers and stole millions of dollars. These executives are called irresponsible; they are accused of mismanagement or unorthodox business practices. But these corporate leaders aren’t unorthodox; they are criminals, plain and simple. They have stolen more money than any thieves I’ve ever heard of, and their crimes have real victims.

The victims of these corporate crimes are workers, like the worker who just wanted an honest job with a fair expectation of job security. For all their hard work, these workers got 10 minutes to clear out their desks. In some cases they were even denied their severance packages if they refused to sign documents giving up the right to sue Enron for defrauding them. Defrauding workers and forcing them to give up their legal rights isn’t irresponsibility; it is a crime.

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

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

A free-market system cannot function if investors do not trust executives, and therefore the crimes of Worldcom and Enron are crimes not only against their stockholders, but against the very system that allowed these companies to flourish.

Even after the collapse of Enron and the exposure of billions in fake earnings at Worldcom, many in Congress were working to protect their corporate patrons from any real accountability. The initial House-passed version of this legislation, sponsored by Mr. Oxley, did nothing to protect against corporate abuse and bring back public confidence in corporate governance. In some cases, the
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bill even would have made it more difficult to enforce auditing regulations. In its most glaring failure, Mr. Oxley’s legislation left the wolf in charge of the henhouse by ensuring that no independent agency had the power to effectively police the internal auditing industry to prevent conflicts of interest and protect investors.

The Senate version of this legislation, however, responded much more effectively than the House leadership to corporate crime. A proposal introduced by Senator Paul Sarbanes for auditing the auditing industry goes much farther than either the sham House bill or the June 20 proposal for revamping the SEC. The Sarbanes bill would create an independent board to oversee accounting practices. It would prohibit accounting firms from destroying documents. Most importantly, the Sarbanes bill would prevent conflicts of interest by preventing auditors from selling other services to the companies they are supposed to be regulating. I wish this House were able to vote up or down on Senator Sarbanes’ bill.

Fortunately, the House-Senate conference report adopts several key elements of the Senate proposal. The conference agreement, in addition to including the provisions mentioned above, also bars auditors from performing most other services to the same companies they audit, requires corporate officers to reimburse their companies for any bonuses or profits made from stock sales if their misconduct resulted in the firm issuing a revised financial statement. It also generally bars corporations from providing loans to any of its executives, just to name a few of the provisions included in the agreement.

While it is not perfect, it is far stronger than the original House bill. The American people want to feel confidence in the market system that has brought so much prosperity. It is our responsibility to fix the system so we can move forward to a time when workers and investors are secure, and corporate crime is a thing of the past. Voting yes on this conference agreement is a step in that direction. I urge my colleague to support this agreement.

Tribute to Gov. John C. West

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the State of South Carolina’s 109th Governor, John Carl West, who I am honored to count among my dear friends and of whom I am proud to be a protégé. Born on August 27, 1922, former Governor West will celebrate his 80th Birthday during the upcoming August recess.

John C. West began his public service as a Member of the South Carolina Highway Commission from 1946-1952. In 1955, he was elected to the South Carolina State Senate from Kershaw County where he served for 11 years. His campaign was based entirely on the need for improved health care for the citizens of South Carolina.

In his first statewide election in 1967, Governor West was elected Lieutenant Governor of South Carolina. He held this position until 1971, when he was elected South Carolina’s 109th Governor.

Constitutionally limited to one term, Governor West nevertheless made his mark on our State in ways that still benefit us today. Among his many legacies are the integration of the Governor’s Executive staff, and creation of the South Carolina Human Affairs Commission, the State’s fair employment, fair housing, and affirmative action agency. Both were firsts for a southern state. He also created the South Carolina Housing Finance Authority, which developed pioneering programs in affordable housing.

After his distinguished service as Governor, he reentered the practice of law, but that was short-lived. In 1977 President Jimmy Carter appointed him United States Ambassador to Saudi Arabia. His distinguished service as an Ambassador stretched from 1977–1981.

Mr. Speaker, on August 24, 2002, Governor West’s wife Lois and their children have invited other family members and friends to join them in celebration of the Governor’s 80th Birthday. My family and I look forward to joining them on that occasion, and I ask you and my colleagues to join me in wishing him good luck, Godspeed, and a very Happy 80th Birthday.

HONORING SKIPPER LEE FRAZIER
HON. KEN BENSTEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. BENSTEN. Mr. Speaker, I rise in honor of Skipper Lee Frazier as he celebrates his 75th birthday and 45 years in gospel radio. In recognition of Mr. Frazier’s 75th birthday and 45 years in gospel radio, the Windsor Village United Methodist Church will be hosting a “Roast and Toast,” on July 29, 2002.

An accomplished businessman, radio personality, and dedicated community advocate, Skipper Lee Frazier has touched the lives of many Houstonians.

Born in Magnolia Springs, Texas, Skipper Lee Frazier has dedicated his life to building a successful career in radio, while embarking on a number of business ventures. Mr. Frazier began his radio career at KYOK, where he served as a part time disc Jockey while hosting record hops and talent shows. After his tenure at KYOK, Mr. Frazier’s love for music and radio led him to KCOH, where he first brought Houston the “Mountain of Soul,” becoming the trademark personality that effect the lives of many. His career in radio helped propel him into the record industry, where he distinguished himself as a manager and promoter of local talent. He promoted and managed the careers of such artists as The Masters of Soul, Mark Putney, Conrad Johnson, Beauford Williams, and Sugar Bear.

During that time, Mr. Frazier also managed two groups that brought him and the city of Houston national acclaim, Archie Bell and the Drellis and the TSU Tornadoes. Their big hit was the popular dance tune “Tighten Up,” which was written by Mr. Frazier.

Throughout his involvement in the music industry, Skipper Lee earned the opportunity to promote shows for such legendary artists as James Brown, B.B. King, Wes Montgomery, and the O’Jays. With Mr. Frazier’s efforts, the Kool Jazz Festival was presented in California and throughout the country, proved a resounding success.

During his earlier years, Mr. Frazier employed a tremendous sense of determination and drive to succeed, often working more than one job in his quest for success. His remarkable efforts and strong will have paid off, in the Eternal Rest Funeral Home he owns and manages with his son. While the funeral business is incredibly difficult, Mr. Frazier’s business brings great comfort and ease to families in a time of need. The fact that many families have returned to Mr. Frazier’s business when the need arose testifies to the strong sense of confidence his community has in him and his business.

Mr. Speaker, I am pleased to join Windsor Village Methodist Church, Skipper Lee Frazier’s family and friends, and all those he has inspired in honoring him on the occasion of her 75th birthday and commending him on his 45 years in radio. May the coming years bring good health, happiness, and prosperity.

Ms. JUANITA MILLENDER-McDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 2002

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of the conference report, in support of H.R. 3763, and most importantly in support of all those investors, employees, and retirees who have fallen victim to the criminal acts of corporate wrongdoers. This report not only agrees with, but also adds to the provisions and penalties that would be put in place by the Senate passed legislation. We in the Congress must make it clear to the American public that the everyday citizens who have been duped by corporations and their managers, through manipulation of the equity markets, into believing

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**Corporate Responsibility**

**Speech of**

HON. JUANITA MILLENDER-McDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

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THAT their welfare and their life savings are in good hands.

Corporate Responsibility Standards need to be mapped out so that a universal code of conduct is in place to penalize those who have committed these crimes, and prevent others from following in their footsteps.

The quick and accurate disclosure of financial information is needed to close the loopholes that have allowed these manipulations to occur.

The re-authorization of the monies needed to reinforce the job already being done by the SEC is critical to insure that its enforcement and investigation capabilities are top of the line.

This bill sets the tone for all of these initiatives to be accomplished and to put an end to the manipulation of finances, and the greed driven practices of those who can only be described as common criminals.

TRIBUTE TO AN AMERICAN PATRIOT

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to pay special tribute to one of the finest public servants in the history of Pennsylvania politics.

I was deeply saddened to learn that the Dean of the Pennsylvania Senate and my State’s longest serving member, Senator Clarence Bell, passed away today at the age of 88.

Senator Bell, a tireless advocate for his constituency and working families across Pennsylvania will be fondly remembered and sorely missed.

Senator Bell served a total of 48 years in the Pennsylvania legislature, First serving in the Pennsylvania House Representatives in 1954, Clarence Bell was elected to serve as a Senator in 1961. Serving under 11 Governors, Senator Bell served as a member of the Appropriations, Rules, Transportation, State Government Committee, Military and Veterans Affairs Committee and most recently Chairman of the Senate Consumer Protection and Professional Licensure Committee and the chairman of the Joint Legislative Budget and Finance Committee.

Senator Bell led the effort to construct the Commodore Barry Bridge spanning the Delaware river and connecting Pennsylvania and New Jersey. However, the Senator took the most pride in his unyielding desire to remain in touch with each of his constituents—he always referred to them as his “neighbors”. The Senator personally signed each piece of mail answering his “neighbors” questions or addressing their concerns, congratulating them on their graduations or additions to their families. Throughout his career he also personally wrote a weekly newsletter. A man of incredible energy and determination, Senator Bell chaired a committee hearing as recent as this past Tuesday.

Before his career as a politician in Harrisburg, Clarence Bell served for five-and-a-half years in active duty in World War II and was also a Major General in the Pennsylvania National Guard. Senator Bell served a total of 38 years in the military.

Born in Upland, Pennsylvania in 1914, Senator Bell attended and graduated from Swarthmore College and Harvard Law School, Senator Bell’s constituency in the 9th Senatorial District encompassed portions of Delaware and Chester Counties. Throughout his career Clarence Bell was a visible and accessible legislator whose work was expansive and approachable to those he served.

A member of numerous professional and service organizations, Senator Bell was regularly recognized by these organizations and countless others that valued his input and leadership as a public citizen.

A dedicated husband, father of two children, grandfather and great-grandparent three times over, I call upon my colleagues to recognize the unsellable commitment to public service that Clarence Bell possessed. I would also like to extend my deepest sympathies to the Bell family, especially his wife Mary James, his friends, staff and the residents of the 9th Senatorial District. We have lost a true champion in Harrisburg, however, Pennsylvania is a better place thanks to the extraordinary life and wisdom of Clarence Bell.

COMMENDING JOHN REYNOLDS ON HIS RETIREMENT FROM THE NATIONAL PARK SERVICE

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Ms. PELOSI. Mr. Speaker, I rise today to express my deep appreciation for the work of Mr. John Reynolds, regional director for the western region of the National Park Service, Region IX.

With Jim’s retirement on August 3, the national parks will lose a dedicated, innovative leader.

John Reynolds has devoted his entire career to our national parks, joining the park service while still a student in 1961 and rising through the ranks to become director of the Pacific West Region in 1997. In this position, he held responsibility for 56 national parks in Hawaii, Idaho, Nevada, Oregon, Washington and the islands of the outer Pacific. These parks include many of our country’s greatest natural and cultural treasures—majestic redwood groves, active volcanoes, historic ships and forts, sweeping seashores, and mountains and valleys of stunning beauty.

John’s contributions to the national parks, and especially the western region, have been myriad. He has actively promoted new and innovative ideas, and has fostered unique and creative problem-solving in the parks under his jurisdiction. He has done so much to bring the national parks to the people, especially in urban areas.

He has served as a calming and effective presence in dealing with controversies over park stewardship. He has always worked to achieve balance among the many purposes and uses of national parks, while first and foremost remaining dedicated to preserving the parks for future generations.

I wish to give John heartfelt thanks, on behalf of my constituents in San Francisco, for his oversight of the Golden Gate National Recreation Area, his support for the San Francisco Maritime National Historical Park and the historic ships, and his crucial role in establishing the Presidio as a new national park.

In its spectacular location at the Golden Gate, the Presidio is one of America’s great natural and historic sites. As general manager of the Presidio from November 1996 to May 1997, John stepped up to the plate at the beginning of its transition to national park. Subsequently, as regional director, he provided steady support and guidance for the Presidio as it continued to develop in its unique role as the only national park required to become fully self-supporting.

