United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, MONDAY, SEPTEMBER 9, 2002 No. 112

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 9, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. MONAHAN, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5010. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5010) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, Mr. KOHL, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON to the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 351. An act to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 5 minutes.

HONORING COMMANDER MASSOUD

Mr. ROHRABACHER. Mr. Speaker, today is the first anniversary of the murder of Commander Massoud, a leader of the anti-Taliban forces in northern Afghanistan. Two days before the attack on the United States, bin Laden's terrorists, posing as journalists, killed Commander Massoud. They blew him up. The Taliban and the al Qaeda were free from their most effective opponent, and the world lost a champion.

Those of us who dedicated ourselves to eliminating communism from this world know what a great debt that we owe to Commander Massoud. It was his courage, his tenacity and skills in battle that played an indispensable role in the outcome of that global fight between good and evil known as the Cold War.

I first began communications with Commander Massoud when he sent his brother to see me when I worked at the White House in the 1980s under Ronald Reagan. At that time Commander Massoud was already a legend. His courage and wisdom served his own people well. It also inspired freedom-loving people throughout the world, and let me admit to that I was one of those who was inspired by Commander Massoud. It was my honor to have communicated with him over the years as well as to go and meet him in Afghanistan about 5 years ago, meet him in one of his mountain retreats, one of his mountain holdouts, and strategize with him on how to free Afghanistan from the grip of the Taliban.

Commander Massoud, along with the other leaders of the resistance against Soviet occupation, leaders like Abdul Haq, were heroes in the truest sense of the word. Massoud was never defeated by those Soviet troops during the long battle for Afghanistan. It is unfortunate that after the Soviets were defeated that chaos and a lack of support from Afghanistan's Western friends prevented Massoud and others from unifying and democratizing their country. Americans can be proud, however, that we helped Commander Massoud and the Afghan freedom fighters, people like Abdul Haq, as I say, in their fight to thwart Soviet aggression, but we should be ashamed that we walked away after that great victory and left them with no resources to rebuild their country.

It is also sad that the United States, under President Clinton's leadership, never provided Massoud or the other freedom fighters what they needed to prevent the tyranny of the Taliban from dominating Afghanistan. But as we know, Commander Massoud was able to stand like a giant. Like the Soviet troops before them, the Taliban were never able to defeat Commander Massoud.

Today as we try to rebuild a peaceful Afghanistan where people can raise their families and live without fear, Commander Massoud is sorely missed. Although he made mistakes, and all

Printed on recycled paper.

leaders make mistakes and there were some judgments, of course, things that happened that were not absolutely all totally correct, this is the real world, but by and large Commander Massoud, one can say of his life, he fought for the right. He was a major force for good. But as we remember him today on the first anniversary of his death, let us commit ourselves to his vision of a free, prosperous, and more peaceful Afghanistan. And in achieving this we will assure that Commander Massoud will never be defeated.

One year ago, upon hearing of Commander Massoud's death, and as I say, it was an assassination that took place 1 year ago today, 2 days before September 11, I went into a state of shock. It was like taking the breath right out of my lungs. But after regaining my composure, I realized, yes, my friend had been assassinated, but I realized that those who killed Massoud had a purpose. They meant to attack the United States and were eliminating the person that we would turn to to rally the people of Afghanistan and lead a counterattack against the Taliban. That meant that an attack on the United States was imminent.

I called the White House and asked for an emergency meeting with Condoleeza Rice and the top members of the President's National Security Council. I got a call back and was told that the earliest that they could meet me, and they were taking my request very seriously, would be at 2 o'clock the next day.

Well, at 8:45 a.m. that next day, the hijackers' planes began to slam into the World Trade Center. Yes, that could have been averted had we had Commander Massoud fighting against the Taliban much earlier. Unfortunately, we did not provide him the effort and what he needed to defeat the Taliban then.

Commander Massoud would have been making history all this year and would have been doing and helping things for the better, and we will avenge his death and all the victims of 9–11 by rebuilding a peaceful Afghanistan free of tyrants and fanatics.

NEXTWAVE AUCTION BILL

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

Mr. STEARNS. Mr. Speaker, I want to thank my colleague from California (Mr. ROHRABACHER) for his continuing support in recognizing this anniversary. NPR had a great tribute to the general this morning which I listened to. I think it is altogether appropriate that the gentleman do this on the House floor, of course, and I want to thank him.

Mr. Speaker, on another matter, I rise to deal with something that is more close to home, and that is dealing with something I am involved with in telecommunications. I am urging my colleagues to support a bill that I introduced to eliminate impediments that restrict the ability of certain wireless telecommunication providers to, I think, meet the urgent need of the consumers. The bill has bipartisan support and the support of the Subcommittee on Telecommunications and the Internet on which I serve.

I am pleased, Mr. Speaker, that a recent editorial in the Wall Street Journal supports my actions on this matter, and I will be providing the Wall Street editorial to be made a part of the RECORD and part of my speech.

The affected providers are the successful bidders for wireless spectrum that the Federal Communications Commission auctioned off in Auction No. 35. Some of the spectrum had previously been licensed to companies, including NextWave Personal Communications, whose bankruptcy filings, and subsequent failure to pay amounts due to the FCC for their licenses, led to the cancellation of those licenses. The FCC subsequently reclaimed the licenses and reauctioned them off in Auction No. 35 for about $16 billion.

In June 2001, the D.C. Circuit held that "the Commission violated the provision of the Bankruptcy Code that prohibits governmental entities from revoking debtors' licenses solely for failure to pay debts dischargeable in bankruptcy." In August 2001, after the issuance of that court's mandate, the FCC restored the NextWave licenses to active status. More recently, the Supreme Court granted the FCC's petition for a writ of certiorari to review the D.C. Circuit's judgment. The Supreme Court will not hear argument in the case until the fall of 2002 and is unlikely to announce a decision until the spring of 2003. If the Court reverses the D.C. Circuit's decision, there will be further litigation on remand in D.C. Circuit to resolve issues that court did not reach in its first decision. As a result, there is not likely to be a final resolution of the status of the NextWave licenses any time soon, and the FCC therefore will not be in a position to deliver licenses to the winners of Auction No. 35, until three or more years from the time the auction was concluded.

Now, the status of NextWave's license has been the subject of extended litigation in not only the bankruptcy court, but the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the District of Columbia Circuit, and soon to be, the Supreme Court of the United States.

Although the FCC recently returned most of the downpayment funds previously deposited by all these successful bidders, it continues to hold, without interest, Mr. Speaker, substantial sums, equal to 3 percent of the total amount of the winning bids. It apparently intends to hold these sums indefinitely.

Despite the lengthy delay in delivering the licenses, moreover, the FCC takes the position that the successful bidders remain obligated, on a mere 10-day notice, to pay the full amount of their successful bids if and when the FCC, at some unknown future date, establishes its right to deliver those licenses.

Now, I think, as the Wall Street Journal points out, this is grossly unfair to those who bid on these licenses and did so in good faith. Companies calibrate their bids on the understanding of the auction, implicit in any commercial arrangement, that the delivery of the licenses will occur in a reasonable time following these auctions. That expectation is especially crucial in the context of spectrum licenses. Given the recent volatility we have seen in the market prices for spectrum, we can understand that there would be some action by the FCC after the auction.

Moreover, it is particularly burdensome to some companies to have the FCC hold even a small portion of their enormous downpayment without any interest on these amounts. It is not done in the private sector; it should not be done in the government. They are paying no interest on these deposits for extended periods of time.

In addition, winning bidders are obligated, as I mentioned, on very short notice to pay the remaining $16 billion they bid for the license at issue. Obviously, this adversely affects their capacity to serve the needs of their customers, because they must have this capital always on hand and they cannot use it for long-term benefits for business. This need to keep itself in a position to fulfill that obligation at an indefinite future date impedes its ability to take, as I mentioned, interim steps for building their own businesses.

The FCC's failure to respond appropriately to alleviate these serious burdens, I believe, deserves the public interest. That is why I have dropped bill H.R. 4738. It addresses this problem in two ways, Mr. Speaker.

First, it requires the FCC promptly to refund to the winning bidders the full remaining amount of their deposits and their downpayments. Second, it gives each winning bidder an opportunity to elect, within 15 days after enactment, to relinquish its rights and to be relieved of all further obligations under Auction No. 35. Those who choose to retain their rights and obligations under Auction No. 35 will nonetheless be entitled to a return of their deposits and downpayments in the interim period. If and when the FCC is in a position to deliver the license at issue to those who remain obligated, they will be required to pay the full amount of their bid in accordance with the FCC's existing regulations. Those who elect to terminate their rights and obligations under this auction will be free to pursue their business interests without the burdens under which they must labor.

Mr. Speaker, I urge my colleagues to support this timely and much-needed legislation, and I appreciate the Wall Street Journal bringing to the attention of the Nation this very important problem, and I also hereby submit for

the RECORD the article I have referred to.

[From the Wall Street Journal, Aug. 21, 2002]

ANOTHER TELECOM FIASCO

The telecom shakeout (or meltdown) continues, with Qwest ditching assets to stay solvent, and VoiceStream pursuing a merger in wireless with Cingular. The market will sort all of this out, though it sure would help if the Federal Communications Commission stopped making things worse.

Consider the FCC's ongoing NextWave spectrum fiasco. That small wireless carrier won spectrum licenses in a 1997 FCC auction, but later defaulted on its payments. The FCC revoked the licenses and reauctioned them—even as NextWave was suing to get them back. NextWave won its case, and a red-faced FCC had to tell the other carriers that had just bid $16 billion that it had nothing to give them.

In the real business world, the FCC would have cancelled the reauction once it couldn't deliver the licenses. But rules are different in FCC-land. The agency may not have delivered any licenses, but it has nonetheless held on to the hefty deposits the second batch of carriers gave it. And, by the way, the FCC has informed those carriers that when it does finally turn over the spectrum (in 2004, optimistically, if ever), it expects them to cough up the entire $16 billion within 10 business days.

All of this is playing havoc with an industry already in chaos. Verizon Wireless, for instance, bid $8.7 billion for its share of the spectrum. The FCC took a deposit from the company of $1.7 billion, and then sat on it—interest free—for 14 months. The FCC finally gave back some of the deposit earlier this year, though it still holds the bureaucratic pocket-change of $261 million.

Verizon is also stuck with a large liability—money it can't effectively touch because of the 10-day future payment obligation. Credit agencies say they may downgrade its debt because of the $8.7 billion overhang. Meantime, the company can't afford to run in place for years while the FCC fiddles, so it has redrawn its business strategy around the lost spectrum—which means it may not need it even if it comes free.

The FCC usually hands over licenses within three months, and for good reason: The industry changes faster than a politician's mind. Since January 2001 when the reauction ended, wireless and equipment companies have laid off tens of thousands of workers and lost $850 billion, or 65%, in market value. (Would that the FCC shrank 65% in size.) Wireless officials estimate that if the reauction were held today, the bids would be about 40% of the original $16 billion.

But that gets to the heart of the FCC matter: money, and creative accounting. It turns out that when NextWave bid its $4.8 billion in 1997, the FCC booked the entire amount in the federal budget. Then, when the reauction happened in 2001, it booked that $16 billion as well—adjusted for what it had lost from NextWave.

Chairman Michael Powell keeps promising a telecom revival, but this FCC money-grubbing doesn't help. The reauction is tying up much-needed investment capital: According to a recent study from AEI economist Gregory Sidak, the frozen $16 billion, if released, would increase GDP between $19 billion and $52 billion. Consumers are also losing out, as new services such as mobile videophones are delayed.

The FCC isn't even helping itself, if it cares. Reputation counts, even in government, and the agency has important auctions to come. Carriers may discount future bids because of uncertainty of ever receiving licenses. Several big players may not be able to bid at all, since the FCC is already sitting on their capital.

We still believe FCC auctions are the most efficient way of allocating spectrum. But their purpose is defeated when the government keeps the cash but won't deliver the goods.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 44 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida) at 2 p.m.

PRAYER

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

Lord God of history and ever-present wisdom, ever since 1789 in New York's Federal Hall until this very day, the Government of these United States has been dedicated to the protection of the people and securing human freedom with justice and peace.

Grant guidance to the House of Representatives in their work today so that they may be fellow workers in accomplishing Your holy will in human affairs and the progress of this Nation. May this work benefit all citizens so that with them and for them an earthly city may be built reflecting the values of Your Kingdom. For You are Lord and Savior, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CUMMINGS 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.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The Speaker pro tempore laid before the House the following resignation from the House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 5, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I have been nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. Therefore, I have submitted my resignation as Member of the House of Representatives, effective close of business, September 9, 2002. I am forwarding to you a copy of my letter of resignation to Ohio Governor Bob Taft.

I am grateful for the opportunity to serve with the distinguished men and women of the House of Representatives for the past twenty-four years. I look forward to working with the Members of the House as I continue service to the Nation in my new position.

Sincerely,

TONY P. HALL,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 6, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 6, 2002, at 10:24 a.m.

That the Senate passed without amendment H.R. 3298.

That the Senate passed without amendment H.R. 5012.

That the Senate passed without amendment H.R. 5207.

Appointment: Land's Title Report Commission.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, September 5, 2002.

H.R. 5012, to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

FEDERAL TRANSIT FORMULA GRANTS FLEXIBILITY RETENTION ACT

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5157) to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

The Clerk read as follows:

H.R. 5157

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

SECTION 1. URBANIZED AREA FORMULA GRANTS.

Section 5307(b) of title 49, United States Code, is amended—

(1) by striking the last sentence of paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

''(2) SPECIAL RULE FOR FISCAL YEAR 2003.—

''(A) INCREASED FLEXIBILITY.—The Secretary may make grants under this section, from funds made available to carry out this section for fiscal year 2003, to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000 as determined under the 2000 decennial census of population if—

''(i) the urbanized area had a population of less than 200,000 as determined under the 1990 Federal decennial census of population;

''(ii) a portion of the urbanized area was a separate urbanized area with a population of less than 200,000 as determined under the 1990 Federal decennial census of population; or

''(iii) the area was not designated as a urbanized area as determined under the 1990 Federal decennial census of population.

''(B) MAXIMUM AMOUNTS.—Amounts made available pursuant to subparagraphs (A)(i) and (A)(ii) shall be no more than the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000 as determined in the 1990 Federal decennial census of population. Amounts made available pursuant to subparagraph (A)(iii) shall be no more than the amount apportioned under this section for fiscal year 2003.''; and

(4) in paragraph (3) (as redesignated by paragraph (2) of this section) by aligning subparagraph (C) with subparagraphs (A) and (B).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

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

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

The Transit Operating Flexibility Act, the bill before us, is bipartisan legislation that will allow the transit systems in 52 communities that grew to more than 200,000 in population as defined by the 2000 census to retain flexibility in the use of their Federal transit formula grants in budget year 2003.

H.R. 5157 was favorably reported without amendment by the Committee on Transportation and Infrastructure on July 24 of this year. The bill now has a total of 45 original cosponsors. Legislation was developed with the assistance and cooperation of the Federal Transit Administration, and has been endorsed by the American Public Transportation Association.

The 2000 census made wholesale changes in urbanized area designations. Some of the communities that are crossing 200,000 in population simply grew since 1990. Others were absorbed into nearby major metropolitan areas. Yet others were combined with another nearby small city. Many of these communities were not aware they were going to cross 200,000 until the final urbanized area notice was published in the Federal Register in May of 2002.

Under current Federal transit law, areas of more than 200,000 cannot use Federal formula grant funds to pay for transit operating expenses. The Transit Operating Flexibility Act will allow the 52 communities affected by the 2000 census change to retain their operating flexibility in budget year 2003 to the same extent that they did in fiscal year 2002.

Without this legislation, some transit operators in the affected areas may be so strapped for resources that they will have to drastically reduce service or even shut their doors. We cannot allow a change in census definition to result in a loss of public transportation services.

This bill does not change the amount of transit formula funding that these communities or any other community will receive under TEA–21 in fiscal year 2003. The Federal Transit Administration will apportion formula grant funds to its grantees according to the 2000 census numbers as they are required by law to do. H.R. 5157 gives these 52 communities some breathing room to adjust to their new urbanized area status as they plan how to fund these transit services under their new urbanized area designation.

I urge that the House pass the bill that is before us, H.R. 5157.

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

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

Mr. Speaker, I commend the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI), for advancing legislation, H.R. 5157, that will allow local flexibility in the use of Federal transit funds in the newly designated urbanized areas over 200,000 population.

H.R. 5157 amends the Federal transit program to allow transit systems in urbanized areas that for the first time exceeded 200,000 in population to retain flexibility in the use of Federal transit formula grants in fiscal year 2003 for operating and capital assistance.

Without this flexibility, some transit systems would not have sufficient revenues to continue to provide public transportation services. The lack of flexibility in the use of Federal transit formula funds may result in the interruption in transit services or unnecessary hardship on transit systems.

Mr. Speaker, as the committee moves forward with legislation to reauthorize the surface transportation programs, the flexibility needed for transit systems in urbanized areas will be addressed in the legislation.

In the interim, I urge the enactment of H.R. 5157.

Mr. OTTER. Mr. Speaker, I rise today in strong support of H.R. 5157. This bill will allow Boise, ID and dozens of other transit systems around the county to maintain bus and transit service.

Boise, like many other communities around the Nation, depends upon its Section 5307 grants under TEA–21 to meet the operating costs of maintaining bus service. Unfortunately, the current 5307 program restricts federal funds to capital costs when an area's population increases to over 200,000. Boise and 51 other cities crossed that benchmark in the last census and now face losing the funds they need for operating bus services.

When TEA–21 was passed in 1998 the potential disruption after a census was not taken into consideration. Forcing communities to make major changes in their financing is unfair, particularly when that program, and its rules, are to be reauthorized in less than a year.

H.R. 5157, Mr. Speaker, will prevent large disruptions in service Idaho and nationwide., It will protect the jobs of those who commute to work by public transit. It will help the environment, and relieve traffic congestion. It will give community leaders another option in planning the growth of their cities and enable our transit systems to build for the future.

Boise is one of the fastest growing areas in the Nation, and is suffering the growing pains of traffic congestion and air pollution. An integrated program of highway and transit development is essential to meeting growth. At the same time federally provided funds must be flexible enough to meet the unique needs and challenges of each community.

As this House prepares TEA–21 reauthorization I will fight for more generous and flexible funding of transit needs in Idaho and other fast-growing rural states.

I want to thank Chairman YOUNG of the full committee for introducing this bill, and Chairman PETRI for managing the debate today. I also want to thank Kelly Fairless of Valley Ride in Boise, Grant Jones of Boise Urban Stages, and Steve O'Neal of the Idaho Transportation Department of their work on behalf of Idaho transit, and the drivers and maintenance personnel for Valley Ride who work everyday to bring mobility to the people of the Treasure Valley.

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

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 5157.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING THE HEROISM AND COURAGE DISPLAYED BY AIRLINE FLIGHT ATTENDANTS EACH DAY

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 401) recognizing the heroism and courage displayed by airline flight attendants each day, as amended.

The Clerk read as follows:

H. CON. RES. 401

Whereas over 100,000 men and women serve as airline flight attendants in the United States;

Whereas flight attendants dedicate themselves to serving and protecting their passengers;

Whereas flight attendants are responsible for customer service aboard an aircraft;

Whereas flight attendants react to dangerous situations as the first line of defense of airline passengers;

Whereas safety and security are a flight attendant's primary concerns;

Whereas flight attendants evacuate aircraft in emergency situations;

Whereas flight attendants defend passengers against hijackers, terrorists, and abusive passengers;

Whereas flight attendants handle in-flight medical emergencies;

Whereas flight attendants perform routine safety and service duties on board an aircraft;

Whereas 25 flight attendants lost their lives aboard 4 hijacked flights on September 11, 2001;

Whereas 5 flight attendants helped prevent United Airlines Flight 93 from reaching its intended target on September 11, 2001;

Whereas flight attendants provided assistance to passengers across the United States who had their flights diverted on September 11, 2001;

Whereas on December 22, 2001, flight attendants helped subdue attempted shoe bomber, Richard Reid, who attempted to kill all 185 passengers and 12 crew members on board American Airlines Flight 63; and

Whereas on February 7, 2002, flight attendants helped prevent Pablov Moreira, a Uruguayan citizen, from breaking into the cockpit during United Airlines Flight 855 from Miami to Buenos Aires: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses profound gratitude to airline flight attendants for their daily service to make air travel safe;

(2) honors the courage and dedication of flight attendants;

(3) expresses support for the flight attendants who displayed heroism on September 11, 2001, and to all flight attendants who continue to display heroism each day; and

(4) directs the Clerk of the House of Representatives to send a copy of this resolution to a family member of each of the flight attendants killed on September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

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

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

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 401, honoring the over 100,000 men and women who serve as flight attendants. As we near the final anniversary of the September 11 attacks, I think it is appropriate that we stop to recognize these everyday heroes.

America's flight attendants dedicated their lives to ensuring the safety and the security of their passengers. There are over 20,000 commercial airline flights each day, and on these flights, flight attendants put the well-being of each of their passengers ahead of their own. They are the first responders to all emergencies in the cabin of an aircraft. They provide in-flight medical assistance to passengers in need. They may be the only line of defense should terrorists once again attempt to take control of an airplane.

It was the flight attendants who subdued attempted shoe-bomber Richard Reid aboard American Flight 63 last September. Last year, 23 flight attendants lost their lives aboard the four hijacked flights on September 11. In recognition of their important role, the House overwhelmingly passed legislation that would significantly increase self-defense and situational training to aid flight attendants in the case of another terrorist hijacking.

I would like to express my profound gratitude for all airline flight attendants for their daily service to make air travel safe and secure, and urge the passage of this resolution.

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

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

Mr. Speaker, I, too, want to commend the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), for their action on House Concurrent Resolution 401 that recognizes the largely unsung heroism that airline flight attendants display on a daily basis.

On September 11 of last year, 25 flight attendants lost their lives as a result of terrorist attacks. When they left their homes and loved ones that morning, I am sure that none of them knew what tragic events would unfold before the day's end, and what role they would play in it. Five flight attendants working on United Airlines Flight No. 93 helped prevent hijackers from reaching their intended target of Washington, D.C. I am sure that many of us have to give credit to them for perhaps saving our lives.

Everyday a workforce of 100,000 flight attendants make it their mission to ensure the safety of passengers that rely on them. In the war on terrorism, they can be compared to ground soldiers. They are our front line of defense. Not only did flight attendants display acts of heroism on September 11, but they also have repeatedly reacted courageously to thwart acts of terrorism on American aircraft.

Mr. Speaker, it is an honor to acknowledge the heroism and bravery of flight attendants. After September 11, when many were afraid to return to the air, these courageous workers devotedly returned to their jobs. I admire their sense of dedication and professional attitude. I urge my colleagues to support this very, very appropriate resolution.

Mr. RAHALL. Mr. Speaker, on behalf of West Virginians and Americans as a whole, I want to express our deep appreciation for the flight attendants who provide outstanding service while ensuring public safety for thousands of Americans on a daily basis. In addition, I want to commend our Nation's flight attendants for their acts of heroism. A considerable number of them demonstrated their great courage during the September 11th attacks that occurred almost exactly one year ago today.

It should not be overlooked that in the days, weeks, and months following that terrible day, America's flight attendants bravely resumed their duties serving our flying public. This contribution aided the almost immediate restoration of air service, and it provides a profound demonstration of this country's refusal to let the terrorists win. Our flight attendants, and by extension, all of us would not allow a few evildoers to destroy our daily activities and our unique way of life.

As we approach the anniversary of September 11th, we must remember the contributions of this group of individuals who have so ably demonstrated their importance to this country and to its citizens. They stand as an example for the brave efforts of all hard-working Americans as we cope with the events and the aftermath of that infamous day.

Mr. SIMMONS. Mr. Speaker, a great many things changed on September 11, 2001. Among them, Americans began thinking differently about air travel, and we all gained a greater respect for those who are pledged to guarantee our safety as we fly.

For its part, Congress has moved to make air travel safer, and I have not doubt we will do more. But one of the main lines of defense against events in the air rests with the pilots and flight crews.

The professionalism, courage and common sense exhibited by these individuals is clearly exemplified in the actions of Madeline Amy Todd Sweeney, who was a flight attend aboard American Airlines Flight 11 on September 11. That was the first aircraft to crash into the World Trade Center.

Showing courage under pressure, Amy was one of the first individuals to use a cell phone and notify the world of the hijackings that were underway. Her last acts of bravery were critically important in identifying and exposing those terrorists who threatened our lives, our country and our values.

Ms. Sweeney is a true American hero. She was many things to many wonderful people, a

faithful wife, a loving mother, and a devoted daughter. But she will be remembered by most Americans for her extraordinary heroism and devotion to duty on a fateful day.

Consider this—those who hijacked American Airlines Flight 11, had years of training and preparation for their terrible mission. They had plenty of time to consider what they were going to do. But for Amy, the decisions of a lifetime were compressed into a few terrible minutes. Yet she responded with tremendous courage, calmness and common sense. She did her duty in the face of death. And at the last moment, she called out to God for salvation.

I had the honor earlier this year to attend a ceremony in Massachusetts where she became the first individual to be awarded the "Madeline Amy Todd Sweeney Award for Civilian Bravery." It is in recognition of Amy Todd Sweeney's heroism and courageous spirit that this award was created.

Future recipients—awarded annually on the anniversary of her death—must demonstrate exceptional bravery, without regard for personal safety, in an effort to save the life or lives of another or others in actual or imminent danger. It is a fitting tribute to her conduct that this award has been established. There can be little doubt that many people are alive today because of her quick thinking and her heroism. Her actions remind us that courage is rightly esteemed as the first of human qualities because it is the quality that guarantees all others.

And we should remember that courage does not mean an absence of fear, because without fear there can be no courage. Courage is doing the thing you think you cannot do.

Mr. Speaker, I ask unanimous consent to enter into the RECORD a recent article from the New London Day entitled, "A Hero On Flight 11, She Put Her Job First: Madeline Amy Todd Sweeney."

May God bless and keep you, Madeline Amy Todd Sweeney, and may God bless America.

A HERO ON FLIGHT 11, SHE PUT HER JOB FIRST: MADELINE AMY TODD SWEENEY

9–11: THE SHADOW OF A DAY

(By Bethe Defresne)

Once the extended family of Madeline Amy Todd Sweeney verified that she was aboard the flight, there was no waiting for a miracle. There was no use praying that the blond, blue-eyed young mother with the dazzling smile had been caught in some pocket of hope within the ashes of the World Trade Center, and that somehow she would rise up and come home to them.

Relatives and friends of victims who worked in the towers would spend days or even weeks holding off the inevitable. But for Sweeney's loved ones, there was only the swift, burning onslaught of grief.

She was a flight attendant on American Airlines Flight 11, the plane that hit the north tower at 8:48 a.m. on Sept. 11, when the world still thought it must have been some terrible accident.

Sweeney's colleagues in air control back at Logan International Airport in Boston, where the flight had taken off that morning bound for Los Angeles, were among the few who knew better—because she had told them.

Calmly, and with painstaking attention to detail, Sweeney had explained that the plane was being hijacked. What she said would later help federal investigators reconstruct how the plane was taken over.

Sweeney reported the seat numbers of the hijackers, including suspected ringleader Mohamed Atta, and the progress of their assault. She described the landscape below after the flight was diverted, right up until the shocking end.

Her last words were, "I see water and building. Oh my God! Oh my God!"

Sweeney's father, William A. Todd of Norwich, expects that some day he'll listen to a tape of conversations from the airplane. But he's not ready.

This Sept. 11, Todd will be in Boston, the point of Sweeney's departure, not New York, the site of her tragic end, to mark the anniversary of the terrorist attacks. There he will witness the presentation of the second annual Madeline Amy Todd Sweeney Award for Civilian Bravery, posthumously presented to her in February with her family in attendance.

Sweeney lived in Acton, Mass., with her husband, Michael, and their two children, Anna, 6, and Jack, 5. The award, in the form of a medallion, is to be given each year to a Massachusetts resident who exemplifies the courage that Sweeney displayed.

Her reports from the doomed airplane have been credited with helping officials make the crucial decision to ground all airplanes on Sept. 11, perhaps saving many lives.

It's good, Todd acknowledged, to have something to do and somewhere to go on this grim anniversary. And he really didn't want to be in New York.

"It's too much," he says.

Mike Sweeney, who could not be reached, is reportedly coping as best he can, and also plans to be at the presentation in Boston on Wednesday.

Reflecting today on what enabled his 35-year-old daughter to show such remarkable strength under intense pressure, Todd draws upon an apt and familiar analogy, that of a soldier in battle. As an Army war veteran who saw combat in Korea, Todd, 65, says his daughter was doing what she was trained to do in a situation like that: focus not on yourself, but on your job.

Todd treasures an American flag carried in Sweeney's honor aboard an F–16CG Falcon during a Jan. 26 combat mission over Afghanistan. The flag was sent to him along with a citation from the 332nd Air Expedition Group, called "The Tip of the Spear," certifying that the flag was carried "In Memory of the Grace and Bravery of Madeline Amy Todd Sweeney, who lost her life to a terrorist attack on the WTC while serving on American Airlines Flight 11 on Sept. 11, 2001."

Todd hasn't decided yet where to display the flag, which he handles reverently, like a flag that has been draped over a soldier's coffin. It was a nephew in the Air Force, Patrick Todd, who arranged through his commanding officer to have the flag carried and delivered.

Sweeney came from a large extended family, with numerous aunts, uncles and cousins. She reveled in those myriad relationships, said Todd, and will be especially missed at the Sept. 28 wedding of her brother, William Todd III, who lives in Massachusetts. He was her only sibling.

Sitting at the kitchen table in his home on Corning Road, Todd, who retired after 15 years as a welder at Electric Boat in Groton, appears to take some comfort in thinking about the lasting impression his daughter's life has made on others. But he is not a man given to displaying an excess of emotion.

"What can you say?" he asks. "Not a day goes by that I don't think of her."

Tears well up in his tired eyes, but he won't let them go. His wife of 23 years, Doris, is more talkative and openly emotional. Sweeney was like a daughter to her, she says, although they only got together on visits, mostly during the summer. Todd and his first wife divorced when Sweeney was 10, and she continued to live with her mother in Nashua, N.H.

It's not very difficult for family members to imagine what Sweeney, whom everyone called Amy, would have been doing this past year had she not been among the 3,008 victims of Sept. 11. She would have continued to love being a wife and mother, kept in close touch with her large circle of friends and family, and, of course, kept on flying.

The 12-year veteran of American Airlines was at a point in life where, it seems, she had everything she wanted. "She loved to fly, and she loved to travel," says Todd. She especially relished trips to the Caribbean.

The flight to Los Angeles was also one of her favorites, Todd says, because she got a layover in California.

After Sweeney graduated from high school, before she married and went to flight attendant school, she took a year off to live and travel in California, says Todd. This was her one real fling with being totally carefree.

But shouldering responsibility was something Sweeney apparently did willingly, with a modest touch that endeared her to family, friends and colleagues, as well as passengers.

She was "a natural at being a flight attendant" wrote one of her peers in a tribute booklet put out by American Airlines and given to all the families of those who died on Flight 11. She was a genuine people person, it was said, always the first to volunteer when help was needed.

In her heroic death, Sweeney is forever linked with one colleague in particular, fellow flight attendant Betty Ong. The two women worked as a team to alert ground officials about what was happening.

The Todds have a tape of a Prime Time TV segment on the two women, hosted by Diane Sawyer. Sweeney's husband, Mike, is featured along with several members of Ong's family. So, too, are home videos of Sweeney playing and singing with her children.

But most of the program is devoted to what happened on Flight 11.

Doris Todd cries softly, and her husband sits stoically upright in his chair, as a Logan flight manager who got the first call recounts his conversations with Sweeney. "Amy, honey," he began, "what's going on?"

Everything after that was dark—throats slashed, orders from hijackers—but Sweeney remained purposeful and calm through it all.

The Todds find this tape difficult to watch, but say they've looked at it several times. During the program, the Ong family reports that a bone and a flesh fragment from Betty Ong were recovered from the WTC site.

"Nothing was found of Amy," says Todd, not even a bit of DNA. But this is not something to dwell on, he says. He'd rather hold the flag that was carried over a battlefield in her honor, or point out the sign in her memory attached to his truck, the one he drove in the June parade for A Reason to Ride, an organization that raises funds for disabled and homeless veterans.

There's been talk, Todd says, that Sweeney and some other Sept. 11 heroes might be posthumously awarded the Presidential Medal of Freedom. U.S. Rep. Rob Simmons, R–2nd District, and Sen. Edward Kennedy of Massachusetts are among those who have proposed Sweeney for the prestigious award.

The Todds haven't gotten involved in the debate over what kind of memorial should be erected at Ground Zero, but they do have two thoughts on the subject. "It should be tall," they say. "And it should have all the names, like the Vietnam War Memorial."

Sweeney didn't have enough information in that early hour of Sept. 11 to go on the offensive, like the crew and passengers of

United Flight 93, forced down in a field in Pennsylvania. But she died in service to her passengers and, it turned out, to her country.

It's almost impossible to find a source of gratitude in the horror of Sept. 11. But the Todds say they're at least glad to know that almost to the last moment Madeline Amy Todd Sweeney was not living in terror, but helping others.

□ 1415

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

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

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 401, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING THE AMERICAN ROAD AND TRANSPORTATION BUILDERS ASSOCIATION FOR REACHING ITS 100TH ANNIVERSARY

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 442) recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century.

The Clerk read as follows:

H. CON. RES. 442

Whereas, founded in 1902 by Horatio Sawyer Earle, a visionary Michigan public official, the American Road and Transportation Builders Association is the Nation's oldest national association exclusively representing the transportation construction industry;

Whereas, for a century, the American Road and Transportation Builders Association has successfully advocated for strong Federal investment in transportation infrastructure, highlighted by the world's greatest road network, the Dwight David Eisenhower System of Interstate and Defense Highways;

Whereas the transportation construction industry that the American Road and Transportation Builders Association represents works to constantly improve America's transportation network, including our Nation's roads, bridges, airports, mass transit systems, ports, and waterways that are the foundation on which the Nation's economy stands and grows;

Whereas the American Road and Transportation Builders Association incorporates educational, research, and charitable efforts to advance the transportation construction industry, improve transportation education, maintain the highest industry standards of excellence, and ensure the public health, safety, and welfare; and

Whereas the multi-modal transportation infrastructure network that American Road and Transportation Association members have designed, built, and managed over the past century, in partnership with government at all levels, has made America's economy the envy of the world and provided the American people with an unmatched quality of life: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) acknowledges the American Road and Transportation Builders Association for its 100th Anniversary;

(2) commends the many achievements of the transportation construction industry; and

(3) encourages the American Road and Transportation Builders Association to continue its tradition of excellence in service to the transportation construction industry and to the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

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

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

Mr. Speaker, the American Road and Transportation Builders Association is the Nation's oldest national association exclusively representing the transportation construction industry. I have worked with ARTBA on many legislative issues, and they have played and will continue to play a large role in the development of our country's transportation infrastructure.

Founded by Horatio Earle, ARTBA has consistently advocated a strong Federal investment in our transportation network and has played an integral role in the development of the Dwight David Eisenhower System of Interstate and Defense Highways, known as our interstate system.

Under the leadership of ARTBA, the transportation construction industry maintains the highest standards of excellence to ensure the public safety and welfare of those traveling throughout these United States.

I look forward to working with ARTBA as Congress moves forward with reauthorization of TEA 21 next year. I urge the Congress to join me in commending ARTBA and its members for their 100 years of service to the construction industry and the important work they do every day in building America.

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

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

Mr. Speaker, I want to commend the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Pennsylvania (Mr. BORSKI) for moving forward with H. Con. Res. 442, to recognize the 100th anniversary of the American Road and Transportation Builders Association, also known as ARTBA.

For more than a century, ARTBA has carried forth the visionary efforts of its founder, Horatio S. Earle. The legacy of this organization rests firmly on the guiding principles of its founder to improve the Nation's transportation system. Horatio Earle advocated an interstate system to link the Nation's capital with every State capital throughout the Nation. Mr. Earle's vision was realized with the creation of the Highway Trust Fund to provide funding for the construction of the Nation's highway interstate highway system.

From its inception, ARTBA has advocated strong Federal investment in the Nation's transportation infrastructure, to meet the public demand for safe and efficient travel and shipment of goods. ARTBA has led the efforts to increase the level of funding for transportation and infrastructure improvements. Through its leadership, perseverance, and skills of its organization, ARTBA has established a legacy that has helped to strengthen the American economy.

Today, ARTBA represents an industry that generates more than $200 billion in United States economic activity annually and sustains the employment of 2.2 million Americans.

Mr. Speaker, it is a high honor to recognize ARTBA for its 100 years of continuing support for the Nation's transportation. As the Congress moves forward with legislation to reauthorize the surface transportation programs, I look forward to working with ARTBA to assist in building a national transportation system that will continue to serve this great Nation.

Mr. RAHALL. Mr. Speaker, as a co-sponsor of House Concurrent Resolution 442, which recognizes the American Road and Transportation Builders 100th Anniversary, ARTBA, I want to publicly commend our Nation's oldest association exclusively representing the transportation construction industry. For a full century, ARTBA has been a strong and successful advocate for federal investment in transportation infrastructure. As the legislation notes, the construction and upkeep of our Nation's roads, bridges, airports, mass transit systems, ports and waterways are the foundation on which America's economy stands and grows. Our transportation network also allows Americans to pursue their constitutional Right to Travel. On behalf of West Virginia, I suggest that as many Americans as possible should exercise their Right to Travel by using available transportation opportunities in order to come to our fine state where they can visit its cities, towns, and scenic vistas.

Transportation construction has been vital to West Virginia's improving industrial and communications networks. This, in turn, creates greater job and education opportunities. Recent flood control and community restoration efforts were also made possible by the ability to utilize multiple transportation modes. In addition, transportation construction has greatly

improved West Virginians' daily access to much-needed health care services, retirement benefit providers, and the like.

Further, as President Dwight Eisenhower clearly understood, our Nation's transportation network provides a critical infrastructure element for national security. In the immediate wake of the September 11th attacks, the strength of our Nation's transportation networks enabled emergency responders from various different areas to get to the crisis areas in New York, Virginia, and Pennsylvania in the most expeditious manner possible. Employing this quick response ability aided our nation in providing much-needed assistance and in coordinating the subsequent recovery efforts. ARTBA's long-standing contributions which enabled such quick response following September 11th, deserve recognition as the association celebrates this milestone.

Our Nation owes a clear debt of gratitude and commendation to the ARTBA for their continuing efforts, which have contributed to this country's great infrastructure strength.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 442.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5157, H. Con. Res. 402, and H. Con. Res. 442.

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

There was no objection.

CONGRATULATING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM FROM LOUISVILLE, KENTUCKY, FOR THEIR OUTSTANDING PERFORMANCE IN THE LITTLE LEAGUE WORLD SERIES

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 516) congratulating the Valley Sports American Little League baseball team from Louisville, Kentucky, for their outstanding performance in the Little League World Series.

The Clerk read as follows:

H. RES. 516

Whereas the Valley Sports American Little League baseball team from Louisville, Kentucky, is the first team from the United States to win the Little League World Series since 1998;

Whereas the Louisville team is the first team from Kentucky to ever reach the title game of the Little League World Series in the 56-year history of the Little League Junior Division championship;

Whereas the Louisville team has attained a select position as one of only 10 United States teams to win the Little League World Series in the last 35 years;

Whereas the members of the Louisville team demonstrated perseverance that rivals that of any adult, with a season that started in June and required winning both State and regional championships to reach the World Series;

Whereas throughout their season, the Louisville team scored 106 runs, while allowing their competition to score only 10 runs;

Whereas the Louisville team played expertly against a determined and talented Japanese team for the Little League World Series title;

Whereas the Louisville team broke multiple Little League World Series records through a single pitcher achieving 44 strikeouts and 21 scoreless innings;

Whereas the 12 players on the Louisville team are a model to the Nation's youth because of their dedication, determination, and sportsmanship;

Whereas in the legacy of world-renowned Louisville Slugger bats and Hall-of-Fame members Jim Bunning, Happy Chandler, Earl Combs, and Pee Wee Reese, the Louisville team has continued a long tradition of Kentucky contributions to the game of baseball;

Whereas the Louisville team's performance demonstrates to parents and communities throughout the Nation how athletic participation builds character and leadership in children; and

Whereas the Louisville team's spirit and camaraderie and the support of the team's family members are a testimony to baseball's ability to bring families together: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Valley Sports American Little League baseball team from Louisville, Kentucky, for their outstanding performance in winning the 2002 Little League World Series;

(2) recognizes Troy Osborne, the manager of the Louisville team, assistant coaches Keith Elkins and Dan Roach, and players Aaron Alvey, Justin Elkins, Ethan Henry, Alex Hornback, Wesley Jenkins, Casey Jordan, Shane Logsdon, Blaine Madden, Zachary Osborne, Jacob Remines, Josh Robinson, and Wes Walden for demonstrating excellence and character throughout a summer of little league baseball; and

(3) commends Little League Baseball for its 63-year tradition of encouraging the development of sportsmanship and confidence in youth through its sponsorship of world-class baseball.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 516.

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

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution extends heartfelt congratulations from the House of Representatives to the Valley Sports American Little League baseball team from Louisville, Kentucky, for winning the Little League World Series.

On August 25, 2002, the Valley Sports American Little League team won the 56th Little League Baseball World Series title by defeating the team from Sendai, Japan 1–0.

Mr. Speaker, the Valley Sports American Little League team is the first team from the United States to win the Little League World Series since 1998. The following is a description of the team from Louisville, Kentucky, as described by Little League Baseball:

''They may not have been the most talented team in the tournament. They may not have been the biggest or the strongest 11- and 12-year-olds in Williamsport during the last 9 days; but they had worked the hardest, dedicated themselves in ways others could not, and now the Valley Sports American Little Leaguers from Louisville, Kentucky, are the best in the world.''

Coaches and players alike have achieved something very few have. This is an accomplishment that will be with them for the rest of their lives, and it is in the finest tradition of Kentucky baseball.

Perhaps one of these days one of these young players will follow Kentucky's Hall of Famer, Jim Bunning, and serve in the House and the U.S. Senate. But I am sure that they will all be a credit to their country, to Kentucky, to Louisville, and to their families. They have started out well.

Mr. Speaker, it is appropriate that the House recognize the dedicated work and outstanding accomplishments of Valley Sports American Little League Baseball team from Louisville, Kentucky. The Louisville team's performance demonstrates to parents and communities throughout the Nation how

athletic participation builds character and leadership in their children.

Mr. Speaker, I ask all Members to support this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the Valley Sports American Little League team from Louisville, Kentucky, captured their city's and the Nation's attention with the 1–0 victory over Sendai, Japan, in the Little League World Series title game last month.

Valley Sports, which won the national championship game against Worcester, Massachusetts, became the first U.S. team to win the World Series since East Toms River, New Jersey, in 1998.

When the team held its first practice on June 16, they had not yet developed their trademark, which became pitching and defense. This came with hard work and determination. During the first few days, the team looked nothing like the one that would win the Little League World Series. The basemen had difficulty catching; and, of course, nobody could make a great throw. But the coaches figured the only way to get better was through hard work. The team routinely held 5-hour practices on week days and sometimes as much as 8 hours on weekends. Defense was constantly being reinforced and it paid off.

Japanese teams had won two of the previous three World Series titles; but the Valley Sports team used their recipe for success, pitching, defense and discipline, to win the big game. The coaches, Troy Osborne, Keith Elkins, and Dan Roach demanded discipline on and off the field. The team was required to answer ''yes, sir'' or ''no, ma'am'' when addressing adults. Does that not sound interesting? They were expected to conduct themselves properly with no showboating allowed. The team got better and better with every game.

In a little more than 2 months, 12 young boys used their free time to dedicate themselves to our national pastime, baseball. Team work, commitment, dedication and discipline and a positive attitude transformed the Valley Sports Little League team into a national and international championship team.

We always place a premium on winning. But I think that when we have great little league programs with the active involvement and participation of parents and other adult volunteers, every child, every young person perhaps is a winner. And not only is this an opportunity to salute the Valley Sports Little League team, but it is also an opportunity to salute all of those parents and volunteers and coaches and young people throughout America who engage and involve themselves in disciplined activity that is designed to develop men, in many instances, and women, out of boys and girls.

I also take this opportunity to salute those Little League teams in my own community, Dwayne Truss and Cata Truss who developed the Mandela Little League; and of course everybody in my city of Chicago knows about the Jackie Robinson West Little League and the Southeast Little League and the North Lawndale Little League Baseball teams.

So it is a great day for Little League activity. It is a great day for young people being engaged, involved, disciplined with adult supervision. That, Mr. Speaker, is what I think will keep young people off the streets, will keep young people from ending up in correctional institutions, and will help America continue to grow and become the Nation that it really has the potential of being.

So I join in giving all of the accolades that we can muster to the Valley Sports Little League team, who became not only the best in their city, the best in their country, but the best internationally. We honor them as we honor America.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join my colleague from Illinois in commending all of the little league teams around the country. As a former little league team mom, and my husband being a little league manager for many many years with our two sons, it is a great pastime. It is a great opportunity for our young boys and girls to participate in little league. I would like to commend my colleague, the gentlewoman from Kentucky (Mrs. NORTHUP), for introducing this legislation to commend our little leaguers from Kentucky and to salute all of our little leaguers around the United States and the world.

Mr. Speaker, I urge adoption of this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 516.

The question was taken.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1430

PETER J. GANCI, JR. POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5336) to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the ''Peter J. Ganci, Jr. Post Office Building.''

The Clerk read as follows:

H.R. 5336

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

SECTION 1. PETER J. GANCI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, shall be known and designated as the ''Peter J. Ganci, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Peter J. Ganci, Jr. Post Office Building.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5336, introduced by our distinguished colleague from New York (Mr. KING), designates a post office in Farmingdale, New York, as the Peter J. Ganci, Jr., Post Office Building. Members of the entire House delegation from the State of New York are cosponsors of this legislation.

Mr. Speaker, on September 11, immediately after a jet struck the first tower at the World Trade Center, Peter Ganci, chief of department for the New York City Fire Department, rushed to the scene from his command post in downtown Brooklyn and started the rescue effort.

He was in the basement of Tower One when it collapsed. Miraculously, he survived, dug himself out of the rubble and went back to work.

It then became apparent that the second tower would fall. Ganci, as the highest ranking uniformed officer on the scene, directed everyone to clear out of the area, but Ganci did not himself leave while his men were inside the

tower. Ganci said, ''I'm not leaving my men,'' and advanced toward the towers to continue his life's work of saving and protecting others.

Chief Ganci was in the basement of the second tower when it collapsed.

Prior to joining the New York City Fire Department, Ganci served in the Farmingdale Fire Department as a volunteer and in the 82nd Airborne Division. Ganci served in the New York Fire Department for 33 years and was decorated repeatedly for bravery.

Ganci is survived by his wife, Kathleen; his sons, Christopher and Peter; and his daughter, Danielle. His son, Peter Ganci, III, now serves with Ladder Company 111 of the New York City Fire Department.

Mr. Speaker, I urge adoption of H.R. 5336.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Government Reform, I am pleased to join my colleague today in the consideration of two postal naming bills: H.R. 5336, introduced by the gentleman from New York (Mr. KING), which names a post office in Farmingdale, New York, after Peter Ganci; and H.R. 4797, introduced by the gentleman from California (Mr. BECERRA), which names a post office in Los Angeles, California, after Nat King Cole. These measures have the support of their respective State congressional delegations to name United States postal facilities after very deserving individuals, and I urge their swift passage.

H.R. 5336, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the Peter J. Ganci, Jr., Post Office Building, was introduced by the gentleman from New York (Mr. KING) on September 5, 2002.

An American hero, Peter J. Ganci was the New York City Fire Department's highest ranking chief who died when the World Trade Center came down. Chief Ganci had been on the radio in front of the trade center directing the rescue efforts when the building collapsed.

Who was Chief Ganci? He was 54-years-old and a resident of Massapequa, New York; the chief of the department, one of the highest ranking uniformed officers in the fire department; husband to Kathleen; father to Peter, III, Christopher and Danielle. He was also a 33-year-old veteran of the New York Fire Department, whose son Peter is a firefighter assigned to Ladder Company 111 in Brooklyn, New York, and Brooklyn, New York, is the place where Peter Ganci got his start in 1960.

After serving in engine and ladder companies, Mr. Ganci rose to lieutenant, captain, battalion chief, deputy chief and then acting chief. He also ran the Bureau of Fire Investigation, was appointed the chief of operations prior to becoming chief of the department.

A hands-on man, Chief Ganci was doing his job, commanding the rescue operations at the New York World Trade Center.

Accordingly, I urge swift passage of this bill and commend my colleague for seeking to honor Chief Peter J. Ganci, Jr., in this matter.

Mr. Speaker, I do not believe that we have any other requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from New York (Mr. KING), the author of this legislation.

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

Mr. Speaker, I am privileged to rise today in support of this legislation. Pete Ganci was a constituent of mine. He was an individual who personified the leadership and the bravery which resulted last September 11 in the greatest rescue operation in the history of this country.

Twenty-five thousand people were rescued that day, and it was done primarily through the efforts of the New York City Fire Department, and Chief Pete Ganci was the chief of the department, who was also the highest ranking uniformed officer ever to die in the line of duty, and as the gentlewoman pointed out, Chief Ganci was there that day with his men. Chief Ganci was there in the line of duty.

Chief Ganci was there directing the operation against this horrific attack that was carried out against our country, and when the first tower fell, Chief Ganci barely escaped with his life, and when he saw the terrible carnage that resulted and saw the terrible danger which was still being faced by the north tower, which had not yet fallen, Chief Ganci ordered the entire operation to be moved north.

As the entire operation, including the mayor and other officials, went north, Pete Ganci went south to be with his men, and that personified the type of leadership which Pete Ganci gave in the New York City Fire Department. As the gentlewoman pointed out, he had been a member of the department more than 33 years, rising to the highest office in that department, chief of the department. Prior to that, he had been a paratrooper in the 82nd Airborne, and until his death, he was an active member of the Farmingdale Volunteer Fire Department in New York.

Mr. Speaker, at this point also, before I digress, though, I want to pay a special debt of thanks to Sal Pontillo, the Nassau County legislator who represents the district in which Mr. Ganci lived in Nassau County, and he has come to me with this request. We have worked closely on it, and he has also served as liaison with the Ganci family and helped to bring this about.

Mr. Speaker, many of us look back on the date of September 11 and we realize what a turning point it was in the history of our country. It was a turning point for many reasons. The point I would like to focus on today is that after that attack, actually as the attack was going on, as the buildings were burning, as the buildings were coming down, as people were being killed, as people were being rescued, what the eyes of the world and the eyes of the country saw was the valor of the New York City firefighters and police officers, those who were carrying out this rescue operation under the most trying circumstances, and the person who was leading that operation was Chief Ganci. Just think what would have happened if he had not done what he did, if the firefighters had not responded the way they did, instead of running into the building, Chief Ganci had run out of the building and kept going, but instead he went back right in the line of fire, the battlefield commander who died with his men, and it was that type of courage that was shown that day, that type of heroism that was shown that day, that type of spirit that was shown that day which I think has inspired our country to fight back, to come back and to win this war against international terrorism, and even just as importantly, to show that America cannot be vanquished, that we can take the best shot of the enemy and come back stronger than ever.

That is what Chief Ganci personified that day. In fact, it is the type of story, that if somebody had produced a movie about it, it would not have been believed, for a person to be there when the first tower came down and somehow survive it and go back in and to be killed in the second tower, which to me is the type of courage that I cannot even begin to fathom.

This was the first battle, Mr. Speaker, and the first great war of the 21st century, and Chief Ganci died as a battlefield commander in that war, and for that, this country owes him its untiring thanks and gratitude for all that he has done.

I want to say a special debt of thanks to his wife, Kathy, who has shown tremendous courage throughout this entire almost now 363 days, and his son, Pete, who is a member of the New York City Fire Department, his son, Chris, and his daughter, Danielle.

I also want to thank the other 30 members of the New York delegation for unanimously supporting this resolution. To me, it is just another indication of the tremendous regard that all the men and women of the New York City Fire Department had for Chief Ganci and, indeed, all of the members of the New York delegation, everyone who had the opportunity to know Chief Ganci.

I can say I was at his funeral last September 15. It was one of the most moving moments I have ever been involved in, to see the tremendous outpouring of support from his community in North Massapequa and Farmingdale, all of the surrounding community, by the thousands, coming out to join in this salute to Chief Pete Ganci.

So, Mr. Speaker, with that I thank the gentlewoman for yielding me the

time. I thank the House for considering this resolution today, and I extend my very best thoughts, prayers and gratitude to the Ganci family for all they have gone through.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague for introducing this legislation to honor the chief of the New York City Fire Department. As the wife of a professional firefighter for almost 30 years, I know the bravery that these firefighters have, and I have had people tell me why they let chiefs send men in there to their deaths, and I have told them quite clearly, if he would not have sent them in, I know the firefighters would have gone in, anyway. That is just the type of bravery they do have, and again, I thank my colleagues, and I urge adoption of this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 5336.

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

A motion to reconsider was laid on the table.

NAT KING COLE POST OFFICE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4797) to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office.''

The Clerk read as follows:

H.R. 4797

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Nat King Cole was born Nathaniel Adams Coles in Montgomery, Alabama, during the difficult period of segregation in the United States, and was raised in the ghettos of the south side of Chicago, Illinois, where he endured the harshness of poverty.

(2) Nat King Cole was often confronted with racism during his career, including being attacked by members of a white supremacist group while he was on stage in Birmingham, Alabama, in 1956.

(3) Nat King Cole allowed neither poverty nor racism to prevent him from sharing his music with people worldwide and from leaving a lasting impression on American culture.

(4) Nat King Cole established himself as the best selling African-American recording artist of his generation.

(5) Nat King Cole and his family became the first African-American family to integrate the community of Hancock Park in Los Angeles when, despite threats and protests from local residents, they purchased their English Tudor mansion in 1948.

(6) ''The Nat King Cole Show'', primarily broadcast from Burbank, California, aired nationally for more than a year beginning in 1956 and was the first television show to be hosted by an African-American artist.

(7) Nat King Cole graced southern California with his music during the formative years of his music career and formed the successful ''King Cole Trio'' in Los Angeles, California.

(8) Nat King Cole's recording of ''Route 66'' serenaded generations of eager California immigrants.

(9) Nat King Cole's recorded rendition of ''The Christmas Song'' symbolizes the family warmth of the yuletide season.

(10) Nat King Cole's disarming delivery teaches people the meaning of ''Unforgettable''.

(11) Although Nat King Cole died from lung cancer on February 15, 1965, the music and embracing baritone voice of Nat King Cole are lasting legacies that continue to be enjoyed by people worldwide.

(12) Nat King Cole exemplifies the American dream by having overcome societal and other barriers to become one of the great American entertainers.

(13) Members of the community surrounding the Oakwood Station Post Office in Los Angeles, California, have advocated for the renaming of the post office in honor of Nat King Cole, a former resident of the area.

SEC. 2. REDESIGNATION AND REFERENCES.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, and known as the Oakwood Station Post Office, shall be known and designated as the ''Nat King Cole Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Nat King Cole Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4797, introduced by the gentleman from the State of California (Mr. BECERRA), designates the post office located at 265 South Western Avenue, Los Angeles, California, as the Nat King Cole Post Office. Members of the entire delegation from the State of California are cosponsors of the bill.

Nat King Cole was truly one of the most unforgettable entertainers in our Nation's history. Born in Montgomery, Alabama, in 1919, Nat King Cole was a musical pioneer that helped to pave the way for countless black musicians to achieve success in the United States. Most widely known for his music as a pop ballad singer and jazz pianist, Nat was also the first African American man to have his own radio show, which began in 1946. Ten years later he was the first African American to host his own television show, and it was enormously popular as well.

Although his life was sadly cut short in 1965, his legacy has lived on in part because of the great success of his daughter, Natalie, who has revived much of Nat King Cole's music by singing many of his songs in recent years.

Mr. Speaker, I urge all my colleagues to honor Nat King Cole by supporting this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

H.R. 4797, to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the Nat King Cole Post Office, was introduced by the gentleman from California (Mr. BECERRA), on May 22, 2002.

Nat King Cole was born Nathaniel Adams Coles in 1919 in Montgomery, Alabama. He moved to the great jazz city of Chicago when he was four because his father, a Baptist minister, had accepted pastorship of the True Light Baptist Church.

In Chicago, Nat King Cole's mother, Perlina, directed the choir at her husband's church and introduced all the Coles children, Edward, Nathaniel, Eddie Mae, Evelyne, Issac and Lionel, to music early on. All four of the Coles sons went on to become professional musicians.

Nat's singing career began early. He was just four when he performed, ''Yes, We Have No Bananas.'' He went on to take piano lessons and play the organ in his father's church. While attending Wendell Phillips High School in Chicago which, of course, is in my congressional district, Nat and his brothers became true believers of jazz music and constant fixtures on Chicago's South Side, the center of jazz.

□ 1445

Growing up, he was most influenced by pianist Earl ''Fatha'' Hines. After organizing and playing in a series of music groups, Nat ''King'' Cole moved to Los Angeles, where he formed the group which later became the King Cole Trio. He recorded his First National hit, Straighten Up and Fly Right, and went on to record such favorites as The Christmas Song, Mona Lisa, Route 66, Chestnuts Roasting on an Open Fire, Rambling Rose, and many more.

Not only a talented singer, he was also the first black jazz musician to have his own weekly radio show in 1948 and 1949 and network television show in 1956 and 1957. He was also an actor in St. Louis Blues, 1958, and Cat Ballou in 1964.

Although a great man with a fantastic voice, Nat ''King'' Cole was not

immune to discrimination. His television show was canceled because he could not find a national sponsor. Being black was seen by many as the reason for the lack of advertising. When he moved to an exclusive section of Los Angeles in 1949, neighbors formed an association to keep him from moving in. In 1956, while playing to a segregated audience in Birmingham, Alabama, he was attacked by a group of white men. After completing his performance, Nat ''King'' Cole vowed never to return to the South, and he never did.

In 1965, after battling an advanced case of lung cancer, Nat ''King'' Cole died on February 15 at Saint John's Hospital in Santa Monica, California.

Mr. Speaker, I would urge swift passage of this bill and commend my colleague from California for seeking to honor the legacy of the late Nat ''King'' Cole in this manner.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Los Angeles, California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman from Illinois, someone who represents the area where Mr. Cole lived for a time, for yielding me this time. I also would like to thank the chairman of the committee, the gentleman from Indiana (Mr. BURTON) and the ranking member, the gentleman from California (Mr. WAXMAN), and the gentlewoman from Virginia (Mrs. JO ANN DAVIS) as well for this opportunity to bring forward a tribute to an individual who will go down in the annals of America as not just a grand entertainer but a decent and loving American.

I want to extend my thanks to my colleagues from California, the 54 Members of the California delegation, which includes our two Senators, for their support of the Cole family in this effort to give Nat ''King'' Cole the recognition in this small way that he so deserves from this country. I would also like to thank the many other Members who signed onto this legislation as original cosponsors, many from the Congressional Black Caucus and other colleagues who recognized that it was fitting to pay tribute to this individual.

Mr. Speaker, Nat ''King'' Cole is but a legend in America, but in our hearts he is someone who was able to touch us. H.R. 4797 is but a small token of appreciation that will forever give memory to his work and his love of this country. On South Western Avenue in Los Angeles, California, at the site of 265 South Western Avenue, those who happen to cross that busy street will have an opportunity to see the name of Nat ''King'' Cole, and, hopefully, they will appreciate what it takes to have one's name on the marquis of a post office, a building owned and operated by the people of this government and of this Nation.

I cannot, however, nor can my colleagues, be the only ones to take credit for this opportunity to fete Nat ''King'' Cole. The fact that we are designating this post office after a legend is truly due to the people who live in and around the area of 265 South Western Avenue, because it is the folks who live in the community that surround this area who chose Nat ''King'' Cole as the person to pay tribute to and to name this post office after. I want to thank all of them for having stepped forward and in a very democratic process and deciding that it was best and most fitting to name this post office after a former resident of the area, and certainly a man that we will all remember.

As my colleague, the gentleman from Illinois (Mr. DAVIS), had said, Nat ''King'' Cole remains an icon as one of America's most beloved entertainers, even 37 years after his untimely death in 1965. His story is one of determination, courage and resilience. We recognize him today as one of the pioneers who left his mark in an industry that is now part of the fabric of Los Angeles. But his impression on our city and this Nation goes far beyond that.

Nat ''King'' Cole was born Nathaniel Adams Coles in Montgomery, Alabama, in 1919 during that very regrettable period of segregation in this country. At the age of 4, Nat's father moved the Coles family, and it is Coles with an ''s,'' to Chicago, where his father accepted the pastorship of the True Light Baptist Church. Nat spent his childhood in the ghettos of the South Side of Chicago. But while Nat did not have the means to dream, he certainly had the capacity to do so, and, ultimately, live out those dreams.

Perlina Coles, Nat's mother, directed the choir at the True Light Baptist Church, and she is the one that introduced the Coles children to music early on. Nat's musical talents exhibited themselves at a very, very young age. His first public performance was at the age of 4 in Chicago's Regal Theater. As a youngster, Nat would sing and play the organ at his father's church. His mother wanted Nat to become a classical pianist, but Nat's passion was jazz.

Chicago was just the place to be for Nat ''King'' Cole to satisfy those tastes for jazz music. The city, at the time, hosted jazz talents like Louis Armstrong, Fats Waller, Earl Hines. And we should all recognize that not long ago, this past week, we lost Mr. Lionel Hampton, another great of American entertainment and art and a great jazz artist in his own right.

Nat and his brother Eddie would go off as often as they could to hear jazz musicians play and to perform in Chicago's South Side, which was the African American community's center for jazz action in the 1930s. Even when Nat could not afford the price of admission, he would stand at the alley and listen right next to the stage door.

During his teenage years, Nat ''King'' Cole was involved with several musical groups. He loved to perform and to share his music with others. In 1937, Nat and Eddie joined a revival of the review ''Shuffle Along.'' The show took the road after 6 weeks in Chicago. When the show suddenly folded, Nat found himself in Southern California, and that is where he decided to stay. This was the beginning of his life in the Los Angeles area, and we are all fortunate for his impression on Southern California.

In the late 1930s, Nat ''King'' Cole was asked to form a small group to play at a Los Angeles nightclub. It was the owner of this nightclub, Mr. Bob Lewis, who gave Nat his new renowned nickname of ''King'' Cole, and he asked Nat to wear a crown of gold on stage. In fact, the group became known as the King Cole Trio, and it was led by Nat. While the gold-colored paper crown did not last, the name and its significance endures to this day.

Many legends of entertainment got their break in Los Angeles and in Southern California, and that area proved to be fertile ground for Nat ''King'' Cole as well. The King Cole Trio developed a huge following. They found almost constant work in the Los Angeles area. And by the way, prior to booking the King Cole Trio, many of these nightclubs had never hired African American entertainers before. This trio went on to make some of their own recordings on what was known as the ''race record'' market, which is what made it possible for Nat ''King'' Cole to do the recordings. Because, remember, those were days when it was very difficult for talented men and women of African American descent to record and even to present their music and their talents before audiences.

In 1943, Capitol Records, then a fledgling company, signed the King Cole Trio. The Trio's recording on that label of Straighten Up and Fly Right became a smash hit in 1944, and it appealed to not just black audiences but white audiences as well. Nat ''King'' Cole composed this song and based the lyrics on one of his father's sermons. The recording also brought jazz and popular music together. The other works of this Trio included For Sentimental Reasons and The Christmas Song, which emphasized Nat ''King'' Cole as a vocalist for the first time. Before that, Nat ''King'' Cole would sing only on occasion to add some flavor to the instrumental trio.

In fact, if you look back at history, Nat would say that he never thought of himself much as a vocalist. And while we find that very hard to believe, that is what he thought. And not just then, but he held that view of his singing abilities even after he had become one of this country's most recognized singers. In fact, one of the world's most recognized singers. All of us would have to disagree at least on that point

in his assessment of his vocal abilities. Most would say his voice was ''Unforgettable.''

Nat ''King'' Cole indeed was a man with talents that could not be contained by any particular genre. He slowly moved away from jazz and towards popular music. In 1955, the King Cole Trio disbanded, but Nat ''King'' Cole continued to find success with songs like Too Young, Answer Me My Love, Mona Lisa and, of course, Unforgettable. Mr. Cole sold more than 50 million records. He contributed so much to the success of Capitol Records that its headquarters became known as the ''House That Nat Built.'' His popularity would make him the first African American to have his own radio show and he would later also host his own TV shows.

However, Nat ''King'' Cole did not always have an easy road. He was not immune to the intolerance of the mid 20th Century. Indeed, as we look at his impressive songbook, we cannot forget the struggles he had to overcome as an African American performer during that period in our Nation's history. In October 1956, Nat ''King'' Cole was given his own television show by NBC. This show received good ratings but failed to receive sponsorship and it was taken off the air after only one year. Most believed that the primary lack of interest by advertisers was due to Nat ''King'' Cole's race.

But being taken off the air was not the only injustice Nat ''King'' Cole faced for being a successful black artist at the time. Nat faced physical intimidation and violence. In 1956, Nat returned to his native Alabama where his integrated group performed in front of a segregated audience in Birmingham. As a reaction, four members of the White Citizens Council attacked him on stage. But so determined was Nat ''King'' Cole, that even though he was hurt, he returned to the stage and finished his show.

In Los Angeles, where we will honor him with a post office that carries his name, Nat was not immune to prejudice. When Nat and his family wanted to move into the exclusive Hancock Park section of Los Angeles, residents of the all-white community formed an association to keep him and his family out. But despite the threats, Nat ''King'' Cole purchased and moved into his English Tudor mansion in Hancock Park.

Nat ''King'' Cole exemplifies the American dream. He endured the racism of the time and overcame the poverty to which he was born and worked to be one of the most beloved American entertainers of our time. Thirty-seven years after his untimely death from lung cancer on February 15, 1965, his legacy lives on. Modern popular music entertainers like Celine Dion continue to record songs made famous by Nat ''King'' Cole.

With determination, courage, and resilience, Nat ''King'' Cole overcame tremendous obstacles to leave a lasting impression on music lovers of all ages and races. The Oakwood post office at 265 South Western Avenue in Los Angeles is Nat's post office. He lived within a few miles from the station and he is the pride of the community. I believe that this bill provides a fitting tribute to a man whose legacy is simply unforgettable.

To the many residents and friends and neighbors who made this possible today, and who will, when we have a chance to see President Bush sign this legislation into law, be present to commemorate this post office after Nat ''King'' Cole, I say, ''Thank you so much for recognizing an American hero,'' and, ''Thank you so much for helping us in the people's House recognize the accomplishments of great Americans.''

□ 1500

Mr. Speaker, with great honor and deference, we recognize a man who will live far beyond our lifetime.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. BECERRA) for his introduction and certainly for the statement the gentleman has just shared with us.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I thank the gentleman for yielding me this time. And I thank the gentleman from California (Mr. BECERRA) for introducing this legislation.

I was just up in New York at the funeral for Lionel Hampton; and all of the way through, the talented performers would recall when they were all together, and Nat King Cole was part of that group. He was a man whose artistic talent was matched only by his efforts to break down the barriers that divided America from itself.

Nat King Cole had a gift of enormous musical talent. He did not like his singing voice; he thought it was not good enough so he thought he should play, but they talked him into singing while he was playing. He was known most for his singular voice, bringing alive such tunes as ''Mona Lisa,'' ''Rambling Rose,'' ''The Christmas Song,'' and ''Unforgettable.'' His daughter, Natalie Cole, would say that for many a year she mourned her father's death and did not have the courage to record with him until much later after his death; and the song ''Unforgettable'' truly will live forever. He was truly unforgettable.

But many experts considered his work as a pianist as his most significant contribution to American music. He was recognized among jazz musicians as one of the most formidable and technically proficient pianists of his day. His trio format influenced jazz pianist greats Ahmad Jamal and Art Tatum. In the 1940s, he played piano on recordings with jazz seminal jazz greats Lester Young and Charlie Parker.

In 1956, Cole debuted his own television show, which quickly became a major hit. Despite its success, many major advertisers refused to have commercials aired on it for fear that they would alienate the white population and, in particular, their Southern customers.

Nat King Cole first recorded with Decca Records, and later with Capitol Records. Sales of his albums brought Capitol unprecedented commercial success, and some have even labeled Capitol Records' famous circular building in Hollywood as ''The House that Nat Built.''

But Nat King Cole's contribution to American art was matched by his contribution to American society. Cole was a quiet, but consistent, force for integration. During an age when many black artists were resigned to the reality of racial segregation, Cole refused to play in segregated clubs. In 1949 when Cole moved with his family to the exclusive Hancock Park neighborhood in Los Angeles, an area represented now by the gentleman from California (Mr. BECERRA) and myself, Cole faced hostility from his new neighbors. Yet Cole stood his ground, and successfully integrated the neighborhood, which remains one of Los Angeles' most prestigious addresses. So I am proud to join the gentleman from California (Mr. BECERRA) and the rest of my colleagues to rename a post office in the Hancock neighborhood after Nat King Cole. He is lovingly remembered as a great musical talent, but also as a great American.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would close by saying that the life of Nat King Cole is another example of all that it has taken to make America the great Nation that it is. I join with my colleagues in urging swift passage of this bill.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 4797.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 5 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 o'clock and 31 minutes p.m.

REAPPOINTMENT AS MEMBER TO NATIONAL SKILL STANDARDS BOARD

The SPEAKER pro tempore. Without objection, pursuant to section 503(b)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5933), and upon recommendation of the minority leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the National Skill Standards Board for a 4-year term:

William E. Weisgerber, Iona, Michigan.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5157, by the yeas and nays.

House Concurrent Resolution 401, by the yeas and nays.

House Resolution 516, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic voting after the first such vote in this series.

FEDERAL TRANSIT FORMULA GRANTS FLEXIBILITY RETENTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5157.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 5157, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 350, nays 0, not voting 83, as follows:

[Roll No. 375]

YEAS—350

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

NOT VOTING—83

Baldacci
Barr
Barrett
Bishop
Blagojevich
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Cannon
Chambliss
Clement
Collins
Condit
Cooksey
Crowley
Delahunt
Diaz-Balart
Dingell
Doyle
Ehrlich
Everett
Fossella
Frost
Gallegly
Gilchrest
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hilleary
Hoekstra
Kaptur
Kennedy (RI)
Kleczka
LaHood
LaTourette
Lipinski
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Mascara
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Miller, Jeff
Mink
Nadler
Neal
Owens
Pascrell
Pryce (OH)
Riley
Ros-Lehtinen
Roukema
Rush
Sanders
Saxton
Schaffer
Serrano
Sessions
Stump
Sununu
Sweeney
Taylor (NC)
Thurman
Toomey
Towns
Velazquez
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weller
Young (FL)

□ 1853

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 375 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECOGNIZING THE HEROISM AND COURAGE DISPLAYED BY AIRLINE FLIGHT ATTENDANTS EACH DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 401, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 401, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 0, not voting 82, as follows:

[Roll No 376]

YEAS—351

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

NOT VOTING—82

Baldacci
Barr
Barrett
Bishop
Blagojevich
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Cannon
Chambliss
Clement
Collins
Condit
Cooksey
Crowley
Delahunt
Diaz-Balart
Dingell
Doyle
Ehrlich
Everett
Frost
Gallegly
Gilchrest
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hilleary
Hoekstra
John
Kaptur
Kennedy (RI)
Kleczka
LaHood
LaTourette
Lipinski
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Mascara
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Miller, Jeff
Mink
Nadler
Neal
Owens
Pascrell
Pryce (OH)
Riley
Ros-Lehtinen
Roukema
Rush
Sanders
Saxton
Schaffer
Serrano
Sessions
Shaw
Smith (NJ)
Stump
Sununu
Sweeney
Taylor (NC)
Thurman
Towns
Velazquez
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weller
Young (FL)

□ 1903

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAW. Mr. Speaker, on rollcall No. 376 I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING GRATITUDE TO THE HONORABLE TONY HALL FOR HIS 24 YEARS OF SERVICE AND FRIENDSHIP

(Mr. SAWYER asked and was given permission to speak out of order for 1 minute.)

Mr. SAWYER. Mr. Speaker, I take this opportunity this afternoon just to alert all colleagues to the fact that our friend and colleague, the gentleman from Ohio (TONY HALL), has submitted his resignation to the House, effective this afternoon. He is departing the House in order to take on larger assignments on behalf of our Nation as a whole with the United Nations.

I wish to recognize his 24 years of service and the friendship that we have all shared with TONY HALL. I would ask that Members join with me in expressing that gratitude.

CONGRATULATING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM FROM LOUISVILLE, KENTUCKY, FOR THEIR OUTSTANDING PERFORMANCE IN THE LITTLE LEAGUE WORLD SERIES

The SPEAKER pro tempore (Mr. ISAKSON). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 516.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 516, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 344, nays 0, not voting 89, as follows:

[Roll No. 377]

YEAS—344

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clyburn
Coble
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Honda
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)

Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—89

Baldacci
Barr
Barrett
Bishop
Blagojevich
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Calvert
Cannon
Cantor
Chambliss
Clement
Collins
Condit
Cooksey
Crowley
Delahunt
DeLauro
Diaz-Balart
Dingell
Doyle
Ehrlich
Everett
Frost
Gallegly
Gilchrest
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hilleary
Hoekstra
Holt
Horn
John
Johnson (CT)
Kaptur
Kennedy (RI)
Kleczka
LaHood
LaTourette
Lipinski
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Mascara
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Miller, Jeff
Mink
Nadler
Neal
Ney
Owens
Oxley
Pascrell
Pryce (OH)
Riley
Ros-Lehtinen
Roukema
Rush
Sanders
Saxton
Schaffer
Serrano
Sessions
Sherman
Smith (TX)
Stump
Sununu
Sweeney
Taylor (NC)
Thurman
Towns
Velazquez
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weller
Young (FL)

□ 1913

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed recorded votes on Monday, September 9, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On Passage of H.R. 5157, I would have vote "yea."

On Passage of H. Con. Res. 401, I would have voted "yea."

On Passage of H. Res. 516, I would have voted "yea."

□ 1915

PRINTING OF PROCEEDINGS OF SPECIAL CEREMONIAL MEETING OF UNITED STATES CONGRESS HELD IN FEDERAL HALL, NEW YORK, NEW YORK, ON SEPTEMBER 6, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that proceedings of the special ceremonial meeting of the United States Congress held in Federal Hall, New York, New York, on September 6, 2002, be printed in the RECORD, and that all Members have 5 legislative days to insert their remarks on the topic of the ceremonial meeting.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBRANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

The SPEAKER. The special ceremonial meeting will be in order.

The invocation will be given by the Reverend Daniel P. Coughlin, Chaplain of the House of Representatives.

The Chaplain of the House of Representatives, the Reverend Daniel P. Coughlin, offered the following invocation:

Lord God, this is a day of history. Bless this exceptional joint meeting of the 107th Congress which commemorates the tragic events that occurred here last September 11. The gaping hole left in this city tore into the fabric of this Nation, but there was no greater suffering than in New York.

Once again, we commend to Your loving mercy, the victims, survivors, and their families. We also honor those public servants and ordinary citizens who joined professionals in healing wounds and rebuilding lives in this proud city of life and diversity.

Gathered in this historic place, You alone can renew us as You have in the past. May the vision of the Founding Fathers come alive again in this body politic to preserve the balance of power and assure the freedom of the law abiding people of this Nation.

The Bible here, used by George Washington when sworn in as President, speaks to Your consoling word: "I am with you."

Lord God, today is Rosh Hashanah. The traditional Jewish New Year prayer is for a good and sweet year. Many things You send us, Lord, are good, but they may hurt or are hurried. So with our Jewish brothers and sisters we pray today not only for a year of good things, but a year of sweetness, a chance to relish the blessings of the world and the freedoms You give us, and to enjoy the sweet kindness and love of one another.

May this be a good year for all Americans of all faiths, backgrounds, and traditions. We pray for a good year for America and for the world.

Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the Honorable Jerrold Nadler, Representative from New York, and the Honorable Harry Reid, Senator from Nevada, to lead us in the Pledge of Allegiance to our flag.

Mr. NADLER and Senator REID 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.

The SPEAKER. Our National Anthem will now be sung by LaChanze.

The National Anthem was sung by LaChanze.

(Applause.)

The SPEAKER. My colleagues, we are here in Federal Hall in New York, New York, pursuant to House Concurrent Resolution 448 of the 107th Congress to conduct a special ceremonial meeting in remembrance of the victims and the heroes of September 11, 2001, and in recognition of the courage and the spirit of the City of New York.

When representatives of the New York delegation introduced in the House and the Senate in 2001 Concurrent Resolutions that suggested that the Congress convene outside the seat of government to symbolize the Nation's solidarity with New Yorkers who epitomize the human spirit of courage, resilience and strength, my initial reaction of support was tempered by the realization that under article 1, section 5, clause 4 of the Constitution, "Neither House shall, without the consent of the other, adjourn to any other place than that in which the two houses shall be sitting."

There is no precedent for the convening of an actual session of Congress outside the seat of government, but on one special occasion the Congress has engaged in ceremonial functions outside the seat of government. Members of both houses traveled to Philadelphia on July 16, 1987, for organized festivities surrounding the bicentennial anniversary of the Constitution pursuant to a similar Concurrent Resolution.

On the strength of the precedent of the uniquely historical and national

significance of that occasion, it is appropriate to dedicate another ceremonial gathering to a matter of transcendent importance at another place of basic institutional relevance to the Congress.

Thus, we are gathered in Federal Hall where the First Congress met in 1789 before moving the third session of that Congress to Congress Hall in Philadelphia, Pennsylvania, in 1790.

Ladies and gentlemen, we are, therefore, meeting here under that precedent.

The Chair recognizes the Honorable RICHARD B. CHENEY, the Vice President of the United States and President of the United States Senate.

(Applause.)

Vice President CHENEY. Thank you, Mr. Speaker. Each time Congress meets, we are mindful of the great charge that we have all been given as public servants. Assembled today in Federal Hall we are reminded of the ones who served before us and those who served first. It is a humbling experience to stand on the site where the First Congress met, where the first President was sworn, where the Bill of Rights was introduced.

Every Member of the House and Senate and every citizen of this country can draw a straight line from the events in Federal Hall to the life we all know today. When Congress convened here, America was a Nation of scarcely 4 million souls. The tallest structure in the city was Trinity Church, which still stands at corner of Broadway and Wall Street.

The rollcall of that First Congress included signers of the Declaration of Independence and men who marched in George Washington's Army. Two gentleman from Virginia still in their 30's served in that Congress. Their names were Madison and Monroe. All the Members knew that great responsibilities had come to them.

As Vice President John Adams observed, ''A trust of the greatest magnitude is committed to this legislature and the eyes of the world are upon you.''

In their actions, the Members of the First Congress met that test. And although this city was the Nation's Capital for only a short time, from those early days, the eyes of the world have continued to be on New York. One year ago, this great center of history, enterprise, and creativity suffered the gravest of cruelties and showed itself to be a place of valor and generosity and grace. Here, where so many innocent lives were suddenly taken, the world saw acts of kindness and heroism that will be remembered forever.

When President Bush introduced Mayor Giuliani and Governor Pataki at the Joint Session last September, it was, said one New Yorker, as if the Members of Congress had recognized that these two men had come directly off the battlefield.

Today, Congress gathers near that battlefield to honor the character shown and the courage shown in New York these last 360 days, and to remember every innocent life taken in the attacks of September 11. Since the hour of those attacks, we have been a Nation at war called once again to defend our liberty and our lives and to save humanity from the worst of wars. As a Nation born in revolution, we know that our freedom came at a very high price. We have no intention now of letting it slip away.

The Members of the First Congress shaped events long into the future. The same is now asked of us. In the principles we stand for, the values we uphold, and the decisions we make we will set the course of this Nation and with it the future of human freedom and the peace of the world.

It is not given to us to know every turn of events to come. We know, however, that we are the elected servants of a good, a just, and a decent people. May we always act in that spirit, confident in our founding principles, clear in our purposes, choosing wisely and bowing only to divine providence.

The SPEAKER. The Clerk of the House of Representatives has laid upon the desk the list of representatives in attendance.

Vice President CHENEY. The Secretary of the Senate has laid upon the desk the list of Senators in attendance.