John was born in Yorktown National Park, so perhaps it was inevitable that he should dedicate his life to protecting and promoting national parks. We will miss him greatly, and we wish him and his family all the best for the future.

LORI BERENSON’S UNJUST IMPRISONMENT

HON. MAXINE WATERS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Ms. WATERS. Mr. Speaker, I am outraged and appalled by the continuing incarceration of Lori Berenson on charges of collaborating with terrorists in Peru. Lori Berenson is not a terrorist, nor has she ever collaborated with terrorists. She is an intelligent and caring young woman who is committed to justice.

The Inter-American Commission on Human Rights recently vindicated Lori Berenson. The Inter-American Commission came to the following conclusion:

“The Peruvian State is responsible for the violation of the right to judicial guarantees, of personal integrity, and of the right concerning the principle of legality to the detriment of Berenson, having judged her in the military court, submitting her to inhumane and degrading conditions of detention, starting a new trial conforming to Legal Decree 25475 (antiterrorist law), and permitting the evidence collected during the first [initial] process with a value of proof in said [second] trial.”

Lori Berenson has been unjustly imprisoned in Peru for nearly seven years under the harshest possible conditions. She has never had a trial that respected her rights or met international standards of fairness and due process. Not only has Lori never wavered in her insistence that she is innocent of the charges against her, she was charged under the antiterrorist laws that the Inter-American Commission has deemed unacceptable.

The Peruvian government is challenging the decision of the Inter-American Commission by filing a lawsuit against the Inter-American Commission at the Inter-American Court of Human Rights. Peru’s lawsuit is mean-spirited and frivolous and will only result in the unnecessary further incarceration of Lori Berenson. In similar cases, the Inter-American Court of Human Rights has confirmed the rulings of the Inter-American Commission that Peru’s antiterrorist laws violate the American Convention on Human Rights. These court decisions have resulted in the release of the defendants whose civil rights were violated.

Lori Berenson’s health has been damaged by her wrongful imprisonment. The Inter-American Commission on Human Rights concluded
that the conditions of her incarceration are “degrading and inhumane.” Continued incarcer-
cation while awaiting a decision of the Inter-
American Court will cause her needless addi-
tional suffering.

Legal and humanitarian considerations re-
quire that Lori Berenson be released imme-
diately. I urge the Peruvian government to set
her free.

HONORING PASTOR KIRBYJON H.
AND SUZETTE TURNER CADDLE

HON. KEN BENTSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to
honor Pastor and Mrs. Kirbyjon Caldwell for
their years of service and dedication to the
Windsor Village United Methodist Church in
Houston, Texas. In honor of Pastor and Mrs.
Caldwell, the Windsor Village Community,
hosted the “20th Anniversary Celebration;
Recognizing Their Spiritual Leadership” on
July 19, 2002.

A native Texan, Pastor Caldwell was edu-
cated in the public school system and earned a
Bachelors Degree in Economics from Carleton
College in 1975, and a Masters Degree in
Business Administration from the University
of Pennsylvania's Wharton School of Business
in 1977. After graduate school, Pastor Caldwell
began a promising career in investment banking. But, in an effort to
fulfill God's purpose for his life, Pastor Caldwell
enrolled into Southern Methodist Uni-
versity, Perkins School of Theology, where he
received a Masters Degree in Theology in
1981. While completing his theology degree,
Pastor Caldwell was appointed Associate Pas-
tor of St. Mary’s United Methodist Church in
Houston and in less than a year he was ap-
pointed Senior Pastor of Windsor Village
United Methodist Church.

Since his first sermon at Windsor Village in
1982, Pastor Caldwell has dedicated himself to
addressing the needs of his congregation.
The growth and success that Windsor Village
has experienced under Pastor Caldwell's lead-
ership reveals a pastor who is truly connected
to his community and committed to the
church's prosperity. Under his pastorate, the
Windsor Village membership has grown from
25 to over 14,000, and the average worship
attendance has increased from 12 to 6,450.
The Church includes over 120 ministries,
which serve the community seven days a
week.

The spiritual leadership at Windsor Village
serves as a beacon for the Houston commu-
nity. With such facilities as the Power Center,
the Prayer Center and the Family Life Center,
the congregation's sense of community activ-
ism and outreach provides an ideal model of
service to the surrounding community. The
Power Center, developed in conjunction with
the Windsor Village Church Family and the
Pyramid Community Development Corpora-
tion, houses numerous services and entities,
such as the Imani School, J.P. Morgan Chase
Bank, Houston Community College’s Business
Technology Center, University of Texas-
Hermann Hospital Clinic, W.A.M. Inc, and 27
business suites. Additionally, the church re-
cently broke ground for a 234 acre master-
planned community which will consist of a 452
single family home residential community with
a 12 acre community park, a YMCA, an inde-
pendent living facility, the Comprehensive
Wellness Center, the Zina Garrison Tennis
Center, and two museums.

Pastor Caldwell's contributions extend far
beyond his pastoral duties. He is the author of
the best seller, The Gospel of Good Success,
which serves as a road map to spiritual, emo-
tional, and financial wholeness. Newsweek
identified Pastor Caldwell as a member of
“The Century Club,” and the magazine's 100
people to watch in the 21st century. Through-
out his years of ministry and the
community, Pastor Caldwell has received nu-
merous accolades, including Community Part-
ers' Father of the Year, Texas Monthly's
Twenty Most Influential Texans, the FBI Direc-
tor's Community Leadership Award, and the
Bishop's Award for Outstanding Leadership in
Evangelism.

Aside from the monumental work he has
done for Windsor Village, Pastor Caldwell,
is involved in a number of civic and business
ventures that impact the community. He
serves on the board of the National Children's
Defense Fund, the Greater Houston Partner-
ship, Continental Airlines, Southern Methodist
University, and Baylor College of Medicine,
to name a few.

Pastor and Mrs. Caldwell have been mar-
nied for 11 years and are the proud parents of
Turner, Nia and Alexander Caldwell. Mrs. Su-
zette Caldwell graduated from the University
of Houston with a Bachelor of Science in In-
dustrial Engineering, where she is currently
pursuing a graduate school in social work.
Mrs. Caldwell's professional career as an envi-
ronmental engineer in the public and private
sector spans over 17 years.

Suzette Caldwell has made her own signifi-
cant imprint upon the Windsor Village commu-
nity. Presently, she serves as a local pastor
and the Director of the Supernatural Services.
In addition, she serves as the Chairman of the
Board of Directors for the Kingdom Builders’
Prayer Center, a community-based organization that focuses on teaches people
how to pray and the effectiveness of prayer.
Among others, she serves as a member of the
Children's Museum of Houston Advisory
Board, a member of the Teach for America
Advisory Board, and a member of the National
Coalition of 100 Black Women. Her dedication
to service is exemplified by the numerous rec-
ognitions she has received over the years, in-
cluding, The National Association of 100 Black
Women's Makeda Award, The Suburban
Sugar Land Women's Community Service
Award, The Samaritan Center's Samaritan
Spirit Award, Philanthropy In Texas' Hall of
Fame, and the US Army Corps of Engineers' Achievemen
Award for Special Acts of Serv-
cice.

Mr. Speaker, throughout Kirbyjon and Su-
zette Caldwell's service to the Windsor Village
United Methodist Community, their wisdom,
enthusiasm, and vision, have served their con-
gregation and its surrounding community well.
Their dedication to the community and com-
mitment to their neighbors sets them apart as
the spark that keeps faith aglow. I want to
congratulate Pastor and Mrs. Kirbyjon and
Suzette Caldwell for their twenty
years of service to the Windsor Village Meth-
odist Church and thank them for their service
to our community, state and nation.

H.I.V.
HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mrs. MORELLA. Mr. Speaker, I rise to intro-
duce legislation that will help patients who re-
cieved HIV infected blood products and trans-
plants. The humanitarian relief fund, modeled
on the bipartisan Ricky Ray Hemophilia Relief
Act of 1998, honors Steve Grissom, the North
Carolina resident infected with HIV while un-
dergoing treatment for leukemia. What hap-
pened to Steve Grissom and the thousands of
people like him is a national tragedy.

I am hopeful that this legislation can help
victims of tainted transfusions. Steve's story
is not unique. An estimated 12,000 Americans
contracted HIV from tainted blood and blood
products. Others got the disease through tis-
sue and organ transplants.

In the early 1980s, the U.S. government is
believed to have known about the risks of HIV
infection, but may have failed to do enough to
warn recipients or to institute safe blood prac-
tices, according to a report by the Institute
of Medicine.

In 1995, legislation was introduced to help
hemophiliacs who contracted HIV through
such transfusions. The bill passed with over-
whelming support, and was fully funded in
2001. However, the bill did not include funding
for people like Steve Grissom, who received
blood or transplants for other reasons.

This legislation would provide needed relief
for Steve and people like him. For it is the
right thing to do.

H.R. 5005, HOMELAND SECURITY
ACT
HON. DIANA DEGETTE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Ms. DEGETTE. Mr. Chairman, I rise to ve-
hemently oppose the Rogers amendment to
H.R. 5005. This is a dangerous amendment
that would create a slippery slope, eroding the
intent and protection of the Posse Comitatus
Act. Mr. ARMYE plans to offer a manager's
amendment that includes a sense of Congress
re-affirming the intent of the Posse Comitatus
Act, yet, it would have no legal impact. Fur-
thermore, if the Rogers amendment is in-
cluded in the final version of H.R. 5005, the
sense of Congress will provide absolutely no
protection against the dangers of the Rogers
amendment. It is currently illegal for the mili-
tary to conduct law enforcement, and Con-
gress must not threaten this principle by pass-
ing the Rogers amendment.

For 124 years, the Posse Comitatus Act has
protected the American public from the power
and reach of the military in the enforcement of
the law. The authors of the Declaration of
Independence railed against the power of King
George's army in the affairs of the civil gov-
ernment, and, in America's earliest years, the
public rightly feared the strength of a standing
army in times of peace. The military is not
trusted to protect individual rights or the prin-
ciple of innocent until conviction. Nor should
they be. The military is charged with the pro-
tection of the nation against armed attack by
foreign hostile regimes. We should never allow the military to become entangled in the enforcement of our civil laws.

The Rogers amendment would give the military a permanent position within the Department of Homeland Security to make changes to our government’s law enforcement structure. Should the Rogers amendment be included in the final version of the Homeland Security Act, the military would be able to influence civilian use of the Internet, agricultural inspection activities, and customs enforcement, among others. We do not want generals in the Pentagon influencing civilian use of the Internet. We do not want the Pentagon issuing visas and standing on our borders watching who comes and who goes. We do not live in a Communist state and the military should not be enforcing our civil laws.

While Mr. Amasy will offer an amendment to re-affirm the intent of the Posse Comitatus Act, it will have no legal effect. The Rogers amendment would. Vote no on the Rogers amendment.

CLEANING UP CORPORATE ACCOUNTING PRACTICES

HON. JANICE D. SCHAOKWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Ms. SCHAOKWSKY. Mr. Speaker, the Representatives yesterday finally passed through corporate and auditor accountability legislation. After voting unanimously to oppose almost the same bill in April, House Republicans finally joined Democrats in taking the first step to restore investor confidence by cleaning up corporate accounting practices. I want to emphasize that only a modest first step if we are to restore investor confidence and protect workers and pension holders from corporate greed.

We could have passed strong reforms months ago, but now we are playing catch up. Our work will not be finished until there is pension security, stock options reforms, and government corporate watchdogs who are not tied to Enron and other corporate thieves. I strongly encourage the President to fire Harvey Pitt, to hire regulators who are independent from the industries they regulate, and to aggressively pursue those reforms.

I am pleased that this legislation will stop loans to corporate insiders, extend the statute of limitations for financial fraud from three to five years, force corporate insiders to disclose their activities within two days, and strengthen whistle-blower protections for corporate employees.

However, I am disappointed that we have not acted ourselves or directed the Financial Accounting Standards Board to account for stock options as an expense. Stock options packages have been used to deceive investors and workers about the true accounting of a corporation. At a recent Berkshire Hathaway annual meeting, Warren Buffet stated, “If options aren’t a form of compensation, what are they? If compensation isn’t an expense, what is it?” And, if expenses shouldn’t go into the calculation of earnings, where in the world would they go? We need to create rules that will restore integrity to our markets.

I am also disappointed that we are not doing more to make sure that workers, pension holders, and investors are compensated by corporate wrongdoers and their accomplices. They suffered great losses; and through this legislation, they are not totally compensated for those injuries. Accountants, lawyers, and banks that aid and abet corporate fraud are not held liable at all for damages. Investors were forced to restore integrity to our financial markets, all parties will need to be held responsible for their actions. Clearly, our work is far from over.

BANKRUPTCY REFORM (H.R. 333)

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. CROWLEY. Mr. Speaker, I rise in support of the Conference Report for the Bankruptcy Abuse Prevention and Consumer Protection Act.

I can give my colleagues one reason to support this legislation—fairness. This bill will restore fairness to our nation’s bankruptcy laws for those Americans who work hard and pay their bills on time.

A few days ago, representatives from a number of credit unions came to my office, including Rob Nemeroff of the Melrose Credit Union in Woodside, Queens in my Congressional District.

He detailed about how the hard working, middle class people of his credit union—and of my District—continually have to pay up the tab for those who file bankruptcy—whether legitimately, as many do, or irresponsibly, as far too many do.

This bill will provide them some fairness—something that my constituents do not often get from this Congress.

H.R. 333 provides fairness to the victims of criminal corporate executives by mandating that these corporate pirates can no longer shield their multi-million dollar homes from defrauded investors seeking to reclaim some of their lost assets.

It provides fairness for those families who suffered losses in the terror attacks of last year by wailing off any of the compensation paid to them through the Victims Compensation Fund or other victims’ funds from being considered as income for repayment plans.

And this bill provides fairness for women and children in their ability to collect child support and alimony obligations.

And for those who do file for bankruptcy, this bill includes numerous new protections for them and their families.

This bill permits filers to keep their homes and provide health insurance for themselves and their families before taking their assets into account for repayment plans.

This bill states that low income debtors will be exempt from many of the provisions of this bill if their median family income is below the average for their state.

This legislation represents a fair, common sense approach towards tackling the important yet complicated issues surrounding the issue of bankruptcy in a way that will benefit those working Americans who pay their bills while providing that the wrongdoers pay.

Finally, I applaud my colleague from New York, Senator Charles Schumer for his tireless battle to include tough penalties for the people who try to discharge debt from clinic protesting.

This was the right thing to do, and I applaud him for including it in this bill.

Overall, this bill is about fairness and I am pleased to support this Conference Report.

H.R. 5005 MANAGER’S AMENDMENT

HON. SHERWOOD L. BOEHLERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. BOEHLERT. Mr. Chairman, I rise in support of the Manager’s Amendment. I want to thank the Majority Leader and his staff, Margaret Peterlin, Steve Rademaker and Hugh Halpern, for working so cooperatively with us on these items.

The Manager’s Amendment includes language making clear the Department’s responsibilities to work with states, localities and the private sector to help them improve the security of their computer systems. The Amendment also establishes a volunteer corps of computer experts, who, upon request, could help localities recover from cyber attacks.

The Amendment also includes two important provisions we worked out with the Energy and Commerce and Government Reform Committees, and I want to thank Chairman Tauzin and Chairman Davis and their staffs for their work on these issues.

The first provision, based on Chairman Davis’s Federal Information Systems Management Act, will help improve the security of federal computer systems.

The second provision will ensure that the government can take advantage of unsolicited ideas from entrepreneurs and inventors who are working on ways to enhance homeland security. After the anthrax attacks, Americans came forward with an avalanche of ideas to counter bioterrorism, and found that the government had no way to avoid simply being buried by the incoming information. That has to change, and the Department of Homeland Security has to be the instrument to change it.

The Department must have a way to receive unsolicited suggestions, evaluate them, and move with them, refer them to other appropriate federal agencies, or reject them. The language will require the Department to do just that.

This is such a clear need for the Department to do this—advocated by the National Academy of Science, among others—that the Science Committee, the Energy and Commerce Committee and the Government Reform Committee each reported out a version of language to meet this need.

In our Committee, Congresswoman Lynn Rivers offered helpful language to expand on the ideas in our base bill, and particularly, to promote coordination with the Technical Support Working Group, an inter-agency group that currently tries to shift through unsolicited ideas.

I’m pleased that our three Committees were able to merge our approaches, and that Chairman Amasy included that agreement in the Manager’s Amendment.

I urge support of this Amendment, which clearly improves the bill.
TORT REFORM PROVISIONS IN THE HOMELAND SECURITY BILL

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Ms. DELAURO. Mr. Chairman, I rise in strong support of this motion to strike. The irresponsible liability protections added into this bill are unnecessary and dangerous to the public health and safety.

This provision would give the new Secretary of Homeland Security unprecedented executive authority to exempt from civil liability any product that is deemed “anti-terrorism technology.” Even wilful misconduct would be excused. That means that people injured by a product put out by a company trying to profit from the war on terrorism would be unable to seek recourse of any kind. None.

In fact, the only period during which injured parties can seek recourse for fraud or willful misconduct is, and I quote, “during the course of the Secretary’s consideration.” Essentially, once a product is approved, the public is left with no protection or remedy at all.

Not only does this provision severely restrict the ability of claimants to recover for their injuries, it also fails to provide for any alternative form of recourse, leaving people who have been injured through no fault of their own to fend for themselves.

Mr. Chairman, no one here wants frivolous lawsuits. We simply want the tools to hold accountable corporations who have abused the public trust and would unduly profit from the war on terror. This bill is about protecting the public, protecting the health and safety of our citizens. It’s not about giving a free ride to corporations who take advantage of the system. Let us not compromise these noble, bipartisan goals with a misguided provision added at the last minute.

I urge my colleagues to support this motion to strike.

OPPOSITION TO THE CONFERENCE REPORT ON THE BANKRUPTCY REFORM BILL

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. DINGELL. Mr. Speaker, I rise in opposition to the Conference Report on the Bankruptcy Reform bill (H.R. 333). The goal of the legislation, to ensure that debt that can be repaid is indeed repaid, is meritorious. However, the devil is in the details and many of these details are particularly devilish. This legislation will neither prevent more bankruptcies from occurring nor protect consumers. But it will sanction the continued predatory and abusive lending practices of the credit card industry, which does press hard for this legislation.

It is important to note that there is no consumer bankruptcy crisis in America. Despite the rascality perpetrated by the credit card industry, including the solicitation of minors, seniors and pets, personal bankruptcies are not increasing. In fact, even as the average household debt burden has continued to climb over the past few years, bankruptcies have dropped by around fifteen percent.

The only bankruptcy crisis we have is in America is from companies like Enron and WorldCom. These corporations engaged in fraudulent accounting practices and then filed for bankruptcy to protect themselves from their creditors. These companies destroyed the lives and life savings of not only their employees, but investors everywhere. This conference report would not do anything to protect investors and employees from corporate wrongdoing such as this.

It is important to note, however, that this legislation will protect the large banks and other financial institutions that engage in predatory lending practices. This is wrong. Studies show that irresponsible and overly aggressive lending practices were behind the high level of bankruptcies in the mid 1990’s. However, the industry has not learned its lesson. Even as the industry continues to experience high profits, it refuses to take responsibility for its poor lending practices and increases its marketing and credit extensions. Two years ago, the credit card industry increased its mail solicitations by about fourteen percent. Additionally, predatory credit extended, which includes unused credit lines and debt incurred by consumers, has approached three trillion dollars for the first time ever.

This outrageous behavior should not be rewarded. Unfortunately, the credit card industry has succeeded in winning enough support for a bill that encourages predatory lending at the expense of our most at risk citizens. Although a few helpful provisions were added to the bill, such as language to ensure that persons who use violence against clinics cannot shield their assets by filing for bankruptcy, on the whole, the bill hurts the clinic. Americans deserve better, especially at a time when the economy has slowed and people’s jobs are in jeopardy. As such, I urge all of my colleagues to oppose this wrongheaded piece of legislation.

OPPOSITION TO CONFERENCE AGREEMENT ON BANKRUPTCY REFORM

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise in opposition to the conference report on H.R. 333 “The Bankruptcy Abuse Prevention and Consumer Protection Act.” This legislation puts the interests of politically powerful credit card companies ahead of the interests of seniors and working families. That is why this conference report is opposed by every major consumer rights organization, over twenty women’s right organizations, and the AFL-CIO. This is flawed legislation that could not come at a worse time. I urge my colleagues to reject this conference report.

Last year, a record 1.45 million people filed bankruptcy. Experts attribute this to deteriorating economic conditions and rising consumer debts. Research shows that nine in ten bankruptcies are triggered by the loss of a job, high medical bills or divorce. Yet this legislation would not, as it states, allow bankruptcy judges to take into account whether a debtor is blameless for his or her financial problem when deciding whether the person can declare chapter 7 bankruptcy unless the debtor is a victim of terrorism. This will make it very difficult for consumers to escape debt.

This legislation will have especially harsh impact on senior citizens and women. According to research by the Consumer Bankruptcy Project at Harvard University, seniors are the fastest growing group in bankruptcy. About 82,000 Americans over 65 years-of-age filed for bankruptcy in 2001, up 244 percent since 1991. We will put seniors at the mercy of price-gouging card companies.

Women represent the single largest group in bankruptcy, with households headed by women accounting for about 40 percent of all bankruptcies today. This legislation will make it harder for them to escape debt and poverty by creating new types of “nondischargeable” credit card debts. The legislation puts banks in competition with women trying to collect child support from a former spouse after bankruptcy. Debtors will have to pay back more money in credit card debts after clearing bankruptcy, leaving less money for child support and alimony. Proponents of the conference report say that this legislation will protect the priority of debt owed to women trying to collect child support when distributing assets in Chapter 7 cases. However, more than 90 percent of all chapter 7 debtors have no assets to distribute. They have no protection at all.

This legislation is also noticeably silent when it comes to the role of credit card companies in increasing consumer debt and filing bankruptcies over the past decade. Credit card companies sent out five billion solicitations last year. Credit card companies target college students. College students lack independent means and have a high credit risk. Yet this legislation does not provide any protection to women trying to collect child support in any significant way. Language to require responsible lending to college students has been severely weakened.

Also this bill does nothing to curb the practices of predatory lenders, who will be able to continue lending regardless of how they deceived consumers. This bill allows most lenders to provide only a general statement on the credit card bill about the risks of paying at the minimum rate and a toll-free number. Most consumers will not receive information that details the long-term risk of accumulating credit card debt.

This legislation lets wealthy debtors and credit card companies off the hook while it
makes it more difficult for working families and laid off workers to make ends meet and avoid debt. Please join me in rejecting this anti-consumer conference report. This conference report is bad for consumers and it should be opposed.

SUPPORT OF MOTION TO GO TO CONFERENCE ON H.R. 3210, TERRORISM RISK PROTECTION ACT

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. CROWLEY. Mr. Speaker, I rise in support of the Motion to Go to Conference.

As a Representative from New York City, I have seen and heard first hand the massive need for such a Federal backstop. While our nation has plunged into a recession over the past 2 years—the economic conditions of New York City are even more precarious.

For example, between August 2001 to May 2002 while unemployment rates have risen 13 percent in the U.S. they have increased by 20 percent in New York City.

While there are a number of factors for this decline, one is the lack of new construction and building.