The list of Representatives and Senators in attendance is as follows:

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES IN ATTENDANCE

The Honorable ANIBAL ACEVEDO-VILA
The Honorable GARY L. ACKERMAN
The Honorable ROBERT B. ADERHOLT
The Honorable W. TODD AKIN
The Honorable THOMAS H. ALLEN
The Honorable ROBERT E. ANDREWS
The Honorable RICHARD K. ARMEY
The Honorable SPENCER BACHUS
The Honorable JOHN ELIAS BALDACCI
The Honorable TAMMY BALDWIN
The Honorable CHARLES F. BASS
The Honorable KEN BENTSEN
The Honorable MARION BERRY
The Honorable JUDY BIGGERT
The Honorable ROD R. BLAGOJEVICH
The Honorable ROY BLUNT
The Honorable SHERWOOD L. BOEHLERT
The Honorable JOHN A. BOEHNER
The Honorable HENRY BONILLA
The Honorable DAVID E. BONIOR
The Honorable JOHN BOOZMAN
The Honorable ROBERT A. BORSKI
The Honorable LEONARD L. BOSWELL
The Honorable KEVIN BRADY
The Honorable HENRY E. BROWN, JR.
The Honorable RICHARD BURR
The Honorable DAN BURTON
The Honorable KEN CALVERT
The Honorable SHELLEY MOORE CAPITO
The Honorable MICHAEL E. CAPUANO
The Honorable BRAD CARSON
The Honorable MICHAEL N. CASTLE
The Honorable STEVE CHABOT
The Honorable SAXBY CHAMBLISS
The Honorable DONNA M. CHRISTENSEN
The Honorable EVA M. CLAYTON
The Honorable MAC COLLINS
The Honorable JOHN CONYERS, JR.
The Honorable JOHN COOKSEY
The Honorable JERRY F. COSTELLO
The Honorable CHRISTOPHER COX
The Honorable PHILIP M. CRANE
The Honorable JOSEPH CROWLEY
The Honorable JOHN ABNEY CULBERSON
The Honorable ELIJAH E. CUMMINGS
The Honorable JIM DAVIS
The Honorable JO ANN DAVIS
The Honorable SUSAN A. DAVIS
The Honorable TOM DAVIS
The Honorable DIANA DEGETTE
The Honorable ROSA L. DELAURO
The Honorable LINCOLN DIAZ-BALART
The Honorable JOHN T. DOOLITTLE
The Honorable DAVID DREIER
The Honorable JOHN J. DUNCAN, JR.
The Honorable JENNIFER DUNN
The Honorable CHET EDWARDS
The Honorable ROBERT L. EHRLICH, JR.
The Honorable JO ANN EMERSON
The Honorable ELIOT L. ENGEL
The Honorable PHIL ENGLISH
The Honorable ANNA G. ESHOO
The Honorable BOB ETHERIDGE
The Honorable LANE EVANS
The Honorable SAM FARR
The Honorable MIKE FERGUSON
The Honorable MARK FOLEY
The Honorable RANDY FORBES
The Honorable HAROLD E. FORD, JR.
The Honorable VITO FOSSELLA
The Honorable RODNEY P. FRELINGHUYSEN
The Honorable MARTIN FROST
The Honorable RICHARD A. GEPHARDT
The Honorable JIM GIBBONS
The Honorable WAYNE T. GILCHREST
The Honorable BENJAMIN A. GILMAN
The Honorable BOB GOODLATTE
The Honorable LINDSEY O. GRAHAM
The Honorable SAM GRAVES
The Honorable GENE GREEN
The Honorable MARK GREEN
The Honorable JAMES C. GREENWOOD
The Honorable FELIX J. GRUCCI, JR.
The Honorable GIL GUTKNECHT
The Honorable TONY P. HALL
The Honorable JAMES V. HANSEN
The Honorable JANE HARMAN
The Honorable MELISSA A. HART
The Honorable J. DENNIS HASTERT
The Honorable ALCEE L. HASTINGS
The Honorable ROBIN HAYES
The Honorable J.D. HAYWORTH
The Honorable WALLY HERGER
The Honorable BARON P. HILL
The Honorable EARL F. HILLIARD
The Honorable MAURICE D. HINCHEY
The Honorable DAVID L. HOBSON
The Honorable JOSEPH M. HOEFFEL
The Honorable RUSH D. HOLT
The Honorable DARLENE HOOLEY
The Honorable STEPHEN HORN
The Honorable AMO HOUGHTON
The Honorable STENY H. HOYER
The Honorable KENNY C. HULSHOF
The Honorable JAY INSLEE
The Honorable JOHNNY ISAKSON
The Honorable STEVE ISRAEL
The Honorable DARRELL E. ISSA
The Honorable JESSE L. JACKSON, JR.
The Honorable SHEILA JACKSON-LEE
The Honorable CHRISTOPHER JOHN

The Honorable EDDIE BERNICE JOHNSON
The Honorable NANCY L. JOHNSON
The Honorable STEPHANIE TUBBS JONES
The Honorable PAUL E. KANJORSKI
The Honorable MARCY KAPTUR
The Honorable RIC KELLER
The Honorable SUE W. KELLY
The Honorable MARK R. KENNEDY
The Honorable PATRICK J. KENNEDY
The Honorable PETER T. KING
The Honorable JACK KINGSTON
The Honorable MARK STEVEN KIRK
The Honorable DENNIS J. KUCINICH
The Honorable RAY LAHOOD
The Honorable NICK LAMPSON
The Honorable JAMES R. LANGEVIN
The Honorable RICK LARSEN
The Honorable JOHN B. LARSON
The Honorable TOM LATHAM
The Honorable STEVEN C. LATOURETTE
The Honorable JAMES A. LEACH
The Honorable BARBARA LEE
The Honorable SANDER M. LEVIN
The Honorable JERRY LEWIS
The Honorable JOHN LEWIS
The Honorable RON LEWIS
The Honorable FRANK A. LOBIONDO
The Honorable NITA M. LOWEY
The Honorable FRANK D. LUCAS
The Honorable KEN LUCAS
The Honorable BILL LUTHER
The Honorable STEPHEN F. LYNCH
The Honorable CAROLYN MCCARTHY
The Honorable KAREN MCCARTHY
The Honorable JAMES P. MCGOVERN
The Honorable JOHN M. MCHUGH
The Honorable SCOTT MCINNIS
The Honorable HOWARD P. ''BUCK'' MCKEON
The Honorable MICHAEL R. MCNULTY
The Honorable CAROLYN B. MALONEY
The Honorable JAMES H. MALONEY
The Honorable JIM MATHESON
The Honorable MARTIN T. MEEHAN
The Honorable CARRIE P. MEEK
The Honorable GREGORY W. MEEKS
The Honorable ROBERT MENENDEZ
The Honorable JOHN L. MICA
The Honorable JUANITA MILLENDER-MCDONALD
The Honorable DAN MILLER
The Honorable JEFF MILLER
The Honorable DENNIS MOORE
The Honorable JAMES P. MORAN
The Honorable CONSTANCE A. MORELLA
The Honorable SUE WILKINS MYRICK
The Honorable JERROLD NADLER
The Honorable GRACE F. NAPOLITANO
The Honorable RICHARD E. NEAL
The Honorable GEORGE R. NETHERCUTT, JR.
The Honorable ROBERT W. NEY
The Honorable ELEANOR HOLMES NORTON
The Honorable CHARLIE NORWOOD
The Honorable JAMES L. OBERSTAR
The Honorable JOHN W. OLVER
The Honorable MAJOR R. OWENS
The Honorable MICHAEL G. OXLEY
The Honorable BILL PASCRELL, JR.
The Honorable DONALD M. PAYNE
The Honorable NANCY PELOSI
The Honorable MIKE PENCE
The Honorable JOHN E. PETERSON
The Honorable THOMAS E. PETRI
The Honorable DAVID. D. PHELPS
The Honorable JOSEPH R. PITTS
The Honorable TODD RUSSELL PLATTS
The Honorable RICHARD W. POMBO
The Honorable EARL POMEROY
The Honorable ROB PORTMAN
The Honorable DAVID E. PRICE
The Honorable DEBORAH PRYCE
The Honorable ADAM H. PUTNAM
The Honorable JACK QUINN
The Honorable JIM RAMSTAD
The Honorable CHARLES B. RANGEL
The Honorable THOMAS M. REYNOLDS
The Honorable BOB RILEY
The Honorable ILEANA ROS-LEHTINEN
The Honorable MIKE ROSS
The Honorable STEVEN R. ROTHMAN
The Honorable EDWARD R. ROYCE
The Honorable PAUL RYAN
The Honorable JIM RYUN
The Honorable LORETTA SANCHEZ
The Honorable BERNARD SANDERS
The Honorable JIM SAXTON
The Honorable BOB SCHAFFER
The Honorable ADAM B. SCHIFF
The Honorable ROBERT C. SCOTT
The Honorable JOSE E. SERRANO
The Honorable PETE SESSIONS
The Honorable E. CLAY SHAW, JR.
The Honorable CHRISTOPHER SHAYS
The Honorable DON SHERWOOD
The Honorable JOHN SHIMKUS
The Honorable BILL SHUSTER
The Honorable ROB SIMMONS
The Honorable NICK SMITH
The Honorable VIC SNYDER
The Honorable JOHN M. SPRATT, JR.
The Honorable CLIFF STEARNS
The Honorable TED STRICKLAND
The Honorable JOHN SULLIVAN
The Honorable JOHN E. SUNUNU
The Honorable JOHN E. SWEENEY
The Honorable THOMAS G. TANCREDO
The Honorable ELLEN O. TAUSCHER
The Honorable JOHN R. THUNE
The Honorable TODD TIAHRT
The Honorable PATRICK J. TIBERI
The Honorable JOHN F. TIERNEY
The Honorable PATRICK J. TOOMEY
The Honorable EDOLPHUS TOWNS
The Honorable JIM TURNER
The Honorable FRED UPTON
The Honorable NYDIA M. VELAZQUEZ
The Honorable DAVID VITTER
The Honorable GREG WALDEN
The Honorable JAMES T. WALSH
The Honorable ZACH WAMP
The Honorable MAXINE WATERS
The Honorable WES WATKINS
The Honorable DIANE E. WATSON
The Honorable MELVIN L. WATT
The Honorable J.C. WATTS, JR.
The Honorable ANTHONY D. WEINER
The Honorable CURT WELDON
The Honorable DAVE WELDON
The Honorable ED WHITFIELD
The Honorable ROGER F. WICKER
The Honorable JOE WILSON
The Honorable LYNN C. WOOLSEY
The Honorable DAVID WU
The Honorable C.W. BILL YOUNG

MEMBERS OF THE UNITED STATES SENATE IN ATTENDANCE

The Honorable GEORGE ALLEN
The Honorable MAX BAUCUS
The Honorable ROBERT F. BENNETT
The Honorable JOHN B. BREAUX
The Honorable SAM BROWNBACK
The Honorable MARIA CANTWELL
The Honorable JEAN CARNAHAN
The Honorable LINCOLN D. CHAFEE
The Honorable HILLARY RODHAM CLINTON
The Honorable SUSAN M. COLLINS
The Honorable JON S. CORZINE
The Honorable TOM DASCHLE
The Honorable MIKE DEWINE
The Honorable CHRISTOPHER J. DODD
The Honorable RUSSELL D. FEINGOLD
The Honorable BILL FRIST
The Honorable BOB GRAHAM
The Honorable JUDD GREGG
The Honorable JAMES M. JEFFORDS
The Honorable EDWARD M. KENNEDY
The Honorable JOHN F. KERRY
The Honorable MARY L. LANDRIEU
The Honorable PATRICK J. LEAHY
The Honorable CARL LEVIN
The Honorable JOSEPH I. LIEBERMAN
The Honorable TRENT LOTT
The Honorable JOHN MCCAIN
The Honorable BARBARA A. MIKULSKI
The Honorable FRANK H. MURKOWSKI
The Honorable BILL NELSON
The Honorable DON NICKLES
The Honorable JACK REED
The Honorable HARRY REID
The Honorable JOHN D. ROCKEFELLER IV
The Honorable PAUL S. SARBANES
The Honorable CHARLES E. SCHUMER
The Honorable RICHARD C. SHELBY
The Honorable GORDON SMITH
The Honorable OLYMPIA J. SNOWE
The Honorable ARLEN SPECTER
The Honorable DEBBIE STABENOW
The Honorable CRAIG THOMAS
The Honorable FRED THOMPSON
The Honorable GEORGE V. VOINOVICH
The Honorable JOHN W. WARNER
The Honorable PAUL WELLSTONE
The Honorable RON WYDEN

The SPEAKER. The Chair recognizes the Honorable BENJAMIN GILMAN and the Honorable CHARLES RANGEL, Representatives from New York, and the Honorable HILLARY RODHAM CLINTON and the Honorable CHARLES SCHUMER, SENATORS from New York, in a reading and presentation of House Concurrent Resolution 448.

READING AND PRESENTATION OF HOUSE CONCURRENT RESOLUTION 448

Mr. RANGEL. Mr. Speaker, Mr. Vice President, leaders of the House and the Senate, on behalf of BEN GILMAN, Senator SCHUMER and Senator CLINTON, and the entire New York congressional delegation, we would like to thank you for your support of this resolution that gives us in New York an opportunity to say thank you for the way you responded to the attack on our city and our State.

You give our mayor and our governor an opportunity to be here on this historic event to say you did not treat us like New Yorkers, you treated us like Americans.

The text of the Concurrent Resolution was read as follows:

Mr. RANGEL. ''Whereas on September the 11, 2001, thousands of innocent people were killed and injured in a combined terrorist attack involving

four hijacked aircraft, the World Trade Center, and the Pentagon;

''Whereas in the aftermath of the attacks, thousands more were left grieving for beloved family and friends, livelihoods were compromised, and businesses and property were damaged and lost;''

Mr. GILMAN. ''Whereas the greatest loss of life, personal injury, and physical destruction occurred in and was sustained by the City of New York;

''Whereas Government and the American people responded decisively through the bravery, sacrifice and toil of the fire and rescue workers, law enforcement, building trades, caregivers, Armed Forces, and millions more who through their many expressions of care and compassion brought forth comfort, hope, and the promise of recovery;''

Senator CLINTON. ''Whereas the City of New York attended to the aftermath of the destruction of the World Trade Center with profound respect for the victims and compassion to the survivors; and

''Whereas the City of New York has invited the Congress to meet at the site of the original Federal Hall, where the First Congress of the United States convened on March 4, 1789: Now, therefore, be it''

Senator SCHUMER. ''Resolved by the House of Representatives (the Senate concurring), That, in remembrance of the victims and the heroes of September 11, 2001, and in recognition of the courage and spirit of the City of New York, the Congress shall conduct a special meeting in Federal Hall, New York, New York, on September 6, 2002.

Passed by the House of Representatives, July 25, 2002.

Passed by the Senate, July 26, 2002.''

(Applause.)

The SPEAKER. Without objection, the Members present, on behalf of themselves and the Congress of the United States, do hereby affirm the aforesaid Concurrent Resolution.

Would Mayor Bloomberg and Governor Pataki please come forward and accept the Concurrent Resolution.

Mayor Bloomberg and Governor Pataki of New York accepted the Concurrent Resolution.

(Applause.)

The SPEAKER. The Chair recognizes the Honorable VITO FOSSELLA, Representative from New York, and the Honorable SUSAN COLLINS, Senator from Maine, in a reading and presentation of the commemorative plaque.

READING AND PRESENTATION OF COMMEMORATIVE PLAQUE

Senator COLLINS. Mr. Speaker, Mr. Vice President, on behalf of the United States Congress, we present this commemorative plaque to Director Mainella for her stewardship of our Nation's treasures, especially this building, Federal Hall.

The plaque is inscribed as follows:

''Commemorative Joint Meeting of the Congress of the United States of America in Federal Hall, New York, New York, this Sixth Day of September, Two Thousand and Two.''

Mr. FOSSELLA. ''Convened in remembrance of the victims and heroes of September 11, 2001, and in recognition of the courage and spirit of the City of New York.

''This gift to Federal Hall from the Congress of the United States of America was made from a section of Aquia Creek, Virginia, sandstone and used as an original building material of the United States Capitol. It was removed on the East Central Front extension in 1958.''

The SPEAKER. Director Mainella, please come forward and accept the commemorative plaque.

Director Mainella accepted the commemorative plaque.

(Applause.)

The SPEAKER. Billy Collins, Poet Laureate of the United States of America, will now read a poem written for this occasion entitled ''The Names.''

READING OF ''THE NAMES'' BY BILLY COLLINS, POET LAUREATE OF THE UNITED STATES

Mr. COLLINS. This poem is dedicated to the victims of September 11, and to their survivors.

''THE NAMES''

Yesterday, I lay awake in the palm of the night.
A fine rain stole in, unhelped by any breeze,
And when I saw the silver glaze on the windows,
I started with A, with Ackerman, as it happened,
Then Baxter and Calabro,
Davis and Eberling, names falling into place
As droplets fell through the dark.

Names printed on the ceiling of the night.
Names slipping around a water bend.
Twenty-six willows on the banks of a stream.

In the morning, I walked out barefoot
Among thousands of flowers
Heavy with dew like the eyes of tears,
And each had a name—
Fiori inscribed on a yellow petal
Then Gonzalez and Han, Ishikawa and Jenkins.

Names written in the air
And stitched into the cloth of the day.
A name under a photograph taped to a mailbox.
Monogram on a torn shirt.
I see you spelled out on storefront windows
And on the bright unfurled awnings of this city,
I say the syllables as I turn a corner—
Kelly and Lee,
Medina, Nardella, and O'Connor.

When I peer into the woods,
I see a thick tangle where letters are hidden
As in a puzzle concocted for children.
Parker and Quigley in the twigs of an ash,
Rizzo, Schubert, Torres, and Upton.
Secrets in the boughs of an ancient maple.

Names written in the pale sky.
Names rising in the updraft amid buildings.
Names silent in stone
Or cried out behind a door.
Names blown over the earth and out to sea.

In the evenings—weakening light, the last swallows.
A boy on a lake lifts his oars.
A woman by a window puts a match to a candle,
And the names are outlined on the rose clouds—
Vanacore and Wallace,
(let X stand, if it can, for the ones unfound)
Then Young and Ziminsky, the final jolt of Z.

Names etched on the head of a pin.
One name spanning a bridge, another undergoing a tunnel.
A blue name needled into the skin.
Names of citizens, workers, mothers and fathers,
The bright-eyed daughter, the quick son.
Alphabet of names in green rows in a field.
Names in the small tracks of birds.
Names lifted from a hat
Or balanced on the tip of the tongue.
Names wheeled into the dim warehouse of memory.
So many names, there is barely room on the walls of the heart.

(Applause.)

The SPEAKER. The Chair now recognizes the Honorable RICHARD GEPHARDT, Representative from Missouri and Democratic Leader of the United States House of Representatives.

Mr. GEPHARDT. Mr. Vice President, Mr. Speaker, and my fellow colleagues of the United States Congress, today we speak of the unspeakable, we remember the unimaginable, and we reaffirm our utmost resolve to defend the birthright of this land and our gift outright to this world: Ideals of liberty and tolerance that will never die.

Today, we say to the families who look to this September 11 and know that they will know the pain of their piercing loss all over again, we are with you as one, as the family of America. We pray that, for you, memory will bring hope as well as tears.

We have faith that love out lasts life, and you prove it every day as you carry on the dream of a lost husband or a wife, for the child that was both of yours and, in the truest sense, always will be.

We think of those last calls on cell phones from a doomed building or plane. Those last good-byes. Yet the life of a good person is like a wellspring that does not run dry. Nothing reminds us more powerfully of that than the rescuers of September 11, so many of them taken too, who rescued our national spirit and, amid the smoke and the darkness at noon, sent a flickering light that became a shining beacon for America.

So we have wept together, we have prayed together, given to each other, and stood side by side since September 11 in common humanity and national purpose. The sorrow has been matched by strength. America is on a mission. Not retribution or revenge, not just to defeat terrorism, but to show once again that good can triumph over evil and freedom can overcome fanaticism, as we did in different forums in a global arena twice before in the past century.

Some say that September 11, 2001, is another date that will live in infamy. Surely that is true, but it is also true that we have never known an assault like this, not just on our Armed Forces, but on our people. Not just on our buildings and our possessions, or even on the principles that we profess, but on the very foundation of this open, diverse, democratic society.

We have grown accustomed, too accustomed, to war and slaughter in our world. But most always it was ''over there.'' One place it came before in the heartland was the homegrown terrorism that struck in Oklahoma City. Today, our caring and thoughts are there as well. And they are a half a

world away with the young Americans who are on the front lines of freedom from fear.

For all our differences, how remarkably one we are all today. From Ground Zero to a sacred field in Pennsylvania, to a shattered but now rebuilt wing of the Pentagon, and all across this broad land. On the fatal flights of September 11, courage and resistance knew no bounds of party or race or status. They included a young father, a conservative columnist, and a gay man.

E Pluribus Unum.

So while we discuss and debate the next decisions, on the fundamental issue let there be no doubt. In this great and faithful struggle there are no Republicans, there are no Democrats, there are only Americans. None of us, no matter how long we live or what else marks our time, will ever forget September 11. And all of us, in the name of those who were lost for a concept of liberty that must never be lost, and in the cause of civilization itself, are as determined as an earlier generation of Americans to gain the inevitable triumph, so help us God.

(Applause.)

Vice President CHENEY. The Chair now recognizes the Honorable TRENT LOTT, the Senator from Mississippi and the Republican Leader of the United States Senate.

Senator LOTT. Mr. Vice President, Mr. Speaker, Members of the Congress, and distinguished guests, on behalf of the Senate and a united Congress, it is truly an honor to stand in this place in this city, New York City, today.

We are here to remember and to continue to mourn those that lost their lives, those innocent men, women, and children that were killed in that horrible event, September 11, a year ago.

We are here to show our continued appreciation for those that struggled so mightily to free and to save those that were trapped in the aftermath of the experience here in New York City and at the Pentagon.

But we are also here to express our recommitment to the people of New York and Pennsylvania and Virginia that we are with you. We will continue our efforts to help you to rebuild physically and spiritually, and to recommit ourselves to do everything in our power to make sure that America is secure against this horrible event or anything like it ever happening again.

Over the years, New York City has been called many things, from New Amsterdam to the Big Apple. Today, the Congress of the United States, Congressman RANGEL, call it home. We are here, we are comfortable here. We are here to stand with the people in this city because it is symbolic of how we stand together all across America.

We came here a year ago, the week after the infamous date. We expressed our commitment and we have been working every since to keep that commitment, and we will continue to do so.

This is a special place, as has already been said, because the First Congress began the work here that we continue this day. The work of ordered liberty, preserving, expanding the freedoms that now, as then, are the inalienable right of every person.

Two centuries ago, there were those who thought this was all nonsense. In their ignorance and arrogance, they called America a doomed folly. But history overtook them and their crowns and armies are part of the dustbin of history. There are those like them today who cannot see beyond the limits of their own hatred. It is so hard for us in America to even understand why there would be this hatred. They do not understand that in the unending struggle against tyranny, divine providence by whatever name we use is always on the side of freedom.

When the First Congress was meeting here in New York in January, 1790, President Washington asked its Members for ''the cool and deliberate exertion of your patriotism, firmness and wisdom.'' As we face today's challenge to our country, we pledge to the people of New York just what we ask of them and all Americans: The cool and deliberate exertion of your patriotism, firmness, and wisdom.

We have seen it in this city. We have seen it in America, and we are here to do our part in that effort. The duration of our present conflict and its eventual price may be in doubt, but there can be no doubt as to its outcome. From this city's day of horror, out of all the loss and sorrow, has come a strength. I have seen it all across America. A resolve. A determination which, from Manhattan, to Mississippi, now binds us together for the mighty work that lies ahead. Thank you very much.

(Applause.)

Vice President CHENEY. The Chair now recognizes the Honorable TOM DASCHLE, the Senator from South Dakota and Majority Leader of the United States Senate.

Senator DASCHLE. Mr. Vice President, Mr. Speaker, distinguished visitors and my colleagues, the United States Congress has come here to commemorate a shattering experience. One that has transformed America.

The poet Yeats, after a moment of violent upheaval in his own country, wrote: ''All is changed. Changed utterly. A terrible beauty is born.''

As we near the first anniversary of September 11 with profound sadness, our hearts ache for those who died and for their families and loved ones. At the same time, we are filled with an abiding sense of gratitude to the people who live and work in this great city, especially the courageous workers and rescuers, for the way they inspired and stunned a wounded Nation.

In their countless acts of heroism and compassion, a terrible beauty was born. In an hour of horror and grief, they showed us how to go on.

Here in New York, at the Pentagon, and in that lonely field in Pennsylvania, the wounds the terrorist inflicted were deep. But America's resolve was even deeper.

Let history record that the terrorists failed. They sought to destroy America by attacking what they thought were our greatest strengths, but they did not understand the true strength of America is not steel, it is not concrete, it is our belief in the ideals enshrined in our Constitution and in our Bill of Rights. It is in our shared faith in liberty and our unwavering commitment to each other.

So what happened on September 11 did not diminish our strength. It renewed it. We stand united today as proud citizens of the oldest and strongest democracy on earth. Our faith in that democracy and in our future is absolute and unshakable.

Next Wednesday, September 11, an eternal flame will be lit in Battery Park. That flame will symbolize our determination never, ever to forget.

We will never forget the heartbreaking loss.

We will never forget the selfless heroism.

We will never forget the terrible beauty that was born here one year ago.

Thank you.

(Applause.)

The SPEAKER. We are gathered here today in this ceremonial session to pay tribute to the people of New York and to the people of New York City who have suffered great loss, but persevered in the face of adversity. In doing so, we pay tribute to the American spirit.

It is altogether appropriate that we meet here today in Federal Hall. After all, it was here that the First Congress met to ratify the Bill of Rights and to inaugurate our first President of the United States, George Washington.

As in 1789, when ordinary Americans did extraordinary things to create a new Nation conceived in liberty and dedication to freedom, on September 11, ordinary Americans exhibited extraordinary courage in fighting a horrific evil.

New York lost hundreds of sons and daughters in that brutal attack on our Nation's freedom. She lost firemen and custodians, stockbrokers, police officers, construction workers and executives.

We also suffered a great loss in Virginia when a plane slammed into the Pentagon, and in Somerset County, Pennsylvania, when another plane that was headed for Washington, D.C., was brought down by the efforts of brave passengers.

We still feel the loss of every single person who perished on that fateful day. But as we lament the loss of life, we can marvel at the bravery of those who rushed in to help.

Such bravery was on display when Battalion Chief Orio J. Palmer and Fire Marshal Ronald Bucca of the New York Fire Department climbed to the 78th floor of the World Trade Center to organize a rescue. Their efforts saved the lives of dozens of people.

Bravery was also on display when several passengers of United Flight 93 decided that they would not let the terrorist complete their plans. They sacrificed themselves rather than let the terrorists win.

Stories of uncommon heroism were common on September 11. The genius of America could be found in the sacrifices of these brave martyrs of freedom.

As we remember September 11, we must look forward to the day when we complete the task at hand, when we vanquish once and for all the terrorists who seek to take away our Nation's freedom.

We thank those Americans who serve in our Nation's Armed Forces who fight to preserve our freedom and still work to bring terrorists to justice.

We elected Members of the 107th Congress, like those Members gathered in this location of the First Congress, simply reflect the desires of a people who cherish liberty and are willing to fight for freedom.

Let us always remember those we lost on September 11, and may God continue to bless America.

Thank you.

(Applause.)

''GOD BLESS AMERICA'' SUNG BY CHAMBER CHOIR, STUYVESANT HIGH SCHOOL, NEW YORK CITY.

The SPEAKER. The Stuyvesant High School Chamber Choir will now sing ''God Bless America.''

The Chamber Choir, Stuyvesant High School, sang ''God Bless America.''

(Applause.)

The Members and guests sang ''God Bless America.''

The SPEAKER. Ladies and gentlemen of the House and the Senate, this concludes the special ceremonial meeting of the Congress. Members are asked to remain in their seats and make their exit with the colors.

The Chair will assure that the record of these proceedings will be printed in the CONGRESSIONAL RECORD.

The proceedings are closed.

The Colors were retired by the Color Guard composed of members of the New York City Fire Department, New York City Police Department, New York State Unified Court System Officers, Port Authority of New York and New Jersey Police, and the United States Capitol Police.

[Whereupon, the Commemorative Joint Meeting of the Congress was adjourned.]

Mr. ENGEL. Mr. Speaker, I rise first to thank all my colleagues for voting to bring the Congress here to New York. Its been more than 200 years since Congress last met in New York City. It is a fitting tribute that Congress has returned here at this most sorrowful time.

The past year has been a tragic and very difficult time for me and my fellow New Yorkers. We watched in horror as terrorists hijacked two commercial airliners and slammed them into the World Trade Center. We watched in horror as the Twin Towers came down and dust and debris blanketed lower Manhattan. We watched in horror as the names of the more than 3,000 people murdered that day were announced.

But, in the days and weeks that followed, we New Yorkers experienced something else. We felt the hopes and prayers of millions of Americans flow over us. We felt the pride of being an American swell and invigorate us all. We felt the determination of the greatest nation the earth has every known renew itself and commit to rebuilding.

The terrorists intended many things with their attack. They sought to grievously wound our nation. And we were—we paid with the blood of our fathers and mothers, sons and daughters, and brother and sisters. They sought to disrupt our economy. And they did—billions of dollars have been lost and will be spent on recovery.

The terrorists also sought to incite fear into the hearts and souls of every American. But, they FAILED. Instead, they inspired a nation of freedom loving people to stand up to those who would seek to deny them their liberties, their justice, and the American way of life. They inspired us to fight back, so that our children's children will grow up in a world where they can safely speak their views, engage in the political system, and worship in their own way.

As we meet here, in this historic location, I am reminded of one of our country's greatest Presidents, Abraham Lincoln. His words, spoken more than a century ago, are most fitting today: "we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.''

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 11, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 10, 2002, it adjourn to meet at noon on Wednesday, September 11.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO INSTRUCT CONFEREES ON H.R. 3210, TERRORISM RISK PROTECTION ACT

Mr. FOSSELLA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer tomorrow a motion to instruct conferees on H.R. 3210.

The form of the motion is as follows:

Mr. FOSSELLA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 3210, be instructed to agree to the provisions contained in section 11 of the Senate amendment, relating to satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and the state sponsors of terrorism.

Mr. Speaker, I intend to offer this motion on behalf of myself and the gentleman from North Carolina (Mr. WATT).

OPENING VICTORY FOR THE HOUSTON TEXANS OVER THE DALLAS COWBOYS

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

Mr. GREEN of Texas. Mr. Speaker, I intend to share my 1 minute with my colleague, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Mr. Speaker, it has been a difficult year for Houston, between floods and Enron and reduced energy production, but last night I watched a community come together. Last night, the National Football League came back to Houston after more than 5 years of being gone, and we watched the Houston Texans, a new expansion team, take on our cross-State rivals, the Dallas Cowboys, on prime time Sunday night at the Texas Super Bowl.

I watched as a team that was not expected to win literally won convincingly. It had not happened in 41 years that an expansion team won their first regular season game. I want to congratulate the Houston Texans and Bob McNair for their effort, and they played like veterans.

To quote Willy Nelson, ''Momma, don't let your babies grow up to be cowboys,'' and with the Houston Texans, the pro football team, we now have a new sheriff in town.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

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

Are the Members ready for football? They never believed we can do it; yes, we can. We have the Houston spirit. That spirit is that we won as an expansion team, the first time since 1961: Houston Texans 19, Dallas Cowboys simply 10.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. GREEN) has expired.

Mr. GREEN of Texas. Mr. Speaker, I ask unanimous consent to have an additional 30 seconds.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me say, Mr. Speaker, the hometown boy, Clay Johnson, sang the catchy theme song and the Rocking Reliant stadium stood tall behind our Houston Texans.

I, too, would like to thank Bob McNair, the community, and all the fans that were out there, because we have ourselves a number one team, which is first in line, first in team, and first in scoring: The Houston Texans 19, the Dallas Cowboys 10. Victory for us yesterday.

CONGRATULATING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM

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

Mrs. NORTHUP. Mr. Speaker, the Valley Sports American Little League Team from Louisville won not only the World Series in this country, but the International World Series. This is a group of 11-year-old youngsters that not only played terrific games all the way through the playoffs, but conducted themselves with such sportsmanship and were such gracious winners that they captured the hearts not only of people in Louisville, Kentucky, but people all across this country.

They were totally unknown, went into the tournament with all the confidence and all the toughness that we would expect a group of 11-year-olds to have. They won the series in this country on Saturday night, and then won the International World Series on Sunday night.

They had the wonderful opportunity of meeting the President of the United States when he was in Louisville last week, and have been greeted with applause all across our community and all across this country. I just rise to recognize them.

SPECIAL ORDERS

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

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

BANKRUPTCY REFORM

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

Mr. PENCE. Mr. Speaker, I rise this evening grievously concerned about the direction this House may be going as it considers the bankruptcy conference report.

G.K. Chesterton once said, the reformer is always right about what is wrong, and he is generally wrong about what is right. But we in this House may have the opportunity to do the work of reformers and the obligation to do what is right this week.

The bankruptcy reform bill has languished in Congress, Mr. Speaker, since before many of us were Members, including me. Many Members of both houses labored tirelessly to reform the old law. I honor them for their outstanding work.

I especially respect those from this House who worked so diligently and faithfully as conferees. They did produce a bill that will eliminate many of the abuses in the current system, encourage personal responsibility, reduce bogus filings, and will put spouses and children in a favored position in collecting obligations owed them by those who seek to hide behind our country's bankruptcy laws.

Mr. Speaker, I heard from my friends from finance and in retailing. They tell me that the bankruptcy reform accomplishes many good things. I cannot nor do I want to disagree with them. Yet, Mr. Speaker, and I say this advisedly, if this House sends this bankruptcy conference report to the President, without question we will have reformed the system, but we will not have done the right thing. We will have been wrong about what is right.

Mr. Speaker, as we all well know, there is language in this conference report that could deny the protection of bankruptcy laws to nonviolent protesters active in the right to life; not violent bomb-throwers or those who physically assault women at abortion clinics, as has been reported. No, as a just and peaceful society, we cannot support private violence for any cause. Mr. Speaker, we are talking about the quiet, dignified men and women who do no more than pray, sing hymns, or hold placards outside abortion clinics, men and women who are doing no more than what the first amendment of the Constitution provides, which every single one of us in this House swore an oath to uphold.

Mr. Speaker, even if we disagree with every fiber of our being, every one of us should be opposed to those laws and tactics that squelch legitimate speech and scare people from expressing their opinions. The bankruptcy law provides the tools to chill not only our first amendment rights of free speech, but our very soul as a Nation. Using the force of law to squelch dissent is unacceptable.

Mr. Speaker, this law, which was crafted so carefully to permit some protests but crush others, will have just that result. The wealthy and powerful will turn their lawyers loose on quiet, peaceful protesters for no reason other than that they dislike the content of the speech. The powerful law firms for abortion rights interests will see to it that peaceful protesters are hauled into the justice system, are forced into settlement that forever forecloses dissent, or into the risk of threats to take their homes, property, and businesses as long as they live.

We will have done the right thing in reforming the bankruptcy code if we pass this report, but, Mr. Speaker, we will have injured the first amendment. We will have set the precedent that the powerful can use the force of law to stamp out disagreeable speech, and we will have cruelly laid the foundation for a permanent debtors' class. This is a legacy I am not prepared to leave my country.

Mr. Speaker, as I think about the blessing that is America, and as I remember those who sacrificed so that I might exercise the right to disagree with my colleagues this evening, I cannot escape the haunting, simple words of the prophet Micah who says, ''He has shown you what is good, to do justice, to love kindness, to walk humbly with your God.''

With all the respect and honor that is in me to my colleagues, and especially my colleagues who labored so long on this bankruptcy bill, I believe it is incumbent upon us to remove the offending language and send it back to the other body to honor and protect our Constitution, and not miss this calling to do justice to peaceful Americans who would express their dissent in this, the most troubling issue facing our Nation.

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

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

CONGRESSIONAL CUBAN POLITICAL PRISONERS INITIATIVE: MAYDA BARBARA JORDAN CONTRERAS

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

Mr. PALLONE. Mr. Speaker, I rise today to draw attention to a courageous struggle that is taking place on the island of Cuba. While Fidel Castro maintains his stranglehold on freedom of expression, association, and assembly, a growing number of nonviolent dissidents are speaking out to demand civil liberties and basic human rights for Cuba's 11 million citizens.

However, being brave enough to stand up to the regime can come at great personal cost. Opponents of the state are subject to punishments ranging from harassment and loss of employment to beatings and imprisonment. According to the best estimates of human rights groups, Cuban democracy groups, government and nongovernment organizations, there are over 400 political dissidents now languishing in Cuban jails. No other country of Cuba's size has held so many political prisoners for so long and under such cruel circumstances.

I am proud, Mr. Speaker, to be a member of Cuba Libertad's Congressional Cuban Prisoners Initiative. The

initiative is a bipartisan effort to promote respect for human rights and democratic change in Cuba. Twelve prisoners have been selected to serve as symbols for the more than 400 men and women who are suffering in Cuban prisons for the expression of their political beliefs.

I would like to take this opportunity to highlight one such prisoner, Mayda Barbara Jordan. Mayda was one of hundreds of Cubans who sought freedom during the 1994 dissident uprising known as the Maleconazo, where hundreds of Cubans took to the streets to demand liberty. Mayda was arrested along with her sister for participating in this mass protest and trying to provide a better life for her family.

Her crime? The Cuban government calls it piracy. Her charge reflects the Cuban government's policy of sentencing dissidents for serious criminal acts in an effort to deny the existence of political prisoners.

□ 1930

Mayda is a mother of two young children and is suffering from the 8th year of a 15-year prison sentence. Mayda has served time in solitary confinement and has been denied family visits for continuing to voice dissent against the regime and refusing to undergo reeducation.

Her sentence is meant to dissuade others from protesting or leaving Cuba. I urge my colleagues, Mr. Speaker, to join with me and demand the release of Mayda and all of Cuba's estimated 400 political prisoners. Through our efforts and those of such groups as Cuba Libertad, we can draw attention to the continuing atrocities against political prisoners in Cuba and let Castro know that we will not remain silent while these individuals are beaten, tortured and denied access to medical care.

Mayda Jordan and all those advocating for freedom and democracy in Cuba need international recognition for their courageous struggle. Their lives and the birth of a new democratic Cuba depend on it, Mr. Speaker.

HONORING DR. JERRY DONAL JEWELL

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

Mr. DAVIS of Illinois. Mr. Speaker, on August 17, 2002, Arkansas lost a great public servant and a fighter for social justice with the passing of Jerry Donal Jewell, a Little Rock dentist who made political history when he was elected in 1992 as the first African American president pro tem of the Arkansas State Senate.

A sharecropper's son, Dr. Jewell, who was born during the Great Depression, died at the age of 71 in a Little Rock hospital after a brief battle with cancer. Born in Crittenden County, Arkansas, Dr. Jewell attended public school in West Memphis. He later earned his B.S. degree from AM&N College, which is now the University of Arkansas at Pine Bluff, and his doctorate of dental surgery degree from Meharry Medical School in Nashville, Tennessee.

He continued to practice dentistry for over 30 years in Little Rock until his death. Dr. Jewell was the first African American since reconstruction elected to the State Senate for the State of Arkansas. Until his election in 1973, no African American has been elected to the State Senate in the State of Arkansas in 80 years. Between 1963 and 1967 he was president of the Little Rock branch of the National Association for the Advancement of Colored People. He became a lifetime member and president of the Arkansas Conference of the NAACP from 1965 to 1972. During this time and before, he worked throughout the State of Arkansas fighting segregation and racial injustice with the noted civil rights activist Daisy Bates and her husband L.C. Bates. Dr. Jewell played a role in national politics when he served on the National Democratic Party Credential Commission in 1972 and the National Democratic Party Charter Commission from 1972 to 1974.

Dr. Jewell was a hard worker and dedicated public servant who survived the harsh struggles of poverty to succeed not only in education but politics and medical practice. He became the acting Governor of Arkansas, as a matter of fact, when President Clinton was elected President; and when Governor Jim Guy Tucker left the State to come to the inauguration for 5 days, Dr. Jewell was acting governor, and during that time granted executive clemency to two individuals who were facing death row. Of course, that created quite a stir; but nevertheless he prevailed and hung in.

I am proud to know that we attended the same university, we are members of the same fraternity, Alpha Phi Alpha fraternity, and I am pleased to note that a great American did indeed provide tremendous service, not only to the State of Arkansas, but to the Nation as a whole.

HONORING DR. JERRY DONAL JEWELL

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

Mr. SNYDER. Mr. Speaker, I just wanted to add my voice to those acknowledging the passing several weeks ago of State Senator Jerry Jewell in Arkansas.

I served with Senator Jewell from 1991 to 1993 as Congressman DAVIS noted, who, by the way, is an Arkansas native. He left Arkansas when he was 19, but he has never forgotten where he came from.

It was my pleasure also to serve with Senator Jewell in the State Senate. He certainly made history by being the first African American since Reconstruction to be elected to the State Senate. He was the first African American president pro tem and he became acting Governor. In Arkansas the way our Constitution works is if the Governor or lieutenant governor leaves the State, they lose their power as Governor, so Senator Jerry Jewell became acting Governor.

He had a very colorful civil rights history. I attended his funeral a couple weeks ago, and Dr. Roosevelt Brown told this story how when they were young men the efforts to try to desegregate a swimming pool during the summertime in Little Rock that basically involved Senator Jewell talking to the young person at the gate and two or three other young African American men running past and jumping in the pool and immediately all the white folks jumping out, the kind of story now that we think is humorous but at the time was deadly serious. It was a sign of his courage that he participated in those kinds of events.

The gentleman from Illinois (Mr. DAVIS) and I want to acknowledge the passing of Senator Jewell, the part of history he played in Arkansas, and the loss to his friends and family.

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

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

CONCERNING THE BUSH ADMINISTRATION POLICY FOR A ''PREEMPTIVE'' WAR AGAINST IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, like all Americans, I am concerned about the state of affairs in the world today, and how the United States government responds to the changing nature of threats to our national security—especially as we near the one-year anniversary of September 11th, how the Bush administration reacts to these challenges and its approach to solving other international challenges.

We are all committed to acting decisively to win the war on terrorism, and President Bush has had my full support in that effort. In fact, Congress voted as one voice after September 11th to give the President both moral support and authority to prosecute the war on terror and to bring those responsible for the attacks to justice.

I am also concerned that the proposed ''preemptive war'' against Iraq will divert the nation's attention and limited resources from our war on terrorism as well as from domestic needs, such as building up the economy and a prescription drug benefit for our seniors.

In speeches last week, Vice President CHENEY contemplated a ''pre-emptive war'' against Iraq—one giant step beyond the President's stated goal of a ''regime change'' that would oust Iraqi president Saddam Hussein, something most of us thought should have happened a decade ago. But Vice President CHENEY'S ''preemptive'' prescription for dealing

with Iraq represents a radical departure from two centuries of U.S. defense and foreign policy and it should be the subject of Congressional hearings and a vigorous public debate.

Also of concern are a number of arrogant and ideological statements made by other Bush administration officials over the course of the last couple of weeks. Especially troubling are those suggesting that the President already has the authority to attack Iraq at will and doesn't need to consult with and get the approval of this Congress by virtue of the 1991 resolution authorizing the use of force in Desert Storm and last fall's resolution supporting the war on terror. At best, this is simplicity without reason, and reason enough to make the U.S. Constitution ''required reading'' for presidential appointees.

Without ambiguity, the Constitution vested in Congress two powers, among others—the power of the purse and the power to declare war. And the War Powers Resolution of 1973 clearly calls for collective judgment of both Congress and the President in time of war. The act gives the President the authority to act alone only when there is an emergency, an act of defense against a threat; examples would be Pearl Harbor and the September 11th attacks. In others cases a Declaration of War or Statutory Authority must be issued.

President Bush has said that Iraq is governed by evil forces who possess weapons of mass destruction but he has not insisted on an immediate resumption of unfettered weapons inspection by the United Nations as one way of proving his point. Secretary Powell's call for U.N. inspections is a hopeful sign that the Administration is reconsidering. The President and his team should follow the example of his father and make the case to the American people, their Representatives and Senators in Congress, and to the world community that Saddam Hussein poses a real and dangerous and verifiable threat—not only to his own people and Iraq's neighbors in the Middle East—but to the United States and world peace.

From such an exercise, the President could rebuild and perhaps strengthen the coalition of nations that successfully prosecuted the Gulf War, dealing with Iraq from a position of unquestioned strength—based on a broad international consensus. This path also has the virtue of assuring that all other methods to resolve the situation have been tried and there is no other alternative. It's worth noting that this is the same strategy President Bush followed in getting other nations to join us in the fight against terrorism. He would be well advised to follow the same course as he ponders what to do with the Iraq situation.

On the face of it, it may seem easier to make war than to create peace, but it's worth remembering history's lesson that the costs of war are high—in human lives, resources, domestic needs left unmet and other global challenges, while the rewards of peace are far greater, measured by the savings of what would otherwise be lost or wasted—as the Bible says, ''Blessed are the Peace-makers.''

Mr. President and Mr. Vice President, ''Blessed are the Peace-makers,'' and war should be the last resort, not the first. If you have exhausted all best efforts to resolve the conflict with Iraq by all other means—by prevention, not pre-emption—without success, then the Congress, the American people and the world will give you the mightiest weapon to be had in an arsenal: the moral authority to exercise leadership and prosecute a war that serves the common interest of humanity and advances the noble cause of world peace.

RUSSIAN/UNITED STATES ENERGY COOPERATION

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to encourage our colleagues to support a new direction for America as outlined by both our President and the President of Russia, President Putin.

Later on this month there will be a major energy summit in Houston, Texas, sponsored by the U.S. Energy Association. It will have the major energy players in our country and Russia come together to see ways we can cooperate.

This follows on with recommendations that many in this body took in a document that we produced last fall entitled, ''A New Time, A New Beginning'' which one-third of the House and Senate joined together in supporting. One of our major tenets was that we should work together with Russia on their energy exploration and development. The reason this is so critically important is, obviously, America's dependence on Middle Eastern crude and the problem it causes us as evidenced by the current crisis in the Middle East. Russia has huge supplies of energy. We have a need; we have the technology. We should be working together.

To that end, Mr. Speaker, there are a number of initiatives under way. I am circulating a memo in the House which I would encourage our colleagues to sign which is a joint statement that will be signed by both Members of the Congress, the House and the Senate, and members of the Duma and Federation Council. This document is followed through in a piece of legislation that I will introduce this week; and hopefully we can have that bill on the House floor before we adjourn at the end of September. In fact, my intent is to have the Duma ratify the document at the end of September. Eight hours later in Washington, the Congress will ratify the same document that calls for an expanded U.S.-Russian cooperation on energy.

Mr. Speaker, that document and the joint statement are as follows:

JOINT STATEMENT OF THE MEMBERS OF THE U.S. CONGRESS AND R.F. FEDERAL ASSEMBLY ON NEW ENERGY AND TRADE COOPERATION BETWEEN TWO NATIONS

On behalf of the U.S. Congress and members of the Russian Federal Assembly we strongly support the recent decision by President Bush on June 6, 2002 to extend market status to the Russian economy. The granting of market status is one of many mutually beneficial measures our two governments should continue to pursue to promote long-term engagement and integration of Russia into the world economy. A key component of new engagement is mutual efforts to bring greater stability to world energy markets and to support sustained economic growth in Russia and the United States.

Russia, with its vast oil and gas resources, a growing and diverse number of private sector companies, and a renewed commitment to investment by international energy companies, offers a unique opportunity to provide stability to an often volatile and insecure world energy market. We recognize that Russia and the U.S. can play a critical role in supporting energy development among the resource rich countries of the former Soviet Union (FSU).

In the coming months we will revitalize the work of the Duma-Congress Study Group on energy policy and coordinate our efforts with our respective Parliaments as well as efforts now underway by the government agencies of the United States and Russia. Among the specific legislative and other measures we commit to pursue are:

U.S. Congressional action to remove trade and economic barriers, including outdated laws no longer applicable to this New Time and New Beginning, such as the review provisions contained in the Jackson-Vanik Amendment of the 1974 Trade Act.

Duma action to strengthen investment incentives in the Russian energy sector, such as full implementation of Production Sharing legislation, encouragement of regulatory reform, and other measures to attract international investment into the Russian energy sectors. Of specific concern are legislative and related policy measures to permit full implementation of projects on Sakhalin Island and in the *Timan-Pechora* region, all of which offer unique opportunities to increase world and U.S. supplies of petroleum.

Regulatory and investment frameworks to expand Russia's oil and gas export capacities.

Joint parliamentary support for Russia's ascension to the WTO.

High level and sustained exchanges on energy development between official entities and private sector companies of Russia and the United States.

As our two governments proceed with this important Energy Dialogue we call upon them to consult widely with interested parties to promote exchanges and to seek support from the broadest cross section of our business and civil societies. Among the important non-governmental groups we value highly and whom we will continue to consult with are the Moscow International Petroleum Club, US-Russia Business Council, American Chamber of Commerce in Moscow, Russian-American Council for Business Cooperation, American-Russian Chamber of Commerce and Industry and other related entities that can play a critical role in policy assessments and promoting private sector exchanges. We will encourage the government agencies of Russia and the United States to consult widely with these groups.

H. CON. RES. —

Whereas the Russian Federation, with its vast oil and gas resources, a growing and diverse number of private sector companies, and a renewed commitment to investment by international energy companies, offers a unique opportunity to provide stability to an often volatile and insecure world energy market;

Whereas on June 6, 2002, Russia was granted market status economy [by the United States?];

Whereas the granting of market status is one of many mutually beneficial measures that the Governments of Russia and the United States should continue to pursue to promote long-term engagement and integration of Russia into the world economy;

Whereas a key component of new engagement is mutual efforts to bring greater stability to world energy markets and to support sustained economic growth in Russia and the United States; and

Whereas both Russia and the United States can play a critical role in supporting energy development among the resource rich countries of the former Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) in proceeding with [this important energy dialogue?] the Governments of the Russian Federation and the United States should consult widely with interested parties to promote exchanges and to seek support from the broadest cross section of business and civil societies; and

(B) the United States should remove trade and economic barriers [with respect to Russia?], including provisions of law that are no longer applicable, such as chapter 1 of title IV of the Trade Act of 1974 (commonly referred to as ''Jackson-Vanik''); and

(2) Congress—

(A) supports the actions of the Russian Duma to strengthen investment incentives in the Russian energy sector, such as full implementation of production sharing legislation, encouragement of regulatory reform, and other measures to attract international investment into the Russian energy sectors;

(B) supports the actions of the Russian Duma to permit full implementation of [energy?] projects on Sakhalin Island and in the Timan-Pechora region, all of which offer unique opportunities to increase world and United States supplies of petroleum;

(C) encourages regulatory and investment framework in Russia to expand Russia's oil and gas export capacities;

(D) supports the accession of Russia to the World Trade Organization (WTO); and

(E) supports continued high level and sustained exchanges on energy development between the Governments of Russia and the United States and between businesses in the two countries.

Mr. Speaker, I would also call my colleagues' attention to a speech being given at the National Press Club this Thursday by Senator CONRAD BURNS. In that speech he will focus on the need for America to move toward joint U.S.-Russian energy cooperation.

Mr. Speaker, one final point, I will be contacting the administration tomorrow because the upcoming summit on October 1 and 2 in Houston is critically important, but to this date my understanding is it does not have a large focus on the legislative process as part of the energy initiative. And, obviously, we cannot have a joint energy relationship unless both bodies in both countries are directly involved. So I would call upon the administration to provide a provision in that conference for Members of the House and the Senate, members of the Duma and the Federation Council to speak to the issues of importance that will allow us to implement the ideas and the proposals of both President Bush and President Putin on ways that we can expand the cooperation between the U.S. and Russia in the energy arena.

UNITED STATES SHOULD PARTICIPATE IN UNITED NATIONS WORLD SUMMIT FOR SUSTAINABLE DEVELOPMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, I have just returned this last week from participation in the United Nations World Summit for Sustainable Development. It was truly an amazing experience, Mr. Speaker. It was the largest conference ever conducted by the United Nations. It was attended by over 100 heads of state who took part in the summit, joined by over 21,000 people, 9,000 delegates, 8,000 representatives of a variety of nongovernmental organizations and 4,000 members of the press. It was something that I will remember for a variety of reasons.

In one respect it was interesting in terms of the context in which the summit was taking place. Amidst news of drought, forest fires, devastating storms and flooding around the world, millions of people had been displaced in Asia, there were disastrous floods in central Europe, everybody that I met with and I had the opportunity to visit with the representatives of over two dozen countries, there was not one person when did not feel that the terrible ecological disasters that provided the backdrop in the news were not somehow connected to the cavalier treatment that we have accorded to the environment. There was virtually no skepticism expressed on behalf of the concerns for global climate change, for instance.

Now, while personally embarrassed that the United States did not have a greater presence, and somewhat overwhelmed by the environmental challenges we face, I returned from that experience with a greater sense of optimism than I would have thought possible just a month ago.

Now, make no mistake about it, I fear the United States was the big loser at that summit. I mention that there were 104 heads of state, not the President of the United States, who was staying on his ranch in Crawford, Texas, and participating in various fund-raising events around the country, allowing the United States to be portrayed as an obstructionist or uninterested in a conference to which most other countries sent their leaders. I found a certain amount of irony when the United States, at least some members of the administration are beating their drums for a potential action against Iraq, when a number of people noted the need if we are going to be moving forward to have a global alliance similar to that which was assembled by President Bush's father when he was involved with the war against Iraq with Operation Desert Storm. It seemed particularly ironic that the head of our government, who had an opportunity to meet with our global partners, strengthen bonds, and obtain support for difficult policies that require international cooperation was not there. It had a number of other spill-over effects. Frankly, we did not get credit for many of the more positive developments that we were involved with.

For instance, during the negotiations on the plan of implementation, which was the international agreement produced at the summit, the United States negotiators opposed most of the specific targets in the plan dealing with climate change and energy. The United States opposed language that would have set a goal for industrialized countries to increase their use of renewable energy by just 2 percent over the next decade. It is kind of hard to believe that the United States, with all of its resources and technology, its leadership, with a public that understands the need for energy independence and not being further reliant on unstable energy sources in the Middle East, hard to believe that our administration thinks it is not possible that the United States could meet the challenge of increasing our use of renewables in the next decade by just 2 percent.

It was disappointing that the United States seemed to avoid any discussion of global climate change, our contribution to the problem, and meaningful solutions.

The United States did finally support the summit goal to cut in half the number of people living without basic sanitation, matching our objectives for clean water, drinking water. This was important, Mr. Speaker, because by linking those two goals together, we have the opportunity to increase 300 percent the effectiveness of our investments. And I was pleased that at the last minute the United States abandoned its advocacy of destructive language that would have undercut women's reproductive health and freedom. It was a little embarrassing for a while that our partners in the fight for reproductive women's rights were those coming from the Arab states. In its original form it would have been a declaration that the Taliban would have felt comfortable with.

□ 1945

But as I say, this was one area where we were able to see some changes that took place.

Mr. Speaker, I have some other thoughts and observations relative to the experience here; but I note that I have been joined by my colleague, the gentlewoman from Los Angeles, California (Ms. SOLIS), and I yield to the gentlewoman to make some comments, a woman who is deeply concerned about environmental issues and provided leadership internationally and at home for herself in California.

Ms. SOLIS. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to also thank the gentleman from Oregon for putting this discussion here before the public.

And I too, Mr. Speaker, rise to express my frustration with the leaders of our country, particularly the Bush administration, in their failure to be fully supportive of all the participants at the recent Johannesburg World Summit on Sustainable Development. The Johannesburg conference was a meeting where nearly 200 countries came together for 10 days to search for ways to bring clean water and sanitation to nearly 2 billion of the world's poorest people, the world's poorest people.

Because of this administration's unwillingness to help meet the needs of our global society, there were a few binding commitments made at the conference and our world leaders left that conference without addressing some of the most pending issues, like issues regarding AIDS, smokestack emissions, or uneven benefits of global trade. Carbon dioxide emissions, as my colleagues know, have risen 18 percent above 1990 levels in the U.S., by 11 percent in Japan, 13 percent in Canada, and almost 30 percent in Australia. As our carbon dioxide levels have risen, so too have our instances of weather-related disasters, and we see that here in the U.S. more and more.

Since 1975 these natural disasters, namely droughts, windstorms, and floods, have increased by 160 percent, killing approximately 440,000 people and causing $480 billion worth of damage in the 1990s alone. And still the U.S. negotiators fought efforts to decrease our world's dependence on dirty fossil fuels and increase our focus on alternative energy use by refusing to commit to deadlines that would have held our world leaders accountable? Any teacher or student will say that deadlines are necessary to ensure progress. We know that. And yet this administration would rather continue to allow people to live in unsanitary and unhealthy and unthinkable conditions in the name of flexibility.

During this past week, we heard repeatedly from U.S. officials that actions speak louder than words. If our actions are truly commendable and beneficial, why does this administration fear committing to sustainable development not only in action but in clear words and statements? There must be some form of accountability. No longer can we live without the understanding that this is a global society and we have to work together with real plans and real goals and real accountability to ensure that development is sustainable, not just in this country, in the U.S., but in the entire world. We have a responsibility.

The world's scientists predict that the Earth's temperature could rise by a global average of 6 degrees celsius by the year 2100. This reality demands action now; and 10 years ago at the Rio conference, many new initiatives and goals were put forward, and at this conference there were only two instances where we set a true goal. Number one, by 2015 we committed cutting in half the proportion of people who did not have access to basic sanitation. Number two, we established greater marine-protected networks. And in every case existing commitments were either reaffirmed, watered down, or altogether trashed.

When are we going to get serious about solving the problems of sustainable development? The goal of the summit was to implement a vision for a healthier and more sustainable future; but it fell far short, and now our country risks falling behind our competitors who will develop innovative and profitable and clean and efficient technologies, but where does that leave us? Where does that leave the United States?

It is time for this administration to start focusing on sustainable development.

Mr. BLUMENAUER. Mr. Speaker, we have also been joined this evening by the gentleman from California (Mr. FARR), my colleague from Carmel/Monterey, a gorgeous district in California. I have been impressed since the day I first came to Congress with the Congressman's deep appreciation for the environment and the leadership that he has provided, whether it is for scenic highways, coastal conservation, understanding the role that sustainable agriculture plays, and was host to the first White House conference on the oceans.

I yield to the gentleman from California (Mr. FARR) for comments on the world environmental summit.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER), my colleague and good friend, for yielding; and I want to congratulate him and my other congressional colleagues who went to Johannesburg, South Africa. While he was in South Africa, I had the privilege of being in his beautiful State, in fact in his district of Portland, Oregon; and I can tell my colleagues that indeed the western United States and particularly Oregon is one of the most beautiful States in the United States; and I would recommend to everybody who wants to see spectacular scenery and uncrowded highways just to visit that great State.

My colleagues all came together in Johannesburg about 2 weeks ago to address the global issues that exist at the intersection of economic development and environmental sustainability. I happen to be very keenly interested in the outcome of that because my district that my colleague just mentioned is the salad bowl center of the world and we cannot continue to produce fresh fruits and vegetables if we do not have a clean environment, clean water, clean air; and we know that from our interest in trying to develop small business economy through tourism and ecotourism that indeed the environment sells. Well, the environment cannot sell and cannot be there for small businesses if it is dirty.

My colleagues all went to Johannesburg to declare along with other countries the commitment to making the Earth cleaner, a more healthy place for humans and all living creatures; and I, following the press article, I was struck by how many poor Nations, who could least afford to send representatives from their government and nongovernment organizations, but indeed did hope that they could persuade the richer countries to help them grow their economies in socially and environmentally sustainable ways.

I think one of the most positive outcomes of the summit was the agreement by all nations to begin managing the marine resources with an ecosystem approach and to restore fish stocks to sustainable levels by the year 2015. I pledge to continue to work with the U.S. and all nations to make these goals and reverse the devastating trends in pollution and overfishing that we see in the oceans all over the world.

I was shocked, as my colleague's comments pointed out, and I am sad to say that I believe that our administration remains blinded to these issues; and I think it remains blinded because they really have not listened beyond the short-term special interests, corporate interests in America.

Let me tell my colleagues that I represent the State of California and chair the Democratic delegation in that State. Look at California. I mean, we have that comment here that sort of anything but California, but indeed, California is a nation-state. It is 33 million people. It is the fifth largest economy in the world. It is the most diversified in businesses, everything from Hollywood to Silicon Valley to agriculture. It was the leading agriculture State; and it goes on and on and on.

Yet this State that is such an economic engine, which has more cars, more people to consume energy, more air conditioners, more houses, more buildings to heat and cool, more of everything, has created policies in that State, political policies, that are implemented and carried out. The bottom line is that California consumes the least energy per capita of any State in the United States.

Why am I saying this? Because if the U.S. remains unwilling to truly come to the global negotiating table, strong commitments toward such efforts as reducing the emission of greenhouse gases and urging a change of the way from an unsustainable pattern of consumption and production, then California is going to suffer, the businesses of California. Why? Because in business there is a need to have fairness, and fairness essentially is a question of certainty.

If one is going to take capital and put it into something at risk, they want enough certainty that they are going to be able to get a return for their investment. That is what California businesses do every single day. Only the balance of that certainty is shifted away because the Federal Government fails to take a lead in leveling

the playing field, which means, really, upgrading the playing field so that California, which is doing things that are environmentally very sensitive, gets treated wrongly in this town. It hurts all the small businesses who are not able to compete on a level playing field, and it certainly hurts our big corporations.

Are they going to the State legislature and asking the State to repeal all these tough environmental laws in California? Absolutely not. In fact, our national leadership should be championing the leadership of cleaning up the pollution. This administration should be acknowledging the leadership of California Governors. When we look at them, Republicans and Democrats alike, Republican Governor George Deukmejian; a Republican, Governor Pete Wilson; and now Governor Gray Davis, who just signed the toughest automobile car sequestration emission standards in the world.

That is the kind of leadership that American people are asking for. Was it easy to do politically? Absolutely not. Everybody who was in the automobile industry opposed it; and yet California has the largest automobile sales, the largest consumption of automobiles in the United States.

Why was it accomplished? Because it really was the right thing to do. California really wants to move towards sustaining itself internally on energy and making sure that energy is clean. We are the leader of wind energy; we are the leader of solar energy; we are the leader in geothermal energy; we are the leader in biomass production. All of these alternatives, which show that we can meet these really tough standards and still make a profit, I think ought to be recognized.

Business really needs fairness at the national level, an equal playing field; and I ask this administration, I ask the President of the United States, to help bring up the rest of the Nation to California standards, to recognize, as the leaders in California, ought to be praising Governor Davis. But because it is an election year and people are sensitive about partisanship and the President is a Republican and the Governor is a Democrat, that instead of praising him for doing the right things, there is a criticism going on and that criticism is just unjustified when we look at the voices that were in Johannesburg and what they were saying.

They want this Nation to join California, to be more like California, so that together we can lead the world, not drag the world down, which is the image that we had in Johannesburg.

I am absolutely thrilled that members of the legislative branch, the checks and balance system that we have in our Constitution, were able to go to Johannesburg and to indicate to the delegates that not everybody in the United States was against setting some really tough global standards and to providing the money and capital and leadership to move the world in that way. I am thrilled that my colleagues and others, including, I see, the gentleman from Maine (Mr. ALLEN) is here, people that ought to be thanked by the American people for their commitment to making sure that the world understands that we in the United States are trying to, in Congress, invest moneys in developing appropriate technologies so that those technologies can be applied in the developing countries around the world so that they can indeed have a clean, healthy environment to raise their children in.

I thank my colleagues for representing us at the world summit and thank them for having this colloquy tonight.

□ 2000

Mr. BLUMENAUER. I appreciate the gentleman's attendance and his focusing on the leadership, for instance, that has happened now in California dealing with more fuel-efficient cars. I think it is clear that the American public would have responded, if Congress and the administration, when we were dealing with an energy bill, would have stepped forward to produce similar standards on a national level to reduce our reliance on fossil fuels, to protect the environment, to reduce greenhouse gases has ultimately saved the taxpayer money.

The gentleman referenced our being joined this evening by our colleague, the gentleman from Maine (Mr. ALLEN). Let me just say that one of the positive aspects of this conference, for me, was watching men and women from around the world who were policymakers and who understand the need to protect the environment come together. I had the privilege of watching our colleague from Maine participate in an organization called GLOBE, Global Legislators Organized for a Balanced Environment, and I am pleased to say that the United States Congress was well represented in a bipartisan fashion.

I think the international president, or chair, is our colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), who was eloquent on several occasions in pointing out that there is some bipartisan support for improving environmental standards. The national chair is the gentleman from Connecticut (Mr. SHAYS), and the gentleman from Maine (Mr. ALLEN) chaired some interesting negotiations with representatives from a dozen different countries around the world dealing with renewable energy.

I am pleased that the gentleman is here. I am pleased to have watched him in action provide some leadership in Johannesburg on behalf of not just the United States but parliamentarians from around the world, and I would be honored if the gentleman would join in this discussion at this point.

Mr. ALLEN. I thank the gentleman for yielding, and it certainly was true that being in Johannesburg for the time we were there was a very interesting experience. My colleague mentioned the meeting I chaired on renewable energy, and that in itself was an eye opener, I guess I would say, because we had around the table several representatives from Japan, two from Slovenia, two from Sweden, one from Thailand, one from the Philippines, one from Uruguay, and I am sure some others. It was a cross-section of nations large and small from really all around the globe. South Africa was included as well.

The interesting thing, to me, is how much different countries are trying to make sure that these international goals that are being talked about more elsewhere than here in the United States somehow fit their own countries and their own experience. And that is basically what you would expect. But what is true, I think, from this experience and from others is that most other countries realize that the climate is changing fast; that it is due to human emissions, carbon emissions in particular, and that, and this is where the United States is not following, that we need to do something about it. We need to do something fairly serious quickly. It is clear that the Europeans are taking the lead in a number of renewable energy technologies, wind and solar and small hydro and others, and we are being left behind.

I happened to go to an exhibit by BMW, where they were describing an engine that can run both on gasoline or alternatively on hydrogen, and they were arguing that this kind of internal combustion engine that can run on hydrogen is a transition to a hydrogen future. One of the problems is that, of course, if we are going to have cars that run on hydrogen, and in fact where the by-product is not carbon dioxide, carbon monoxide, or whatever, but water, where you could get to zero emissions quickly, we do not have a lot of hydrogen filling stations around this country or in Europe. And they were talking about this as a way to do a transition.

Mr. FARR of California. If the gentleman would yield. I am very curious about the gentleman's discussions. We spend a lot of time here in the House of Representatives and on the floor arguing trade issues, and obviously issues come up about trade sanctions. When the gentleman looked at the commitment that people were making in South Africa, did he get any feeling that we may be isolating ourselves from future markets because our standards are not good enough, our automobiles are not clean enough; and, therefore, they are not going to allow them to be sold in those countries; that our other exports of our machinery does not meet high enough standards to be marketed in those countries, and that we are really shutting off our ability to do trade?

Even though a lot of times the brainpower for that technology really rests in the United States, it is just that we have not had a commitment to investing that brainpower in the tools that

can be incorporated in our polluting instruments.

Mr. ALLEN. I have no doubt that the gentleman is right. A couple of things. It is clear that the EU legislature and individual European countries are setting higher standards. They are setting some standards. They are setting higher standards, obviously, than the Federal Government here for carbon emissions. And the result is that they are triggering the need to do a substantial amount of research and development in renewable fuels, in ways of converting to new fuels, and to having more renewable technologies.

I think it is likely, based on what I heard in Johannesburg, that Europe is going to go roaring by the United States when it comes to developing new technologies of this kind. That is going to leave us, in the long run, at a disadvantage in the European market. And when carbon restrictions come in this country, as they surely will, it will leave U.S. automakers and others really behind the 8 ball.

Mr. BLUMENAUER. Could I just interject for a moment? Because I enjoyed touring that exhibit with the gentleman from Maine by BMW, and it did strike several chords. One, to the point made by our colleague from California, we are already being foreclosed by certain market segments. Next year, there are three hybrid vehicles that consumers can choose from, all made in Japan. And they have a waiting list for them. People want them. They are in my colleague's district, in my district, and it is a little frustrating to see that.

We have, however, American automakers who are meeting the standards, the higher standards in Europe. They are meeting the 40-mile-per-gallon fleet standard. They are having to contend with that. They are competing in the European market already. But they are somehow feeling that they cannot impose those higher standards here at home. And I find that a little frustrating.

And I know that the gentleman's point is right. In the long run, to the extent to which we resist that, we are going to lose business, not just internationally but we are going to lose business here at home.

Mr. FARR of California. Well, it is rather embarrassing, if not shameful, that our country that is always sort of championed as being in a leadership role of higher quality, of better standards, of caring for living things, protection of species, and so on, would be so negative about in this race for to clean up the planet; that we are not at the front of the parade.

It is embarrassing for me from a State that is trying to be at the front of the parade but not having any cooperation from the Federal Government to keep us up there or to encourage us to go further by bringing the rest of the Nation up to those levels.

Mr. BLUMENAUER. If I could make one last point, then turn it back to my colleague from Maine. Just following up on that, in that session that the gentleman from Maine chaired, we were joined by a friend of ours from Great Britain, a member of parliament, Tony Coleman, who pointed out that in Great Britain in the 1990s, they made the transition from dirty coal-fired power plants to cleaner gas power plants to generate electricity.

We in the United States, if we, instead of as the administration is suggesting, undercutting the new source review and dealing with the requirement of our own Clean Air Act for these dirty power plants that are having a devastating effect on my colleague's State, amongst others, we would just deal with the spirit and the letter of the law, clean up those power plants, we would reduce our emissions to the level that we had in 1990 and be well on our way to meeting the Kyoto protocols.

Mr. ALLEN. If the gentleman will continue to yield, I do not think people realize that one-third of all carbon emissions in this country come from these old coal-fired and oil-fired power plants that are grandfathered under the Clean Air Act. If we just bring them up to new source review standards, we will do an enormous amount to improve the carbon emissions situation in this country. That is probably the easiest step to take. It is probably the first step that we will take at some point to deal with these old power plants, and it makes no sense to keep putting it off.

I thought it was interesting, the meeting that GLOBE held. They had all sorts of meetings. In fact, GLOBE was a very active organization in Johannesburg. They did a terrific job. But the meeting I was chairing was all about the most controversial topic in Johannesburg, which is whether we should set targets and timetables for renewable energy.

Right now, globally, renewable energy sources, as defined by the U.N., represent about 2 percent of all power generated in the world. And the question was should we move to a target of getting, as I recall, a 10 percent increase by 2020 over the 2 percent that was applicable today and in 2000. It was a major goal but an achievable goal. At least the rest of the world thought it was achievable.

But it struck me that the problem the United States has, and particularly the Bush administration right now, is we cannot argue for a position to be adopted internationally if we are not willing to advocate for that position at home. And the fact is that the President's Clear Skies Initiative, so-called Clear Skies Initiative, basically would reduce carbon emissions in this country by about as much as if we did nothing at all.

Carbon emissions are continuing to go up, but they are going up slightly less than they did in the past. Under the President's proposal, they will continue to go up at a significant rate but slightly less than they did in the past. The rest of Europe, the Japanese, and countries in Africa and in South America, are saying what good does that do? You have to first stabilize the emissions; stop them from growing. And that is really what we need to do.

So that was a tremendous point of contention throughout Johannesburg. The U.S. never gave in. They never agreed to any targets or timetables. But I believe that the reason is clear: The President has basically said global warming is a problem. Adjust to it. And that is not the kind of response that the rest of the world believes is responsible.

Mr. FARR of California. It certainly does not demonstrate leadership. There is no way anyone can take the United States position and argue that we are a leader in this field.

I think we have been a leader in bringing about the consciousness of global pollution and admitting that we are, as tremendous consumers of our material goods, leading the world in pollution. And we have been a leader in recognizing that we have to do something about it, but that has always been initiated more by local communities and States. There has been sort of an attitude in America that you think globally and act locally. And certainly that has been the response coming out of the West, and I think out of my colleague's State of Maine as well.

The frustration that I have experienced in my political life has been that without leadership we do not get commitment of research dollars, of essentially those key dollars or those lending programs through international banks.

Attention was brought to me by a constituent who actually worked out the technology with a lot of firms, none of which were American companies, on how we could reduce all oil dependence on all the islands around the world. All of the islands do not produce oil, so they have to ship it in. It is very costly. Yet they are surrounded by two things; they are surrounded by sun and they are surrounded by saltwater. If we could use the sun to convert the saltwater, one, we get fresh water for the island, which, in addition, could be used for mariculture, so we could start growing fish products onshore that would have global markets as well as a domestic market; and, two, we reduce the independence of having to ship this oil. Hawaii is a good example in our country. And we have a by-product of clean water and an energy source.

□ 2015

That is very expensive to do; and the first time it is done, it is not cost effective. There is no profit. There needs to be a risk, and usually those kinds of risks are taken by government loans and subsidies, but we have to get it started.

I wonder if there was any discussion in Johannesburg about how to get the money in place to do some of these absolutely essential things.

Mr. BLUMENAUER. We met with business people, governments, and with academicians from around the world; and it does not seem that this is something that should be beyond our capacity.

First, the simple fact is that the future of energy in some way is going to deal with solar energy. In 1 hour, the sun radiates as much energy as the world consumes in a year with all of its fossil fuels. Being able to advance the technology, which is moving forward, to be able to harness virtually an unlimited supply of energy for the Earth's needs seems to be a top priority.

We had advocated, all of us in the U.S. delegation, Members of Congress from both parties, suggested there be one simple step, that when we have all of these export credit agencies, OPEC, the World Bank, Ex-Im, that there be a commitment that 10 percent of the energy facilities be renewables. We could do that with the stroke of a pen. It would move forward, help jump-start this. Sadly, that was resisted.

The goal of 15 percent by 2015 seems to be within our grasp if we use opportunities like this. But both gentlemen have been talking about United States leadership. I am frustrated that the United States steps back and uses excuses in lieu of leadership. In that session that the gentleman from Maine (Mr. ALLEN) chaired, there was a minister from India, and we point out that the United States consumes 36 times the energy and has 36 times the greenhouse gas emissions than the average Indian. The average citizen of India emits one-sixth of the greenhouse gases of the world average, whereas the United States emits six times the world average, 25 percent for less than 5 percent of the world's population. Yet somehow the administration feels that this desperately poor country of India that is emitting less than one-thirtieth of the greenhouse gases than we are, somehow they should step up and assume leadership. I think it is an abrogation of our responsibility.

Mr. Speaker, I would like to say that I appreciated the way the gentleman from Maine (Mr. ALLEN) guided that forward to have a resolution that was approved by these parliamentarians unanimously.

Mr. ALLEN. Mr. Speaker, if the gentleman would continue to yield, his point is an excellent one. One thing that we need to do more of with both China and India, they are going to be using some coal. Both have supplies of coal. They are developing their economies faster than other countries around the world, both are in different ways. But the best technology we have for clean coal use we ought to be making sure gets transferred to the Chinese and the Indians so they can do the best they can in holding down emissions.

I want to say a couple of other things about the U.S. position. It struck me that the problem was not that the United States did nothing, but that our reach was so short. By rejecting any effort to set targets and timetables for getting to more renewable energy, we were basically sitting back on the primary issue before the conference.

I would say the administration took several positions. They said we want to establish partnerships, partnerships between governments and the private sector and the nonprofit sector. Many of them were rolled out, and many of them I think are going to make a contribution. There is nothing wrong with a proposal for partnerships that deal with some of these environmental issues. The administration was also saying that we need to insist on good governance because so often aid money has been wasted when it goes to governments that are corrupt or inefficient; and that, too, makes good sense. But, it fell so far short of what the expectations were around the world, and I think in many quarters here in the United States.

It was only right near the end of the conference, probably a day before I left, which was the day before Colin Powell spoke, that we actually agreed to one target which had to do with sanitation, trying to move and I do not remember the exact number, but to cut in half the number of people living without sanitary and sewage facilities around the globe by 2020. But there was a case where at last, after a lot of negotiation, the U.S. finally came around to the position that the rest of the world had arrived at a long time before, and we were the lingering holdout.

I just want to make one more point about the mood. At a number of different meetings, I got the sense that we do face a crisis. Sustainable development is more than the environment. In fact, it is more than the economy of a country plus its environment. It also involves how people are living and whether they have a standard of living that is appropriate and one that is reasonable for them to expect given the circumstances of that country. In other words, sustainable development to the rest of the world has an economic component, an environmental component, and a social component. Often here in the United States we kind of leave out that social component, perhaps because we are at least generally the wealthiest country in the world. But it did seem to me that there was a sense both in a meeting that I went to on Latin America and in some of the conversations on Africa that this globalizing system, this growing uniformity of financial structures in developing countries, was not working very well for ordinary people.

In too many countries around the world which have been forced to open their markets both to goods and capital from other countries, they have found that the capital that comes rushing in can go rushing out just as fast; and they are concerned that their economies are not growing. They are stagnating. In Eastern Europe, after the breakup of the Soviet Union, in Africa, even Latin America, the rates of growth have been negative or so slow as to cause serious social problems.

Mr. Speaker, that is a component of this debate that needs to be addressed; and I think it needs to be addressed by making sure that when we set policies, whether trade policies or aid policies, we are doing things that empower people at the grass roots in countries so they can go out and make a living and start a business and have the kind of economic growth that we have experienced so often in this country.

Mr. BLUMENAUER. Mr. Speaker, one of the things that concerned me was that we seem in the more developed countries to have a blind spot towards that equity, and there did seem to be a dual standard.

There was a fascinating meeting which discussed the devastating impact that the more advanced countries' agricultural policies have on poor countries. All three of us had deep reservations about the agriculture bill that passed on this floor and was signed into law by the President just a couple of months ago.

But the European Union, for example, is ignoring its own egregious agricultural practices, which are actually worse than ours. For instance, poor countries in Africa were denied access to the European sugar market where prices are kept artificially high, some three times the world price, to deal with the sugar beet industry in Europe. Poor countries cannot have access to that market; and the Europeans are producing so much that they are dumping that sugar on the world market, undercutting the poor sugar farmers in Africa, much like corn from the United States is going to Mexico and driving poor farmers out of business in Mexico. And our farmers are getting rich subsidies from our government. It costs them more to produce than they get from the market, and the surplus is dumped overseas.

Yet we have aggressive policies to try to force some of the poor countries to open their markets to protect intellectual property I understand, to protect capital I understand, to protect drug patents; and sometimes it is less understandable why we do not do more to protect poor countries, and yet we hammer them with our inconsistent, and I would be prepared to argue, improper agricultural policies that are bad for the taxpayer, bad for the environment, and bad for most farmers and end up devastating poor farmers around the world.

Mr. FARR of California. Mr. Speaker, I think what turns that around is leadership. Leadership needs to be provided to get us out of the broken modality.

I think back to the years when I was a Peace Corps volunteer and had no resources except the people. They did not want to necessarily be American consumers and have all these goods, because they could not afford them; but they wanted a better life-style. What I

think they wanted from the leadership was how can we have a better life-style without having to pay the price of pollution. They would say we live in pollution and streets that do not have sewers. We live in houses that do not have clean water, or any water at all. We live in houses that have no electricity, or if we have it, it is very weak because it is borrowed from what they call contraband electricity.

They were not asking for more bad, more ugly, more evil; they were asking how do we use the smart technologies in the United States. And I think we have done that on a couple of examples. For example, cell phones, a great technology, have eliminated a need to wire everything. Those things are very, very costly; and we are using a technology where satellites can help us communicate all over the globe. That has a social impact. It allows people access to information, and we do not necessarily have to build poles. Look at how if we could tear down all of the power lines in the Unites States how much more attractive many communities would be if they did not have all of those wires hanging everywhere.

My experience has been to lead us into the appropriate technology that is necessary for us to be in this world. The gentleman mentioned corn in Mexico. The one thing that the Mexican farmers are doing is they are starting to grow organic. Where is the organic market in the United States? They do not have to buy a lot of expensive fertilizers and get into the expensive infrastructure to compete with America. They have cheap labor. Organic farming is labor intensive. It takes more people to produce a crop than just doing it with chemicals.

There were examples of where American technology, American ingenuity can help countries overcome some of their pollution problems. I think what we have not demonstrated in this country is the will, the political will, the leadership that it takes to move forward.

Mr. Speaker, I appreciate the gentleman's recognizing the struggle that there was in Johannesburg with trying to defend America.

□ 2030

Mr. BLUMENAUER. Does the gentleman from Maine have some concluding thoughts?

Mr. ALLEN. Just a few. One of the interesting things I found in Johannesburg is people look at us the same way that we look at other countries. That is, we look at the policies set by the current administration, whether it is Britain or France or Germany, Russia, wherever, as being sort of the beginning and end of opinion on that subject in that country. And I think that one function that the six of us served who were over there is that we had a different view from the current administration, and that seemed to be of great comfort to a lot of people, that we were having a debate in this country, that it was not simply the case that people in the United States were saying, ''No, we're putting our head in the sand. We're pretending that climate change isn't going on. We've decided to adapt somehow.''

I do not know about you, but in my State, every summer is warmer than the last. We used to have snow all the time at Christmas. Now it is relatively rare. The changes are visible to most people even though they are hard to quantify. But when you look at them, when you look at the numbers, and I can take one State, Alaska. In the last 30 years the average temperature in Alaska has increased by 5.4 degrees. That is an enormous increase. In many places the permafrost is melting, the roads are sagging, trees are tipping over, buildings have less secure foundations. It is leading to dramatic changes.

I just think that what we have got to do here at home, those of us who believe this is a serious problem that needs to be dealt with, is keep urging our friends and colleagues to take this issue seriously, because as soon as you take climate change seriously, a whole set of things follow. You have to have an increasing emphasis on renewable energy of all kinds, small hydro, wind, solar, fuel cells and all of those technologies. I suspect that all of the estimates of cost are a little out of whack, because what we are saying is, with the right commitment, we are going to stimulate new technologies, the development of new technologies, the implementation of new technologies that will give an additional boost to significant parts of our economy. The rest of the world understands that. That was evident at Johannesburg. It is time we caught up with the rest of the world.

Mr. BLUMENAUER. I appreciate the gentleman's comments. I appreciate the leadership that he developed. I know it was not easy, having witnessed a little tiny bit of his Maine summer the week before, I do not know how hard it was for him to fly halfway around the world for a couple of days, but I think the conference was better for it and I deeply appreciate his willingness to do so. I must say that at the summit, I was encouraged by some other people that we encountered, where some of the hypocrisy of some of the richer countries, they were taken to task by well-organized and articulate poor people, by representatives of nongovernmental organizations, by a growing consensus of elected leaders like the gentleman helped guide dealing with renewable energy. We saw business step forward to embrace the challenge of the Kyoto Protocol.

The gentleman from Maine and I went to Abutu village where there were spectacular exhibits, one that was managed in part by the Smithsonian, that had a number of United States agencies that told a lot about the environment. But if you looked at that exhibit, and we walked through the exhibit tent, including the Department of Energy and NOAA and EPA, the Department of the Interior, there was no information on global warming, on climate change. None. But if you went next door to the exhibit of BP, British Petroleum, there they had information. There you had an international corporation that has sometimes had its problems with the environmentalists, but they have a saying, ''BP stands for Beyond Petroleum.'' They have made a corporate commitment to meet the Kyoto protocols as a corporation. We found that the World Business Council for Sustainable Development joined in the fight for a real target for investment in renewable energy. We had citizen advocates and nongovernmental organizations that were effective in holding governments accountable. They were able to cut through the secrecy and the backroom deals. They provided us with the best information about what was actually occurring, who was doing what. I think it is important to note that their reactions were anything but knee jerk. I think they were very sophisticated in terms of their analysis of trade, environmental practices, the impact on our globe as well as proposing simple, commonsense solutions that are actually within our power to implement. I personally came away from that summit surprisingly encouraged.

Yes, at times the problems seemed overwhelming: 325 million children not in school; 1.1 billion people without clean water; 2.4 billion without adequate sanitation. Yet amazingly progress is possible in sanitation, water supply, affordable housing and agriculture. The citizens from around the world and business leaders are moving in that direction. It is clear that we have the know-how, the skill to change current destructive practices and teach people how to help themselves. I was stunned by the potential resources that are within our grasp. For what Americans spend on cosmetics every year, we could largely meet the target for sanitation, saving millions of lives each year and promoting a more stable world. By reforming our costly, environmentally damaging farm programs, we could help poor farmers around the world while we protect the U.S. taxpayer, the environment and our family farmers, cleaning up, as we mentioned, the dirty coal plants as required by the Clean Air Act in this country, and I salute the gentleman from Maine's leadership to try to make sure the United States does something about it, would put us on track to meet the Kyoto goals. Simply by doing what we know how to do, spending money more wisely, following our own environmental laws and heeding the wishes of the public, we can save the planet.

The world summit, I feel, was an important step in pulling these pieces together and making them a reality. The United States is the world's richest country. As its biggest polluter, it has a special obligation and responsibility

to address these global environmental issues. I assure you that I am willing to work with you to make sure that we in Congress move in that direction.

Did the gentleman from California have any concluding thoughts?

Mr. FARR of California. I just want to thank the gentleman. I would love to see the leadership, the political leadership, elected leadership and the administration, would it not be wonderful if the electricity on the President of the United States' ranch was totally generated by solar power and that the vehicles that were driven on that ranch or were used were these hybrid vehicles as other countries have had. That is the kind of leadership. We need to demonstrate by our own actions as I have at home by using solar power to generate energy in my piece of property down on the Big Sur coast. That is the kind of leadership I think that the people are asking for, is demonstrate by your own use. My wife wants to get for our next car a hybrid car. I think each one of us can do our part. But at the same time we have to look and commend those areas, as I said, like California that has really moved on a huge scale to convert 33 million people into being energy-conscious, and to being environmentally sensitive.

I want to thank the gentleman for representing our Nation's viewpoint in the global conference in South Africa. I appreciate him and our other colleagues in this House attending that.

Mr. BLUMENAUER. I thank the gentleman from California. When we talk about leading by example in energy efficiency, does the gentleman from Maine have any experience?

Mr. ALLEN. I have done the same thing with a vacation property I have in Maine, which is convert to solar power. It is absolutely wonderful. We all need to take whatever steps we can. The gentleman from Oregon referred to the hybrid cars that exist. I do understand that Ford next year is going to come out with a hybrid. I have not seen it yet, but I understand they are working on one. It may be out next year. So there are going to be opportunities for the American public to save energy, save money and contribute to making this a cleaner planet.

I thank the gentleman very much for organizing this special order.

Mr. BLUMENAUER. I thank the gentleman for joining me.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5319

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent to have the gentleman from Florida (Mr. HASTINGS) removed as a cosponsor of H.R. 5319. The record should reflect that the gentleman from Washington (Mr. HASTINGS) was intended to be an original cosponsor of H.R. 5319.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Colorado?

There was no objection.

THE IRAQI SITUATION

The SPEAKER pro tempore (Mr. FERGUSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I found the previous speakers' comments interesting. In part their comments were accurate, but I should point out that when we talk about the Kyoto treaty, what they should bring to the attention of the body is that when it was voted on by the United States Senate, the vote was 99–0. 99–0. That was not all Republicans, that was Democrats and Republicans combined in the United States Senate. Not one vote in favor of that so-called treaty. Why? Because that treaty unfairly assaulted the United States of America.

Obviously we as elected representatives of this country want to stand in front of this body and stand in front of the American public and commit to do things that are better. We can do a lot more to conserve, everybody in this country, in this world, can do more to conserve and, frankly, conservation right now is going to get us a lot further than my colleague's suggestion that the President of the United States convert his ranch in Texas to solar power. Conservation is the answer right now. In the long run, solar power, in the long run energy from waves, in the long run energy from other sources is what is going to be the answer, but in the short time, sitting here and condemning the United States of America as some people might do or feeling that the United States of America should hang its head low is wrong. The leading technologies in the world on environmental control, on assisting us with stopping pollution, on making coal cleaner burning and so on, without a doubt the leading technologies in the world are developed by the scientists in the United States of America. There is no other country in the world that has helped more other countries with their environmental problems, assisting them, sending them financial aid, doing anything we can to assist, than the United States of America.

The United States of America has nothing to apologize about. The United States of America is committed to do things better. But I for one am tired of seeing foreign country after foreign country after foreign country bash the United States of America. And we see it come to this floor. Some of our colleagues, while well intended, seem to get up here and become apologists for the greatest country in the history of the world. This country, the United States of America, has fought for other countries, has gone overseas more than any other country in the history of the world to fight not for American land but to fight for other people in this world.

Who do you think led the battle in Bosnia? Who do you think got communism out of Europe? You can go to example after example after example. It is the United States of America. To see some of my colleagues, or to see people stand up and continually bash the United States and put a spin on it is discouraging.

Take a look at Berkeley University. I cannot even imagine. There is an actual debate at Berkeley University on the commemoration for September 11, whether they should allow red, white and blue to be worn. Not a flag, just the colors red, white and blue, whether they should be allowed to be worn on campus because it might offend somebody. The American flag might offend somebody, so maybe we ought to take it down. Come on. Give me a break. Patriotism in this country today is still very strong. This country has got a lot more things going right for it than it does wrong. This country will stand head to head with any other nation, not just existing nations today, but look in the history of the world, and I challenge my colleagues, look in the history of the world to find one nation that has done as much as this Nation has done for the poor people in the world, for hungry people in the world, gone to the defense of many, many nations in the history of the world, educated more people than any other country in the world, educated them to a higher level than any other country in the world.

And what is the biggest export of this country that no other country can match? In fact, cumulatively, if you put all the history of the countries together in the world, they do not even come close to exporting what the United States of America exports as its biggest item. What is that item? It is freedom. The United States of America has broken the ice. It has taken the lead. It has put the footprints in the sand for freedom. And we see that some of our citizens for some reason act ashamed of being an American. The beauty of freedom is that they can always move. If the beauty of this country is so bad that you do not think it can be improved or you think that you have to continually criticize this Nation, go somewhere else.

I am one of those people that likes to look at the good things that this Nation does. Look what this Nation has done for the world in the development of medicine, in the development of vaccinations, in the fight against cancer. We can go down a list of a thousand different items. You pick the items. And amongst the very top of doing positive things, of doing good things, is the United States of America.

2045

Many times, many times the United States of America, when nobody else would stand up, it is the United States of America that ends up standing up. It is the United States of America that is the first one out of the foxhole, and it has not come without cost.

Many years ago, remember when the United States put weapons on European soil to stop the Russian Communist machine from moving in? And not all the students, but a bunch of student protests were organized, frankly organized by professionals in Europe; and the European leaders got pretty fragile, and I understand it. They were under a lot of pressure, get American troops off European soil. Americans go home. Americans, you are not welcome. The doctrine of appeasement. Communism is not going to take us. Communism, Americans are trying to over-exaggerate the situation.

In fact it went to the state where de Gaulle calls Johnson, gets Johnson on the phone. ''Mr. President,'' he says, ''I want all American troops off European soil.'' And, as the story goes, President Johnson replies to Mr. de Gaulle, ''Mr. de Gaulle, does that include all of the American troops buried beneath your soil?''

America is a great country, but, once again, as we speak today, America will be called to a great task, a task not only brought to light by the events of 1 year ago on September 11, but a task that because of our strength, because of our capability to lead, the United States must answer the call; and it is not a small task, it is a great task, to which we have been called.