This dearth of investment and new construction is due to a lack of financing by banks that will not provide lending to a project that cannot get commercial property and casualty insurance.

Furthermore, for those few businesses that can obtain limited insurance coverage often do not have adequate coverage and are paying drastically higher prices for such limited coverage.

This again saps vital and badly needed resources out of New York's and all of America's economy.

Providing a Federal backstop is good for workers and good for the economy.

Additionally, while in conference, I also hope that the Conferees will give serious consideration to an issue I brought up with Chairman Oxley during Committee mark up—that of providing a backstop to personal lines of property and casualty insurance as well.

While personal P&C insurance carriers now claim they can handle any claims for unthinkable terrorist attacks that could effect personal property and casualty holders, such as homeowners, we heard this same thing about commercial lines pre-September 11.

No one can predict the future, and we need to be prepared for anything.

Could personal lines provide for a large-scale attack on a neighborhood using nuclear, biological or chemical terrorism?

We don't know, and that is why I brought this issue up at mark-up and am hopeful for some work on this issue in conference.

Additionally, I am hopeful that the Conferees will work to provide a real backstop and stop out an extra legislative riders such as the damaging tort reforms added by the Republican House and the bad for our economy.

I wish the Conferees well and yield back the balance of my time.

OPPOSING THE CHINESE GOVERNMENT'S PERSECUTION OF FALUN GONG PRACTITIONERS

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, July 22, 2002

Mr. BONIOR. Mr. Speaker, for years, Falun Gong practitioners have been persecuted at the hands of the Chinese government. Tens of thousands of these individuals have been tortured in prisons, labor camps, and mental hospitals for practicing their peaceful form of personal belief. I have been appalled by the atrocities I have head from Falun Gong members in Michigan of the horrific acts of violence towards Falun Gong practitioners. I believe we must do all we can to stop this persecution.

The United States needs to take a stand against these atrocities, and send the message to the Chinese government that these terrible acts of violence will not be tolerated. We need to urge the Chinese government to release from detention those Falun Gong practitioners who are guilty of nothing less than practicing their faith. We must put an end to these abhorrent human rights abuses.

I am a cosponsor of H. Con. Res. 188, which expresses the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners. This measure passed the House overwhelmingly on July 24, 2002. I regret that I was unable to cast a vote on this resolution, as I was detained in my home state of Michigan when the measure came to the House floor. I would have voted "yes" on this resolution, and I am glad that the House acted in unison to condemn persecution of the Falun Gong.

CIVIL SERVICE AMENDMENT FOR HOMELAND SECURITY LEGISLATION

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Ms. DeLAURO. Mr. Chairman, I rise in strong support of this amendment. As currently written, H.R. 5005 would needlessly undermine civil service protections for one hundred and seventy thousand federal workers in the new department—both union and non-union.

At a time when we need to attract and retain the best and the brightest to this new department, it makes no sense at all to strip its workers of their most basic civil service protections. What happens to the federal workers who transfer to this department and find that the benefits of civil service are suddenly gone?

For instance, are these dedicated, loyal federal workers simply supposed to accept the fact that they can be fired without even so much as an explanation? Are they supposed to simply accept that their pay has been unceremoniously cut by a third? Is that the message we want to be sending to the rank-and-file preparing to protect the nation at this new department?

We have in place rules and regulations that have worked for decades, rules that were put in place to not only protect workers but also to ward off political patronage and corruption. A Homeland Security Department is not the place to reinstate either.

Mr. Chairman, our civil service protections are good enough for the Defense Department. They are good enough for the CIA, the FBI and virtually everyone else in the Federal government. I fail to see how they are not good enough for the one hundred and seventy thousand workers who will be working in the new Homeland Security Department.

Again, I strongly urge my colleagues to support this amendment.

H. RES. 443: TO EXPRESS THE SUPPORT OF THE HOUSE FOR PROGRAMS AND ACTIVITIES TO PREVENT COPYRIGHT INFRINGEMENT AND FRAUD FROM VICTIMIZING SENIOR CITIZENS

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to speak about an epidemic. It's not one that you'll read about in a medical book, and unfortunately, it's probably not one that a lot of people know enough about, in general. But, we need to respond to this problem, just as we would if it were a public health situation—by launching a vigorous public awareness campaign.

Let me give some examples of what I'm talking about:

Two individuals pleaded guilty to charges of mail fraud in connection with a scheme soliciting elderly individuals to invest in silver and gold coins. The victims, who were promised a high rate of return on their investments, were coerced into paying 200 to 300 percent more than the coins were worth.

A group defrauded 200 elderly investors nationwide of an estimated $34 million from the offer and sale of fraudulent promissory notes and other fraudulent securities. The majority of the victims were senior citizens who were convinced to liquidate safe retirement accounts and transfer those funds to risky investments. An independent insurance agent obtained over $508,000 from twelve senior citizens whom he promised a 10 percent return on their money in an investment opportunity. None of the funds were ever invested.

Elderly victims were falsely told that bond companies were in possession of a $25,000 bond in the name of the victims, which they could receive after they paid the bond companies a fee ranging from $100 to $3,000 for "research" or "paperwork.

None of the victims ever received a valuable bond, but elderly victims sent the bond companies approximately $1.6 million.

OPPOSING THE CHINESE GOVERNMENT'S PERSECUTION OF FALUN GONG PRACTITIONERS
I wish these anecdotes were isolated incidents, but unfortunately they are just the tip of the iceberg.

In fiscal year 2001 alone, the U.S. Postal Inspection Service responded to 66,000 mail fraud complaints, arrested 1,691 mail fraud offenders, convicted 1,477 of such offenders, and initiated 642 civil or administrative actions, recovering over $1.2 billion in court ordered restitution payments. If these figures weren’t distressing enough, the number of complaints is on the rise. The Postal Inspection Service has already responded to 88,000 mail fraud complaints this year to date—pointing to a possible 27 percent increase in complaints by the end of this fiscal year.

According to AARP:

"Older Americans are the targets of a new kind of criminal. This criminal holds you up in your own home, but not with a gun. This criminal's weapon of choice is the telephone."

"There may be more than 10,000 fraudulent telemarketing operations calling hundreds of thousands of American consumers every day. Older Americans are a prime target of these crooks . . ."

". . . 56 percent of the names on 'mooch lists' (what fraudulent telemarketers call their lists of most likely victims) were aged 50 or older.

"Many of the older people preyed upon by dishonest telemarketing companies are well-educated, with above-average incomes, and they are socially active in their communities."

"Therefore, the sales pitches these companies use are appropriately sophisticated. They include: 'phony prizes, illegal sweepstakes, sham investments, crooked charities, and 'recovery rooms' where victims are scammed again by the telemarketers with promises that, for a fee, they will help them recover the money they have lost.'"

The National Consumers League, the oldest nonprofit consumer organization in the United States, reports that: "It's estimated that there are 14,000 illegal telemarketing operations bilking U.S. citizens of at least $40 billion dollars annually." They believe that "[t]he first step in helping older people who may be targets of fraud is to convince them that the person on the other end of the line could be a crook!"

In order to "to express the support of the House for programs and activities to prevent perpetrators of fraud from victimizing senior citizens," and "to educate and inform the public, senior citizens, their families, and their caregivers about fraud perpetrated through mail, telemarketing, and the Internet," please join Representative JOHN MICHUGH, and me in passing House Resolution 443.

Our colleagues in the Senate have passed a resolution designating the week beginning August 25, 2002 as "National Fraud Against Senior Citizens Week." We will be able to collaborate with them, the U.S. Postal Inspection Service, and numerous advocacy groups in raising public awareness about this epidemic of fraud and deception against senior citizens and hopefully prevent future incidents of fraud.

2002 WORLD BASKETBALL CHAMPIONSHIPS

HON. JULIA CARSON
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Ms. CARSON of Indiana. Mr. Speaker, I rise today to bring to the attention of the House that the United States will be playing host to the World Basketball Championship for the first time in the event’s 50 year history. For 11 days from August 29 to September 8, 2002, 16 teams from all over the world will compete for the title of World Basketball Champions, and appropriately they will be competing for that title in what is known as the basketball capital of the world, Indianapolis, Indiana.

Long before basketball was a world game, it was an Indiana game, in fact it was THE Indiana game. There is no place in the world that follows basketball with more passion, devotion, support, and adoration than in Indiana. The term for this basketball craze is fondly called "Hoosier Hysteria." A hysteria that allows Indiana to have over 30 high school gymnasiums with seating capacity over 5,000, including one arena that seats 5,600 people, not too surprising until you find out that the town’s population is only 5,000.

Indianapolis is also no stranger to major international sporting events. It is preparing for what is expected to be about 150,000 to 175,000 visiting basketball fans.

Indianapolis not only hosts the three largest single day sporting events in the world in it’s three races, but it has also hosted 4 NCAA Men’s Final Fours, 14 United States Olympic Team Trials, the 2001 World Police and Fire games, and is slated to host many events in the near future.

Indianapolis hopes that its Hoosier Hysteria will shine through and take on a new international light to warmly welcome the many international visitors. It is in this spirit of support and international goodwill that the entire Indiana Delegation is introducing House Concurrent Resolution 443, a resolution supporting the 2002 World Basketball Championships and welcoming the visiting teams from Algeria, Angola, Argentina, Brazil, Canada, China, Germany, Lebanon, New Zealand, Puerto Rico, Russia, Spain, Turkey, Venezuela, and Yugoslavia.

International sporting events such as the 2002 World Basketball Championship play an important role in continuing to foster positive international relationships between participating teams and fans. This event provides an opportunity for not only residents of Indiana, but for all Americans to unite behind their national team. Also welcome the players and fans from all the visiting teams. Therefore, Mr. Speaker, I ask that Congress join me in supporting the 2002 World Basketball Championship for Men welcoming the 16 international teams to the United States by supporting this resolution.

SUPPORT FOR H.R. 3612, THE MEDICAID COMMUNITY ATTENDANT SERVICES AND SUPPORTS ACT (MICASSA) ON THE 12TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

HON. DANNY K. DAVIS
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise to recognize the 12th anniversary of the Americans with Disabilities Act and to request support for H.R. 3612, the Medicaid Community-Based Attendant Services and Supports Act, also known as MICASSA. It is fitting that we give special attention to the merits of this important bill as we recognize the twelfth anniversary of the Americans with Disabilities Act. On July 26, 1990 President George Bush signed the Americans with Disabilities Act into law. This landmark civil rights legislation ushered in a new era of recognition of our nation’s diverse population whose talents and rights as American citizens have been too long ignored.

It established a new social compact that seeks to end the paternalistic patterns of the past that take away our rights if we become disabled. It says that people with disabilities have the right to be active participants integrated into the everyday life of society.

Much like the promise of the 1965 Civil Rights Act, however, the promise cannot become a reality until we roll up our sleeves and do the work necessary to eliminate the barriers that still hinder inclusion. While some recent decisions of the Supreme Court have threatened the scope of the ADA, I would like to call our attention to a Supreme Court ruling that reaffirms the fundamental principle that people with disabilities have the right to be active participants integrated into the everyday life of society. In 1999, the Court ruled in the Olmstead case that states violate the Americans with Disabilities Act when they unnecessarily put people with disabilities in institutions. The problem is that our Federal-State Medicaid Program has not been updated and has a built-in bias that results in the unnecessary isolation and segregation of many of our senior citizens and younger adults in institutions.

In the case of Medicaid beneficiaries who need long-term support services, the only option currently guaranteed by Federal law in every State is nursing home care. Too often decisions relating to the provision of long-term services and supports are influenced by what is reimbursable under Federal and State Medicaid programs rather than what individuals need and deserve. Research has revealed a significant bias in the Medicaid program toward reimbursing services provided in institutions over services provided in home and community settings. Other options have existed for decades but their spread has been rendered impractical by both the implementation of these options in the Medicaid program and their lack of reimbursement. For example, community-based services are reimbursable under Medicaid only to the extent that they do not exceed what are deemed to be the levels of institutional care. In 1987 Congress passed the AIDS and Aging Amendments Act of 1987, which was intended to change this practice.