We have got to go out, and we have got to stop the proliferation amongst terrorists, amongst mad people, of these types of weapons that they are currently right now underneath our noses and in many cases with the knowledge of the world developing. So this evening I really want to focus my comments on our situation with the al Qaeda, and our situation with Iraq.

I do not know how many Members saw the headline today, what the al Qaeda said in the last few days, or at least it has now come to our attention. Pay very careful attention. Please, if you are doing something out there, colleagues, put it down. All I want, if you do not listen to anything else I say this evening, if you do not listen or do not remember anything else I say this evening, give me 15 seconds. That is all I am asking you for, 15 seconds. If this does not shake you up, I do not know what will. Give me 15 seconds.

This is the quote from the al Qaeda. For those of you colleagues out there, here is your 15 seconds. Take 15 seconds to look at this poster.

Let me read it. I was stunned when I saw this; not surprised, but stunned. Let us go through it. This is the al Qaeda, the leadership of the al Qaeda. This is not directed at the U.K.; it is not directed at France. It is directed at the United States of America, and, in turn, when it is focused on the United States of America, to our good friends overseas. And we have many allies overseas, and we have good allies overseas.

Do not be mistaken. Just because they are at the door of America's kindergartens today does not mean that they will not be at the door of your kindergartens tomorrow.

Look at what this says. This is why I want this 15 seconds: ''We are emerging stronger, and we will hit America. We will hit America's shopping malls, their stadiums and kindergartens. This is our promise. Al Qaeda.''

As I go on with my remarks this evening, I want to build a case for some of my constituents and for some of my colleagues who wonder whether or not we should not just kind of look the other way when it comes to the situation in Iraq.

Keep in mind that Iraq and the al Qaeda are comrades in arms. These people have one very strong common bond: they want to see the destruction of every man, woman and child, and keep in mind, child, kindergartners, of America. And when they are done with America, they will want to see the destruction of every man, woman and child in Canada. And when they are done with Canada, they will want to see it in France, and they will want to see it in the United Kingdom. They will want to see it wherever they can get it.

These people are mad people, but they are smart and they are intelligent. That is obvious by the strike they carried out against the United States.

This is a cancer we are dealing with. The people that speak like this, that carry out these acts, they are the equivalent of a horrible, fast-moving malignant cancer.

I spoke recently back in my district, and I said it is kind of like you are walking around and you go to the doctor, and the doctor says, ''We just did an x-ray, and inside your foot, you do not feel it, but inside your foot our x-ray tells us that you have a malignant cancer that is developing and spreading very quickly.''

You say to the doctor, ''Doc, my foot feels fine. I do not feel anything in my foot. I really do not want to face cancer.''

The doctor says, ''Look, in trying to attack this cancer we may very well have to amputate your foot, which means you will never run again. It is going to be a severe interruption in your life. It is going to interrupt your financial status. It is going to have an impact psychologically on you. And the chemotherapy that may be necessary may have to be very aggressive, and it too will interrupt your lifestyle.''

But you say to the doctor, ''Doctor, I do not have any pain in my foot. I did not come in to see you about my foot. You show me this x-ray, but, I don't know, I am not feeling the pain. I am not feeling the pain. I do not know whether I want you to do what you say you have to do with my foot.''

That is what we are dealing with here. We have got people in this country who say out of sight, out of mind. Do not be mistaken, Iraq is not an idle threat sitting out there. It is a very realistic threat that could happen today, it could happen tomorrow, or it could happen 5 years from now.

Saddam Hussein, keep in mind, I saw Bill O'Reilly tonight on TV, and Bill O'Reilly on TV was talking about a guy in jail in Texas that had allegedly killed 80 women, the most horrible criminal they have ever seen in their lives. Eighty women. It is a horrible person. All of us gasp at how horrible a person must be that commits these kind of murders. That is a serial killer. We all feel that way.

But, for some reason, when I talk to some about Saddam Hussein, when I listen to some of my colleagues, they hold that individual with higher esteem than they do serial killers within our own borders. And keep in mind what Saddam Hussein did. He invaded Kuwait. What did he do in Kuwait? They killed thousands of men, women and children in Kuwait in their invasion. His armies went in without provocation, and the reason his armies went in was to grab that oil in Kuwait.

And, once again, the country that I find more and more people apologizing for, or bashing, the United States of America is the one that led to the freedom and the liberation of Kuwait against a murderous tyrant, Saddam Hussein.

Keep in mind that it was Saddam Hussein for the first time, I think, and I am not a historian, a professor of history, but it was the first time I think that you had a coordinated assassination effort by the president of a country against the United States President.

Saddam Hussein, the evidence is absolutely clear, it was clear to the Clinton administration and it is clear to any law enforcement investigative agency, attempted to assassinate George Bush, Sr.; and it was only by a little luck that that assassination did not come off.

So we know that Saddam Hussein has killed thousands and thousands of men, women and children when he invaded Kuwait without provocation. That, standing alone, that standing alone ought to put him at the bottom of your list as far as respect or any kind of justification of why Saddam Hussein is still alive.

This guy is a bad guy. He is a malignant cancer out there. But Kuwait, if Kuwait is not enough, then take a look at what he tried to do to the President, our own President of this country, George Bush, Sr. If that is not enough, keep in mind our young men and women that are in the military, that are stationed in Turkey. Every day, almost every day of the week in the no-fly zones as designated by the United Nations, as agreed upon by Iraq, every day Iraq fires missiles at United States or allied aircraft in an attempt to destroy them. These aircraft are not flying out of their territory. They are flying within the territory designated as a no-fly zone by Iraq in joint agreement with United Nations. And yet for some

reason people are reluctant to take out Saddam Hussein.

Look at the people within his own country that he gassed. Look at the Kurds. You can list example after example after example of how horribly evil, how malignant Saddam Hussein is and why we have got to do something.

We do not have any choice here; at least we do not have any viable choice. I guess we do have a choice. We can pretend that these weapons that they are developing, that they would have never used them or will never use them.

Frankly, I do not think Saddam Hussein, certainly if he had nuclear weapons today, and we know he has biological weapons, and I am going to read you some information about that here in a few minutes, I really do not think that Saddam would use them against the United States of America today. I think he would use them against Israel, but I do not think he would use them against the United States. He is no fool. He is a smart man. That is what I said earlier. He is a smart man. He knows that if he used them against the United States of America and the United States was able to track down, which we could probably do pretty quickly, as to where those weapons came from, who used them against us, that we have the weapon capability to destroy Iraq within minutes. So he is no fool. He does not want to see the United States of America retaliate with a massive, overwhelming attack that would destroy his country.

So do not think that Saddam Hussein will probably use the weapons himself. What he will do with these weapons is he will give them out. He will give them to the people like the al Qaeda, the people that swear that they are not done with America, that they are going after our kindergartens. Notice they do not say they are going after the military; notice they do not say they will engage in open warfare. They are going to go to the shopping malls, to the stadiums, and to the kindergartens.

The thing for me in Oklahoma City, what appalled me, the whole thing was horrible, a criminal act, but what was especially embedded in my memory of Oklahoma City was the fact that they had that preschool in there and Timothy McVeigh and his coconspirators, they did not care that there were small children in the Federal building in Oklahoma City. They killed those children without thought.

□ 2100

But that number was in the tens and tens. These numbers, if these people continue to develop the weapons and are given the weapons by people like Saddam Hussein, the next time they tally a hit against the kindergarten like we see in Oklahoma City, we will see numbers in the thousands and tens of thousands. New York City was 3,000; the Pentagon was a couple of hundred. Those casualties are stunning casualties, horrible, tragic; but the next time, their goal will be to add another comma to the fatalities, to the ravage that they wield upon the United States of America or upon our allies.

Now let me say that this problem of Saddam Hussein is not something that just came up under the Bush administration. I am amazed, frankly. And this is a bipartisan effort that we have to make. But I am amazed at the position that the Democratic party has taken. I am amazed at some of the leading Democrats in the United States Congress, the demands that they are making upon President Bush, the implications that they are making upon the President, that somehow he is some kind of wild Texas cowboy that wants to start a war.

I am going to go through what President Bill Clinton, their favorite President, the President most strongly supported by the liberal community, I am going to go through some quotes that President Clinton said several years ago about Saddam Hussein.

This is a very serious problem we are dealing with. I have never been more, I guess, in deep thought or sober about a situation than I am about the situation that we face today on the international circuit with the al Qaeda and with Iraq. I am stunned. Obviously, I do not disagree at all that the United States Congress, it is our obligation to be engaged in debate and to be engaged in the public policy, and to be engaged in the declaration of any type of war that this country might engage in.

So the comments that I am making are not whether or not we should have public debate in the United States Congress. I think that is good. What I am talking about this evening are how all of a sudden some of the individuals who stood right behind Bill Clinton and urged President Clinton, and these are Democrats, urged President Clinton to take immediate action to adopt a war resolution against Iraq, have done a complete reverse, saying, well, President Bush is going to have to answer a whole bunch of questions. We are not sure. Where is the justification for taking on Iraq? Where 3 or 4 years ago they were standing side by side, shoulder to shoulder, demanding that President Clinton and supporting him: We have to go into Iraq. We have to do something about that.

That is not stuff I am just making up. I have it right here. Let us go through it a little. This is probably an appropriate time. Let us look at President Clinton here.

President Clinton understood the threat then. Now, I think there has been a little spin put on it. I noticed that the other day the President said, or reported, and the President did not say it to me, I did not hear it from his mouth, but the President said if we were to take on Iraq, Saddam Hussein, that he, the President, that he does possess weapons, and the concern would be that he would use those weapons.

If we take that out logically, what we are saying is we should not go against Saddam because he might use these weapons. That is exactly the kind of leverage that Saddam Hussein wants to have with the rest of the world, the doctrine of nonproliferation.

And keep in mind, it was the liberals, and I am not trying to assail a particular affiliation, but there is a clear line here as to our ideas and our policies. It was the liberals that said, look, nonproliferation; let us hope this cancer goes away. Let us pray it away. Let us have peace throughout the world.

There are a lot of these countries out there that, unfortunately, no matter how much we pray, and I pray, and prayer is good, but no matter how much we pray, no matter how many hands we offer, no matter what we do, they are determined to wipe us off the face of the Earth. And it is not an idle threat. It was not an idle threat a year ago on September 11, and it will not be an idle threat a year from now.

We have to face up to the fact that there is a malignant cancer, no matter how much we pray, and it helps, and no matter how much we hope, no matter how well our neighbor talks to us and says, look, things are going to be all right, and they hold hands and we have lots of hugs and lots of tears and lots of love; people come up and say, we are going to help you, and all of that; that is all good, but the fact is that evil devil of malignant cancer is still in us, and that is the problem we have right here.

This kind of thing, this kind of thing right here, ''We are emerging stronger, and we will hit America's shopping malls, stadiums, and kindergartens,'' that is a malignant cancer. We are not going to pray or hope that thought away. The only way we are going to be able to eliminate this threat is we have to take the fight to them.

Let us look at Bill Clinton's comments, the former President. I will read them: ''What if Saddam Hussein fails to comply and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop his programs of weapons of mass destruction, and continue to press for the release of sanctions, and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction.''

That was President Bill Clinton, February 18, 1998, 4 years ago; over 4 years ago; 4½ years ago those were the profound and well-spoken words, and right on point, of President Clinton. Does anybody in these Chambers believe that the capability, the destructive capability, of Saddam Hussein has reduced, has been reduced? Does anybody in here believe, really, truly in their hearts, that this madman has abandoned his weapons of mass destruction, which include chemical warfare and the attempt to get nuclear weapons?

We know in our hearts that he has not. We wish it were not true. Again,

going to the example, we wish in our heart we did not have the cancer, we wish it was not true, we wish we were having a bad dream, and tomorrow morning we could wake up and it would be a bad dream, but it is reality. We have a commitment. We have a solemn commitment to the American people that we are willing and able to stand up to the great task which sits in front of us, and that great task, of course, is to secure the safety of not only this Nation but our allies, as well.

I know we are getting a lot of bashing by our allies, and we have a lot of allies that say, look, do it on your own. This is a dirty job. This is going to require some dirty work. We have some fair-weathered friends out there, but nonetheless, they are friends. They do not want to get their hands dirty. They do not want to get out there in the battlefield. They want the United States to do it.

If the United States does it alone and succeeds, we will be criticized for having done it on our own. But the reality of it is, somebody has got to do it. We cannot continue to let this cancer fester, because if we do, they are going to be successful. Knock on wood, and with the blessing of God, they have not hit our kindergarten yet. But Members know that is one of their targets. That is what they have told us. The statement is clear.

Let us go through some history here: ''Administration rhetoric could hardly be stronger.'' This is an article, by the way, taken out of the Weekly Standard, the newsletter. ''The President asked the Nation to consider this question.'' This is President Bill Clinton: ''What if Saddam Hussein fails to comply, and we fail to act,'' as I said on the chart that I showed you, and this guy is allowed to continue.

This article goes on: ''The President,'' again, referring to President Clinton, ''His warnings are firm. If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow. The stakes,'' again, Bill Clinton, 4½ years ago on Iraq, ''The stakes could not be higher.''

This is a quote from Bill Clinton: ''Some day, some way, I guarantee you he will use the arsenal.'' That is 4½ years ago, and our President ably and quite accurately recognized the threat. I can tell the Members that several of the leading Democrats, the Democrat leadership, got right behind the President in regard to the statement.

Yet those very leaders today are questioning President Bush: He is overreacting, he is overstating, he had better have the evidence to prove all of this. What a 360-degree or a 180-degree turn in the last 4½ years.

Let me continue on. Those are not the words of President George W. Bush in September of 2002, but of President Bill Clinton on February 18, 1998. Clinton was speaking at the Pentagon after the Joint Chiefs and other top national security advisors had briefed him on U.S. military readiness. The televised speech followed a month-long buildup of United States troops and equipment in the Persian Gulf, and it won applause from leading Democrats on Capitol Hill.

But just 5 days later, Kofi Annan, with the United Nations, struck yet another deal with the Iraqi dictator which once more gave the United Nations inspectors permission to inspect, and Saddam won again. Of course, much has changed since President Clinton gave that speech. The situation has gotten worse.

''Ten months after Saddam accepted Annan's offer, he kicked U.N. inspectors out of Iraq for good. We complained and the United States bombed a little. Then we stopped bombing. Later we stepped up our enforcement of the no-fly zones. A year after the inspectors were banished, the United Nations created a new toothless inspection regime. The new inspectors inspected nothing.''

If Saddam Hussein was a major threat in February of 1998 when President Bill Clinton prepared this country for war, and United Nations inspectors were still inside Iraq, it stands to reason that in the absence of those inspectors monitoring this weapons buildup, that Saddam is even a greater threat today.

Now, keep in mind the history that we have seen with the Germans, for example, in World War I. The complaints that we see coming out of Iraq, oh, this is the proprietary area of our borders, for protection of our country; we should not be forced to have inspectors in the country; they are picking on poor old me; well, look at the arguments against inspections, although Germany agreed to it after World War I, as compared to what Saddam Hussein. And by the way, he has agreed to all of this. He signed a compact never to have these weapons in the history of his country.

But compare that back in history with after World War I, what the Germans did, and what the European response was to the Germans. It was a doctrine of, well, we are picking on him. We really should not be inspecting this country. We really ought to respect their borders. We ought to take them on their word, or make them promise. But U.S., you are exaggerating.

What was happening? The Germans were building up their gas munitions. We all know what happened a few years later when the Germans utilized these things. That is what is happening here, and that is what this article says.

The quotes that we have been giving, with the exception of this, this is not from 1998, this is very recent, but the quotes were from President Bill Clinton. He recognized the threat in 1998, and so did the Democratic leadership. Why is it that in 2002, the Democratic leadership is pretending as if none of this has occurred? They are making demands upon President Bush that they never made upon President Clinton.

I think every President has an obligation to their Nation, and I think they are constitutionally required to justify taking this country into a military action. After all, we are asking our sons and daughters to go in in defense of this country and to take an affirmative action against another country where the probability of loss of life is very high. We ought to meet the highest of standards.

But it is my position today, and I think it ought to be Members' positions, that those standards have been met for some time; that right underneath our nose we have a man who has cooperated with people like al Qaeda; a man who invaded another country and killed thousands and thousands of people; a leader, a man who poisoned and gassed his own people; a man who, almost on a daily basis, fires missiles against American and allied aircraft. We know what he is doing. We are meeting the standards that demand that America do something about this.

I would hope that our allies come on board. I would hope we get assistance from our allies. We cannot turn a blind eye to a malignant cancer, and we cannot turn a blind eye to Saddam Hussein.

□ 2115

You cannot do it. It will always come back to get you, and it will be your kindergartens that will suffer in the future if we do not respond affirmatively today.

Now does that mean we send in more inspectors? The only way you should send in more inspectors is on a time basis and those inspectors have unconditional entry into that country and they can go wherever they want in Iraq and do whatever kind of tests are necessary to run to ascertain that these weapons are, in fact, not in existence. I doubt seriously that that will occur.

Now, Iraq, by the way, may say, just to stall, they may say, okay, we will agree to it. But a week later you will find that there is a flat tire on the bus, that they are not going to let them go where they need to go. We cannot continue to fool around with this malignant cancer. We have got to sit up to reality. We have got to face reality. We have got to aggressively attack this cancer.

Now, I am not a military expert. I do not know what the military strategy should be. But I do know this, diplomatically we have not achieved the goal of concurring the cancer. It is like saying to a patient, I know you have prayed very hard about this. I know you have got a lot of family support in fighting this cancer. I know you have got a lot of hugs. I know that you have changed your diet. But the fact is the malignant cancer is still in your foot and it is aggressively moving up into the rest of your body. You face a very tough decision. It will inconvenience your life. But in the long run, it is the only decision for the preservation of your life that you can make, and that

is that you have got to accept the reality that it is there, it is moving and it will kill you.

It is the same thing with Iraq. It is there. They are developing and have in their possession weapons of mass destruction and they will kill us. And if they do not attempt to kill us, they will give it to people like the al Qaeda that will carry this out. They do not care about our morality, values and our respect for our children and the preservation of life. That is obvious by their acts of September 11.

Let me continue with a few comments. Summing up the Clinton administration argument, Senator DASCHLE said, ''Look, we have exhausted virtually all our diplomatic efforts to get the Iraqis to comply with their own agreements and with international law. Given that, what other option is there but to force them to do so? That is what they are saying. This is the key question. And the answer is we do not have another option. We have to force them to comply and we are doing so militarily.''

That is from the majority leader, the Democratic majority leader, the president of Senate. All of the sudden that is not what we are hearing today.

Let me continue. ''JOHN KERRY was equally hawkish. 'If there is not unfettered, unrestricted, unlimited access per the United Nations' resolution for inspections and UNSCOM cannot in our judgment appropriately perform its functions, then we obviously reserve the rights to press the case internationally and do what we need to do in order to enforce those rights. Saddam Hussein has already used these weapons and has made it clear that he has the intent to continue to try by virtue of his duplicity and secrecy to continue to do so. That is a threat to the stability of the Middle East. It is a threat with respect to the potential of terrorist activities on a global basis. It is a threat even to regions near but not exactly in the Middle East.'″

These are comments made by leadership of the Democratic Party in 1998; and yet today when you read the paper, well, we should defer this decision until after the elections, as if Saddam Hussein schedules his development of weapons of mass destruction, he sets them so that they are convenient with our election dates in this country.

It amazes me that with these kinds of threats in existence, with the knowledge that we had in 1998 that we know has not changed in 4½ years, in fact, has only increased, that we have hesitancy, that we have hesitancy by some of these very leaders that advocated action in 1998, not to do action in 2002 or to delay it and wait and wait and wait. Maybe the doctrine of appeasement does not work. The fact is we have to deal with it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. FERGUSON). The gentleman will refrain from casting reflections of sitting Members of the Senate.

Mr. MCINNIS. Let me finish off this article with this quote from President Clinton in 1998: ''We have to defend our future from these predators of the 21st century.''

This is President Clinton I am referring to.

Let me repeat my comment. From President Clinton: ''We have to defend our future from these predators of the 21st century.'' To leave the quote for a minute, I absolutely agree 100 percent with what President Clinton was saying here. He was right then and George W. Bush is right today.

Continuing: ''We have to defend our future from these predators of the 21st century,'' he argued. ''They will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow that to happen. There is no more clear example of this threat than Saddam Hussein.'' And as the article says: ''What more do you need to say?″

Now, we have taken some steps and we have taken some bipartisan steps, our missile defense system. The President has made commitment and we, as a Congress, have increased significantly the budgets, our military budgets, our defense mechanisms, but here is our biggest weakness. We have a very large Nation geographically. It is very tough to defend these borders. For example, shipping containers that come in. We cannot inspect even close to the number of shipping containers that come into this Nation every day. It is kind of like having a village in the mountains and from somewhere on the mountain every day you got a sniper, somebody shooting into your village. You cannot possibly put up a wall to stop these bullets from coming in. Every day that goes by the sniper fires another shot into the village.

At some point the village has to decide we cannot defend our perimeter. We will have to take the fight to them. We will have to go up on that mountain and find where that sniper is.

That is the situation we face here today. We cannot just retract on our borders within the United States, as some of our allies may suggest, that the United States is poking their nose into somebody else's business. Well, it became everybody's business after September 11. And what President Clinton accurately forecasted in 1998 came into place on September 11, 1 year ago.

The time of being able to just sit comfortably here and hope that it was not happening out there or enjoying the privilege of the fact that it had not happened within the borders of the United States for a long time, assuming that Pearl Harbor could go into that classification, and it does, those days are gone. We now have to engage in this fight, and we have to engage in this in every way possible.

I am not condemning diplomatic pursuit of some peaceful resolution. I am not condemning using prayers if you are trying to fight cancer. I think it is very, very helpful. And I think diplomatic efforts are very, very necessary. And I am not saying that we should not have congressional debate. I think it is constitutionally required. I think it is healthy for this Congress, for the people who have elected us to represent their views to have that type of debate.

But what I am saying is we cannot dilly dally around. We cannot any longer afford to ignore the fact that the malignant cancer is out there. We cannot afford to debate the accuracy of the x-ray very long. The x-ray tells us there is cancer. It told us we had cancer 4 years ago when President Clinton very accurately said what he has, what Saddam Hussein had, and what Saddam Hussein, by the way, supplies to the al Qaeda. We know it is there. And it does not do us any good in my opinion to continue to try to pretend it is not happening, to try to pretend that there is some clean way to handle this, that we can call Saddam up on the phone and say, Knock it off. What are you doing? Put those weapons in the closet and quit doing this and live peacefully with the rest of the world.

They have no intention of doing anything but destroying as much of the rest of the world as they can. And at the top of their list are our kindergartens. Every mother and father in America should be in a state of absolute dismay and anger today after this quote was released yesterday about targeting kindergartens. These are kindergartens in America, kindergartens in the United States. Some of us knew that, obviously, we think they will target some of these other areas; but for them to come out and say, your kindergartens, that is what we will target in America, that ought to wake everybody up.

The time for a debate is rapidly approaching. We should have a resolution on this floor as quickly as we can get a resolution on this floor. Our allies that belong to the United Nations ought to wake up, a lot of them are; but they need to come to the table too. America does not want to do it alone. America can do it alone, but America wants to be a partner. And I will tell you, our partnership, whether it is France, whether it is Hamburg, Germany, whether it is in Poland, all free-loving countries in the world are under the threat of this cancer of Iraq and the al Qaeda. And we, frankly, despite my criticism today or my expression of dismay by some of the remarks we see coming from our European allies, I do want to take a moment to tell you that as most of you know our European allies have assisted us in many ways with this fight against terrorism. But for some reason, I am a little baffled by the fact that we cannot get them to come over to this side of the line to face the reality of the threat that Iraq has against the world.

It is the United States today. Sure, that is their number one target, the United States and Israel. But I can assure our allies it is like the big bad

wolf. It is at our door today, but it will be at your door tomorrow. And we have to team up. This partnership has to stay together. This partner, the United States of America, does not want to take Iraq on by itself or take on the war against terrorism. And our partners have come to the table in large part against the war on terrorism. But they are not coming to the table like they ought to be on Iraq. And it is time for this partnership meeting, for us to cut to the chase, to get down to the work that has to be done, and it is dirty work and it is a large task in front of us; but if we do not do it today, we will have let down, in my opinion I do not think it is too strong a word to use the word betrayed, we will have betrayed future generations by knowingly allowing a threat to be built of nuclear weapons, chemical weapons, biological weapons, to knowingly let that threat and those weapons be built by a mad man with the kind of commitments they have made to target our kindergartens and we do not take the fight to them.

It is inherently a responsibility of those of us in Congress to debate this. I do not argue that, I said that earlier. But as inherently, as strong as the debate is to get that debate completed and to move in a unified fashion as this Congress and as the United States Senate signaled it would with President Clinton in 1998, and the threat has only grown greater.

I think it is time for both of these Houses to come together in 2002 and move against the cancer that exists out there as a threat against the borders of this country, and as I have said, against the borders of our allies wherever they might be located throughout the worlds.

So I would hope that in the next, I hope in the very immediate future, I know that the President is going to the United Nations this week, I hope our allies in the United Nations and the people of the United Nations understand what a threat this malignancy is out there, understand how unsuccessful we have been to convince through diplomatic efforts, through inspections, through economic sanctions, through no-fly zones, how unsuccessful these efforts have been to get Saddam Hussein to stop proceeding with these weapons, what the ramifications are of these weapons.

□ 2130

Do my colleagues think that the al Qaeda, if they would have had nuclear weapons within their hands, do my colleagues think they would have used aircraft on September 11? They would have used nuclear weapons.

Do not forget, this country suffered an attack, a chemical attack, anthrax within days of September 11. We got hit with a chemical, with a biological attack against this country. Do my colleagues not think if the al Qaeda did not have that in their hands in sufficient quantities that they would not have used that? They were probably surprised that the World Trade towers collapsed. We know from the video that we have seen, they were elated by the success of their attack, but this only set the base for the al Qaeda. This only sets a base for countries like Iraq.

The next attack, they want to make sure those casualties, children, women and men, they want to make sure those casualties are many, many multiples of what September 11, the horror that September 11 brought to this Nation.

As I said at the beginning of my remarks, I am trying to think of my history. I have been in Congress 10 years. The horrible fires we suffered in Colorado this year, all of the different things, big issues that I think over these last few years we have dealt with, I cannot think of anything that is of a more of a threat, that has more serious future consequences than the international situation that we face today. Not the economy, not the impeachment several years ago, not the fires. We have got to go after that cancer that has centered itself in Iraq and has spread to al Qaeda and throughout rest of the world.

Again, at the conclusion of my remarks this evening, let me repeat what President Bill Clinton said 4½ years ago. President Clinton, ''We have to defend our future from these predators of the 21st century,'' he argued. ''They will be all the more lethal if we allow them to build arsenals of nuclear, chemical and biological weapons and the missiles to deliver them. We simply cannot allow that to happen. There is no more clear example of this threat than Saddam Hussein.''

I will wrap up my comments with 15 more seconds. I would ask my colleagues to take 15 seconds and read the poster, and once again, what more of a threat, what more of a warning do we need, do we need as a Nation than exists out there today? If in 1998 what Saddam Hussein did in 1998 was not enough, then was September 11 enough? Then was the acts of aggression against Kuwait enough? Was the assassination against Bush, Senior enough? If that was not enough, if all of that was not enough, this statement standing alone, this statement standing alone ought to be enough to bring all of us to bear arms to assure the security of this Nation and our friends throughout the world.

DEFENDING OUR BORDERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I join my colleague from Colorado tonight in raising some concerns about the present situation in which the United States finds itself in terms of its relationships around the world, and as we all know, we are about to begin the debate on one of the most serious, perhaps more, in fact, the most serious topic that can ever confront this or any legislative body, and that is, whether or not we should commit the young men and women of this Nation who have valiantly volunteered their services to the defense of the Nation, whether we should commit them into harm's way in a far-off land in a war that could certainly become catastrophic in its dimensions.

We do not know, of course, how to plan for its outcome except to say that we do know that it will be fought, if, in fact, we engage in this thing, it will be fought by brave men and women who have always, as the President said, made us proud. If we commit those precious resources to the task at hand, the task that was laid out by the gentleman from Colorado (Mr. MCINNIS), then it appears to me we must do everything humanly possible, everything humanly possible to protect and defend them in their duty and to protect and defend the people of the United States of America. That is, after all, our primary responsibility, our raison d'etre, our reason for being.

The Federal Government has assumed many responsibilities over the years since the Constitution was written, and we have assumed those responsibilities sometimes, I think, without regard to what constitutional restraints were so clearly identified by the Founding Fathers. We are involved in innumerable activities, programs and sponsorships that were never, ever contemplated by the Framers of the Constitution, but the one thing that we must carefully consider is the responsibility that we were given to protect and defend the people and the property of the United States of America.

I can be persuaded by the gentleman from Colorado's (Mr. MCINNIS) arguments that our interests, our vital interests do, in fact, demand that we take a preemptive strike. I should say that we take preemptive action in Iraq. I can be persuaded that that is possibly the case. I must admit, however, that I need more information personally to cast a vote about which I have absolutely no misgivings if I am going to be voting to send sons and daughters off to war because I, I am sure like hopefully most of our colleagues in this body, will consider this in the following fashion.

Do I believe personally that this problem we face, that the threat that we face in the United States is so great that I am willing to send my son off to war, not just vote to send someone else's son or daughter, but am I willing to do so myself? This is a very high standard, and it is one that I believe every single Member must establish for themselves, and I can be persuaded that it is necessary to do so.

I must say that in this deliberation, there is something that is being left out. When people, even the President of the United States, says things like we will do everything necessary to defend the interests of this country, I like

hearing it. I want to believe it. I want to believe that we will, in fact, do everything necessary to protect country, and while that might very well be to send men and women to Iraq, or places far flung all over the world, it is also completely logical, self-evident, that what we must do even before we do that in order to protect and defend the people of this country, what we must do is to defend our own borders, and this, I suggest, has not been done and is not being contemplated.

Over my August district work period I went to the borders and went to the southern and northern borders of the country. I first went to Arizona and then on to California where I observed firsthand the problems that we face on those borders, and let me say, Mr. Speaker, that the face of illegal immigration into this country, people coming across our borders without our permission or without our knowledge, the face of illegal immigration in my district, in Littleton, Colorado, perhaps the Chair's in Arkansas, but the face of illegal immigration in my district is one of a benign activity for the most part, people working menial jobs, for the most part in restaurants and landscaping activities, and people we say to ourselves, well, yes, they are here illegally, but after all, they are just trying to make a living.

The face of illegal immigration on the border, on our borders with Mexico and on our borders with Canada, that face is much, much uglier. That is the face of drug smuggling, of murder and of people coming into this country for the purposes of doing us great harm. That is what we see when we actually go to the border before it becomes diffuse throughout the land.

I visited the Tohono O'odham Indian reservation where they are under siege, and I mean that in the most literal definition of the term. They are under siege. The Tohono O'odham Indians have a 76-mile border coterminous with Mexico. Across that 76-mile border come 1,500 illegal aliens a day, and they are not just people coming for the good life. They are not just people coming to work at some sort of menial task in the United States, a task that ''no American will take'' and send their money back home, in this case to Mexico for the most part.

They are coming into the United States, many, in fact, perhaps even a majority, of the people coming across that border a day, 1,500 a day, it is estimated that well over 1,000 are involved with the drug trade and they are bringing with them literally tons of illegal drugs every single day. They have, in fact, put this Indian reservation into the status of being a captive nation. They have taken over two of the small communities in this reservation. When I say taken over, what I mean by that, I mean that they have threatened or coerced or bribed or addicted so many people in these two communities that they are essentially now nothing more than extensions of the drug trafficking of several Mexican cartels.

□ 2145

I met with people who told me that they are afraid to go out on their street at night; that they cannot let their children out. I saw 5-year-olds who were stoned, who had been given drugs. Their parents had been given drugs in order to coerce them and/or entice them, is perhaps the better word in this case, into becoming part of the drug trafficking network established by these cartels.

I saw the devastation to this particular Indian reservation. They are begging for help. As they say, their way of life is being destroyed. The vandalism, the robbery, the rapes, the incidence of all these things has gone up dramatically. Just one aspect, the trash alone that is hauled in and discarded by 1,500 people a day coming into their reservation is enormous. Where, may I ask, is the Sierra Club when we need them? Where are the Friends of the Earth? Where are all of the people who decry the devastation of our, of the natural habitats around the country and around the world? This Nation's natural habitat, their ecology is being destroyed by illegal immigrants coming across that border.

Hundreds of thousands of plastic water bottles, clothing, trash of every kind and description, discarded everywhere along their path. People racing through their communities, either trying to escape the border patrol agents or simply trying to make their way north have endangered the lives of their children so that they do not allow their kids to go outside and play. What I have just described, Mr. Speaker, is the face of illegal immigration on the border.

One of the things that they told us when we were down there is that it is not just Mexican nationals coming across now, but a dramatic increase, they have witnessed, in what they refer to as OTMs, or other than Mexicans. A dramatic increase in the number of Chinese coming through, a dramatic increase in the number of Asians from countries all over that part of the world, a dramatic number of Middle Easterners coming through. For what purpose, I would ask?

Does anyone think these people are coming across in order to get landscaping jobs? Are the Middle Easterners that are coming across that border illegally looking to work in restaurants as dishwashers, cooks and servers? In my own State, and in my own city, the biggest gang element is Asian. And they are quite predominantly illegals. But beyond that, what, we may ask, I think, are the Middle Easterners coming in for? What are they doing here? Why are they coming in illegally through Mexico?

Now, I suggest that there is a great possibility that they are coming in for purposes that are heinous. I do not know that. I have not been able to interview them because, of course, they come through without the slightest bit of intervention on our part. We do not stop them. We cannot stop them because we have no resources in place to do so. And even when we do stop them, even when they are interdicted farther inland, farther up into the United States, and when the INS is called and told we have a lot of people here in a van, in a truck, in a house, we have a lot of people here who are here illegally, the INS tells the local law enforcement agents, let them go, we do not have time. We do not have time.

Twenty-five illegal aliens were caught in a tractor-trailer truck in Dallas on July 27. The INS initially detained several, then released even these and ''paroled them'' into the United States. They have an automatic parole process. The INS can do this. The INS can say we will parole these people we have just caught, let them go, and then we will send them a letter later on telling them to report for their deportation hearing.

Now, this would be laughable, of course, if it were not so dangerous. This is a Saturday Night Live skit. ''Here is your letter. We know you have snuck into the United States, so please report in 6 months to the following location for your deportation hearing.'' Right. ''Thank you. Of course, I will.'' They actually call these letters ''run letters.'' What they mean by that is that when the people receive them, of course they run. They go away. They do not go back to their country of origin, they run into American society.

Now, if we are so concerned about the possibility of a terrorist attack on the United States, which is the only thing we have heard again and again and again from the leadership, from Members of Congress who support our efforts, support the President in his desire to depose Saddam Hussein, if we are so concerned about that, and believe me, I am, then why would we not take just as much, no, not just as much, why would we not take even more care and concern about our own national borders?

On August 4 in Rogers County, Oklahoma, State troopers caught seven aliens who admitted they were illegally present in the country. The INS again would not pick them up and remove them.

During the Memorial Day weekend in New York the INS reportedly ''did not want to be bothered,'' so they refused to take custody of several Mid Eastern illegal aliens. Local police officers had caught them at the Brooklyn Battery Tunnel during a terror alert. I remember this incident, Mr. Speaker. They actually had these people in custody. These were Mid Eastern illegal aliens. They called the INS. It was Memorial Day weekend, and so the called was routed from New York, because no one was at their workstation, it was routed to Vermont, where the person answering said to the police in New York City, ''let them go.''

These are just a few of the literally hundreds, if not thousands, of cases like this that I could relate to the body

tonight. With all of the talk about the need to increase our efforts of vigilance and be careful about things we see and things we hear, with all of that, and with all of the efforts being made now to extend the war against terrorism beyond Afghanistan and into other parts of the Middle East, it is amazing to me, it is incredible to me, and it should be to every single Member of this body, that we leave our own borders undefended.

Does anyone believe for even a second that should we prosecute this war in a more aggressive fashion than is presently the situation that there will not be some reaction on the part of the people, specifically Saddam Hussein and al Qaeda and fundamentalist Islam? We are told that if we go into Iraq, we must be concerned about the ramifications throughout the Middle East; that perhaps other countries with governments more friendly to the United States may fall as a result of having internal dissent because the phenomenon of fundamentalist Islam is so pervasive in these countries. We are told that that is what we must watch out for, what we must be careful of. But we are not told, and there is no precaution being made right now, for our own security within this Nation. We know there will be a reaction. What will that reaction be? Does anybody think it will simply be confined to the Middle East?

Now, everyone knows, certainly Saddam Hussein knows, that he cannot win in a conventional war against the United States. He can make it bloody. He can make it ugly. But he cannot win. He knows that. The world knows that. What makes us think for a moment that we will be left unscathed in the United States if we embark upon this path of action in the Middle East? Certainly the possibility exists that al Qaeda agents, that fundamentalist Islam will react in a way so as to increase the number of people that they already have in the United States, the cells that are operating here, that we are told by our Justice Department are operating, that are here in the United States and are ready to go into action at a moment's notice.

We know there are cells operating in Canada. We know there are cells operating in Mexico. Why is it not the most logical thing for us to say, well, we have to be careful here. Before we even go into Iraq, we must secure our borders. The reason, I fear, Mr. Speaker, that we do not do that is because, as Governor Ridge said, right there in the well of the House, to a question posed to him from, I think, this microphone about his reluctance and the reluctance on the part of the administration, and in fact most of the Congress, I suppose. No, I should qualify that, because the House has in fact passed an amendment to the defense authorization bill allowing for the military to be used on the border, and we have done that year after year after year, but it has failed in the other body. But when asked why we have not used all of our resources to defend our borders, including the military, Governor Ridge said there are political and cultural reasons why we cannot do so.

Well, there may be political and cultural prices to pay. I do not even know what he meant by cultural reasons. I do know what he meant by political reasons. We are concerned that if we in fact secure our borders and prevent people from coming into the United States illegally, we will in some way or other jeopardize our relationship with the government of Mexico and that we will simultaneously lose votes from Mexican Americans who somehow feel that this is a personal affront if we try to defend our own borders.

□ 2200

Mr. Speaker, I do not believe that for a moment. I do not believe Mexican-Americans are any less concerned about the safety of themselves and their families than any other group of Americans. I believe that a case can be made to them and to every single person in the United States as to why it is imperative that we secure our own borders. I believe we can do that. I believe that we will benefit as a result in terms of the politics, but whether we do or do not benefit politically, who cares. Is it not our absolute and total responsibility to do so?

There are cultural and political reasons why we cannot defend our own borders. I wonder how if there is another event of some great magnitude, which we all anticipate, which we hear every single day is a distinct not just possibility but probability, and if this is perpetuated by someone who has entered this country illegally, and/or people who have been recruited into a terrorist network by people who have come here illegally, I wonder what we will tell the spouses, the sons, the daughters of those people who are killed in that event.

We will make many, many speeches about how heroic their loved ones were, how heroic the efforts were of the people who tried to save them. Will we also say, I wonder, that there were political and cultural reasons why we could not protect them? I do not know how anyone could look into the faces of the people whose loved ones have been lost in an event of that nature and say those words. But say them we would have to if we follow the path we are on today.

The President has just submitted an action plan in which he calls for smart borders, and there is quite a lengthy list of things the administration has proposed: biometric identifiers, permanent resident cards, single alternative inspection systems, refugee and asylum processing reforms, handling of refugee asylum claims, visa policy coordination, air preclearance, advanced passenger information, joint passenger analysis, a lot of stuff about customs and how to bring goods into the United States; and I applaud them all.

I do not for a moment suggest that these are not good and salutary measures to take; but I look in here, I look in vain for the most important measure we can take to create a smart border, and that is to put the military in place to defend that border. Right now we cannot do that. We cannot do it with the Border Patrol. They are inhibited from actually achieving the goals of securing our borders by the fact the administration, the INS, is incompetent and completely unmotivated to act in this particular capacity. They are restricted by a myriad of laws we have passed here, confusing, conflicting laws, allowing for people to be retained in this country even after they have been found to be here illegally. We have refused to provide the resources necessary to actually secure the borders for one reason and one reason only: because it is politically and culturally unacceptable.

Well, I do not know who it is culturally unacceptable to. I do not know who it is politically unacceptable to, but those are not legitimate reasons for abandoning our own defenses. And no matter how much we do in the Middle East, no matter how many resources we put into accomplishing the goal of deposing Saddam Hussein, no matter what we do around the world to increase the number of countries that would be categorized as democracies rather than dictatorships, we will be at every step of the way in that process putting our own people in greater and greater danger if we do not do everything possible to secure our borders.

I, of course, cannot promise even if we do everything I have asked for, even if we completely reform the INS, even if we give Border Patrol agents greater authority and ability to actually do their job, even if we put military on the border, I cannot promise that someone with malicious intent cannot or will not get through; but at least I can say we did everything we can do, which is living up to the President's admonition to us, that we must do everything that we can do. That includes defending our own border.

What an amazing world we live in. What an interesting and incredible dilemma we face. We are told every day that it is a war that we are in, a war for our own survival, that America's way of life is at stake. What nation can we think of in history that knowing that that is the situation they face, have not in fact done the most obvious thing to try to protect themselves? What this demands is leadership. It demands that the President of the United States tell the people of the United States what needs to be done, even if there is a political price to pay.

Mr. Speaker, I suggest that it would not be a negative reaction politically. I suggest that the people of this country are yearning for and desiring him to establish the exact nature of the conflict and also the exact way in which we are going to defend against it. They are hoping that he will say to them that

we will in fact secure our borders, and this may mean that we will not have the opportunity to hire cheap labor or recruit people into a political party as new voters. But nonetheless, it has to be done, along with all of the other things that have been outlined by the President, with which I agree and for which I commend him. The border must be secured.

I ask, no, I beg the President of the United States to use his power, to use his executive authority to do just that: protect our borders; order the military to the border, allow us to use the expertise and the technology and the manpower we have available to us on our first line of defense.

I mentioned that I went recently to the Mexican border, but I also shortly thereafter went to the Canadian border, a little town called Bonner's Ferry, Idaho, where I witnessed a very interesting activity. At the time I got there, there were 100 Marines stationed there just to see whether or not they could in fact coordinate their activities and help the Border Patrol and the U.S. Forest Service and the customs agency control the northern border because I assure Members, although I have spent a great deal of time talking about the southern borders, I assure Members that the problems are just as large on the northern borders.

There are over 20,000 Muslims living in Calgary, Canada, which brings into the United States component parts of methamphetamines. They are sold and the proceeds go back to the Muslim groups in Canada, and the money is used to finance terrorist activities throughout the world.

Osama bin Laden, because of Canada's peculiar process of establishing who is or is not a refugee, Osama bin Laden could land in Ontario, claim he is Omar the tent maker, not show any identification, and walk immediately into Canadian society, and, of course, shortly thereafter walk unfettered probably into the United States.

The problems up there are significant. So there are 100 Marines, and I do not know the genesis of the stationing of these people on that border. I do not know if it was part of a larger strategy or not, but they were using three UAVs, unmanned aerial vehicles, more often commonly referred to as drones, and a couple of radar stations that were to help identify people coming across that border illegally. It worked. The Marines told me that it was the best training they had ever received because it was real time, real bad guys, and very difficult terrain.