In 1993, Congress passed the Personal Independence Program (PIP) which allowed States to develop demonstration projects to test the effectiveness of home and community-based services for individuals with disabilities, including seniors and the blind. The results of these projects were promising enough to result in a permanent reauthorization of the PIP in 1994. Yet since 1994, only 15 States have reported having demonstration projects.

In 1997, Congress passed the Independence Promotion Act (IPA) which was intended to expand home and community-based services. The IPA authorized demonstration projects in 24 States and the District of Columbia and reauthorized the PIP with more flexibility to support services in the community. Yet only 15 States have adopted the benefit option of providing personal care services under the Medicaid program. Although every State has chosen to provide certain services under home- and community-based waivers, these...
services are unevenly distributed within and across the States, and reach just a small percentage of eligible individuals. In the words of Howard Dean, the Governor of Vermont who also happens to be a physician and who recently testified on Capitol Hill on behalf of the National Governors Association, “We can provide a higher quality of life by avoiding institutionalization whenever possible. We will still need quality nursing home care for the foreseeable future, but we can maintain the necessary level of needed nursing home care while growing home and community based services if Congress will give the States the tools.”

The MiCASSA bill is precisely the tool both the States and consumers need to obtain more cost effective long-term services in the most appropriate setting for the individual. Instead of creating a new entitlement, MiCASSA makes the existing entitlement more flexible. It amends Title 19 of the Social Security Act and creates an alternative service called Community Attendant Services and Supports. This allows individuals eligible for Nursing Facility Services or Intermediate Care Facility Services for the Mentally Retarded, regardless of age or disability, the choice to use these dollars for “Community Attendant Services and Supports.”

These attendant services and supports range from assisting with activities of daily living, such as eating, toiletting, grooming, dressing, bathing and transferring, as well as other activities including meal planning and preparation, managing finances, shopping and household chores.

Quality assurance programs, which promote consumer control and satisfaction, are also included in this bill. The provision of services must be based on an assessment of functional need and according to a service plan approved by the consumer. It also allows consumers to choose among various service delivery models including vouchers, direct cash payments, fiscal agents and agency providers.

Some have argued that such a flexible and consumer friendly option would bring people who receive these services “out of the institutional workforce” and make our Medicaid costs skyrocket. This bill has been put together based on what we have learned from pilot programs and best practices throughout the States, Oregon and Kansas have data to show that fear of skyrocketing costs is blown out of proportion. While there may be some increase in the number of people who use this option at first, savings will be made on the less costly community based services and supports, as well as the decrease in the number of people going into institutions. The bill also allows states to limit the total amount spent on long-term care in a year to what the state would have spent on institutional services.

Whether a child is born with a disability, an adult has a traumatic injury or a person becomes disabled through the aging process, we can and must do better in offering our citizens the kind of long term care services they need and deserve. I can think of no better way to honor the memory of our departed disability rights leader, Justin Dart, who died on June 22nd and was known by many as the father of the Americans with Disabilities Act than to support passage of H.R. 3612.

INTRODUCTION OF THE NATIONAL DEFENSE RAIL ACT

HON. JULIA CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Ms. CARSON of Indiana. Mr. Speaker, I rise today to talk about the important issue of passenger rail in America, and the future of Amtrak.

The passenger rail system suffers from gross neglect of our investment. We have actively engaged in financing, developing, and preserving the infrastructure of all other modes of transportation. Whether bailing out the airline industry, federally funding and fixing the interstate highway system, or subsidizing airport construction.

It is imperative that we build a world class passenger railroad system in the United States. We cannot wait for highways and airports to become so overwhelmed that they can no longer operate, and we cannot continue to hold the millions of Americans who rely on rail service in limbo while we refuse to provide Amtrak with adequate funding.

This is why yesterday I introduced H.R. 5216, the National Defense Rail Act, which will mirror legislation introduced by Senator ERNEST HOLLINGS.

This legislation provides a blueprint for the future of passenger rail in the United States. The bill will help develop high-speed rail corridors, long distance routes, short distance routes, security and life-safety needs, and will provide Amtrak with the tools and funding it needs to operate efficiently.

Mr. Speaker, we consider subsidies to airlines and roads be worthwhile investments in our economy and our quality of life. We must make the same investment to create a world class passenger rail system in order to see the same kinds of benefits.

I urge my colleagues to join me by cosponsoring this bill, and show your support for a strong national passenger rail system.

CORPORATE ACCOUNTABILITY HEARING

HON. RICHARD A. GEPHARDT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, July 26, 2002

Mr. GEPHARDT. Mr. Speaker, I submit the attached document, which is the transcript of the corporate accountability hearing conducted by Members of the House of Representatives, for printing in the CONGRESSIONAL RECORD.

OPENING STATEMENT BY HOUSE DEMOCRATIC LEADER HON. RICHARD A. GEPHARDT
Mr. GEPHARDT. Thank you all for being here. If I could, I would like to make an opening statement, and then we will get to our first panel, with appreciation for all of our panelists for their time and effort to be here with us today for this important hearing.

We are honored to have with us today some very talented, special guests, an all-star team of experts on the issue of corporate accountability and responsibility that has become one of the most important issues in our current legislation.

I think many of us are tired of the old left-right political debates because, to my mind, the issue before us is not about politics but about what’s right for our country and how to restore people’s trust and faith in our economic institutions. This is a discussion about enacting strong safeguards that will protect investors, protect consumers, and move every American forward with an agenda that gives everyone a chance to succeed. We need to apply our values to our financing.

Our values tell us that accountability and responsibility must be operating principles in our markets, especially in the corporations that form the bedrock of our capitalist system.

Sensible rules that enable our companies to function effectively will grow the economic pie for every American taxpayer and every American family. Too many times in the last 7 or 8 years the special interests and incumbent voices that would like to get rid of almost all regulations have triumphed in the face of common sense and the sentiment of the majority of the American people. Too often these voices have had a real and, I would submit, destructive impact on our laws and our economic health.

So today we are back on the block and to learn, not simply to what went wrong but more importantly, to figure out how to make it right.

Democrats in Congress have spent months seeking solutions to this crisis, and we are prepared to go to any part of this country to figure out what happened, why it happened, and the best way forward.

This week, as you all know, the Senate unanimously passed—and I’ll say it again, unanimously passed—a crucial bill that would attack the current crisis of confidence. The Sarbanes bill would bring about structural changes in our auditing system, making sure that audits are objective and independent, while imposing stiff criminal penalties on bad actors and attorneys.

We in the House have been working for months to pass a strong initiative that would also protect people’s pensions and restore investor’s faith. We have offered a financial services bill, a criminal penalties bill, and an offshore tax havens bill as part of a much more comprehensive business investor and employees’ bill of rights.

Unfortunately, the leadership in the House in the Republican Party—and, therefore, the leadership—has blocked these proposals. We have told that these problems can be fixed. We have the most ingenious entrepreneurs, the brightest minds leading our way to innovation. And we have the world’s hardest working, most resilient, most resourceful people on the face of the Earth. And for that, we are all grateful.

And today we pledge to continue to work together in order to do what’s simply right for the people that we all represent.

Mr. GEPHARDT. I’d like to introduce our first panel.

Mr. Speaker, we thank our guests, and especially my brave colleagues in the Congress who every day speak up for the American people and who helped build this country into the greatest nation that’s ever been.

PANEL 1: PENSIONS, WALL STREET AND CORPORATE FRAUD
Mr. GEPHARDT. I’d like to introduce our first panel.

What can I say about Eliot Spitzer? He was at this a long time before any of us were focusing on these problems of corporate abuse and accountability. At the State level, he has the ability to launch a national reform effort to close loopholes and to hold people who don’t play by the rules accountable.

Mr. GEPHARDT. I’d like to introduce our first panel.
economy does not reach its potential. We’re lucky to have him with us today, and we thank him for coming.

Finally, William White is the CEO of WECD, a private investment firm based in Houston. He’s been a private executive elsewhere. He served in the Clinton administration as Deputy Secretary of Energy. He has a broad perspective, and he brings to the table both the private and public sector, and we look forward to having the perspective of someone with considerable experience in both private and public life.

I am surrounded by many of my colleagues, who have enormous admiration for, and respect for, the way that our system has been deeply linked to all of these issues of trying to increase responsibility and accountability. And I would like to be able to have the time here today to have them all make an opening statement, but I know our guests are on a short time leash, so we’re going to go right to our testimony. And then we’ll open this up for some questions.

Attorney General Spitzer, would you lead us off? Thank you for being here.

STATEMENT OF ELIOT SPITZER, NEW YORK STATE ATTORNEY GENERAL

Mr. SPITZER. Thank you, Congressman Gephardt, for that kind introduction, and thank you for your leadership in protecting small investors and the integrity of our financial system.

Investors must often rely on the judgment and good faith of others to assist them as they decide which investment decisions to rely on the research and recommendations of their brokers. They rely on the judgment of the executives running the companies in which they invest. And they rely on independent auditors to ensure that they are receiving an honest accounting of those companies’ profits and losses.

During the last few months, many investors have learned that their trust was sorely misplaced.

Research analysts recommended stocks to investors even as they knew those companies were poor investments. Corporate executives cooked the books to enrich themselves at the expense of their shareholders and their investors.

Our free market system which allows businesses and entrepreneurs to flourish without excessive government regulation and intervention is unrivaled anywhere in the world. But our great economic engine is fueled by a belief that the market participants play by the rules. As companies compete in our free market, we have required them to operate within certain boundaries delineated by carefully articulated rules, standards of conduct, and disclosures. And if those rules cease to address the realities of an evolving marketplace, or if they’re easily exploited, we must put into place new rules that prevent the exploitation of investors.

Throughout our economic history, we have been willing to implement new marketplace rules to address investor concerns. And the lesson that history teaches us is that new rules define marketplace conduct, not against wealth.

The role of government is properly to define the boundaries and rules of fair play in the marketplace. And especially at moments when a failure to hold accountable government must step back and evaluate the rules themselves. As important as punishing those who break them, it is also important to ensure that the rules themselves are properly structured.

With that framework, I want to discuss some of the specific proposals that have been advanced in an attempt to talk about how a national market must respond to the challenges that arise when its rules no longer provide the necessary protections sought by investors.

It has become increasingly apparent that the Democratic congressional proposals recognize the structural flaws that have been allowed to develop in our marketplace and offer meaningful reforms that would protect small investors. The Republicans’ response has been to do more and deny the true scope of the problems and to measure any reforms by their distance from current practice, rather than their proximity to appropriate standards of behavior.

Today, the Republicans in Congress are accepting deviancy in the markets and are offering standards by what has become common practice instead of by what is good practice. Hundreds of investment bankers have said to me: “Market pressures force us to lowest common denominator. We will feel compelled to sink lower and lower in our behavior unless government defines standards for us.” That is the proper role for government: to respond to market pressures that will otherwise define deviancy down.

The difference between the Democratic and the Republican approaches is perhaps best illustrated by comparing the competing responses to my office’s investigation that uncovered Wall Street analysts too often recommended companies to investors based on the investment banking fees that those companies generate instead of the underlying investment value.

Our investigation revealed that Merrill Lynch analysts writing stock reports function as sales representatives for the firm’s investment banking business. The search for new business and the need to cover in new clients and stock offerings. We uncovered evidence demonstrating that a key factor in setting analyst conclusions was their success in generating or facilitating the generation of investment banking fees and not the accuracy of their buy/sell recommendations to the public.

While our investigation in New York is still ongoing, it is fair to say that these practices were not unique to Merrill Lynch. In response to concerns about the conflicts of interest driving research analyst recommendations, Congressman Oxley proposed legislation which would require analysts to be evaluated and compensated based on the quality of their research and would insulate analysts from the demands of the investment banking business.