We need the resources of the military. We do not have to put people arm in arm along 4,000 or 5,000 miles of border. We have the technology to aid in this. I saw it with my own eyes. It can work. We can make our borders very secure, not perfect but much more difficult to cross illegally than is presently the case. We can do it. The only thing we do not have is the will to do it.

□ 2215

We unfortunately create a facade, a Potemkin Village. Prince Potemkin used to put up facades along the villages in his area and when Catherine the Great would sail down the river, she would see these beautiful villages. But behind these facades, of course, it was abject poverty. That is where the phrase Potemkin Village comes from. In a way that is what we have created or we have tried to create on the borders. We have increased the number of border patrol. We have established something called smart borders. We have told Americans that we are doing what is necessary to defend our borders, but it is nothing more than the creation of a Potemkin Village along the borders. They are just facades. They are not true defense mechanisms. Because what we are trying to do is to pretend to the American people that we are taking our responsibility of border defense seriously while at the same time assuring that people can come through illegally in order to, quote, take the jobs that no one else will take and in order to increase the ranks of political parties in the United States that benefit as a result of massive immigration, one particular political party, of course, the Democratic party, and the fear that if we actually got tough on the borders, there would be a political reaction. And there would be certainly outcries by immigration advocacy groups, especially immigration lawyers. They would raise Cain.

But is our responsibility here to pander to those political extremists? Or is our responsibility to protect and defend the people and the property of the United States of America? Again what a strange world we live in, whereby we can be talking about going off to war, recognizing all of the danger that that entails for the people we are sending but also for the people who are here, the people who remain, and not do anything to protect us. What an amazing situation.

Mr. Speaker, I hope and pray that our words, our admonitions, our concerns will be heeded by our other colleagues and by the administration. The stakes are so high, the risks are so great that we cannot possibly avoid doing what is right even at our own political peril should that be the case which, as I say, I do not believe for a moment would happen, but even if it did, that is what is required of us here, to do the right thing, even if it is politically or culturally problematic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. VELÁZQUEZ (at the request of Mr. GEPHARDT) for today, September 10 and 11 on account of personal reasons.

Ms. WATERS (at the request of Mr. GEPHARDT) for today and September 10 on account of business in the district.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of activities in the district.

Mr. WELLER (at the request of Mr. ARMEY) for today and until noon September 10 on account of medical reasons.

Mr. HASTINGS of Washington (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. JEFF MILLER of Florida (at the request of Mr. ARMEY) for today and September 10 on account of congressional business.

Mr. WAMP (at the request of Mr. ARMEY) for today on account of family reasons.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mrs. NORTHUP, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 12.

Mr. PAUL, for 5 minutes, September 10.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 351. An act to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of

mercury, and for other purposes; to the Committee on Energy and Commerce.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5012. An act to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 9, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 5012. To amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 10, 2002, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8916. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, ''Assessment of the Cattle and Hog Industries'' for Calendar Year 2001, pursuant to Public Law 106—472, section 312(e); to the Committee on Agriculture.

8917. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand [Docket No. FV02-989-6 IFR] received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8918. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Papayas Grown in Hawaii; Suspension of Regulations [Docket No. FV02-928-3 FR] received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8919. A letter from the Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service [DA-99-04] (RIN: 0581-AB59) received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8920. A letter from the Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Mideast Marketing Area; Interim Order Amending the Order [Docket No. AO-361-A35; DA-01-04] received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8921. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Removing Dancy and Robinson Tangerine Varieties from the Rules and Regulations [Docket No. FV02-905-3 IFR] received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8922. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Relaxation of Pack and Container Requirements [Docket No. FV02-920-3 IFR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8923. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period October 1, 2001 through March 31, 2002, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

8924. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General and classified annex for the period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

8925. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John A. Van Alstyne, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8926. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Gary S. McKissock, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8927. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Raymond P. Ayres, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8928. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Michael J. Williams, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8929. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Dennis V. McGinn, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8930. A letter from the Deputy Secretary, Department of Defense, transmitting letter on the approved retirement Vice Admiral Nobert R. Ryan, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8931. A letter from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured Home Construction and Safety Standards: Smoke Alarms; Amendments [Docket No. FR-4552-C-03] (RIN: 2502-AH48) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8932. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Uniform Financial Reporting Standards for HUD Housing Programs, Additional Entity Filing Requirements [Docket No. FR-4681-F-03] (RIN: 2501-AC80) received August 28,2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8933. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Ownership Reports and Trading by Officers, Directors and Principal Security Holders [Release Nos. 34-46421; 35-27563; IC-25720; File No. S7-31-02] (RIN: 3235-AI62) received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8934. A letter from the Assistant Secretary, Department of Education, transmitting a notice of extension of project period and waiver: tribally controlled postsecondary vocational and technical institutions program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8935. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — State Improvement Grant Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8936. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Indian Education Discretionary Grant Programs (RIN: 1810-AA93) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8937. A letter from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Office of Special Education and Rehabilitative Services, Office of Special Education Programs; Final Priority Under the State Improvement Grant Program; Notice Inviting Applications for New Awards for Fiscal Year 2002 [CFDA No. 84.323] received August 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8938. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Ozone-Depleting Substances; Essential-Use Determinations [Docket No. 97N-0023] (RIN: 0910-AA99) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8939. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (La Pryor, Texas) [MM Docket No. 01-262; RM-1-231] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8940. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Harrodsburg and Keene, Kentucky), [MM Docket No. 02-24; RM-10360] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8941. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Asherton, Texas) [MM Docket No. 01-246; RM-10230] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8942. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of

Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cuthbert and Buena Vista, Georgia) [MM Docket No. 02-48; RM-10386] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8943. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Firth, Nebraska) [MM Docket No. 01-234; RM-10262] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8944. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Freer, Texas) [MM Docket No. 01-243; RM-10263] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8945. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Alltoments, FM Broadcast Stations (Burney, California) [MM Docket No. 01-311; RM-10318] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8946. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Buffalo Gap, Texas) [MM Docket No. 01-221; RM-10171] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8947. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (San Mateo, California) [MB Docket No. 02-84; RM-10339] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8948. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheboyan, Rogers City, Bear Lake, Bellaire, Rapid River, Manistique, Ludington, Walhalla and Onaway, Michigan) [MM Docket No. 00-69; RM-9850; RM-9945; RM-9946] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8949. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (George West, Texas) [MM Docket No. 01-147; RM-10162] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8950. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Weinert, Texas) [MM Docket No. 01-205; RM-10212] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8951. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grandin, Missouri) [MM Docket No. 01-259; RM-10269] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8952. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bearden, Arkansas) [MM Docket No. 01-258; RM-10268] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8953. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ballinger, Texas) [MM Docket No. 01-292; RM-10302] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8954. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Benadives, Texas) [MM Docket No. 01-256; RM-10266] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8955. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pawhuska, Oklahoma) [MM Docket No. 01-260; RM-10270] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8956. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Eldorado, Texas) [MM Docket No. 01-294; RM-10304] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8957. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 95-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8958. A letter from the Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2001; to the Committee on International Relations.

8959. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Analysis, Department of Commerce, transmitting the Department's final rule — Revision to the Export Administration Regulations: Denied Persons List [Docket No. 020628162-2162-01] (RIN: 0694-AC58) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8960. A letter from the Assistant Secretary, International Security Policy, Department of Defense, transmitting the Department's FY 2002 Cooperative Threat Reduction Annual Report; to the Committee on International Relations.

8961. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

8962. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''D.C. Public Schools' Medicaid Revenue Recovery Operations Require Substantial Improvements''; to the Committee on Government Reform.

8963. A letter from the Administrator, Agency For International Development, transmitting the Agency's FY 2003 Annual Performance Plan; to the Committee on Government Reform.

8964. A letter from the Agency For International Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8965. A letter from the Director, Program Services Division, Office of Agency Programs, Office of Government Ethics, transmitting the Office's final rule — Technical Amendments to Regulations Governing Filing Extensions and Late Filing Fee Waivers (RIN: 3209-AA00) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8966. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8967. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of Special Counsel (OSC) for Fiscal Year (FY) 2001, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

8968. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AI30) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8969. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2002-03 Early Season (RIN: 1018-AI30) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8970. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AI30) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8971. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's final rule — Public Conduct on Bureau of Reclamation Lands and Projects (RIN: 1006-AA44) received August 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8972. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's final rule — Law Enforcement Authority at Bureau of Reclamation Projects (RIN: 1006-AA42) received August 12,

2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8973. A letter from the Acting Division Chief, Marine Mammal Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Dolphin-Safe Tuna Labeling; Official Mark [Docket No. 991210333-0089-02; I.D. 111099C] (RIN: 0648-AN37) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8974. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — National Marine Fisheries Service — Sea Grant Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics: Request for Application for FY 2003 [Docket No. 990810211-2169-03] (RIN: 0648-ZA69) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8975. A letter from the Director, Regulations and Forms Services Division, Department of Justice, transmitting the Department's final rule — Registration and Monitoring of certain Nonimmigrants [INS No. 2216-02; AG Order No. 2608-2002] (RIN: 1115-AG70) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8976. A letter from the Assistant Secretary of Labor, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Disaster Unemployment Assistance Program; Interim Final Rule; Request for Comments (RIN: 1205-AB31) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8977. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Tranportation, transmitting the Department's final rule — Security Zone; Lake Erie, Perry, Ohio [CGD09-02-006] (RIN: 2115-AA97) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8978. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell, Inc. Part Number HG1075AB05 and HG1075GB05 Inertial Reference Units [Docket No. 2001-CE-28-AD; Amendment 39-12795; AD 2002-13-07] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8979. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Seabrook Nuclear Power Plant, Seabrook, New Hampshire [CGD01-01-207] (RIN: 2115-AA97) August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8980. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area and Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-01-181] (RIN: 2115-AE84 and 2115-AA97) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8981. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Point Pleasant Beach to Bay Head, New Jersey [CGD05-02-052] (RIN: 2115-AE46) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8982. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Lake Erie, Perry, Ohio [CGD09-02-506] (RIN: 2115-AA97) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8983. A letter from the Executive Vice President, Communications and Government Relations, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2001, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

8984. A letter from the Acting Director, Office of Regulatory Law, Insurance Center, Department of Veterans Affairs, transmitting the Department's final rule — Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance (RIN: 2900-AJ80) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8985. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule — Re-use of Air Waybill Number on Air Cargo Manifest [T.D. 02-51] (RIN: 1515-AD01) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8986. A letter from the Chief, Regulations Service, Customs Service, Department of the Treasury, transmitting the Department's final rule — Licenses for Certain Worsted Wool Fabrics Subject to Tariff-Rate Quota [T.D. 02-50] (RIN: 1515-AC83) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8987. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Savings and Loan Industry Supervisory Goodwill — received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8988. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting (Rev. Proc. 2002-54) received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8989. A letter from the Congressional Relations Officer, United States International Trade Commission, transmitting the Commission's annual report entitled, ''Shifts in U.S. Merchandise Trade 2001''; to the Committee on Ways and Means.

8990. A letter from the Secretary, Department of Energy, transmitting the Annual Report on Contractor Work Force Restructuring for Fiscal Year 2001, pursuant to 42 U.S.C. 7274h; jointly to the Committees on Armed Services and Energy and Commerce.

8991. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN members states in the General Assembly and Security Council for 2001, and evaluating the actions and responsiveness of those governments to United States policy on issues of special importance to the United States, pursuant to Public Law 101—167, section 527(a) (103 Stat. 1222); Public Law 101—246, section 406(a) (104 Stat. 66); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1701. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; with an amendment (Rept. 107–590 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 442. Resolution recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century (Rept. 107–646). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. H.R. 3813. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund (Rept. 107–647). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 5039. A bill to direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada; with an amendment (Rept. 107–648). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3880. A bill to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes; with an amendment (Rept. 107–649 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3880 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XXII the following action was taken by the Speaker:

[The following action occurred on September 6, 2002]

H.R. 3929. Referral to the Committees on Transportation and Infrastructure and Energy and Commerce extended for a period ending not later than October 4, 2002.

[Submitted September 9, 2002]

H.R. 3880. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than September 9, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STARK (for himself, Mr. BACA, Mr. BECERRA, Mr. BONIOR, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. COYNE, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. FARR of California, Mr. FILNER, Mr. HONDA, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. KILPATRICK, Mr. KUCINICH, Ms. LEE, Mr. MATSUI, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. SERRANO, Ms. SOLIS, Mrs. TAUSCHER, Mr. TIERNEY, Mr. TOWNS, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, Mr. WYNN, Ms. BROWN of Florida, Ms. WATSON, Ms. DELAURO, Ms. BALDWIN, Mr. MARKEY, and Mr. UNDERWOOD):

H.R. 5344. A bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 5345. A bill to establish a moratorium on approval by the Secretary of the Interior of relinquishment of a lease of certain tribal lands in California; to the Committee on Resources.

By Mr. FATTAH (for himself, Ms. JACKSON-LEE of Texas, Mr. SANDERS, Ms. BROWN of Florida, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. MCKINNEY, Mr. OWENS, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. PAYNE, Mr. BORSKI, Ms. MILLENDER-MCDONALD, Ms. DELAURO, Mrs. CLAYTON, Mr. HALL of Ohio, Mr. RUSH, Mr. CUMMINGS, Mr. ANDREWS, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. HOEFFEL, Ms. PELOSI, Mr. FROST, Ms. WOOLSEY, Mr. FILNER, Mr. GEPHARDT, Mr. LARSON of Connecticut, Mr. BALDACCI, Mr. PASCRELL, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BACA, Mr. DOYLE, Mr. FORD, Mr. RANGEL, and Ms. NORTON):

H.R. 5346. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BAIRD:

H.R. 5347. A bill to amend the Small Business Act to allow certain small business concerns that have employee stock ownership plans to qualify as HUBZone small business concerns; to the Committee on Small Business.

By Ms. BALDWIN (for herself, Mr. DELAHUNT, Mr. SHOWS, Mr. BARRETT, Mr. TIERNEY, Mr. ALLEN, Mr. FROST, Mr. CONYERS, Mr. SANDERS, Mr. HOLDEN, Mr. PHELPS, and Mr. HILLIARD):

H.R. 5348. A bill to amend title 11 of the United States Code to protect family farmers and family fishermen; to the Committee on the Judiciary.

By Mr. BLUNT:

H.R. 5349. A bill to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 5350. A bill to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 5351. A bill to amend the Internal Revenue Code of 1986 to encourage saving and investment, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. CUMMINGS, Mr. MARKEY, Mr. PAYNE, Mr. MCDERMOTT, Mr. OWENS, and Mr. LIPINSKI):

H.R. 5352. A bill to amend the Individuals with Disabilities Education Act to develop and implement strategies to reduce the number of children who have, or who are at risk of developing, emotional disturbances that require the provision of special education and related services under that Act; to the Committee on Education and the Workforce.

By Mrs. MORELLA (for herself, Mr. WOLF, Mr. NORWOOD, Mr. FORD, and Mr. RODRIGUEZ):

H.R. 5353. A bill to amend title 10, United States Code, to require that additional special pay received by medical, dental, or veterinary officers of the uniformed services be treated as part of basic pay for retirement purposes; to the Committee on Armed Services.

By Mr. PALLONE:

H.R. 5354. A bill to accord honorary citizenship to the alien victims of the September 11, 2001, terrorist attacks against the United States and to provide for the granting of permanent resident status to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico:

H.R. 5355. A bill to amend title 38, United States Code, to permit remarried surviving spouses of veterans to be eligible for burial in a national cemetery; to the Committee on Veterans' Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. CUMMINGS, Ms. WATSON, Mrs. MEEK of Florida, Ms. MCKINNEY, Mr. RUSH, Mrs. CHRISTENSEN, Ms. LEE, Mr. DAVIS of Illinois, Ms. MILLENDER-MCDONALD, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. WATT of North Carolina, Mr. MEEKS of New York, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. SCOTT, Ms. KILPATRICK, Mr. JEFFERSON, Ms. NORTON, Mrs. CLAYTON, Mr. OWENS, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. WYNN, Mr. FATTAH, Mr. CONYERS, Mr. HILLIARD, Ms. BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. PAYNE, Ms. WATERS, Mr. BISHOP, Ms. CARSON of Indiana, Mr. FORD, and Mr. RANGEL):

H. Res. 518. A resolution recognizing National Historically Black Colleges and Universities Week and the importance and accomplishments of historically Black colleges and universities; to the Committee on Education and the Workforce.

By Mr. CONYERS:

H. Res. 519. A resolution providing for consideration of the bill (H.R. 1343) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 116: Mr. FROST.
H.R. 250: Mr. BOOZMAN.
H.R. 267: Mr. LATOURETTE.
H.R. 348: Ms. VELAZQUEZ, Mr. BACA, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, and Mr. CONYERS.
H.R. 368: Mr. SOUDER.
H.R. 633: Mrs. CAPPS.
H.R. 664: Mr. ACEVEDO-VILA.
H.R. 778: Mr. LARSON of Connecticut.
H.R. 854: Ms. ROS-LEHTINEN, Mr. CROWLEY, Ms. MCCOLLUM, and Mr. PHELPS.
H.R. 902: Mr. REYES and Mrs. CAPITO.
H.R. 1076: Mr. LYNCH.
H.R. 1097: Mr. FATTAH.
H.R. 1182: Mr. TOM DAVIS of Virginia.
H.R. 1265: Mrs. MORELLA, Mr. UDALL of Colorado, and Mr. BENTSEN.
H.R. 1307: Mr. HYDE and Mr. PHELPS.
H.R. 1309: Mr. HINCHEY.
H.R. 1368: Mr. CANTOR, Mr. SOUDER, and Mr. SCHAFFER.
H.R. 1452: Ms. PELOSI.
H.R. 1556: Ms. BERKLEY.
H.R. 1581: Mr. ROGERS of Kentucky and Mr. ADERHOLT.
H.R. 1582: Mr. FATTAH.
H.R. 1602: Mr. PICKERING and Mr. OSBORNE.
H.R. 1642: Ms. MCCOLLUM.
H.R. 1774: Mr. RYAN of Wisconsin.
H.R. 1786: Mr. PLATTS.
H.R. 1887: Mr. ENGLISH.
H.R. 1911: Mrs. THURMAN and Mr. LARSEN of Washington.
H.R. 1931: Mr. FARR of California and Mr. GARY G. MILLER of California.
H.R. 1939: Mr. HOSTETTLER.
H.R. 1990: Mr. HINCHEY and Mr. ALLEN.
H.R. 2098: Mr. KIRK.
H.R. 2148: Mr. MCNULTY and Mr. BAIRD.
H.R. 2155: Mr. FORBES.
H.R. 2161: Mr. GORDON.
H.R. 2349: Mr. SHOWS and Mr. CARSON of Oklahoma.
H.R. 2483: Mr. STUPAK.
H.R. 2576: Mr. POMEROY.
H.R. 2592: Mr. HONDA.
H.R. 2612: Ms. MCCOLLUM.
H.R. 2688: Mr. HONDA.
H.R. 2702: Mr. FRANK.
H.R. 2878: Mr. PETERSON of Minnesota.
H.R. 2908: Mr. CLAY.
H.R. 3131: Ms. BERKLEY.
H.R. 3289: Ms. SCHAKOWSKY.
H.R. 3397: Mr. TIERNEY and Mr. SHAYS.
H.R. 3414: Mr. DEFAZIO, Mr. MALONEY of Connecticut, Mrs. MORELLA, Mr. LARSEN of Washington, Mr. HOLDEN, and Mr. FROST.
H.R. 3686: Mr. LEWIS of Kentucky.
H.R. 3741: Mr. DEFAZIO.
H.R. 3781: Mr. GALLEGLY and Mr. UDALL of New Mexico.
H.R. 3794: Mr. WELDON of Pennsylvania.
H.R. 3802: Mr. HORN.
H.R. 3831: Mr. SCHAFFER.
H.R. 3834: Mr. SOUDER and Mr. TOWNS.
H.R. 4018: Mr. DEUTSCH, Mr. DAVIS of Florida, and Mr. PETERSON of Minnesota.
H.R. 4039: Mr. DELAHUNT.
H.R. 4043: Mr. BACHUS, Mr. BROWN of South Carolina, and Mr. ISAKSON.
H.R. 4159: Mr. COLLINS.
H.R. 4170: Mr. KELLER.
H.R. 4483: Mr. GREEN of Texas, Mr. BASS, and Mr. LARSEN of Washington.
H.R. 4579: Mr. FORD.
H.R. 4680: Mr. MCGOVERN and Mr. SPRATT.
H.R. 4720: Mrs. MORELLA, Mr. MCINTYRE, Mr. MCNULTY, and Mr. BOOZMAN.
H.R. 4728: Ms. RIVERS.
H.R. 4738: Mr. WILSON of South Carolina.
H.R. 4742: Mr. FARR of California.
H.R. 4754: Ms. MCCARTHY of Missouri.

H.R. 4756: Mr. TIAHRT.
H.R. 4757: Mr. EHRLICH and Mr. PRICE of North Carolina.
H.R. 4785: Ms. ESHOO.
H.R. 4786: Mr. CASTLE.
H.R. 4793: Mr. ROSS, Mr. FOSSELLA, Mr. SHIMKUS, Ms. DELAURO, Mr. FROST, and Mr. TURNER.
H.R. 4795: Mr. KENNEDY of Minnesota.
H.R. 4799: Mr. MORAN of Virginia, Mr. KLECZKA, and Mr. BACA.
H.R. 4803: Mr. GUTIERREZ.
H.R. 4840: Mr. CUNNINGHAM.
H.R. 4852: Mr. DIAZ-BALART.
H.R. 4918: Mr. MATSUI.
H.R. 4963: Mr. OBERSTAR and Mr. PHELPS.
H.R. 5013: Mr. CANTOR and Mr. NETHERCUTT.
H.R. 5029: Mr. GREEN of Wisconsin and Mr. MATSUI.
H.R. 5037: Mr. BARRETT, and Mr. FROST.
H.R. 5047: Mr. DEAL of Georgia.
H.R. 5064: Mr. KINGSTON, Mr. SHOWS, and Mr. WELDON of Florida.
H.R. 5078: Mr. THOMPSON of California, Mr. INSLEE, and Mr. PRICE of North Carolina.
H.R. 5079: Ms. RIVERS.
H.R. 5119: Mr. FARR of California.
H.R. 5124: Ms. MCKINNEY, Mr. SHERMAN, Mr. CROWLEY, Ms. DELAURO, Mr. BENTSEN, Mr. MCDERMOTT, Ms. LEE, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. KIND, Mr. BACA, Mr. HASTINGS of Florida, and Mr. PAYNE.
H.R. 5125: Mr. HEFLEY and Mr. SNYDER.
H.R. 5153: Mr. PALLONE, Mr. FERGUSON, and Mr. MCGOVERN.
H.R. 5159: Mr. SOUDER.
H.R. 5185: Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mr. STUMP, and Mr. CARSON of Oklahoma.
H.R. 5193: Mr. STEARNS.
H.R. 5196: Mr. MCINTYRE, Mr. UNDERWOOD, Mr. SMITH of New Jersey, Mr. SHOWS, Ms. ROS-LEHTINEN, Mr. ANDREWS, Mr. SCOTT, Mr. CUNNINGHAM, Mr. SIMMONS, Mr. LANGEVIN, Mr. BALDACCI, Mr. LARSEN of Washington, Mr. MCGOVERN, Mr. SCHROCK, and Mr. HOSTETTLER.
H.R. 5197: Mr. BURR of North Carolina, Mr. BALDACCI, Mr. BEREUTER, Mr. WILSON of South Carolina, Mr. GRAHAM, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mrs. MYRICK, Mr. RILEY, Mr. NORWOOD, Mr. WOLF, Mr. MCINTYRE, Mr. BROWN of South Carolina, and Mr. CLYBURN.
H.R. 5202: Mr. JENKINS.
H.R. 5226: Ms. RIVERS, Mr. MCDERMOTT, Mr. KOLBE, Mr. DOYLE, and Mrs. MORELLA.
H.R. 5227: Mr. TIAHRT.
H.R. 5230: Ms. DELAURO.
H.R. 5241: Mr. GUTIERREZ, Ms. MCKINNEY, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. CLYBURN, Ms. MILLENDER-MCDONALD, and Mr. PAYNE.
H.R. 5250: Ms. BROWN of Florida, Mrs. THURMAN, Mr. PETERSON of Minnesota, Mr. SANDLIN, AND Mr. FROST.
H.R. 5255: Mrs. MORELLA.
H.R. 5268: Mr. SCHIFF, Mr. FRANK, Mrs. TAUSCHER, Ms. RIVERS, Mr. GUTIERREZ, and Ms. LOFGREN.
H.R. 5289: Mr. BORSKI and Mr. DOYLE.
H.R. 5300: Mr. SANDERS.
H.R. 5304: Ms. MILLENDER-MCDONALD.
H.R. 5307: Mr. TERRY.
H.R. 5316: Mr. FLAKE and Mr. SKELTON.
H.R. 5317: Mr. SHAW, Mr. GANSKE, Mr. PAYNE, Mr. FORBES, Mr. TERRY, Mr. KIRK, Mr. GREEN of Wisconsin, Mr. TIAHRT, and Mr. HOEFFEL.
H.R. 5319: Mr. HASTINGS of Washington, Mr. REHBERG, and Mr. THUNE.
H.R. 5326: Mr. GRUCCI, Ms. DELAURO, Mr. WU, Mrs. JOHNSON of Connecticut, Mr. TANNER, Mr. SCHIFF, Mr. MCNULTY, Mr. GREEN of Texas, Ms. BERKLEY, Mr. FARR of California, Mr. SCOTT, Mrs. BONO, Mr. BOOZMAN, Mr. VISCLOSKY, Mr. BARRETT, Mr. BORSKI, Ms. WOOLSEY, and Ms. WATERS.
H.R. 5330: Mr. KING, Mr. NADLER, Mr. CROWLEY, Mrs. MCCARTHY of New York, Mr. TOWNS, and Mr. HINCHEY.
H.J. Res. 89: Mr. PITTS.
H.J. Res. 108: Mr. KERNS, Mr. BALLENGER, Mr. BARTON of Texas, Mr. SHUSTER, and Mr. GOODE.
H.J. Res. 109: Mr. OLVER, Mr. KLECZKA, Mr. LEACH, Mr. SERRANO, Mr. SANDERS, Mr. MCDERMOTT, Mr. BECERRA, Mr. BALDACCI, and Mr. FRANK.
H. Con. Res. 20: Ms. BERKLEY.
H. Con. Res. 162: Mr. BROWN of Ohio.
H. Con. Res. 197: Mr. ALLEN.
H. Con. Res. 222: Mr. SHOWS.
H. Con. Res. 367: Mr. TANCREDO.
H. Con. Res. 401: Mr. MCINNIS and Mr. BACA.
H. Con. Res. 438: Mr. KILDEE.
H. Con. Res. 447: Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. ANDREWS, Mr. TANCREDO, Mrs. MCCARTHY of New York, Mr. ROHRABACHER, Mr. MEEKS of New York, Mr. FRANK, Mr. TOWNS, Mr. GREEN of Texas, Mr. NADLER, Mr. HOLT, and Mr. SOUDER.
H. Con. Res. 462: Mr. KIND, Mr. OBEY, Mr. KUCINICH, Mr. BONIOR, Mr. LUCAS of Kentucky, Mr. MORAN of Kansas, Mr. HINCHEY, Mr. GUTKNECHT, Mr. SMITH of Michigan, Mr. KENNEDY of Minnesota, Mrs. CLAYTON, and Mr. HILLIARD.
H. Res. 295: Ms. ESHOO.
H. Res. 313: Mrs. NAPOLITANO and Mr. PRICE of North Carolina.
H. Res. 398: Mr. MCDERMOTT, Ms. LEE, Mrs. CAPITO, Mr. BISHOP, Mr. HASTINGS of Florida, and Mr. TERRY.
H. Res. 499: Mr. HINCHEY and Mr. SOUDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5319: Mr. HASTINGS of Florida.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, MONDAY, SEPTEMBER 9, 2002 No. 112

Senate

The Senate met at 12 noon and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

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

Dear Father, bless the families of our Nation.

Yesterday we celebrated Grandparents Day. Thank You for the special calling of grandparents to express esteem, encouragement, and affirmation to their grandchildren. In a very vital way, grandparents are able to communicate Your grace, Your unqualified and unlimited love, and the traits of Your character so needed in children in our culture.

Today we thank You for our own grandparents and all they contributed to our lives. Bless the Senators who have the privilege of being grandparents. Help them to be godly examples of what it means to know, trust, and serve You.

Most of all, Father, we pray for the strengthening of family ties that bind our hearts in love and mutual concern. There is so much in our culture that stretches and tears the fabric of the family. Help parents to put You and their families first in their priorities. May the inter-generational support of grandparents lift their burdens as they reap the blessings of raising children in Your moral and ethical absolutes. Bless the children of our land. Give them Your power to live confident lives. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY 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,
Washington, DC, September 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished senior Senator and grandfather from Nevada.

Mr. REID. That is true; 12 grandchildren, Mr. President, and one on the way.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at 1 p.m. today there be 30 minutes of debate on Executive Calendar No. 889, equally divided between the chairman of the Judiciary Committee, the Presiding Officer, and the ranking member, Senator HATCH, or their designees, prior to a 1:30 p.m. vote on the confirmation of a judge.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, we are going to have a period of morning business until 1 o'clock or shortly thereafter, with the first half of the time under the control of the majority leader and the second half under the control of the Republican leader.

We are going to have a debate at 1 o'clock dealing with the confirmation of Kenneth Marra to be a United States District Judge for the Southern District of Florida.

Following that vote, the Senate will resume consideration of the Homeland Security Act. Under the orders entered last Thursday, Senator THOMPSON will be recognized to offer an amendment. Following that, Senator BYRD will be recognized to offer an amendment. We hope there will be additional rollcall votes today, but we are not certain how long the debate will take on the homeland security amendments that will be offered.

We have a tremendous amount of work to do, and we will discuss that as the week wears on. Tomorrow morning we will go again to the Interior appropriations bill. We have an important vote on that tomorrow. We filed cloture, but in an effort to avoid that vote, there was an agreement made by the two leaders that we would vote on Tuesday morning on the disaster assistance part of the measure that is now before us.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, following which there will be a period of one-half hour, equally divided between the chairman and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

the ranking member of the Senate Judiciary Committee, or their designees.

Under the previous order, the first half of the time in morning business shall be under the control of the majority leader or his designee.

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

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

IMPORTANT ISSUES BEFORE THE SENATE

Mr. REID. Mr. President, we have many important issues to consider in the limited time left in our legislative calendar, and therefore it is important we decide what our priorities must be.

President Bush has focused, in recent weeks, on Iraq, announcing his plans to send American troops there to accomplish the goal of a regime change. We have focused on the situation in Iraq now for about 3 weeks, or maybe more.

During the Presidency of his father, I was the first Democrat to announce publicly I would support the invasion in Desert Storm. I have no regret having done that. But there are, at this time, a number of questions that I think must be answered.

I expressed personally to the President on Wednesday in the White House that I thought there was a model to follow. It is a model that was created by President Bush, his father, and that model is one where there is support from the United Nations, the world community. The people of this country supported the action President Bush had taken, and the Congress supported that action. That is a model that I think is one of success.

There have been some in the administration who have said we don't need help. I am happy to see the President has reached out to the Prime Minister of Great Britain and met with him Saturday at Camp David. Today he is going to meet with the President of France. That is important. He needs to do that.

But we have to be very careful—and that is an understatement—in sending men and women into battle. We have about 12,000 or 13,000 troops stationed in Nevada at Nellis Air Force, Fallon Naval Air Training Center, and at the Hawthorn Ammunition Depot.

I want to make sure these people and others who serve in the Armed Forces are sent to do the right thing. I think we have to be very careful in what we are doing in this instance. I don't know what validity should be placed on it but certainly some. One American inspector was quoted in all the national press today as saying Saddam Hussein does not have the ability at this time to do anything regarding weapons of mass destruction. A case has to be made for that.

I am certainly standing by with an open mind, looking forward to whatever the President and his people bring forward. But I think the burden of proof is that we have to have a case made to us.

We represent the American people, as does the President. We are separate branches of Government, but they are equal in nature. We have a role to fill. He has a role to fill. And to this point, there have not been Members of Congress—Democrats or Republicans—convinced that would be the right thing to do.

I think we all have open minds. The American people all have open minds, and we want to do the right thing.

I repeat for the third time today: I am willing to listen to the President. I have listened to the President. I have a record—I am not embarrassed—about supporting his father. I am not a big fan of the War Powers Act. I felt that way in the House; I feel that way in the Senate. This is more than the War Powers Act. This is a situation where we must have the support of the international community, at least some in the international community, and we must have the support of the American people. The President must have our support before there is an incursion into Iraq.

I acknowledge that Saddam Hussein is a bad person. He has gassed his own people. He has killed his own blood. He is a vicious, evil man. I am ready to do whatever is necessary to protect the American people and bring about stability. But we have to wait until those different requirements are met before we do that.

In the meantime, we cannot be Johnny one-note. We have to do what is necessary to be done in Iraq but also understand the American people face a tremendous domestic crisis. The economy continues to struggle. The American people are concerned about losing jobs, investment, retirement savings. America's slumping economy has severely impacted working families and retirees.

Two of the major economic concerns we in Nevada have are that we have to be convinced our pensions are safe and that the cost of health care is debated, including prescription drugs. We passed strong legislation, led by the Senator from Maryland, Mr. SARBANES, regarding corporate accountability. We will soon take up pension protection to provide additional security for American workers and retirees. Earlier this summer the Senate passed the greater access to affordable pharmaceuticals legislation. It didn't do everything I think should be done, but it did take some important first steps.

It didn't do a lot to deal with the Medicare prescription drug program. We should have as a component of Medicare prescription drugs. It is not right that seniors are struggling. It is not right that we, the only superpower in the world, have a medical program for senior citizens that does not include prescription drugs, even though the average senior citizen has 18 prescriptions filled every year. We need to take care of that.

The legislation we did pass, the greater access to affordable pharmaceuticals, would lower prescription drug prices because it would stop pharmaceutical company abuses that prevent generic drug competition. It would allow pharmacists, wholesalers, and consumers to import prescription drugs from Canada at a lower price than they can find in the United States, and it would allow States to extend Medicare rebates and discounts for prescription drugs to residents who don't have drug coverage—not everything, but certainly it is a step in the right direction.

I have previously shared the stories of Nevadans struggling to pay for prescription drugs they need to stay healthy and to live quality, pain-free lives. The legislation the Senate passed will help make lifesaving and life-enhancing medicines more affordable and thus more affordable to Nevadans and all Americans. Unless we enact the Schumer-McCain bill this year, consumers will not get any relief from the skyrocketing cost of drugs. The Senate has passed this important legislation. Now Americans are looking to the House to do likewise. Without this bill, drug prices will continue to drain the budget of everyone—the elderly, the uninsured, State governments, employers, labor unions, and other groups—all because brand-name drug companies have abused loopholes in the law and have profited handsomely.

The average price paid for a prescription for brand-name drugs is three times the prescription price of generics. This means the average consumer pays about $45 more for each brand-name prescription. The savings that this legislation we passed provides will really add up.

According to the Congressional Budget Office, this legislation would save American consumers about $60 billion over the next 10 years. The public has demanded action on the high cost of drugs. They are going up. This is supported by patient groups, employers, and insurance companies alike. They believe it is not the answer but one of the answers to end drug company abuses and close legal loopholes the industry exploits to block competition and keep drug prices artificially high.

Just as we decided to close the accounting loopholes abused by Enron and WorldCom, we need to finish the job and close the loopholes in our drug patent laws exploited by the big pharmaceutical companies.

I believe it is time for the House leadership to join us in ending these abuses that hurt patients every day.

I also told the President on Friday that when he gave a speech last week to a group of labor people in Pennsylvania saying: I am not for the trial

lawyers; I am for the hard hats. I want to pass terrorism insurance, and that way we will create jobs—I told President Bush on Wednesday: If you want that legislation which you have talked about passed, you have to realize that you have to come out and get off this kick of having tort reform in addition to this terrorism insurance.

I said: Your friend, the Republican Governor of Nevada, Kenny Guinn, approached that in the right way. He called a special session of the legislature which ended about a month ago. The purpose of that special session was to do something about the increasing cost of malpractice insurance. The legislature met. They set certain limits on what you could get for pain and suffering. As a result of that, people walked away happy. That is where tort reform should take place, on the State level. Even if those people who believe in more tort reform want to do it, they can't do it on this terrorism insurance. I think it is a game being played; they really don't want terrorism insurance. They want to use tort reform as an excuse. That is one of the issues that is left pending, terrorism insurance.

They fought us every step of the way—they, the minority, fought us every step of the way. If the President really wants that, he needs to deal with the minority and allow this conference to be completed.

We need to do something about the bankruptcy bill. This has been going on for years, as the Presiding Officer, who was the architect of that legislation, knows. All the issues, we were told, had been resolved. This has been held up for about a year because of the people who are not in touch with—I don't mean this as not mentally competent, but not in touch with reality, in that how could you hold up legislation as important as this bankruptcy reform because of a provision we passed over here that said if you are an organization that goes to a clinic and trashes it, put this terrible smelling acid on it so that you have to really tear the place down and rebuild it, those people cannot discharge these acts in bankruptcy. That seems totally fair to me. But they are off on this abortion kick that somehow people who do something bad to these reproductive clinics—whether or not you agree with abortion, people should have to obey the law. You should not have the right to trash a place such as that so that it has to be torn down and totally refurbished and say I can file bankruptcy and just discharge it. No.

We thought it had been resolved a couple weeks ago. Obviously not. All the banks and all the others interested in bankruptcy reform should understand that is the only problem and the only reason we are not getting the bankruptcy legislation passed. That is a shame. The House should let us do that, just as they should let us do the antiterrorism legislation. It doesn't end there.

A lot of legislation is being held up; for example, our appropriations bills. We have 13 appropriations bills we must pass every year. We cannot complete work on those until the House does it because you lose the ability to object because an amendment is not germane. When the bill is brought from the House, they won't pass that. Why? We are under this legislative delusion that suddenly all this financial stuff is going to work out.

We have less than 20 days before this legislative session ends and they are still playing around. They never had a committee meeting on the Labor-HHS bill. It deals with the National Institutes of Health and so many other issues. It is a huge appropriations bill, extremely important for us. But the House is afraid to move on it because the President said he is only going to allow a certain amount of money to be spent there.

If that is exceeded, he will veto it. I say let's call him on that. Let him veto these important programs such as the National Institutes of Health. It is a little hard to do that when he and the administration have single-handedly destroyed the economy. Last year at this time we had a surplus of about $7.4 trillion for the next 10 years. That surplus is gone because of these tax cuts—well, about 25 percent of it is due to the war. The rest of it is due to the tax cuts and the bad economic policies. We have no surplus anymore.

So it seems to me what the President is trying to do is to create the illusion that he is fiscally responsible by not allowing us to pass our appropriations bills. In fact, what he will probably do in the multitrillion-dollar budget is that we will pass the appropriations bills, and he will probably veto a couple to say he is fiscally conservative, and all the problems are because of the prolific spending of the Congress, which is certainly not true. It appears that is what is happening.

The economy is in shambles. We are not having appropriations bills worked upon. It is just too bad. Because of the election that took place 2 years ago in Florida, we needed election reform. Senator DODD worked night and day getting election reform passed in the Senate. It is held up in the House. We cannot complete the conference.

I am very disappointed in what is happening. I think the administration is focused on the wrong things. I should say the wrong thing this time. They have tunnel vision on Iraq. I think everybody in the Senate has an open mind as to what we should do on Iraq. We can also focus on the domestic problems in this country, but we are not doing that. I think it is too bad. It is harmful to this country and it is certainly harmful to our getting work done.

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

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

Mr. KYL. Mr. President, I am going to speak in morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator is recognized for up to 10 minutes.

Mr. KYL. I thank the Chair.

CHINA

Mr. KYL. Mr. President, this week, which will be one Americans remember for a long time as the anniversary of the September 11 attacks of last year, a lot of second-guessing has been going on about what we might have done differently. Part of that is based on the fact that there was a lot of evidence that the United States should have been prepared to deal with the kind of attack that occurred, even if not at that precise time and place.

I think history will show, notwithstanding all of the evidence, it would have been very difficult for us to actually defend against those attacks, but it should not dissuade us from acting on similar evidence in the future.

I fear there is another situation developing which, both because we are focused on the war on terror and because it presents us with some unpleasant choices about what to do, is creating a similar situation where there is evidence that we should be paying attention to a problem, but either because we do not want to deal with it or because there is a lack of consensus about how to deal with it, the United States is not taking adequate precautions or taking adequate steps to deal with the situation.

What I have in mind is a concern that has been now discussed in two very recently released Government reports on the threat that is posed by the nation of China against the United States.

The first, produced by the congressionally-mandated United States-China Security Review Commission, offers a sobering analysis of the national security implications of the economic relationship between our two countries. It flatly states that trade alone has failed to bring about serious political change in China.

The second, the Defense Department's annual report on the military power of the People's Republic of China, paints an unsettling picture of China's military buildup, the main objective of which is to prepare that country for a military conflict in the Taiwan Strait, and to counter potential U.S. intervention in the conflict.

Proponents of unconditional engagement with China opine that the Chinese people's access to the Internet, modern telecommunications, and free trade will make that country a more free and open society. They suggest that entrenched vestiges of the Communist system will eventually fade away as new leaders, who are committed to capitalism, take the reins of

power. In other words, economic freedom will invariably translate into political freedom, and democracy will be the clear result.

But, particularly with the release of these two reports, it seems more and more clear that China's willingness to engage in the world economy has not translated into evolution toward democracy. Indeed, the United States-China Security Review Commission concluded that:

> . . . Trade and economic liberalization have not led to the extent of political liberalization much hoped for by U.S. policymakers. The Chinese government has simultaneously increased trade and aggressively resisted openness in politically sensitive areas such as the exercise of religious, human, and worker rights.

Consider, for example, Chinese Government control over the Internet. While many expected that access to the Internet would facilitate the influx of Western ideas and values, the Commission stated that those hopes ''have yet to be realized.'' Indeed, Beijing has passed sweeping regulations in the past two years that prohibit news and commentary on Internet sites in China that is not state-sanctioned. The Commission noted that China has even convinced American companies like Yahoo! to assist in its censorship efforts, and others, like America Online, to leave open the possibility of turning over names, e-mail addresses, or records of political dissidents if the Chinese government demands them.

It is impossible to predict China's future. That country has embarked on an uncertain path, opening its economy while simultaneously attempting to strengthen the Communist Party's political and social control. The consequences, given that Chinese policies run directly counter to U.S. national security interests, are potentially grave. Thus, the Commission established benchmarks against which Beijing's future progress can be measured, including China's proliferation of weapons of mass destruction; its cozy relationships with terrorists states like Iran, Iraq, and North Korea; its bellicose posture toward Taiwan; and its pursuit of asymmetric warfare capabilities to counter U.S. military capabilities.