In short, the LaFalce bill would ensure that analysts serve their true clients, the investors, not the bankers.

The Republican bill, sponsored by Representative Oxley, does not require the investment banks to change their practices. Indeed, Oxley’s legislation, the Corporate Responsibility and Fairness Act of 1999, would prohibit State regulators through law enforcement officials from seeking substantive relief from investment bank analysts who continue to mislead the investing public.

Such an amendment circulated in the Senate during consideration of the Sarbanes bill and could still become a matter that could be brought up in the conference committee.

Let me state very clearly that State enforcement of securities laws is absolutely crucial in protecting investors in the marketplace. Preempting State activities in this area, removing the cops from the beat, would further undermine investor confidence.

I will also note in passing the supreme irony of having the so-called States rights advocates crafting amendments that would restrict the ability of State regulators and law enforcement officials to address wrongdoing in their States.

For years, the Republicans have invoked principles of federalism as they rallied for a smaller, less active Federal Government and advocated for the devolution of power from the Federal Government back to the States. But now that the States have begun to vigorously exercise the powers handed to them, Republicans have undergone a deviation evolution and want their powers back.

The Republican supporters of these anti-State amendments pay lip service to the need for uniform Federal standards governing securities. Republican LaFalce, in his legislation, has proposed just such a standard, one that will go a long way toward ensuring that the advice that investors receive is advice that is in their best interest.

And so I say to the Republicans in Congress: You have asked for uniform standards. Congressmen LaFalce has proposed a uniform standard. You should enact the LaFalce legislation.

Analyst conflicts are only one part of the problem. The collapse of Arthur Andersen and Enron and the massive overstatement of earnings at Global Crossing, WorldCom, and other corporations demonstrate the need for Congressional action to clarify and enact new standards for the accounting industry.

The Sarbanes bill would require accounting firms to return to their roots as auditors and separate their auditing function, where they are not the clients’ interest. And so far their shareholders could only control either executive compensation or decision-making.
It is time to restore to boards and institutional shareholders the obligation of serious participation in corporate governance. We need to insist that public companies report results fairly, manage the economy in an honest and straightforward manner, and that allow investors to understand their true financial position. And we need to strictly punish corporate executives, directors, and accountants, and corporate executives. And to fight for real reforms that will raise the accepted norms and have proposed reforms.

These reforms are not only vital to the integrity of our markets, they are necessary if we are to preserve the economic realty and capital at an incredibly discounted rate, which has been an tremendous over the last 20 years, and incredibly significant over the last 20 years, which has been a wonderful thing for everyone.

But even today, most businesses in America are structured around the Main Streets that you all represent, are not publicly regulated. And when they need additional capital for their businesses, they pay a premium for it. It’s an obvious point, and one that I think need that the marketplace is representative of 80 million Americans, those located across the streets and cool, and I will use the fine line between proper incentive and unmasked not as captains of industry but as captains of our own self-interests for the rights of the shareholders, and we need to do that.

We have always sought to make sure that our markets were briddled in the name of fairness. And this is something that has been a bipartisan issue. It’s been understood since the founding of this republic.

The second general and obvious point, but a point that I really think that this body needs to make in the next couple of weeks, is to remember that we are addressing regulations that apply only to public companies. And I want to say that again because it’s so important. It is currently not only to public companies, and no-one forces a company to become public. The choice to do so means that its corporate leaders voluntarily give up their obligations to the public and agree to be regulated. The tradeoff, which has been incredibly significant over the last 20 years, is that those companies may have access to capital that is more generous and costs less.

The conclusion is that publicly traded companies have been and must be regulated to make sure that the individual investor, who I am here to represent in a large way today, but the individual investor can properly value his or her risk before an ownership decision is made. This, again, is an obvious point that has been overlooked by those who are afraid that additional government regulation will stifle creativity and innovation.

Who is the stock market today? The stock market is representative of 80 million Americans who have decided to take part in these enterprises. And in addition, these individuals who participate many come through mutual funds and other pension plans, they have placed their hard-earned savings in these marketplaces. And that in itself is remarkable.

They have been enticed—and I will use that word again—they have been enticed through tax policy and professional advice to participate and share in the American dream.

Now, it is not your job, nor is it the job of corporate America to ensure that that dream comes true. However, it is your job to make sure that the marketplace is fair to all so some don’t profit and others lose from the exact same investment—from the exact same investment.

Our markets today hold about $12 trillion in assets; $2.2 trillion are held in pension funds like the one that I run. Approximately $8 trillion in the marketplace is controlled by mutual funds. And what a lot of people don’t realize is most pension funds are the same ones that are managing the largest clients of mutual funds. So we have a tremendous clout in the marketplace, clout that I don’t think that we have learned how to use yet, and we’re not equipped at this point to do so.

The reason for that is that institutional ownerships have evolved over the last 30 years. As a result, we as institutions find ourselves collectively the largest single shareholder in virtually every major company in America. The founders of those companies, in many instances are no longer seated around the board tables advocating in their own self-interests for the rights of the shareholders.

It is truly today often a setting like government, the arena that we all work in, where people spend other people’s money.

We, as institutional owners of the vast majority of today’s corporate managers are smart and honest, it has been disconcerting to see so many unmasked not as captains of industry but as captains of our own self-interests for the rights of the shareholders, and we need to do that.

We need your help now more than ever. The last few months have shown that our systems are far from perfect and that necessary checks and balances to ensure that the fine line between proper incentive and destructive greed is not crossed.

I firmly believe that the vast majority of today’s corporate managers are smart and honest, it has been disconcerting to see so many unmasked not as captains of industry but as captains of our own self-interests for the rights of the shareholders, and we need to do that.
Sarbanes bill will go a long way toward an- swering those problems.  

In other areas, where specific prohibitions may be unwise, do make disclosure standards tough.  If you have a tough time convincing investors where options and other issues, do just as you’ve done in cigarette packaging, food labeling: make it, in a prudent and appropriate way, required financial information be prominently displayed in plain language in proxy statements and annual reports.  

And during the period of the 1990s, there was an amazing transformation as so much household wealth was built up, and the increased worker productivity, and savings and wealth in developed countries.  

If we do not have confidence in this sys- tem, it is the most serious problem that I can think of in our domestic economy for a long time.  

So let me share with you a thought about our response to this and, if nothing more, a way to look at this. I’ll be happy to answer questions on some specifics that I have, but my statement focuses on an approach, if you will, because this could take awhile for us to do or do not do.  

But this is more than a case of a few bad apples. I think what you’ve had is a crisis of leadership. What does leadership really mean in business or in our families and churches, leadership means giving more than you take. Leadership means giving coming from those who are in the top. Our ancestors all came here with nothing, and that’s true with corporate execu- tives, many of whom have worked their way to the top through hard work.  

And too often we’ve had a situation in this country where CEOs and corporate leaders take or do not get that. But in the future, we need to be thinking about these things.  

Now, we can’t exaggerate the abuses. There are a lot of good people who are execu- tives and in management in the American system. More than any other country in the world, people aspire to the top. Our ancestors all came here with nothing, and that’s true with corporate execu- 

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try. We can’t stereotype CEOs. The Demo- 

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And I want to say, Mr. Chairman, that I am a CEO and it’s something that’s affected workers and commu- 

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STATEMENT OF WILLIAM WHITE, CEO, WEDGE GROUP  

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And so you can appreciate that I’ve been thinking about some of these issues a little bit. And I want to tell you, Mr. Chairman, this is a serious issue to account for in customer confidence and the reliability of our financial system. It’s something that we can just sweep under the rug, and I’ll tell you why. Because when chronic trade deficits that this country has—it’s the way that our econ- omy has operated for a long time—we depend on the United States as a market, as a consumer of our exports, and also enforced our existing securities laws in courtrooms before juries of Americans, I want to tell you that laws are important. Values are important. Ethics may be even more important than laws and values, but laws are important.

And it’s simply not true that they will sti- 

Look at the difference between this coun- try and Russia, and I’ll give you an example. When the West made a big mistake and overstated the returns on their pension in- 

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These are issues that I hope this Congress can address. Thank you, Mr. Chair.

PANEL II: THE SEC, ACCOUNTING INDUSTRY AND ECONOMY

Mr. GEPHARDT. I'd like to first thank our distinguished and retired Fed Chairman Paul Volcker for appearing here today. You all know that he is not only a brilliant economist, but he also has loads of realistic experience with what we're facing today. And we're glad to have him with us and have his expertise on these issues.

Lynn Turner, I gather that if there ever was one. He learned these issues inside and out from 1998 to 2001, when he served as chief accountant for the Securities and Exchange Commission, working with Arthur Levitt to strengthen the SEC's enforcement hand to go after companies that wrongly padded up their earnings. And through his voice, he has spoken to bring those issues to the attention of the American public.

Mr. VOLCKER. I just flew back in from the West where I have to remind you, the last time we met, was my experience at the commission, had 20 or 30 years ago, that wasn't as important as it is today, given that there has been a significant change. We now have 65 million Americans in the market for mutual funds; that's one out of every two voting Americans. That's significant.

And I have to remind you, the last time we met, wasn't so general that an independent panel focusing on auditing effectiveness. He's been a professor at Columbia Law, written numerous articles, published his own book, and he's a true public servant in every sense of the word.

Nancy Smith has considerable experience from her time at the SEC. As director of the Office of Investor Education and Assistance, she worked closely with Arthur Levitt. She's worked in the House, the Senate, and now, with Lynn Turner. She's a strong advocate for investor protection. She's a strong advocate for investor protection.

Mr. VOLCKER. You will be relieved to know, Mr. Gephardt, I doubt that. These are issues that I hope this Congress will take very seriously. They're doing something with the Sarbanes bill. And they're very pleased to have this panel.

STATEMENT OF THE HON. PAUL VOLCKER, FORMER CHAIRMAN, FEDERAL RESERVE BOARD

Mr. VOLCKER. You're relieved to know, Mr. Gephardt, I doubt that. These are issues that I hope this Congress will take very seriously. They're doing something with the Sarbanes bill. And they're very pleased to have this panel.

Mr. VOLCKER. I just flew back in from the West where I

It would provide a strong oversight body with the kind of discipline and powers that I think are necessary, somewhat analogous to what we've been used to for many years in the securities industry. In that sense, it's not a radical change, but it is certainly a change that I think would bring needed discipline to the auditing industry that has not been under enough pressure to handle that problem, frankly, very, very effectively.

And secondly, it deals with what I believe to be the most urgent problem of recent years, which has to do with the prudence of auditing by removing large elements of the consulting practice from the auditing practice.

And I think the combination of those two will go a long way toward providing a kind of backbone of professionalism in the auditing profession, and that's necessary to bring some of the problems that we've seen so evidently under control.

I would urge you, gentlemen, that bill which will be before you in conference that deals with those problems in a rather comprehensive way, that you should go ahead and get that enacted as rapidly as possible because of the pressure.

It's a pressure that has been growing for years, Frank, and I am not a fan of stock options. I think they have been more abused than used in any appropriate way. I think they've been more undesirable, or whatever. I think you should start moving toward the just in terms of their effect on the market.

But this does not seem to me the time and the place for the Congress to command particular treatment. There are bodies that have that under review.

I am the chairman of the board of trustees of the International Accounting Standards Committee, which is the international body, which has just created an international accounting standards board. Its overall effort is to get some commonality, some concurrence, in accounting standards around the world. By coincidence, yesterday or the day before, they sent out for public comment their proposal for the expensing of stock options. But whether it's the international board, which is obviously at work, or FASB, our own board, it seems to me that the way it's treated is a technical matter which we ought to leave to the accountants and the board.

And I have to remind you, the last time Congress got interested in this subject, about 8 years ago, they took the opposite position and, in fact, the accountants wanted to do and prevented the expensing of stock options. So I would suggest that problem will be dealt with in an appropriate way in a quite different atmosphere today.