China's proliferation of technology and components for ballistic missiles and weapons of mass destruction to terrorist-sponsoring states—including North Korea, Iraq, Iran, Syria, Libya, and Sudan—is of serious concern. The Commission found that, despite numerous bilateral and multilateral pledges to halt that proliferation, ''Chinese proliferation and cooperation with [such] states has continued unabated.''

Just in the past year, the administration has sanctioned Chinese entities three times for their proliferation to Iran of equipment and materials used to make chemical and biological weapons. Yet these sanctions are unlikely to curb China's proliferation activities. As the Commission concludes, ''Current U.S. sanctions policies to deter and reform Chinese proliferation practices have failed and need immediate review and overhaul.''

The Commission recommended that the United States expand the use of economic sanctions to apply against entire countries, rather than just individual entities. Suggested sanctions include import and export limitations, restrictions on the access of foreign entities to American capital markets, restrictions on direct foreign investments in an offending country, and restrictions on science and technology cooperation.

I should note that these measures are very similar to those proposed by my distinguished colleague from Tennessee, Senator THOMPSON, in 2000 during the debate on granting China permanent normal trade status. His amendment, which I strongly supported, was rejected by this body.

As to Taiwan, Beijing is deadly serious about pursuing unification—through force, if necessary—with our long-standing, democratic ally. The Chinese military is actively pursuing capabilities and strategies that it would need to accomplish that task, and according to the Commission, it is believed that the military has been directed to have viable options to do so by 2005 to 2007.

Mr. President, let me repeat that: It is believed that the Chinese military has been directed by the Communist leadership to be prepared to move against Taiwan by 2005 to 2007. If there is one sentence in this report that ought to serve as a wake-up call, this is it.

What is so significant about that time-frame is that, during those two years, a number of factors fall in line. First of all, the Defense Department has projected that the balance of power across the Taiwan Strait will shift toward China by 2005. Second, it is estimated that our theater missile defense system, which China fears we will share with Taiwan, will be up and running by 2007. Finally, it is estimated that China's myriad conventional weapons recently purchased from Russia—including submarines, fighter jets, and air-to-air missiles—will become fully operational within that 2-year period.

Indeed, the Defense Department, in its report, concluded that China's ''ambitious military modernization casts a cloud over its declared preference for resolving differences with Taiwan through peaceful means.'' The Pentagon observes that, over the past year, Beijing's military exercises have taken on an increasingly real-world focus aimed not only at Taiwan, but also at increasing the risk to U.S. forces and to the United States itself in any future Taiwan contingency.

The Defense Department warns that China's ''military training exercises increasingly focus on the United States as an adversary.'' Its military modernization concentrates on weapons that could cripple our military strength, including anti-ship missiles to counter our naval fleet and cyber-warfare to disrupt our infrastructure. Beijing is also modernizing its ballistic missile program, improving its missile force across the board both quantitatively and qualitatively. Beijing currently has about 20 inter-continental ballistic missiles, ICBMs, capable of targeting the United States, is projected to add up to 40 longer-range, road-mobile missiles by 2010.

In light of the Pentagon's conclusions, it is more important than ever that the United States provide Taiwan in a timely manner with the equipment and training it needs to defend itself against a potential Chinese attack. That training should include joint operational training, which would facilitate an allied U.S.-Taiwan response to an attack on Taiwan by China. Taiwan is currently outnumbered 10 to 1 in combat aircraft, 2 to 1 in ships, 60 to 4 in submarines, and its air force is beginning to lose its qualitative edge over China.

The United States should also expand and multilateralize its security relationships with Taiwan and other allies in East Asia to deter potential Chinese aggression. No doubt China is a very different country than the former Soviet Union, but there is something to be said for the deterrent factor that comes with a NATO-like coalition. As President Bush stated during his campaign, ''We should work toward a day when the fellowship of free Pacific nations is as strong and united as our Atlantic partnership . . .''

Additionally, the United States needs to develop and deploy missile defenses at the earliest possible date. I am pleased that President Bush recognizes the importance of having such a defensive system, and has made it a top priority among our military objectives.

What is frustrating is that the United States continues to play a facilitating role in China's military buildup and its proliferation of dual-use technologies—technologies that have civilian and military uses—to rogue states. China's buildup and its proliferation both harm U.S. national security. The United States China Security Review commission agreed with the conclusion of the 1998 Rumsfeld Commission that:

> The U.S. has been and is today a major, albeit unintentional, contributor to the proliferation of weapons of mass destruction [through] foreign student training in the U.S., by wide dissemination of technical information, by the illegal acquisition of U.S. designs and equipment, and by the relaxation of U.S. export control policies.

Our progressive relaxation of controls on the export of high performance computers is just one example. These computers can assist China in its efforts to rapidly design modern nuclear weapons and their delivery systems.

Our lax controls over the export of these computers allow China to legally obtain U.S. technology that helps to improve its military capabilities. Indeed, the Commission concluded that,

despite the existence of nominal controls, most high performance computers are no longer licensed and monitored.

Not only is China using U.S. technology to build its own military capabilities, it is transferring this technology to countries that support international terror networks. The China Commission found that:

> Chinese firms have provided dual-use missile-related items, raw materials, and/or assistance to Iran, North Korea, and Libya.

Chinese companies have also exported substantial dual-use telecommunications equipment and technology to countries like Iraq. Media reports indicate that the Chinese firm Huawei Technologies—an important player for many U.S. firms who want to reach the Chinese telecom and data communications market—assisted Iraq with fiber-optics to improve its air-defense system. This was not only a violation of U.N. sactions, it also greatly increased the danger to U.S. and British pilots patrolling the no-fly zones.

Despite the serious concerns of some policymakers, Members of this body, and others about the national security implications of transfers of such technology to China, the Senate, in September 2001, passed S. 149, the Export Administration Act. If enacted, this legislation would significantly relax our export control regulations and make it far easier for China to obtain sensitive U.S. technology. it would decontrol a number of items—including electronic devices used to trigger nuclear weapons and materials used to build missiles and produce nuclear weapons fuel—by giving these items ''mass market status.''

Mr. President, it is my hope that, as the anniversary of September 11 approaches, the administration and Congress recognize the potential danger of allowing business interests to continue to trump our national security needs. I am a strong proponent of free trade and open markets. But our national security should not be sacrificed for potential commercial gain. The federal government's first responsibility is the protection of the American people.

How the United States chooses to manage its relationship with China will have a far-reaching impact on our long-term national security. As that country continues to play a more prominent role on the world stage—no doubt a product of its economic liberalization—it is imperative that U.S. policy appropriately address not only our trade relationship, but also the threat posed by China to U.S. national security. Our actions should be based not on wishes, but on facts—even if they are unpleasant.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

PRIORITIZING ISSUES

Mr. THOMAS. Mr. President, I will talk a little about the issue we are currently dealing with in this Chamber, which is the Interior appropriations bill. It is a bill that is very important to those of us from the West. Being from Wyoming, it is a particularly interesting and important issue.

I listened to the assistant majority floor leader talk a little this morning about the importance of moving on with the issues we have before us. He enumerated the very many issues he considers apparently to be of primary importance. We are going to have to move forward, but we are going to have to make some priorities. We obviously do not have a great deal of time.

Many of the issues the Senator from Nevada mentioned are issues that have been around for a long time, without much push from the leadership to do anything about them until now. I hope we do not find ourselves dealing with too many issues and dealing with them insufficiently.

I hope we set priorities for where we are going to spend the rest of our time. My reaction is we need a little less talk and a lot more action.

With regard to Interior, for those of us in the West, one of the issues—especially in the case of Wyoming—is that half of our State is Federal land and managed, to a large extent, by those agencies that are funded in the Interior bill. This is a bill of about $19.5 billion, which is a little more than last year but generally about the same.

It is interesting that these agencies do create some revenues, mostly through royalties and minerals. About $6 billion worth of revenue comes from these activities.

The Bureau of Land Management handles a great deal of the land in our State. It has a great deal to do with multiple use. It has a great deal to do with our opportunity to go ahead and use those lands for the various kinds of activities that are good for the local economy, good for the Nation, and good for energy, for example, and at the same time protect the environment, which is also key to what we are doing.

I will comment further on PILT, payment in lieu of taxes. When a county could have as much as 80 percent of the land controlled and owned by the Federal Government, they have a real problem with tax revenues. Those lands would be earning revenue if they were in Maryland and owned privately. When they are owned by the Federal Government, there is no tax revenue. That is what the Payment in Lieu of Taxes Program is designed to do.

We also have the Wild Horse and Burro Program. We all want to preserve wild horses. They are spread over the country—some in Nevada, some in Wyoming, some in other States. However, we have a problem with overpopulation. It is an issue that exists with most wild critters. No one wants to do anything in particular to hold down the numbers. In the past, the numbers grew until there was not enough food and they starved to death. We do not want to do that. There has to be a particular number of wild horses, or elk, whatever, that can thrive; there is only so much vegetation for a certain number. Beyond that we have to do something. It is not an easy issue but we must deal with it. That is important.

The Forest Service is one of our national treasures. We need to preserve the Forest Service; we need to preserve the forests. We have done a good job. This year has been extremely difficult when it comes to wildfires. We have lost 6 million acres. We are faced with the question of how to better prepare and eliminate some of those fires. There are programs out there. The administration has one now that will be included in an amendment to this bill that allows thinning and allows ways to avoid fires rather than putting our energy into fighting fires.

I grew up next to the national forests in Wyoming. We were halfway between Cody, WY, and Yellowstone Park. It is a beautiful area with a great many trees and occasional threats from fires. There are cabins and buildings. We have a plan, if we could implement it, to hopefully avoid some of the fires.

The National Park System is one of the big activities in the Interior Department. We have 385 national parks in this country. Some are large. In Wyoming, we have Yellowstone, the oldest and largest park in the country. We have had a chronic problem of maintaining the infrastructure of the parks. They have millions of visitors, generally on a seasonal basis, during a relatively short time. The administration has promised to put $4.5 million into infrastructure so we can keep the parks available for people to enjoy and visit. That is our responsibility. The Interior dollars are very important.

Other activities of concern include the Fish and Wildlife Service, mining, as well as some research on energy and fossil technology and clean coal technology. Along with that is the U.S. Bureau of Indian Affairs. We are providing the best service we can to Native Americans. We are providing an opportunity for them to continue to begin to build as strong an economy as possible.

For a moment I will talk about the Payment in Lieu of Taxes Program. The Senate appropriates approximately $220 million for that PILT Program—more than it has ever received. We have not yet reached the appropriation to be equivalent to the authorization. Nevertheless, we have made some progress. This year, 67 of my colleagues joined in a request to increase PILT to help more than 2000 counties and local governments. When there is a county that has anywhere from 50 to 90 percent Federal lands, it is up to the county to provide the services necessary—whether it be law enforcement, fire, whatever. Those are county responsibilities. Therefore, there needs to be some revenues from the land. That is what these payments are about. We are moving toward that. I thank the committee for moving as they have toward

reaching the authorization of the funds available. Certainly that authorization is not totally enough to fill all the needs, but it is an improvement over the past.

This also gives an opportunity for those counties to create their own financial structure, much of which often is tourism, which, again, is costly. I thank the committee for what they have done with respect to payments in lieu of taxes to the counties. I hope we are able to include that. Our allocation is larger than the House and we need to bring that up so we have a satisfactory arrangement.

In the West we have had 3 years of very low rainfall, actual drought. It is very difficult. In Washington, it is normal to have 50 inches of rain a year. In Wyoming, it is more likely to be an average of 16 or 17 inches. It is a low precipitation area at best. Therefore, we irrigate. Irrigation water generally comes from reservoirs, from the runoff of snowfall that is captured in the mountains and let down during the summer. We have had relatively slow snowfall over the last several years and therefore our reservoirs are getting low and have been very low this year. We have had, certainly, a bona fide drought problem—not only in Wyoming but all through the area, including the Dakotas and down. There has been a great deal of discussion about it. On the Agriculture Committee we talked about that a great deal. The Agriculture Committee bill as prepared does not deal with drought. We think they will get support in the area of crops, but it is based primarily on loans after the product is sold. If you did not produce a product, there is nothing there. That is why we need to have disaster assistance. There will be less spending in the Agriculture bill because there will be less crops grown—with a higher price because there are less—but many farmers and ranchers will not produce a crop.

We should offset some of that to the farm bill spending. Whether we offset it or not, the fact is there will be less money spent in that area than could be spent. Therefore, what we spend here could replace what was there. I hope that is the approach we take.

We should have some limitation on how much we have there, but, indeed, it is a big issue and it will be a $5.5 billion issue to be able to deal with the losses that agriculture has suffered.

I hope, too, we do not simply focus on farm crops. Again, in my State, the biggest agricultural area is livestock. Livestock people have suffered as well. What has happened is there is no grass for grazing where the cattle are on private lands. In some cases where there has been grazing allowed, in the forests or BLM, Federal lands, there has not been a sufficient amount of grass. Ranchers have had to sell cattle because they have not had the feed and will not have the feed this winter.

When we do talk about agriculture, the idea often—particularly in some Midwestern States—is that just refers to farmers. I want to tell you it is farmers, but it is also those who raise livestock, cattle, and sheep. People who are in that business need to be recognized as well, in terms of what we do here to help the agricultural industry during the drought. We will be dealing with that. We will come back to it.

I say again I hope we can set some priorities for the relatively limited amount of time left of this Congress. I hope that we select those items that are timely, that need to be done. I understand when we come to the end of a session everybody has ideas of things that they would liked to have happened that did not happen, but we are not going to be able to do all those things. So what we have to do collectively is show some leadership as to which of those issues should be dealt with. Then we can do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

GRANDPARENTS DAY

Mr. LEAHY. Madam President, first, on a personal basis, earlier, at the opening of the session, it was noted that yesterday was Grandparents Day. I send my best to all those who are grandparents. The Presiding Officer, of course, is far too young to know the joys of that time in our lives. She does have the joy of two of the most beautiful children anybody has seen in the Senate family. But there will be a day when the other will come. The ranking member and I have the joy of being grandparents.

So I wish all grandparents the best and also extend special wishes to one growing, shameless Leahy.

After that outrageous usurpation of the podium, Madam President, probably, if my wife is watching, she is probably beginning to wonder if I took too much time off in August.

UNANIMOUS CONSENT AGREEMENT

Mr. LEAHY. Madam President, I ask unanimous consent regarding the time of the chairman and the ranking member of the Judiciary Committee that was originally set to be half an hour evenly divided, that we still have that half hour evenly divided, and the vote then begin after the expiration of that time.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF KENNETH A. MARRA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will proceed to executive session and proceed with the consideration of Executive Calendar No. 889, which the clerk will report.

The legislative clerk read that nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I do believe that Judge Kenneth Marra will be confirmed to the U.S. District Court for the Southern District of Florida. I have heard of no opposition. This is a judge who got strong bipartisan support in the Senate Judiciary Committee, which usually guarantees a confirmation on the floor. When that happens, the Democratic-led Senate will confirm its 74th judicial nomination made by President George W. Bush. This will also be the 25th judicial emergency vacancy that we have filled since I became chairman last summer, and the 18th since the beginning of this year.

The confirmation of Judge Marra will bring additional resources to the U.S. District Court for the Southern District of Florida. Judge Marra was nominated to fill a new position Congress created by statute to address the large caseload, particularly the immigration and criminal cases, facing the Federal court in Florida. He is one of three Federal judicial nominations on the Senate Calendar for action.

I recall during the past administration, the Clinton administration, we all worked very hard in cooperation with Senator GRAHAM and Senator MACK to ensure that the Federal court in Florida had its vacancies filled promptly with consensus nominees. Due to the bipartisan cooperation between one Democrat Senator and one Republican Senator and a Democratic President, the Senate was able to confirm 22 judicial nominees from Florida, including 3 nominees to the Eleventh Circuit. But it is unfortunate that this tradition of cooperation, coordination, and consultation has not continued with the current administration.

By my recollection, it was only the nomination of Judge Rosemary Barkett of the Florida Supreme Court to the Eleventh Circuit that generated any significant controversy or opposition. I do recall that she was strongly

opposed by a number of Republican Senators because they did not agree with her judicial philosophy. Those voting against her included Senators HATCH, GRASSLEY, MCCONNELL, SPECTER, and THURMOND, as well as Senators LOTT, NICKLES, and HUTCHISON of Texas. They have an absolute right to do that, of course. I respect that right. Judge Barkett received the highest rating of the ABA, ''well qualified,'' and yet 36 Republicans voted against her confirmation, even though she had the strong bipartisan support of her home State Senators. Recent claims by some that it is unprecedented to vote against a judicial nominee with a ''well qualified'' rating and to vote against her based on her judicial philosophy thus ring hollow.

Unfortunately, that is not the way the administration has dealt with Senators GRAHAM and NELSON now. But it is a tribute to Senator GRAHAM and Senator NELSON that we have made the progress we have had. They could very easily have exercised their right as Senators and refused to accept the nominees of President Bush. Of course, they would go no further under the blue-slip policy that both Republicans and Democrats strongly support. But they have been more than gracious in their willingness to support these nominees. That is why they have gone through.

This Democratic-led Senate has expeditiously moved President Bush's judicial nominees. We have worked hard to provide bipartisan support for the White House's nominations in spite of an almost unprecedented lack of willingness on the part of the White House to work with us.

In fact, I have been here 26 years: During the terms of President Ford, President Carter, President Reagan, President George Herbert Walker Bush, President Clinton, and now President George W. Bush. This administration is the least willing of any White House during all that time—Republican or Democrat—to work with the Senate on judicial nominations. But even without that cooperation, even with the unprecedented lack of cooperation, we are making progress.

I would like to discuss the progress we have made. This chart shows what has happened in the 15 months the Democrats have controlled the Senate. Contrast that to the Republicans' first 15 months when they controlled the Senate. In less than 15 months of Democratic control of the committee, we have held more hearings for more nominees, voted on more nominees in committee, and confirmed more nominees than the Republicans did in their first 15 months of control of the committee in 1995 and 1996.

We have confirmed more of President George W. Bush's Federal trial court nominees in less than 15 months than were confirmed in the first 2 years of his father's Presidency. In fact, we confirmed more in the first 15 months than the Republicans were willing to confirm in their last 30 months.

I mention this because there seems to be some idea that somehow the Democratic-led Senate is holding up judges. I think most of the Presidents with whom I have served would have been delighted to have had a Senate as cooperative as we have been.

Let me repeat that. In 15 months, Democrats have done more on judicial confirmations than Republicans did in 30 months.

They, on the other side, do not want to compare our record of accomplishment in evaluating judicial nominees with theirs in their prior 6½ years of control. They do not want to own up to their delay and defeat through inaction of scores of judicial nominees during the last administration.

All too often the only defense of their record we hear is the claim that President Clinton ultimately appointed 377 judicial nominees, 5 fewer than President Reagan. This statement overlooks the fact that the Republicans only allowed 245 of President Clinton's judicial nominees to be confirmed. That averages, incidentally, to about 38 confirmations per year during their 6½ years of control. We confirmed 74 judicial nominees in less than 15 months, including 13 to the circuit courts. I believe we have reported 80 out of the Judiciary Committee.

I mention this because of the persistence of the myth of inaction in face of such in the face of such a clear record of progress by Democrats. After a while, if someone keeps distorting the facts, if someone keeps stating things that are not true, people actually come to believe it is true. I am reminded of what Adlai Stevenson once said. I will quote him:

> I have been thinking that I would make a proposition to my Republican friends . . . that if they will stop telling lies about the Democrats, we will stop telling the truth about them.

The truth is, of course, as these charts show, that we have a pretty good record of accomplishment despite the lack of cooperation from the administration.

With today's vote, the Democratic-led Senate will confirm its 74th judge—exceeding the number of circuit and district court nominees confirmed in the last 30 months of Republican control of the Senate. We have done more than Republicans did, and we have done it in less than half the time.

We have confirmed more of this President's nominees, both circuit and district court nominees, in less than 15 months, than were confirmed in the comparable 15 months of the first term of former President Reagan, the first President Bush, and President Clinton.

Let's take a look at what has happened in the first 15 months. With today's vote, the Democratic-led Senate has confirmed 74 of this Republican President's judicial nominees in less than 15 months.

Under President Reagan—and incidently, I might point out, he had a Senate of his own party—there were 54 confirmation in the first 15 months. Under George H. W. Bush, there were 23; for the first 15 months of President Clinton, 45. Incidentally, that is with a Senate under the control of his own party. And now, in 15 months, under President George W. Bush, we have had 74 judicial confirmations—74. By any standard you want, here is a case where a different party than the President has controlled the Senate, and we have done more than was done for President Reagan when his own party controlled the Senate, for President Bush when another party controlled the Senate, for President Clinton when we, the Democrats, controlled the Senate.

It shows we can move and will move, and we have been doing that notwithstanding the fact that there has been less cooperation from the White House than I have seen with either Democratic or Republican Presidents in 26 years in the Senate. It is unfortunate.

President Bush will probably get a record number of his judges through at the current pace of confirmations. But I have to think how much better it could be done with less rancor and with even a modicum of cooperation. We have acted fairly and expeditiously notwithstanding the fact that Democrats have felt very concerned that for year after year after year after year in many of the circuit courts of this country, Republicans refused to even hold hearings for the nominees, even though they had the highest ratings of the American Bar Association. They would not even hold hearings, to say nothing about having a vote.

Then when the Republicans came in, suddenly there was an emergency; they had to fill the vacancies in those circuits. Their obstruction created the problem. But notwithstanding that, in many of those cases where Democrats were not allowed to even have a hearing year after year after year, we have in the last 15 months moved forward with hearings and votes, and positive votes, on the vast majority of his judicial nominees.

I have no idea what political game is being played at the White House. I know the people are very nice. Judge Gonzalez is a very nice, very polite person. He is charming to be with. But the cooperation is not there. The President is very nice, very charming. But the cooperation is not there. We could do far better if they would just pick up the phone and call the last three people from the last three Republican administrations—they do not even have to call a Democratic administration—and see how well this could be done.

As the distinguished ranking member, my good friend from Utah, knows, I went down several times and worked with the Clinton White House so they could have cooperation with, and they did cooperate with, Republican Senators in moving through judges. I would hope that with that precedent in mind, some might do the same.

Democrats have reformed the process for considering judicial nominees to

ensure bipartisan cooperation and greater fairness. For example, we have ended the practice of secretive, anonymous holds that plagued the period of Republican control, when any Republican Senator could hold any nominee from his or her home state, his or her own circuit or any part of the country for any reason, or no reason, without any accountability. We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have held 23 judicial nominations hearings in our first 13 months, an average of almost two per month.

In contrast, during the six and one-half years of Republican control, they went 30 months without holding a single judicial nominations hearing. By holding 23 hearings for 84 of this President's judicial nominees, we have held hearings for more circuit and district court nominees than in 20 of the last 22 years during the Reagan, first Bush, and Clinton Administrations.

As this chart shows, we have held more hearings for President Bush's judicial nominees in less than 15 months than were held in 15 months for any of the past three Presidents. In the first 15 months of the first term of President Reagan, 17 judicial nominations hearings were held. In the first 15 months of President George H.W. Bush's term, 11 hearings were held. And, in the first 15 months of President Clinton's first term, 14 judicial nominations hearings were held. In contrast, we have held 23 hearings in less than 15 months. That is almost as many as were held in the first 15 months of the terms of the first President Bush and President Clinton combined. We have more than exceeded the number of hearings held in the last 30 months of Republican control of the Senate, when they held only 15 hearings.

While some complain that a handful of circuit court nominees have not yet had hearings, they fail to acknowledge that Democrats have held hearings for more of President Bush's circuit court nominees, 18, than in any of the six and one-half years in which the Republicans controlled the Committee before the change in majority last summer. Republicans have utterly failed to acknowledge this fairness and progress under the Democratic majority. The myth of obstruction of judicial nominees fits their political strategy better than the truth.

The years of Republican inaction on a number of circuit court vacancies has made it possible for Democrats to have several ''firsts,'' or astounding accomplishments in addressing judicial vacancies. For example, we held the first hearing for a nominee to the Sixth Circuit in almost five years (that is more than one full presidential term) and confirmed her, even though three of President Clinton's nominees to the Sixth Circuit never received a hearing or a vote. We held the first hearing on a Fifth Circuit nominee in seven years (including the entire period of Republican control of the Senate) and confirmed her last year, while three of President Clinton's Fifth Circuit nominees never received hearings or votes on their nominations. We held the first hearing on a Tenth Circuit nominee in six years, and we have confirmed two of President Bush's nominees to the Tenth Circuit, while two of President Clinton's nominees to that circuit never received hearings or votes. We held the first hearing for a Fourth Circuit nominee in three years, for Judge Roger Gregory, and the first hearing for an African American nominee to that court in United States history, even though Judge Gregory and four other nominees to that circuit (including three other African Americans) never received hearings or votes during Republican control of the Senate. These are just a few examples of the historic accomplishments of the Democratic-led Senate which debunk Republican myths that Democrats caused the vacancy crisis, are delaying judicial appointments or have been retaliating for years of obstruction on circuit court vacancies by Republicans.

There were only 16 circuit court vacancies when Republicans took over the Senate in January 1995. Unfortunately, from January 1995 until Republicans relinquished control and allowed the Judiciary Committee to be reorganized in the summer of 2001, circuit court vacancies more than doubled from 16 to 33. Republicans executed a partisan political strategy to hold vacancies open on the circuits for a Republican president to fill. It would certainly have been easier and less work for Democrats to retaliate for the unfair treatment of the last President's circuit court nominees. We did not. We have been, and will continue to be, more fair than the Republican majority was to President Clinton's judicial nominees.

Here is another chart that shows that more of President Bush's judicial nominees have been given committee votes than the nominees of prior presidents. Unlike my Republican predecessor, I have scheduled hearings and votes on district and circuit court nominees whom I do not support. The Judiciary Committee has voted on 82 judicial nominees and favorably reported 80. In less than 15 months, we have voted on more of President Bush's district and circuit court nominees than were voted on in the first 15 months of any of the past three Presidents. Moreover, we have voted on more nominees in less than 15 months than were voted on in the first 15 months of Presidents Reagan and George H.W. Bush combined, or Presidents George H.W. Bush and Clinton combined. We have even voted on more nominees in less than 15 months than were voted on in the last 30 months of Republican control of the Senate, when 73 nominees were voted on by the Committee.

Because we have moved quickly and responsibly, the number of vacancies is not at the 153 mark it would be had we taken no action. Vacancies have been reduced to 79 and are headed in the right direction. On July 10, 2001, with the reorganization of the Senate, we began with 110 vacancies. When Republican gained control of the Senate in 1995 the federal judicial vacancies numbered 65. The vacancies increased during their six and one-half years to more than 110. Under the Democratic majority, by contrast, the number of vacancies is being significantly reduced. Despite the large number of additional vacancies that have arisen in the past year, with the 61 district court confirmations we have as of today, we have reduced district court vacancies to 50, almost to the level it was at when Republicans took over the Senate in 1995.

In fact, when we adjourned for the August recess we had given hearings to 91 percent of this President's judicial nominees who had completed their paperwork and who had the consent of both of their home-State Senators. That is, 84 of the 92 judicial nominees with completed files had received hearings.

When we held our most recent hearing on August 1, we had given hearings to 66 district court nominees and we had run out of district court nominees with completed paperwork and home-State consent. Only two district court nominees were eligible for that hearing. This is because the White House changed the process of allowing the ABA to begin its evaluation prior to nomination. This change has cost the federal judiciary the chance over the last year to have 12 to 15 more district court nominees on the bench and hearing cases, because now the ABA can only begin its evaluation once the nomination is submitted to the Senate. The ABA also must wait until the Administration provides the Senate with the nominee's public questionnaire, and lately the nominees' documents have been arriving on a delayed basis, as well. Indeed, many of the two dozen nominations most recently received will likely not get hearings before adjournment this year in large measure because the White House unilaterally changed the process for consideration and has built additional delays into it.

In January I had proposed a simple procedural adjustment to allow the ABA evaluation to begin at the same time as the FBI investigation, as was the practice in past Republican and Democratic Administrations over 50 years. Had this proposal been accepted, I am confident there would be more than a dozen fewer vacancies in the federal courts. Instead, our efforts to increase cooperation with the White House have been rebuffed. We continue to get the least cooperation from any White House I can recall during my nearly three decades in the Senate. Yet, even with such lack of cooperation from the White House, the Senate has set an impressive rate of confirming judicial nominees.

Here is another chart that shows how Democrats have dramatically reduced the time between nomination and confirmation of circuit court nominees. Since the Democrats assumed the majority last July, the average time to confirm circuit court nominees has been drastically reduced to 147 days, from a high during the most recent years of Republican control of 374 days. We have reduced the average time from nomination to confirmation to two-and-a-half times less than the average time to confirmation during Republican control during the 106th and 105th Congresses when it took an average of 374 and 314 days, respectively, to confirm President Clinton's circuit court nominees.

The Judiciary Committee has reported two more circuit court nominees favorably to the Senate. We have held hearings on 18 circuit court nominees and the Judiciary Committee has already voted on 17 of those 18 nominees.

In spite of the obstacles the White House has put in the way of their own nominees through their lack of consultation and cooperation, we have been able to have a productive year while restoring fairness to the judicial confirmation process. I regret that the White House has chosen the strident path that it has with respect to judicial nominations, especially to the circuit courts. As several Senators noted last week, the Administration does not have carte blanche to insist on an ideological takeover of the Courts of Appeals with activist ultra-conservative nominees intended to tip the balance in circuits around the country. The total number of district and circuit court confirmations now stands at 74, and there remain a few weeks left in this session. So while we have been working hard and productive, the Judiciary Committee and the Senate have not become a rubber stamp.

I am proud of the efforts of the Senate to restore fairness to the judicial confirmation process over this time. The Senate Judiciary Committee is working hard to schedule hearings and votes on additional judicial nominees, but it takes time to deal with a mess of the magnitude we inherited. I think we have done well by the federal courts and the American people, and we will continue to do our best to ensure that all Americans have access to federal judges who are unbiased, fair-minded individuals with appropriate judicial temperament and who are committed to upholding the Constitution and following precedent.

When the President sends judicial candidates who embody these principles, they will move quickly, but when he sends controversial nominees whose records demonstrate that they lack these qualities and whose records are lacking we will take the time needed to evaluate their merits and to vote them up or down.

I would like to thank the Members of the Judiciary Committee who have labored long and hard to evaluate the records of the individuals chosen by this President for lifetime seats on the federal courts. The decisions we make after reviewing their records will last well beyond the term of this President and will affect the lives of the individuals whose cases will be heard by these judges and maybe millions of others affected by the precedents of these decisions of these judges.

Before anyone takes for granted how fairly Democrats have treated this President's judicial nominees, receiving up or down votes, they should take a look at how poorly judicial nominees were treated during the 6½ years of Republican control of the Senate. In all, several dozen judicial nominees of President Clinton never received a hearing or a vote.

When confronted with this, Republicans often lament that about 50 of the first President Bush's judicial nominees did not get a hearing before the end of the session in Congress in 1992. What they consistently fail to mention about this, however, is quite revealing. That year, the Senate confirmed more of President George H.W. Bush's judicial nominees than in any year of his presidency. He had 66 judicial nominees confirmed that year, but the Senate simply could not get to the other 53 nominees he submitted in response to the creation of dozens of new judgeships. So, even though some of his nominees were returned, the Senate confirmed a substantial number, 66, of his judicial nominees in the 10 months they were in session that year, which was an election year, by the way.

Perhaps coincidentally, 66 is the highest number of judicial confirmations in one year that Republicans ever allowed President Clinton to reach. They averaged 38 judicial confirmations per year. In the last two years of the Clinton Administration, Republicans allowed only 33 and 39 judges to be confirmed, respectively in 1999 and 2000. President George H.W. Bush had 66 confirmations in his last year of office, an election year. In President Clinton's last year in office only 39 judges were confirmed, during Republicans control. In 1996, Republican allowed only 17 judges to be confirmed, none to the circuit courts. In those two election years combined Republicans allowed only 56 confirmations. In 1992, an election year, Chairman BIDEN pushed through 66 confirmations.

Unlike Democrats in 1992, Republicans cannot honestly claim that they moved a substantial number through but could not get to them all. Confirming only 39 judicial nominees in 2000 and returning more than that, 41, in that year alone, simply does not compare with what happened in 1992 when Democrats worked hard to move through 66 of the first President Bush's judicial nominees in the space of 10 months. If 66 was such an easy number to reach, why did Republicans reach that level only once in six years of control? The answer is easy. They did not want to do so. I think Republicans wanted to ensure that they never treated President Clinton better than the best year of former President Bush (his last year) and they wanted to ensure that President Clinton did not beat President Reagan's number of confirmations, as a matter of partisan pride.

Had Republicans kept up the pace of confirmation set by Democrats in the first President Bush's last year and the first two years of the Clinton Administration, President Clinton would have appointed substantially more than the 377 judges who were ultimately confirmed in his two terms as president, and the Democratic-led Senate Judiciary Committee would not have begun last July with 110 vacancies. Ironically, perhaps, Democrats have been so fair to President George W. Bush, despite the past unfairness of Republicans, that if we continue at the current pace of confirmation and vacancies continue to arise at the same rate, then Bush will appoint 227 judges by the end of his term. If he were elected to a second term, at the current pace, he would amass 454 judicial confirmations, dramatically more than President Reagan, who Senator HATCH often calls the all-time champ. This, too, demonstrates how fair Democrats have been. Perhaps some may say we have been foolishly fair, given how Democrats were treated in the past. We have exceeded the pace set in 1992, 1993 and 1994, with 74 confirmations to date in little more than a year.

In fact, when we adjourned for the August recess we had given hearings to 91 percent of this President's judicial nominees who had completed their paperwork and who had the consent of both of their home-State Senators. That is, 84 of the 92 judicial nominees with completed files had received hearings.

Any way you look at the numbers, raw numbers or percentages, comparisons with the prior six years of Republican control or with prior Congresses and Republican presidents, the Democrats have done more in less time. We have been more fair by far. Yet we have been unfairly labeled as obstructionist because we have not been able to have hearings for every single judicial nominee in the short period we have been in the majority. This President still has over two years left in his term.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise today to respond to some of the amazing assertions made by my distinguished colleague and friend from Vermont. Of course, I do so with some trepidation because each time we have a back and forth like this one, I help my colleague further the impression that he is out to create and that he has done a good job of creating, especially with the press.

The impression my colleague is seeking to create is that both sides come to

the table with unclean hands in the matter of confirmations. It is a false impression and it provides a smokescreen of the stark reality of the poor performance of the Judiciary Committee this past year and during this session.

Naturally, my friend takes pride in his accomplishments this year, but not all of them. Let me list a few he misses. President Reagan took pride in nominating the first woman to the Supreme Court. My Democrat colleagues have now presided over the ''Borking'' of the first woman in history, and one of the leading women jurists in this country, Priscilla Owen.

My colleague has also set a new record for a Judiciary Committee chairman. He has voted in 1 year against more judicial nominees than any chairman in the 212 years of the Republic. Moreover, most of my Democrat colleagues on the Judiciary Committee have voted against more judicial nominees in this last one year than I have in my 26 years on the Judiciary Committee. I voted against only one Clinton nominee, only one, but as painful as that was, I did it standing straight for all to see in the disinfectant light of the Senate floor, not in the shadows of a committee vote.

Also, in rejecting Justice Owen, my Democrat colleagues rejected for the first time in history a nominee who has received the American Bar Association's unanimous rating, highest rating of well qualified, the rating that earlier this year they announced to be the gold standard for judicial nominees and which, of course, they now criticize because the independent body has rated President Bush's nominees as highly qualified as any we have ever seen.

In other words, Priscilla Owen, who had the support of both home State Senators, which is a requisite for consideration by the Committee, who had the highest rating given by the American Bar Association for a judicial nominee, who is a supreme court justice in Texas, and who, by anybody's measurement who is fair, is in the mainstream of American jurisprudence, was dumped unceremoniously in the committee by a 10-to-9 party vote, a partisan party vote at that, and without giving her nomination the chance of being brought up on the floor of the Senate where I believe she would have passed, if not overwhelmingly, certainly comfortably.

I have heard my colleague from Vermont defend against that by listing the 42 judicial nominees who did not get confirmed by the end of the Clinton administration. He doesn't point out that there were 54 nominees left hanging at the end of the first Bush administration when they were in charge. And he does not explain that most, if not all, of the nominees left hanging at the end of the Clinton administration, however qualified, did not progress because either they were nominated too late or did not have their home state Senators' support or had other problems that we cannot address.

In an attempt to cloud up the rejection of Justice Owen's nomination, I have also heard my colleagues point to the Clinton judges from Texas in particular who never got a hearing. One said at the Owen hearing that I did not give them a hearing. It was a very unfair characterization, and I will respond to it now.

As my friend knows well enough, neither of those nominees had the support of their home state Senators. This prevented me, and would have prevented the distinguished Senator from Vermont, if he were in my shoes, from scheduling a hearing for them. In part, this was because President Clinton ignored the Texas Senators and the Texas nominating commission in making those nominations. The practice of honoring the home State Senators is not one I put in place; it was put in place under Democrat leadership of the committee, and appears agreeable to both parties.

Today, Democrat Senators from the States of North Carolina, California, and Michigan have prevented the Judiciary Committee from holding hearings on six of President Bush's original Circuit Court of Appeals nominees who were nominated a year and a half ago, some of the greatest nominees I have seen in the whole time I have been in the Senate and on the Judiciary Committee, now 26 years.

I know there are those who seem to justify wrong in childlike fashion with the intellectual crutch of, ''They did it, too.'' Let me say that we Republicans have never done what was done to Justice Owen. I can't think of anything in history that compares to that. Some Democrats have attempted to leave the impression that Republicans have unclean hands so as to soften the scrutiny of what was done to Justice Owen. The American people will see through this.

But let me assure you, none of those nominees who did not get hearings would trade places with Charles Pickering of Mississippi or Priscilla Owen of Texas. It is beyond peradventure that they would prefer to be ghosts of nominations past than called racists, unjustly called racists, and have their fine records of public service soiled by the Judiciary Committee.

I am heartened to know that beyond the overwhelming support from her home State of Texas and scores of op-eds written across the country in support of the Owen nomination, Justice Owen's nomination to the Fifth Circuit has received editorial support from over 24 newspapers published across the Nation and across the political spectrum. I have previously submitted these for the RECORD.

Prior to the vote in Committee, only three newspapers, in fact—in New York, Los Angeles, and San Francisco—had come out firmly against the nomination.

I am heartened by this national support not just for the sake of Justice Owen, but because at her hearing I expressed alarm at the efforts of some to introduce ideology into the confirmation process. I am heartened that editorial and op-ed writers across the country reflect not only support for Justice Owen but also the near universal rejection of this misguided effort to make the independent Federal judiciary a mere extension of Congress and less than the independent, coequal branch it was intended to be.

Let me respond further to my good friend from Vermont. He is right that in this session so far the Senate has confirmed 73 judges. There is much eagerness in my friend's voice asserting that this number compares favorably to the last three sessions of Congress during which I was chairman.

Although I am flattered to hear my record used as the benchmark for fairness, I am afraid this does not make for a fair comparison because I was never chairman during any of President Clinton's first 2 years in office.

Let me repeat that. I was never chairman of the Judiciary Committee during any President's first 2 years in office. I am glad to say, therefore, that the proper comparison is not, as they say, about me.

My colleague speaks of the last 15 months when I was chairman, but this compares apples to oranges.

During President Clinton's first Congress, when Senator BIDEN was the chairman of the Judiciary Committee, the Senate confirmed 127 judicial nominees. And Senator BIDEN achieved this record despite not receiving any nominees for the first 6 months—in fact, Senator BIDEN's first hearing was held on July 20 of that year, more than a week later than the first hearing of this session, which occurred on July 11, 2001. Clearly, getting started in July of year one is no barrier to the confirmation of 127 judges by the end of year two. But we have confirmed only 73 nominees in this session.

Senator BIDEN's track record during the first President Bush's first two years also demonstrates how a Democrat-led Senate treated a Republican President. Then-Chairman BIDEN presided over the confirmation of all but 5 of the first President Bush's 75 nominees in that first two-year session. Chairman THURMOND's record is similar. The contrast to the present could hardly be starker.

Mr. President, we are about to close President Bush's first 2 years in office having failed the standards set by Chairmen BIDEN and THURMOND. That is nothing over which to be proud. We still have 80 vacancies on the courts, and 32 emergency vacancies.

Mr. President, one final point about Justice Owen. Much of the opposition against her was driven by interest groups that advocate for the right to abortion. Yet in Justice Owen we had the first nominee we have considered this session who has, as a judge, read those cases, cited them, quoted them, applied them and followed them. She did, however, interpret the new Texas parental notice law and sought in one

particular case to make it rarer to bypass than some of her colleagues on the court, although the Texas Supreme Court agreed in most all other respects.

Of course, the charge that she is a judicial activist was a cynical trick of words from Washington special interest lobbyists who have made their careers taking positions without letting the words of the Constitution stand between them and their political objectives.

Why did they oppose her? Ironically enough, they are doing so because they do not like the Texas statute requiring parental notice in cases of abortions for children. Justice Owen voted to give the statute some meaning. Justice Owen's opponents think a minor should always be able to avoid the Texas Legislature's standards. It is the groups allied against Justice Owen who are the judicial activists, the ones who are looking to achieve in the courts an outcome that is at odds with the law passed by the elected legislators.

Let's be clear that the opposition to Justice Owen was all about abortion. But in Justice Owen's case, it was not that she opposed abortion rights—no decision of hers ever denied that right. I fear that the opposition to Justice Owen is not about abortion rights exactly, but something much more insidious—it was not about abortion rights exactly but about abortion profits.

Simply put, the abortion industry is opposed to parental notice laws because they place a hurdle between them and their clients—not the girls who come to them, but the adult men who pay for the abortions. These adult men, whose average age rises the younger the girl is, are eager not to be disclosed to parents, sometimes living down the street. At $1,000 per abortion and nearly 1 million abortions per year, the abortion industry is as big as any corporate interest that lobbies in Washington. They not only ignore the rights of parents to hide their young daughters' abortions, they also protect sexual offenders and statutory rapists.

And who are the lobbyists for the abortion industry? Exactly the same cast that has launched an attack on Justice Owen. One wonders, as columnist Jeff Jacoby did in the Boston Globe, who are the extremists on this issue, who is out of the mainstream? Not Justice Owen—82 percent of the American people favor consent and notice laws such as Justice Owen interpreted—86 percent in Illinois.

I will say it again, while my colleagues continue in general to apply an abortion litmus test, the assault against Justice Owen was not about abortion rights, it was about abortion profits. It is not about a woman's right to an abortion, it is about assailing parental laws that threaten the men who pay for abortions. It is whether parents should at least know, not even consent to, but just know, when a minor child is having an abortion paid for by an adult.

Let's speak truth to power. Justice Owen was picked to be opposed because she is a friend of President Bush from Texas. She was opposed by an axis of profits. This axis of profits combines the money of trial lawyers and the abortion industry to fund the Washington special interest groups, and spreads its influence to the halls of power in Washington and in State courts across this country.