I think your priority ought to be to deal with the bill in conference, with the bill that has passed this House, with the bill that has been enacted as soon as you can manage it.

Mr. GEPHARDT. I think your priority ought to be to deal with the bill in conference, with the bill that has passed this House, with the bill that has been enacted as soon as you can manage it.

STATEMENT OF LYNN TURNER, FORMER CHIEF ACCOUNTANT, SECURITIES AND EXCHANGE COMMISSION

Mr. TURNER. Thank you, Mr. Gephardt, for inviting me here. It's actually great to be back in the woods, if you will. It was interesting, as I got a call about the hearing last week, and I was literally walking out the door with my fly-fishing rod to get away from what seemed to be a category-5 consuming lobby.

And we got out on the river the first morning with the guide, and keep in mind that this is the place where the New York Times, no Washington Post, no Wall Street Journal, even the BlackBerry wouldn't work.

The guide asked, “What do you do for a living?” I said, “We are lawyers.” I admitted it. I figured I was safe. I mean, no papers, not even a daily paper. And he turns around and he looks to me and he says, “You know, this is the last time.” I said, “Well, this is the last time.”

And I spent 3 days on the river with this guide. And so it's nice to be back to civiliza—

But I think what that points out, though, is that there are a lot of Americans in all necks of the woods out there that are very concerned about what has transpired here and how it has impacted them and their savings accounts. Whether it's been 20 or 30 years ago, it was still as important as it is today, given that there has been a significant change.

So it is as important, as Chairman Volcker said, that we get this thing fixed.

But the facts are in today. And in 2001, we had a record number of restatements, 270 restatements; 1,089 over the past 5 years. These numbers really do prove that there are more than just a few bad apples out there in the Waldorf Astoria.

So it is as important, as Chairman Volcker said, that we get this thing fixed.

And the accounting profession's refrain that we've heard for years and years here in this building, that 99.9 percent of the audits are okay, is also no longer credible, when you think about the Enron and WorldCom and Xerox and Enron were all part of that 99.9 percent at one point in time.

And also, the accounting profession would like you to think that, dingdong, the witch is gone now, with Andersen falling by the wayside, despite heroic efforts by Paul Volcker to save that firm, and that's not the problem. But that isn't true. If you look Rite Aid, it was audited by KPMG, as was Xerox; MicroStrategy and WR Hambrecht and PricewaterhouseCoopers; Deloitte did Adelphi; and Cendant was done by Ernst & Young.

So each of the firms, and certainly this week, as well as others, have problems. And they were significant problems. The auditors have been investing the cash that they generated from a very profitable audit service. They've been writing broad principal-based auditing standards that have been so general that an independent panel chair from the firm of Pricewaterhouse, of which a member was former Commissioner Bevis Longstreth here to my right, they issued 200 recommendations. And these recommendations many have yet to be implemented as noted in a GAO report of just the last month or so.
So the profession itself has not done very well. And in fact, on some of these audits—if you looked at the audit of MicroStrategy, the problems there were detected in a magazine advertisement about their products. That’s which had done in that when they submitted their original budget to Congress in February, which actually reduced the number of budgeted positions for the Sarbanes and Global Crossing had come to light. We also need to make sure that we get adequate funding for the Justice Department. It is the Justice Department that has brought all of these criminal prosecutions. The SEC will not bring one of those. And as the guide on the fishing trip said, he wanted to know, and I could see on his face he couldn’t be culpable of a wrongdoing, brought to justice. Well, the only way they’ll be brought to justice is if you give funding to the Justice Department that was as wide as turn around and put a 55 mile an hour speed limit sign out there on 1-95 with a sign about 5 feet behind it, saying “No police for the next 100 miles.” And you know everybody is going to be in the fast lane.

That’s, in essence, what we’re doing with the Justice Department, SEC. We need to keep an eye on. Adequate funding and independent SEC. That’s sorely needed.

And it was directly due to the lack of funding and trustees who are representatives of the public, not trade organizations.

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And that was directly due to the lack of funding and an independent SEC. The SEC will not bring one of those. And as the guide on the fishing trip said, he wanted to know, and I could see on his face he couldn’t be culpable of a wrongdoing, brought to justice. Well, the only way they’ll be brought to justice is if you give funding to the Justice Department that was as wide as turn around and put a 55 mile an hour speed limit sign out there on 1-95 with a sign about 5 feet behind it, saying “No police for the next 100 miles.” And you know everybody is going to be in the fast lane.

That’s, in essence, what we’re doing with the Justice Department, SEC. We need to keep an eye on. Adequate funding and independent SEC. That’s sorely needed.

And it was directly due to the lack of funding and trustees who are representatives of the public, not trade organizations.
The cause and effect of allowing this conflict to persist any longer is no secret, even to those untrained in finance. Listen to what one investor who wrote to us brought this to our attention. We launched the Web site just weeks ago to give the American people an opportunity to tell their representatives in Congress what they think. One investor wrote to us: 

"I will not invest any more of my hard-earned money to line the pockets of thieves."

When you find the auditors in bed with the managers, there’s nobody to believe." Mr. Butler understands this, and so does a rapidly growing number of very angry investors. They want their money back, Congress has the chance to accomplish that, and it can be done through legislation, ensuring a system by which companies present their financial condition and the system is worth trusting. 

S. 2673 is the vehicle. It’s sitting there ready and waiting. My dream is to watch bipartisanship leadership in the House get behind this legislation, drive it over to the White House, and park it on the President’s desk. 

Mr. Ranger. Thank you, Mr. Longstreth. That’s our dream, too.

Those bells indicate that there is a vote taking place on the floor. In the interests of time, this hearing will continue. Members can vote and return.

But it’s my privilege to recognize Ms. Nancy Smith. And thank you once again for taking the time to share with us.

STATEMENT OF NANCY SMITH, FORMER DIRECTOR, INVESTOR EDUCATION AND ASSISTANCE, SECURITIES AND EXCHANGE COMMISSION

Ms. Smith. Thank you very much. It’s a pleasure to be back in the House of Representatives and see so many of you I remember from when I worked here. And thank you for inviting me to be on the panel today.

I am the director of the RestoreTheTrust.com. RestoreTheTrust.com is a nonpartisan campaign dedicated to educating the public about accounting reform and making sure that Congress is reformed into law. The Web site was created to give individual investors a place to go to learn about what is at stake and to voice their support for the only true reform proposal on the table, the Sarbanes bill.

At the Web site, you can send an e-mail in support of the Sarbanes bill and real reform to your Members of Congress, the President, and SEC Chairman Harvey Pitt.

We launched the Web site just weeks ago on July 1. In that short period of time, the Web site has received 46,000 letters in support of the Sarbanes bill to decision makers. Individual investors have suffered enormous losses because our regulatory system overseeing auditors let them down. We hear from investors who have suffered enormous losses. Some retirees wonder how they are going to make ends meet now that their retirement fund have been slashed by a third or more.

To say people are angry is an understatement. People expect the market to go up and down. As one investor wrote to us, “I can understand losing when things like the economy and certain markets sour. But now I’m losing money regularly because of a decision on which I depended turned out to be false. I guess I was naive. I thought the American system of corporate reporting was basically honest.”

We all know that restoring trust in our stock market is critical. The health of corporate America, their ability to raise capital and retain jobs, drives the well-being and financial security of every American. When investors don’t trust corporate America to tell the truth about their financial health, it is investors who don’t give corporations the money they need to grow and prosper. And as a result, our economy suffers.

One investor who wrote to us brought this problem to light. "I will not invest any more of my hard-earned money to line the pockets of thieves."
It’s imperative that we make sure the numbers tell the truth and that people believe they are truthful. So how do we do that? Increasing penalties for lying and stealing is a good place to start and their auditors to jail, sounds great. But strong enforcement is only half the answer. You can’t pay the mortgage or the grocery bill with no satisfaction of seeing some money sitting behind bars. We must prevent these accounting frauds and the losses they cause.

It’s unbelievable that we let the auditors police themselves. The lax regulatory system we have in place today has got to go. It needs to be strengthened. The Sarbanes bill provides independent oversight of the accounting industry and prohibits auditors from consulting for the companies they audit.

The litmus test for true reform is twofold: create a full-time independent board free from industry control to oversee auditors and punish wrongdoers; and, two, restrict auditors from providing lucrative consulting services to lead of. Democrats and Republicans should not be tempted to get cozy with management. They can’t get consulting fees and fight hard for audits that protect investors. There is only one bill to drive investors’ trust and prevent future scandals.

Investors want real reform in the Senate bill, and they want it now. They will know if any proposed deals allow industry lobbyists to water it down.

There’s a basic problem with the House bill, the Oxley bill. It doesn’t meet the litmus test, and it doesn’t fix the problem. There’s a reason the accounting industry supports it over the Senate bill; the House bill keeps the accounting industry firmly in control.

We’ve learned a costly lesson: When the accounting industry polices itself, they get themselves into big trouble.

The auditors cooked the books; don’t let them cook the legislation. The House bill is just a warmed-over version of the status quo. It got a unanimous vote in the Senate; that doesn’t mean we worry about here could have heard this panel. I think their confidence, just by hearing you, would have been enormously restored.

It’s always reassuring to me, as a citizen of this country, that we have people like each of you, who are willing to give a large part of your career to public service, so that the greatest system that’s ever been devised in the history of the world of democracy and capitalism works as it should. Mr. Volcker, I think it would be a good idea. [Laughter.]

Mr. Gephart. Let me ask one question, and then we’ll end.

And I certainly appreciate all of you being here. I wish all of America and all these investors that we worry about here could have heard this panel. I think their confidence, just by hearing you, would have been enormously restored.

It’s always reassuring to me, as a citizen of this country, that we have people like each of you, who is willing to give a large part of your career to public service, so that the greatest system that’s ever been devised in the history of the world of democracy and capitalism works as it should. Mr. Volcker, I think it would be a good idea. [Laughter.]

Mr. GEPHARDT. Yes, they did it. And I think the Sarbanes bill now that would ship this off to the new independent board, or the FASB, I’m not sure which, and ask them to reconsider a lot of rules and their recommendations within a year. I’d like to have your thoughts about that.

And I’d like to have your thoughts about the pension-sharing issues. Some of those George Miller brought up. Do you think that we should try to get a bill done there? We did do a bill here. It had some weaknesses to it and it’s not the Senate’s viewpoint. The Senate is going to try to deal with it. What do you think is the heart of anything that needs to be done in that area, if anything?

Mr. VOLCKER. Well, on the pension side of things, let me say that I think there probably is a need for some legislation there, in order to better protect the pensioner himself. But that is a classic case of something that needs to be done now and should not be added to the current bill.

Mr. GEPHARDT. Right.

Mr. VOLCKER. I think that is something you have to think about a little more, about how to do it. But I think there is good reason to proceed.

I am not so sure about the stock option question. I think we have a designated arrangement for dealing with that question. It’s hard to object to a bill that tells FASB to reconsider it. I think they will reconsider it anyway, whether there’s a bill or not.

My hesitancy is, I don’t want to create a precedent that Congress is going to write the accounting profession’s rules and to come back with recommendations within a year. I’d like to have your thoughts on that.

Mr. GEPHARDT. That would not be a good idea. [Laughter.]

Mr. VOLCKER. Take my word for it.

Mr. VOLCKER. That’s what you would be doing in this particular case, and I don’t want to see that precedent. I feel quite confident with—I may agree or disagree with the specific action they take, but they have that problem well in mind. And they’re trying their best to accommodate—they’ve expressed their view that it should be expensed. The question is how it should be expensed. And I would leave that question up to them, frankly.

Mr. LONGSTRETH. I have one comment on the stock options. I agree completely with Bevis Longstreth that it would be a good thing to get FASB to retaliate either on expense or non-expense. And that gets back to the history of this. They really overruled FASB.

And I think FASB, once burned in that way, even with the present situation, may be reluctant to take it up. I have no expertise on that, but I think there are so many people in the accounting community who argue strongly, and they’re bright people, and some of them are highly motivated people, for not expensing options. And I feel so strongly they should be expensed. Given the President’s wish and the difficulty that they went through the first time, both of these members vowed that they would not, absent some outside support, they absolutely would not put it back on their agenda, including if the ISB undertook the project.

And if the ISB undertakes the project and gets something out—as Paul indicated, the exposure draft is out there—and gets something done, I think that the opposition from the American business community may still be an obstacle to Congress. They think it’s important if you asked them to put it back on the agenda and reconsider it, because it may get us to
convergence on international standards, and that would be very helpful, as long as people let the process run the way it should turn around and run. And I'd encourage you to do that.

Mr. GEPHARDT. Thank you.

Nancy, do you have a last thought here?

Ms. SMITH. Well, I agree with what the gentlemen have said. I think the bottom line is the American people want to hear the truth. And when we look at these issues, what our guide should be is: Are we telling the truth about these numbers? Are we shading the profitability of a company by what we’re doing on stock options? That doesn’t serve the investing public. That’s what the investing public is upset about right now.

So let’s restore the trust. Let’s tell people the truth. That’s all people want.

Mr. GEPHARDT. Thank you again. This has been a fabulous panel. I have really benefited from hearing you. You have enormous experience and practical advice to give us, and we have benefited from it enormously. And we’ll try to get your testimony as widely spread as we can.

Thank you very much.

[Whereupon, at 4:00 p.m., the hearing was adjourned.]
SENIATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 30, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 31

9:30 a.m. Commerce, Science, and Transportation
To hold hearings on the nomination of Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner.
SD–253

9:45 a.m. Commerce, Science, and Transportation
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

9:45 a.m. Commerce, Science, and Transportation
Foreign Relations
To hold hearings to examine threats, responses, and regional considerations surrounding Iraq.
SD–419

10 a.m. Environment and Public Works
Superfund, Toxics, Risk, and Waste Management Subcommittee
To hold oversight hearings to examine the Environmental Protection Agency Inspector General’s Report on the Superfund Program.
SD–406

10 a.m. Judiciary
To hold hearings to examine class action litigation issues.
SD–226

10 a.m. Health, Education, Labor, and Pensions
Business meeting to consider S. 2238, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy and expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; S. 2394, to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information on applicable system for children; S. 2758, entitled “The Child Care and Development Block Grant Amendments Act”; S. 1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; S. 2504, to amend the Public Health Service Act to establish a Nationwide Health Tracking Network; S. 2653, to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program; S. 2236, to improve access to prescription instructional materials used by blind or other persons with print disabilities in elementary and secondary schools; S. 2549, to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938; proposed legislation regarding the National Science Foundation; and the nominations of Edward J. Fitzmaurice, Jr., of Texas, and Harry R. Hoglander, of Massachusetts, each to be a member of the National Mediation Board.

1:30 p.m. Judiciary
To hold hearings on S. 2619, to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.
SD–226

1:30 p.m. Foreign Relations
To continue hearings to examine threats, responses, and regional considerations surrounding Iraq.
SD–419

2:30 p.m. Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1577, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act; S. 1882, to amend the Small Reclamation Projects Act of 1956; S. 934, to require the Secretary of the Interior to construct the Rocky Boy’s North Central Montana Regional Water System in the State of Montana; S. 2233, to authorize the Secretary of the Interior to convey certain facilities to the Freemont-Madison Irrigation District in the State of Idaho; S. 2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project; S. 2773, to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling, and monitoring program for the High Plains Aquifer and for other purposes; and 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.
SD–366

AUGUST 1

9 a.m. Armed Services
To hold hearings to examine the status of Operation Enduring Freedom.
SD–106

10 a.m. Agriculture, Nutrition, and Forestry
Business meeting to mark up proposed legislation providing for agricultural disaster assistance, and to consider the nomination of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, and to be Under Secretary of Agriculture for Rural Development.
SR–328A

10 a.m. Indian Affairs
To hold oversight hearings to examine the Secretary of the Interior’s Report on the Hoopa Yurok Settlement Act.
SR–485

10 a.m. Foreign Relations
To hold hearings to examine national security perspectives regarding Iraq.
SD–419

1:30 p.m. Finance
To hold hearings on the nomination of Pamela F. Olson, of Virginia, to be an Assistant Secretary of the Treasury.
SD–215

2 p.m. Indian Affairs
To hold oversight hearings to examine problems facing Native youth.
SR–485

2 p.m. Judiciary
To hold hearings on pending judicial nominations.
SD–226

E1479

CONGRESSIONAL RECORD — Extensions of Remarks
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold oversight hearings to examine the role of charities and non-governmental organizations in the financing of terrorist activities.
SD-538

Foreign Relations
To continue hearings to examine national security perspectives regarding Iraq.
SD-419

AUGUST 2

2 p.m.
Indian Affairs
To hold hearings on S. 958, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K.

CANCELLATIONS

JULY 31

9:30 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD-419

POSTPONEMENTS

JULY 31

9:30 a.m.
Finance
To hold hearings to examine the Report of the President’s Commission to Strengthen Social Security.
SD-215

10 a.m.
Indian Affairs
To hold oversight hearings to examine the application of criteria by the Department of the Interior/Branch of Acknowledgment.
SR-485
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7445–S7504

Measures Introduced: Seven bills were introduced, as follows: S. 2812–2818.

Measures Reported:

S. 1961, to improve financial and environmental sustainability of the water programs of the United States, with an amendment in the nature of a substitute. (S. Rept. No. 107–228)

Measures Passed:

Persian Gulf War POW/MIA Accountability Act: Senate passed S. 1339, to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, after agreeing to a committee amendment.

Greater access to Affordable Pharmaceuticals Act: Senate resumed consideration of S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, taking action on the following amendments proposed thereto:

Pending:

Reid (for Dorgan) Amendment No. 4299, to permit commercial importation of prescription drugs from Canada.

McConnell Amendment No. 4326 (to Amendment No. 4299), to provide for health care liability reform.

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 11:30 a.m., on Tuesday, July 30, 2002.

A motion was entered to close further debate on Reid (for Dorgan) Amendment No. 4299, listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Wednesday, July 31, 2002.

Authority for Committees: All committees were authorized to file executive and legislative reports during the recess/adjournment of the Senate on Wednesday, August 28, 2002, from 10 a.m. to 2 p.m.

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 95 yeas (Vote No. EX. 194), Julia Smith Gibbons, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

By unanimous vote of 96 yeas (Vote No. EX. 195), Joy Flowers Conti, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

By unanimous vote of 96 yeas (Vote No. EX. 196), John E. Jones III, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Fred L. Dailey, of Ohio, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Grace Trujillo Daniel, of California, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Lawrence A. Greenfeld, of Maryland, to be Director of the Bureau of Justice Statistics.

J. Russell George, of Virginia, to be Inspector General, Corporation for National and Community Service.

Naomi Shihab Nye, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006. (Reappointment)

Jeffrey D. Wallin, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Michael Pack, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Wilfred M. McClay, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.
Robert Davila, of New York, to be a Member of the National Council On Disability for a term expiring September 17, 2003.

Marcos D. Jimenez, of Florida, to be United States Attorney for the Southern District of Florida for the term of four years.

Anthony Dichio, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of four years.

James Thomas Roberts, Jr., of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

James Robert Dougan, of Michigan, to be United States Marshal for the Western District of Michigan for the term of four years.

Miriam F. Miquelon, of Illinois, to be United States Attorney for the Southern District of Illinois.

Peter J. Hurtgen, of Maryland, to be Federal Mediation and Conciliation Director.

Michael Lee Kline, of Washington, to be United States Marshal for the Eastern District of Washington for the term of four years.

Earl A. Powell III, of Virginia, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

George Breffni Walsh, of Virginia, to be United States Marshal for the District of Columbia for the term of four years.

Messages From the House: Page S7465

Executive Communications: Pages S7465–69
Additional Cospromers: Pages S7469–70
Statements on Introduced Bills/Resolutions: Pages S7470–S7502
Additional Statements: Pages S7464–65
Notices of Hearings/Meetings: Page S7502
Record Votes: Three record votes were taken today. (Total—196) Pages S7454–55, S7456–57, S7457
Adjournment: Senate met at 4 p.m., and adjourned at 7:37 p.m., until 10:30 a.m., on Tuesday, July 30, 2002.

Committee Meetings

NON-PROLIFERATION REGIMES

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine certain measures to strengthen multilateral nonproliferation regimes, including efforts to impede the spread of weapons of mass destruction, missiles for their delivery, and advanced conventional weapons, after receiving testimony from Marshall Billingslea, Deputy Assistant Secretary of Defense; and Vann H. Van Diepen, Director, Office of Chemical, Biological, and Missile Nonproliferation, Department of State.

House of Representatives

Chamber Action

The House was not in session today. Pursuant to the provisions of S. Con. Res. 132, the House stands adjourned for the Summer District Work Period until 2 p.m. on Wednesday, September 4, 2002.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JULY 30, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities, to hold hearings to examine the report of the General Accounting Office on nuclear proliferation and efforts to help other countries combat nuclear smuggling, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings on the nominations of Ben S. Bernanke, of New Jersey, and Donald L. Kohn, of Virginia, each to be a Member of the Board of Governors of the Federal Reserve System, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine finances in the telecommunications marketplace, focusing on maintaining the operations of essential communications facilities, 9:30 a.m., SR–253.

Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings to examine improvement in consumer choice with regard to automobile repair shops, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings on S. 2016, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior; S. 2565, to enhance ecosystem protection and the
range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness; S. 2587, to establish the Joint Federal and State Navigable Waters Commission of Alaska; S. 2612, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada; S. Con. Res. 107, expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment", as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape; and S. 2652, to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the effectiveness of the current Congestion Mitigation and Air Quality (CMAQ) program, conformity, and the role of new technologies, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine the role of the Extraterritorial Income Exclusion Act (P.L. 106–519) in the international competitiveness of U.S. companies, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Kingston on January 18, 1990, with accompanying papers (Treaty Doc. 103–5); Protocol to Amend the 1949 Convention on the Establishment of an Inter-American Tropical Tuna Commission, done at Guayaquil, June 11, 1999, and signed by the United States, subject to ratification, in Guayaquil, Ecuador, on the same date (Treaty Doc. 107–02); the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980 (Treaty Doc. 96–53); S. 1777, to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare; and pending nominations, 9 a.m., SD–419.

Full Committee, to hold hearings on the nominations of Nancy J. Powell, of Iowa, to be Ambassador to the Islamic Republic of Pakistan, and Richard L. Baltimore III, of New York, to be Ambassador to the Sultanate of Oman, 11 a.m., SD–419.

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, to resume hearings to examine the role of financial institutions in the collapse of Enron Corporation, focusing on the contribution to Enron’s use of complex transactions to make the company look better financially than it actually was, 9:30 a.m., SD–342.

Committee on Indian Affairs: to hold hearings on proposed legislation concerning the Department of the Interior/Tribal Trust Reform Task Force; and to be followed by S. 2212, to establish a direct line of authority for the Office of Trust Reform Implementations and Oversight to oversee the management and reform of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and to advance tribal management of such funds and assets, pursuant to the Indian Self-Determinations Act, 10 a.m., SD–106.

Committee on the Judiciary: Subcommittee on Crime and Drugs, to hold hearings to examine criminal and civil enforcement of environmental laws, 2:15 p.m., SD–226.

House

No committee meetings are scheduled.
Next Meeting of the SENATE
10:30 a.m., Tuesday, July 30

Senate Chamber

Program for Tuesday: After the transaction of any routine morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of S. 812, Greater Access to Affordable Pharmaceuticals Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Wednesday, September 4

House Chamber

Program for Wednesday: To be announced.

Extensions of Remarks, as inserted in this issue

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