The Opposition against Justice Owen was intended not only to have a chilling effect for women jurists that will keep them from weighing in on exactly the sorts of cases that most invite their participation and their perspectives as women, but also on all judges in all State courts who rule on cases the trial lawyers want to win and cash in on.

When my colleagues voted against her, they chose to besmirch a model young woman from Texas, who grew up, worked hard and did all the right things—including repeatedly answering the call of public service at sacrifice of personal wealth and family. My Democrat colleagues voted, in effect, against the American promise of fairness.

This is a young woman who gave up a lucrative career to give public service on the Texas Supreme Court, and who deserves to be on the Fifth Circuit Court of Appeals.

Such a vote should have taken place in the light of this Senate floor, but the American people will hear of the result notwithstanding the shadows.

I only hope the American people will repair the damage done to the Constitution when they vote in November.

I have reviewed Mr. Marra's distinguished career and I can say, without hesitation, that he will be an excellent addition to the prestigious Southern District of Florida.

Mr. Marra comes to the federal bench with a unique and extremely useful qualification: Judge Marra is a former Social Studies teacher at Elmont Memorial High School in Elmont, New York. After teaching high school for several years, Judge Marra inexplicably decided to change career paths and went to law school, graduating from Stetson University College of Law in 1977. He then went to work for the United States Department of Justice as part of its honor law graduates program. While at the Department of Justice, he was involved in litigation which sought to protect the land, water and mineral rights of Native Americans from encroachment and to regain such resources that had been wrongfully lost over the years.

After three years with the Department of Justice, Judge Marra joined the law firm of Wender, Murase & White of Washington, D.C., where he was involved in patent and trademark litigation, corporate law and litigation in the area of federal Indian law. In 1984 Judge Marra joined the law firm of Nason, Gildan, Yeager, Gerson & White. He worked at that firm for the next twelve years focusing on commercial litigation and representing clients at both the trial and appellate levels. Judge Marra gained experience in a variety of matters, including antitrust, contracts, construction defects, condominium and homeowner association disputes, and employment and housing discrimination.

In 1996 Judge Marra was appointed to the Fifteenth Judicial Circuit in Palm Beach County, Florida. He has served in the civil, family and criminal divisions.

Judge Marra will make a fine member of the Federal bench.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I am sure it was inadvertent that when the distinguished Senator from Utah was talking about the editorials against the nominee, Priscilla Owen, he said there were only three against.

I refer, for example, to the Atlanta Journal-Constitution, and I will quote from it and then put the whole editorial in the RECORD.

I ask unanimous consent that articles in opposition to her be printed in the RECORD.

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

[From the New York Times, Sept. 4, 2002]

THE WRONG JUDGE

Priscilla Owen, President Bush's latest nominee to the United States Court of Appeals for the Fifth Circuit, has been at times so eager to issue conservative rulings in cases before her on the Texas Supreme Court that she has ignored statutory language and substituted her own views. This criticism comes not from the ''special interest groups'' she has charged with misstating her record, but from Alberto Gonzales, President Bush's own White House counsel. Mr. Gonzales, who served with Justice Owen on the Texas high court, once lambasted her dissent in an abortion case for engaging in ''unconscionable . . . judicial activism.'' Mr. Gonzales says today that he nonetheless supports the elevation of Justice Owen. We do not.

In choosing a nominee for the Fifth Circuit—the powerful federal appeals court for Texas, Mississippi and Louisiana—President Bush has looked to the extreme right wing of the legal profession. Even on Texas' conservative Supreme Court, Justice Owen has distinguished herself as one of the most conservative members. A former lawyer for the oil and gas industry, she reflexively favors manufacturers over consumers, employers over workers and insurers over sick people. In abortion cases Justice Owen has been resourceful about finding reasons that, despite United States Supreme Court holdings and Texas case law, women should be denied the right to choose.

Justice Owen's views are so far from the mainstream that, on those grounds alone, the Senate should be reluctant to confirm her. But what is particularly disturbing about her approach to judging is, as Mr. Gonzales has identified, her willingness to ignore that text and intent of laws that stand in her way. In an important age discrimination case, Justice Owen dissented to argue that the plaintiff should have to meet a higher standard than Texas law requires.

Justice Owen has also shown a disturbing lack of sensitivity to judicial ethics. She has raised large amounts of campaign contributions from corporations and law firms, and

then declined to recuse herself when those contributors have had cases before her. And as a judicial candidate, she publicly endorsed a pro-business political action committee that was raising money to influence the rulings of the Texas Supreme Court.

After the Senate Judiciary Committee rejected Judge Charles Pickering, another far-right choice, for a seat on the Fifth Circuit earlier this year, the Bush administration declared that it would not be intimidated into choosing more centrist nominees. Sadly, the administration has lived up to its threat. In this dispute the Senate is right: the administration should stop trying to use the judiciary to advance a political agenda that is out of step with the views of most Americans.

Justice Owen is a choice that makes sense for Justice Department ideologues who want to turn the courts into a champion of big business, insurance companies and the religious right. But the American people deserve better. Justice Owen's nomination should be rejected.

[From the Los Angeles Times, July 23, 2002]

IDEOLOGUES ALL IN A ROW

Last year President Bush eliminated the American Bar Assn. from the process of vetting potential judicial nominees, a role it performed ably and in a nonpartisan way for the nine presidents before him. Now he relies on the ideological tests of the very conservative Federalist Society.

Not surprisingly, the men and women who pass this rigid test look remarkably alike on the bench. They often side with business in disputes involving employee rights, consumers and the environment. They strongly oppose abortion, and their opinions reveal a strong streak of judicial activism dressed up as traditional principle.

Priscilla Owen is among them. A protege of Bush confident Karl Rove, who engineered her 1994 election to the Texas Supreme Court, Owen is a nominee to a seat on the U.S. 5th Circuit Court of Appeals. She comes before the Senate Judiciary Committee today to defend a record of indifference to the problems of most Americans.

Senators should ask her why, for example, she voted to reverse a jury verdict in favor of a woman who had sued her health insurance company for refusing necessary surgery to remove her spleen and gallbladder. Her colleague on the Texas high court, Alberto Gonzales, now Bush's top legal advisor, dissented, writing that Owen's decision turned the legal standard in that case ''on its head.''

Gonzales, a solid conservative himself, also took issue with Owen in an abortion case that should draw tough questions from Sen. Dianne Feinstein (D–Calif.), chairwoman of today's hearing. Texas law allows pregnant teenagers in some instances to seek permission from a judge to have an abortion without their parents' consent. Owen has staunchly opposed such ''judicial bypasses.'' In one case, Gonzales, wrote, Owen's opinion would have ''create[d] hurdles that simply are not found in the . . . statute'' and would be ''an unconscionable act of judicial activism.'' in other cases, her colleagues have accused her of ''inflammatory rhetoric.''

For all this, Owen's nomination puts Feinstein in a tough spot. She was chairwoman last March when the Judiciary Committee rejected Charles Pickering, another Bush pick for the 5th Circuit. She is anxious to avoid being labeled obstructionist. But given her repeated calls for mainstream nominees, not to mention her long support for abortion rights, Feinstein should vote no, and so should her colleagues.

Although it is now one of the most conservative appellate federal courts, the 5th Circuit has a long and honorable history—defending civil rights during the 1960s and the rights of asbestos workers, systematically deceived and injured by their employers, in the 1970s. Owen would add nothing positive to that legacy.

Americans want independent, commonsensical and capable judges, not those whose political ideology—from either direction—wins them a nomination. As long as Bush continues to exclude the American Bar Assn. from the nomination process, he should not be surprised that his choices draw fire.

[From the San Antonio Express-News, July 21, 2002]

BUSH COURT CHOICE SHOULD BE REJECTED

Once competency is established, the most important qualification for a judge is commitment to following the law as it is written—regardless of personal philosophy.

Justice Priscilla Owen is clearly competent, but her record demonstrates a results-oriented streak that belies supporters' claims that she strictly follows the law.

Because of Owen's record as a member of the Texas Supreme Court, the Senate Judiciary Committee should reject her nomination to sit on the U.S. 5th Circuit Court of Appeals.

Her most infamous opinions involve cases in which minors were seeking a legal bypass allowing them to get an abortion without parental consent.

In those cases, she consistently landed in a small court minority that opposes such bypasses, while a majority of her fellow judges on an all-Republican court upheld the law as legislators wrote it.

Former Justice Al Gonzales clearly pointed that out. In an opinion that countered a dissent she supported, he wrote: ''To construe the Parental Notification Act so narrowly as to eliminate bypasses, or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism.''

Now serving as President Bush's White House counsel, Gonzales is defending his former state court colleague. However, opinions she wrote in the parental consent cases show a clear line between strict constructionist judges and activists.

Owen, who remains on the state's high court, is an activist.

In recent years, judicial nomination struggles on Capitol Hill have become a game, played by both parties, or petty obstructionism.

The Senate should not block a judicial nominee simply because he or she is more conservative or more liberal than the Senate's majority party.

It also should not engage in petty personal attacks. But concerns about Owen go to the heart of what makes a good judge.

When a nominee has demonstrated a propensity to spin the law to fit philosophical beliefs, it is the Senate's right—and duty—to reject that nominee.

A hearing on Owen's nomination is set for this week.

Although Owen should be rejected for a lifetime appointment, the Democrat-controlled Senate should have given her a hearing long ago. Bush nominated Owen on May 9, 2001.

Owen and the president were owed better treatment. Even nominees who are destined for rejection deserve timely consideration, and the Democrats should pick up the pace in considering Bush's judicial picks.

During his years as Texas governor, Bush did a masterful job of selecting quality, moderate judges. But his decision to nominate Owen is a disappointment.

We urge Bush to take more care in future nominations and return to his previous policy of nominating judges who believe in the law more than any ideological agenda.

[From the San Francisco Chronicle, July 23, 2002]

FEINSTEIN'S DECISIVE MOMENT

Sen. Dianne Feinstein, D-Calif., faces a momentous decision. Today, the Senate Judiciary Committee will hold hearings on Priscilla Owen, the president's candidate for a lifetime appointment to the United States Court of Appeals for the Fifth Circuit. With the committee divided along party lines, Feinstein could cast the decisive vote.

When George W. Bush became president, he excoriated judicial activism and vowed to nominate justices who interpret the law, instead of trying to rewrite it.

Priscilla Owen simply does not satisfy the president's own criteria for this position. According to a report issued by People For the American Way, a liberal advocacy group, Owen has demonstrated a disturbing pattern of overruling the law when it clashes with her conservative ideology.

In one case, for example, Owen's dissenting decision would have effectively rewritten a key Texas civil rights law by making it more difficult for employees to prove discrimination. Her colleagues on the bench—mostly Bush appointees—wrote that her ruling ''defies the Legislature's clear and express limits on our jurisdiction.''

With respect to reproductive rights, Owen advocated a far more restrictive interpretation of the Texas law that allows a minor to obtain an abortion without parental notification. Her dissent prompted then-Justice Alberto Gonzales, now the White House counsel, to write that her opinion constituted ''an unconscionable act of judicial activism.'' Gonzales, naturally, now expresses the White House party line, hailing Owen's integrity and ability. ''I'm confident she will follow the law as defined by the Supreme Court,'' Gonzales was quoted as saying in the San Antonio Express-News.

But close observers of her Texas record are less confident of her objectivity. Danielle Tierney, a Planned Parenthood spokeswoman from Texas, said Owen has ''a record of active opposition to reproductive and women's rights.''

Owen has also tried to finesse laws that protect public information rights, the environment, and jury findings.

The point is, Owen has created a strong record of ''rewriting'' the law when it does not match her conservative convictions.

This is why it is vital that Feinstein reject this nomination.

[From the Dallas Morning News, July 16, 2002]

JUSTICE OWEN: PERPETRATOR OR VICTIM OF POLITICS?

HER ACTIVISM HAS BEEN EXTREME, EVEN BY TEXAS STANDARDS

(By Craig McDonald)

Texas Supreme Court Justice Priscilla Owen, who faces a Senate Judiciary Committee hearing Thursday on her nomination to the 5th U.S. Circuit Court of Appeals, flunks the stated judicial criteria of both President Bush and the Democratic chairman of the Judiciary Committee.

Although the president nominated Justice Owen, she flunks his own pledge to appoint ''strict constructionists'' who narrowly interpret laws rather than write opinions promoting a political agenda. ''I want people on the bench who don't try to use their position to legislate from the bench,'' Mr. Bush has said. Yet Justice Owen's record on the Texas Supreme Court is one of a judicial activist who seeks to make laws from the bench.

Justice Owen also flunks the criteria of Senate Judiciary Committee Chairman Patrick Leahy, who has pledged to stop any ''ideological court packing.'' Justice Owen's record has established her as an ideological extremist out of the mainstream—even on the all-conservative Texas Supreme Court.

Justice Owen's extreme opinions have mobilized a large coalition of Texas organizations working to stop her appointment. The groups fighting her nomination range from the Texas chapter of the American Association of University Women to the Women's Health and Family Planning Association. They include the AFL–CIO, the National Association for the Advancement of Colored People, Planned Parenthood, the Texas Civil Rights Project, the Texas Abortion Rights Action League and others.

While each of those organizations has its own reasons for opposing Justice Owen, my group—Texas for Public Justice—is particularly troubled by the fact that she has amassed a body of rulings that advance the agendas of the special interests that bankrolled her judicial campaigns. Thirty-seven percent of the $1.4 million that Justice Owen raised for her Supreme Court campaigns came from donors with a direct stake in case in her court.

Letting special interests bankroll judicial campaigns has shattered public confidence in Texas courts. A 1999 Texas Supreme Court poll found that 83 percent of Texans, 79 percent of Texas lawyers and 48 percent of Texas judges say campaign contributions significantly influence judicial decisions. Commenting on the poll, U.S. Supreme Court Justice Anthony Kennedy said, ''The law commands allegiance only if it commands respect. It commands respect only if the public thinks judges are neutral.''

Since Justice Owen joined the high court in 1995, she has written and joined a slew of opinions that favor businesses over consumers, defendants over plaintiffs and judges over lawmakers and juries. A 1999 study by Austin-based Court Watch found that individuals won just 36 present of their cases during Justice Owen's tenure, compared to a win rate of 66 percent for businesses, 70 percent for insurers and 86 percent for medical interests.

While all nine Texas Supreme Court justices are pro-business conservatives, Justice Owen and Nathan Hecht became an isolated bloc of extremist dissent about 1998. Masquerading as ''strict constructionists,'' Justices Owen and Hecht have promoted the interests of big business and the far right with much less restraint than their fellow Texas justices. That ultraconservative activism is all the more disturbing, given that it mirrors the agenda of the top donors to their judicial war chests.

In making lifetime appointments to federal appeals courts, the president and the Senate can—and should—do better. Justice Owen lacks criminal trial experience, has taken more than $500,000 in judicial contributions from interests with cases in her court and has produced a body of activist opinions that are extremist—even by Texas standards.

[From the San Antonio Express-News, July 21, 2002]

JUDGE OWENS FLUNKS BUSH'S OWN ''STRICT CONSTRUCTIONISTS'' TEST

(By Jan Jarboe Russell)

In a perfect world, there wouldn't be ''liberal'' judges or ''conservative'' judges, there would just be good judges. After all, if you ask ordinary people what they want in a federal judge, what they want are judges who are fair, learned and impartial, judges who have the ability to lay aside their own political views and do their public duty.

Why then is it so darn hard to find these kind of plain-and-simple judges? The answer, of course, is the dreaded P word; politics. The ongoing battle in the Senate Judiciary Committee over the nomination of Priscilla Owen to the 5th U.S. Circuit Court of Appeals is a perfect example of how politics is making a certifiable mess of America's judicial system.

In seven years on the Texas Supreme Court, the only way moderate-thinking people in Texas survived Owen's relentless ultra-conservative dissents was to toughen our stomachs and take her many efforts to rewrite our state laws one day at a time. This is a woman who has consistently ruled against consumers, has routinely overturned decisions of juries, has curtailed access to public records, and by anyone's measure is an avid anti-abortion ideologue.

Mind you: the Texas Supreme Court is no bastion of liberalism. The nine members of the court are 100 percent pedigree Republican, but Owen was such a right-wing activist she managed to earn the nickname ''Justice Enron'' for accepting $8,600 in Enron campaign funds in one year—$1,000 of it from Kenneth Lay himself—and turning around the next and writing an opinion that saved Enron $225,000 in school taxes.

As one of only nine states in the nation with the sorry system of electing our judges with expensive campaigns paid for by the very lawyers and businesses that come before these judges for justice, Texas gets exactly the kind of justice we deserve. In the case just mentioned, for example, Enron paid for the privilege of robbing the public school children of Spring, a Houston suburb, of their rightful share of taxes.

I don't expect President Bush to nominate judges to the federal bench with whom I agree politically. But I do expect Bush to nominate people to lifetime positions on the federal bench who meet Bush's own standards of ''strict constructionists,'' judges who will interpret rather than write the law. Owen fails the Bush test.

In no less than a dozen cases in which the Texas Supreme Court was asked to allow a pregnant teenager to bypass the state's parental notification requirement and have an abortion, Owen voted every time to deny the bypass and created hurdles that were not written in the state's law. In one case, when lawyers for a high school senior requested that the court act quickly on the girl's request for permission to bypass the notification requirement, Owen wrote a dissent that asked: ''Why then the rush to judgment?'' The girl was in the 15th week of pregnancy at the time.

Owen's rulings in these abortion notification cases were so strident that Alberto Gonzales, now Bush's White House counsel but then a member of the Texas Supreme Court, wrote in a majority opinion that Owen and two other dissenting justices were thwarting the clear intent of the law. To accept their reasoning, he wrote, ''would be an unconscionable act of judicial activism.''

Gonzales finds himself in the role of reluctant cheerleader for Owen. In a telephone interview from his office in the West Wing the other day, Gonzales claimed that he never accused Owen of judicial activism and believes she would be an excellent judge. His opinion has written in black-and-white only two years ago—he clearly called her dissent an ''unconscionable act of judicial activism''—but maybe in his struggle to find the gray, Gonzales meant that he thought all of three of the judges were unconscionable. Who knows? Politics makes people parse words very carefully.

Owen's political credentials are indeed impressive. She is a protege of Karl Rove, the president's political adviser, and it is Rove who is pushing her judicial nomination. But politics should not be the primary measure of a judge's ability to administer justice.

As much as it pains me to say it, Justice Enron should stay put in Texas.

[From the Houston Chronicle, July 31, 2002]

DIFI, OWEN WOULD BE VERY ODD COUPLE

(By Cragg Hines)

Sen. Dianne Feinstein, a wonderfully calm, cool Californian, loves to be the swing vote. It increases the sense that she is unbought and unbossed, and it makes her political currency slightly more valuable than that of colleagues who fall predictably one way or another on an issue.

Part of this is political tromp l'oeil, an illusion so strong that it's difficult to tell it's not genuine. For, when the roll is called, only rarely is Feinstein not reliably found where she sought to be—in her regular center-left Democratic pew.

Which brings us to the nomination of Justice Priscilla Owen of the Texas Supreme Court to be a judge on the 5th U.S. Circuit Court of Appeals, a place where the conservative judicial activist, corporate suck-up and made member (blood oath?) of the Federalist Society has no earthly place being.

Feinstein ran last week's hearing by the Senate Judiciary Committee on Owen's nomination and said she was ''keeping an open mind'' regarding President Bush's determination to give Owen lifetime employment. (For the forgetful: Bush and Owen both got their start in statewide politics as clients of the White House political high priest, Karl Rove.)

Feinstein's self-advertised ''open mind'' is about the only hope for supporters of Owen. The Judiciary Committee's nine Republicans need one of the panel's 10 Democrats to vote with them to get the nomination to the floor.

If the nomination is not cleared by the committee, it's dead. None of this sending it to the floor without a recommendation in a Senate with a one-vote Democratic margin and run by Majority Leader Tom Daschle, D–S.D.

(Owen opponents would still like to hear something definitive from two other Demoracts—Sen. Joseph R. Biden, Jr. of Delaware, who did not show up for last week's hearing, and the enigmatic gentleman from Wisconsin, Sen. Russell D. Feingold—but the focus is on Feinstein.)

Owen's opponents believe that Feinstein will eventually vote against the Texas jurist, but they cannot be absolutely certain. Feinstein is not about to help them divine the oracle at the moment.

''I've been giving it a great deal of thought,'' Feinstein said this week as the Senate headed toward summer recess. ''I'm not going to let my decision be known, but at an appropriate time, I will.

''What I've said, and I've taken this position, I think, rather scrupulously, is that I don't make up my mind until after the hearing.''

There was little in the hearing that should lead Feinstein, or any senator, to believe that Owen is anything but the very bright, very ideological, very driven hard-right jurist revealed in her work over the last seven years on Texas' highest civil court.

Finally, Sen. Richard J. Durbin, D-Ill, asked Owen directly about her position on abortion.

''My position is that Roe v. Wade has been the law of the land for many, many years . . . ,'' Owen said, noting that decision had been modified (and made more restrictive by subsequent rulings). ''None of my personal beliefs would get in the way of me applying that law or any other law.''

But Owen's record, in a series of recent abortion-related cases, suggests otherwise. In all but one of the cases, Owen sought to tweak and torture the Texas law to something not intended by the Legislature.

Feinstein was listening to all of this and, one assumes, took it on board. In case she didn't, an editorial in The Los Angeles Times the morning of the hearing should have helped: The work of Owen and similarly situated conservative jurists ''reveal(s) a strong streak of judicial activism dressed up as traditional principle.''

The home state newspaper parsed Feinstein's situation: She also chaired the hearings earlier this year in which the Judiciary Committee rejected Bush's nomination of Charles Pickering of Mississippi for a seat on the 5th Circuit Court.

''She is anxious to avoid being labeled obstructionist,'' The Times said of Feinstein. ''But given the repeated calls for mainstream nominees, not to mention her long support of abortion rights, Feinstein should vote no, and so should her colleagues.'' Feinstein said she weighs such opinion but that it is not dispositive.

One piece of baggage Feinstein would like to discard in the Owen matter is that her vote will have anything to do with a business relationship that the senator's husband, Richard C. Blum, has with Dr. James Leininger of San Antonio, a generous supporter of Owen's judicial campaign.

''I've never met (Leininger), talked with him, seen him, heard from him—and that's that,'' Feinstein said. Nor, she said, ''have I ever talked to my husband about this, nor has he ever talked to me about it.''

So Feinstein should be able to vote against Owen with a clear conscience.

Mr. LEAHY. In part, this article says:

Senate Judiciary Committee Chairman Patrick Leahy has held hearings on 82 Bush judicial nominations, 80 of which have been approved by the committee. Most of those nominees have been pro-life conservatives whose performance on the bench the committee still judged to be fair and professional. For example, last week the committee unanimously reported on President Bush's choice of Federal District Judge Reena Raggi of New York for the U.S. Circuit Court of Appeals for the Second Circuit.

Parenthetically, I might add that Judge Raggi was originally appointed by President Ronald Reagan, a conservative Republican who promised to appoint only judges who satisfied his litmus test.

The American people appreciate balanced judging, and thanks to the Senate Judiciary Committee, they're getting it.

I ask unanimous consent that the editorial be printed in the RECORD.

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

Through constant repetition, conservatives have managed to make a code phrase out of ''judicial activism,'' applying it to rulings that in their mind go beyond the words in legislation or the U.S. Constitution. But conservatives themselves are hardly immune from the problem.

Case in point: Texas Supreme Court Justice Priscilla Owen, rejected last week for the 5th U.S. Circuit Court of Appeals by the Senate Judiciary Committee because of her record of making law from the bench. The committee made the right decision for the American people.

Owen's activist judging has gone so far beyond the statutes enacted by the Texas Legislature that she was even criticized by fellow conservatives on the state Supreme Court, including Alberto Gonzales, who is now Bush's White House counsel.

On abortion, age and employment discrimination, insurance and tax matters, the former corporate oil lawyer repeatedly embellished the plain language of the law to rewrite it to conform with her own ideological views. She also found ways to side consistently with corporations, including Enron, which contributed generously to her Supreme Court election campaign.

President Bush has accused the Senate Judiciary Committee of blind partisanship, but the facts don't bear that out. In less than two years, the Democratic-controlled committee has approved more Bush nominees for the federal bench than the Republican-controlled Senate Committee did in six years with President Clinton.

Senate Judiciary Chairman Patrick Leahy (D-Vt.) has held hearings on 82 Bush judicial nominations, 80 of which have been approved by the committee. Most of those nominees have been pro-life conservatives whose performance on the bench the committee still judged to be fair and professional. For example, last week the committee unanimously confirmed Bush's choice of Federal District Judge Reena Raggi of New York for the 2nd U.S. Circuit Court of Appeals.

Nevertheless, Bush lashed out angrily at the Owen defeat: ''I don't appreciate it one bit, and neither do the American people.''

Quite the contrary, Mr. President. The American people appreciate balanced judging, and thanks to the Senate Judiciary Committee, they're getting it.

Mr. LEAHY. Madam President, I ask unanimous consent for 1 more minute, with another minute to be given to the Senator from Utah.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. REID. I was going to go into a quorum call for 5 or 6 minutes anyway. If the Senators would like 3 more minutes each or something, that is fine. Otherwise, I will go into a quorum call.

Mr. LEAHY. Madam President, I ask unanimous consent for that time.

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

Mr. LEAHY. Madam President, there was a suggestion made—I am sure inadvertent—by the distinguished Senator from Utah that it was unprecedented to see a nominee with a well-qualified rating be voted against. Actually, the Senator from Utah has voted against such a person, like Judge Rosemary Barkett of Florida, as have a number of others. But then there were a whole lot of others who we can say were not voted against? Why? Because they were never allowed to have a vote during Republican control of the Senate.

This is a partial list of nominees who never had a vote, but they had the highest rating possible: H. Alston Johnson from the Fifth Circuit was never given a hearing by the Republicans; James Duffy from the Ninth Circuit was never given a hearing; Kathleen McCree Lewis from the Sixth Circuit was never given a hearing or a vote; Judge James Lyons, from the Tenth Circuit, was never given a vote or a hearing; Allen Snyder, from DC, had a hearing but no vote; Judge Robert Cindrich, from the Third Circuit, was never given a hearing or a vote; Judge Stephen Orlofsky, from the Third Circuit, was never given a hearing or a vote; Judge Andre Davis, from the Fourth Circuit, was never given a hearing or a vote; and Enrique Moreno, of the Fifth Circuit, was never given a hearing and never given a vote.

These are people with the highest possible rating from the ABA. Republicans can say they never voted against them. Why? Because they were never brought up and never given a vote. If they had been given a vote, they would have known where they stood.

My good friend from Utah, perhaps inadvertently, thought I was comparing a time when he was not chairman. I do compare a time when he was chairman. I will take the first 15 months that he was chairman with a Democratic President.

The Democratic President nominees got 14 hearings in 15 months; the Republican President nominees, under my chairmanship, got 23 hearings.

Nominees who received hearings under Republicans were 67; under the Democrats with a Republican President, 84.

Nominees confirmed, 56; in the same period of time, it was 74 with us.

Nominees voted on in committee: They allowed 61 during that 15 months. We have had votes on 82 of this President's judicial nominees.

It is nice to say nominations are not being handled fairly. The fact is, if we used the Republican precedent as a mark of fairness, we would not have to do anything else for the rest of the year because we are way beyond what they did.

I reserve the remainder of my time.

Mr. HATCH. Madam President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Utah has 4 minutes 5 seconds.

Mr. HATCH. How much on each side?

The PRESIDING OFFICER. The Senator from Vermont has 7 seconds.

Mr. HATCH. Madam President, again, the Senator from Vermont and I are friends, but I totally disagree with what he has been saying. It is a smoke screen.

Allow me to address the fate of nominees first sent up by the first President Bush. In fact, some pending today without a hearing who were nominated by the first President Bush nearly 10 years ago. These are nominees still on the list after 10 years that the Democrats have not allowed to come up: Terrence Boyle for the Fourth Circuit and John Roberts for the DC Circuit, considered one of the two or three greatest appellate lawyers in the country before the Supreme Court; Henry Saad for the Sixth Circuit; Ronald Leighton for the Western District of Washington; and Richard Dorr for the Western District of Missouri. All five of these nominees were nominated by the first President Bush, better than 10 years ago, but never received committee action at that time. I hope they, too, will soon

receive their long-awaited hearings and confirmation votes.

By the way, there were 42 left over at the end of the Clinton administration. Nine of them were put up so late, there was no way anybody could have gotten them through. That brings us down to 33, and of the 33, there were others who did not have the support of both home-State Senators. There were those who, for one reason or another, could not make it.

Contrast that when Bush 1 left office and the Democrats were in control. There were 54 left over. That is 11 more than were left when President Clinton left office.

If you want to talk statistics, I can talk them all day long, and I can tell you we have been much more fair than what we have seen in the first 2 years of the Bush 2 administration.

I suggest that instead of spending our time talking about the same small handful of Clinton nominees, we should focus on the ones pending before us today who never saw the light of day the last time the Democrats controlled the Senate.

Justice Owen, for instance—and this is an important point—is literally the first one in history who had the support of both-home State Senators, the highest rating of the American Bar Association, and was voted down in committee and not even given a chance to have a vote on the Senate floor.

Currently, there are 80 empty seats on the Federal judiciary. That is a 9.3-percent vacancy rate, one of the highest in modern times. This means that 9.3 percent of all Federal courtrooms are presided over by an empty chair.

There are currently 21 nominees who are slated to fill positions which have been declared judicial emergencies by the Administrative Office of the Courts. Of those, 11 are Circuit Court of Appeals nominees.

Only 5 of President Bush's first 11 circuit court nominees nominated on May 9, 2001—a year and a half ago almost—have had hearings. In other words, the Judiciary Committee has taken no action whatsoever on nearly half of the circuit court nominations that have been pending for over 16 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 28 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 not making any progress in filling circuit vacancies.

President Bush has responded to the vacancy crisis in the appellate courts by nominating a total of 32 top-notch men and women to these posts—but the Senate is simply stalling them. Over the past year, the Senate has confirmed only 13. There are still 19 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 15 circuit court vacancies.

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.

Some try to blame the Republicans for the vacancy crisis, but that is bunk. At the end of the 106th Congress when I was chairman, we had 67 vacancies in the Federal judiciary. During the past 9 months, the vacancy rate has been hovering right around 100. Today is at 80.

Some think that the point of ''advise and consent'' is to match statistics from previous years. This rear-view-mirror driving is nonsense. The Senate has a duty to exercise its advice and consent, and it has done so on only 40 percent of President Bush's appellate court nominations so far this Congress. The question is not: How many judges should we let President Bush have? The question is: Is the Senate getting its work done?

The Sixth Circuit Court of Appeals, which encompasses the states of Michigan, Ohio, Kentucky and Tennessee, has only 8 of 16 seats filled, leaving that court half-empty. The President has nominated 8 individuals to fill these vacancies, but only two have received a hearing, despite the fact that two of these nominees have been pending since May 9, 2001.

The U.S. Court of Appeals for the District of Columbia is also functioning far below its normal capacity, with 4 out of 12 authorized judgeships currently vacant. Although the President nominated Miguel Estrada and John Roberts on May 9, 2001, to fill seats on this Court, they have not yet been given a hearing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Madam President, last year when the Republicans controlled the Senate Judiciary Committee, they did not hold one hearing on President Bush's nominees. We have done 82.

Mr. GRAHAM. Mr. President, I would like to thank the Judiciary Committee for recognizing the needs of Florida and favorably reporting the nomination of Judge Kenneth A. Marra.

Ken Marra, a skilled and respected Judge in Florida's Fifteenth Circuit, has been nominated to serve as a Federal judge in the busy Southern District of Florida. If confirmed, he will fill a newly created and much needed judgeship position.

Judge Marra's solid qualifications make him an ideal candidate for service on the Federal bench. A circuit judge since 1996, he currently serves in the Palm Beach County Court's civil, family and criminal divisions. Before his tenure as a circuit judge, Judge Marra spent 16 years practicing commercial litigation in Palm Beach County and Washington, DC. He also served as a trial attorney with the United States Department of Justice.

Judge Marra is a graduate of the State University of New York at Stony Brook and earned his law degree from the Stetson University College of Law in 1977. Before attending law school, the judge taught social studies to high school students in New York.

The strength of Judge Marra's nomination is evident from the strong support that he has earned from his local bar. When asked to comment on his nomination for a January 4 Palm Beach Post article, Amy Smith, president of the Palm Beach County Bar Association, said, ''He is an absolutely perfect choice: impeccable background, extremely intelligent, consistently one of the highest rated judges in the judicial evaluations done here.'' Ms. Smith said Marra's judicial demeanor ''is gracious and humble. The President couldn't have made a better choice.''

When the Palm Beach County Bar Association released its biennial survey of circuit and county judges earlier this spring, Judge Marra ranked the highest in the neutrality and fairness category, with 63 percent of the attorneys rating him as ''outstanding.''

In Florida, Judge Marra submitted his application to a judicial nominating committee comprised of a diverse group of Floridians, who in turn recommended three candidates to the President for consideration. Senator BILL NELSON and I interviewed these candidates.

In summary, Mr. Marra is an intelligent, well-respected, and qualified candidate for the Federal bench.

I appreciate the Senate's consideration of Judge Marra's nomination and look forward to working with my colleagues to confirm additional nominees to Florida's Southern and Middle Districts, two of the largest and busiest judicial districts in the country.

The PRESIDING OFFICER. All time has expired.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), are necessarily absent.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado

(Mr. CAMPBELL), the Senator from New Hampshire (Mr. GREGG), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from New Hampshire (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), are necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 211 Ex.]

YEAS—82

Allen	Dorgan	Lugar
Baucus	Edwards	McCain
Bayh	Ensign	McConnell
Bennett	Enzi	Miller
Biden	Feingold	Murkowski
Bingaman	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham	Reed
Burns	Gramm	Reid
Byrd	Grassley	Roberts
Cantwell	Hagel	Rockefeller
Carnahan	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Clinton	Inouye	Stabenow
Cochran	Jeffords	Stevens
Collins	Johnson	Thomas
Conrad	Kennedy	Thompson
Corzine	Kerry	Thurmond
Craig	Kohl	Torricelli
Crapo	Kyl	Voinovich
Daschle	Landrieu	Warner
Dayton	Leahy	Wellstone
DeWine	Levin	Wyden
Dodd	Lincoln	
Domenici	Lott	

NOT VOTING—18

Akaka	Gregg	Murray
Allard	Harkin	Santorum
Bond	Helms	Sessions
Bunning	Hutchinson	Shelby
Campbell	Lieberman	Smith (NH)
Durbin	Mikulski	Specter

The nomination was confirmed.

Mr. REID. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

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

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5005, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I yield myself such time as I may consume under the leader's time.

The PRESIDING OFFICER. The leader has that right.

JUDICIAL NOMINATIONS

Mr. LOTT. Mr. President, I do not want to take an extended period of time because I know the managers of the legislation are here and ready to go forward with the very important consideration of and amendments to the Homeland Security Department, but I must comment on action last week of the Senate Judiciary Committee.

Once again, Mr. President, there has been a tremendous miscarriage of justice by the Judiciary Committee. By a vote of 10 to 9, a unanimous, partisan block of Democrats—10 Democrats—voted against the nomination of Priscilla Owen, who had been nominated by the President to a seat on the Fifth Circuit Court of Appeals.

The way this nomination was handled is a cause for great concern as well as the fact that, once again, the Senate will not have a chance to vote on a eminently qualified and experienced nominee to serve on the Fifth Circuit Court of Appeals. I am convinced that had her nomination been permitted to make it to the floor—as the Republican Majority in the past allowed numerous controversial Democrat nominees to get to the floor—Judge Owen would be approved by the full Senate and she would be confirmed.

We always hear the arguments of those who say that there have been actions in the past where nominees who were qualified were not given votes. However, during the time when I was majority leader I remember numerous cases where despite the belief of many Senators on our side that the nominees' views were far, far outside the mainstream, we still permitted their nominations to come to the floor. We did that because while we disagreed with their political and ideological views, it was still hard to argue that they were not professionally qualified.

Mr. President, I specifically remember the nominations of Marsha Berzon, Richard Paez and Rosemary Barkett. Certainly, these nominees, while they were qualified, were in my opinion not near as qualified in the legal profession as Priscilla Owen.

Berzon had had no judicial experience whatsoever. And a minority of the ABA evaluation committee gave Berzon and Paez only a ''qualified'' rating whereas the ABA committee unanimously—unanimously—gave Priscilla Owen its highest rating of ''well qualified.''

Beyond professional qualifications, numerous Senators on this side of the aisle also had severe concerns that Berzon, Paez, and Barkett were very far out of the mainstream in light of their records which raised questions for many Senators as to whether they should be confirmed.

Marsha Berzon had been a prominent ACLU and Labor Union lawyer who opposed parental consent laws for minors' to have abortions and had worked against the rights of individual workers in favor of the rights of unions. She was also a prominent and active member of the Brennan Center for Justice that cranked out initiatives it characterized as ''stand[ing] up to right-wing attacks on the judiciary.''

Richard Paez had written publicly of his belief that whenever judges feel legislatures have failed to act, ''there's no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process.'' That is exactly the kind of judicial activism that Priscilla Owen's critics have falsely accused her of in order to give themselves an excuse for voting against her. Paez had also ruled as a district judge—prior to his confirmation to the appeals court—that States and cities could not outlaw was aggressive and intimidating panhandling by the homeless because it would infringe on a panhandler's free speech rights.

Rosemary Barkett, while a Florida Supreme Court Justice, had argued for overturning the death penalty of a man who had brutally murdered a youth in Jacksonville and then sent a tape to the victim's mother describing the horrible details of the killing. An opinion signed by Barkett opposed the death arguing that the killing was ''a social awareness case . . . effectuated to focus attention on . . . racial discrimination.''

Nevertheless, despite the misgivings and question marks from an ideology standpoint as to whether or not they should be confirmed, the Republican majority permitted all three of these nominations to come to the floor and be voted on by the full Senate and all three were confirmed.

Now, in contrast to these three far left nominees, let me speak to Priscilla Owen's qualifications.

First of all, I am not one who thinks it is particularly important whether the American Bar Association rates a nominee qualified or not. But, of course, the ABA's judgment has been described by a number of leading Democrats as the gold standard in terms of evaluating a nominee's qualifications to serve in the Federal judiciary. Senator LEAHY and senator SCHUMER described it that way in a March 16, 2001 letter to the President insisting that the ABA's role in the judicial confirmation process had to be maintained.

However, that did not prevent them from voting against Priscilla Owen after she received a ''well qualified'' rating from the American Bar Association—the highest possible rating they could give and they gave it to her unanimously. This is also the first instance, I believe, that we have had of a nominee rated ''well qualified'' by the American Bar Association being defeated in the Judiciary Committee and

the Senate. So, from the standpoint of the American Bar Association, this nominee certainly more than qualified.

Also, Mr. President, when you look at Judge Owen's record, it is clear that she has a long record of being outstanding not only academically and intellectually, but also from the standpoint of character, experience, and professionalism as well.

This is a nominee who has had a stellar legal career. She graduated with honors from Baylor Law School and its undergraduate program and made the highest score on the Texas bar exam the year she took it. She then had a highly regarded legal practice with a leading law firm in Texas for 17 years. She then gave up her lucrative private sector practice to serve with distinction for the past eight years on the Texas State Supreme Court.

She was elected, in a contested race, as I understand it, and then reelected unopposed with over 80 percent of the vote. She still enjoys overwhelming community support. She has been publicly endorsed and supported by Democrats and Republicans, including 15 former presidents of the Texas Bar Association. Every major newspaper in the state also supports her.

Mr. President, there is no question this nominee is qualified by experience, by education, and by the time that she spent in the Texas Supreme Court, where she has built up a very fine record of being a fair judge who has worked very hard in understanding the issues that have been before her and in casting her votes on the supreme court.

Yet, last week, I was shocked to hear her described by Senator DASCHLE as not qualified. These are exact quotes: ''We will confirm qualified judges.'' ''Don't send us unqualified people.''

Whatever you may be able to say about might be wrong with this nominee—because maybe she is too conservative, or maybe on she did not meet some litmus test from the liberal outside interest groups or because she didn't meet the test of a particular Senator—in no way could you describe this nominee as not being qualified or as being unqualified.

I am very worried when we see this sort of pattern developing. There have probably been very few nominees in the past to serve on the Fifth Circuit Court of Appeals more qualified than this nominee by every category you might bring to bear.

Let me remind my colleagues on this point what the their gold standard ABA's actual standards are. Let me quote what the ABA itself says it looks at when it rates nominees.

> The [ABA] Committee's evaluation criteria for federal judicial nominations is directed solely to professional qualifications: integrity, professional competence and judicial temperament . . .
>
> Integrity is self-defining. The nominee's character and general reputation in the legal community are investigated, as are his or her industry and diligence . . .
>
> Professional competence encompasses such qualities as intellectual capacity, judgment, writing and analytical ability, knowledge of the law and breadth of professional experience . . .
>
> In investigating judicial temperament, the Committee considers the nominee's compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias and commitment to equal justice under the law . . .

The ABA itself also notes that its standards are even higher for Appellate Court Nominees.

> [T]he Committee believes that appellate court nominees should possess an especially high degree of scholarship and academic talent and an unusual degree of overall excellence.

Again, Mr. President, when the ABA applied these standards to Priscilla Owen they unanimously rated her ''well qualified.''

> To merit a rating of ''Well Qualified'' the nominee must be at the top of the legal profession in his or her legal community, have outstanding legal ability, breadth of experience, the highest reputation for integrity and either have demonstrated, or exhibited the capacity for, judicial temperament.

So it is a shame to characterize this nominee as somehow being professionally unqualified and it is a shame that the full Senate was denied an opportunity to vote on her because of a partisan, straight party-line vote of 10–9 with all Democrats voting against her.

Again, in my opinion, it reflects very poorly on the Senate, and I fear it will make it even more difficult for us to complete our work when we see these types of allegations leveled against such a fine nominee. It also puts even further into question the utility and necessity of bothering to have the ABA evaluate judicial nominations when the Democrats on the Judiciary Committee are going to put ideology first and a nominee's professional qualifications and ABA rating a far second.

Mr. President, I could not let that partisan and unwarranted vote in the Judiciary Committee go unnoticed by the leader of the Republicans, and correct the public record regarding a nominee with such outstanding legal credentials as Judge Owen. She is clearly qualified.

I would note in closing that the Washington Post in an editorial published this past July 24 agreed with the President and Republicans when it said that:

> Justice Owen is indisputably well qualified, having served on a state supreme court for seven years and, prior to her election, having had a well-regarded law practice.

I hope we will ultimately find a way for this nominee to be confirmed before all is said and done.

Mr. President, I yield to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to add to what the distinguished Republican leader has said. I have been in the Senate 18 years. This is the best witness I have ever heard, not just for a judicial nomination but for anything—an absolutely brilliant judge. She would have been confirmed had she been reported to the Senate, even without a positive recommendation.

I say to my friend, the leader, I worry about where we are, as well. I think we have crossed some kind of threshold here from which it is going to be very difficult to retreat from in the coming years.

I say to my friends on the other side of the aisle, we are not going to always be in the minority, and they may have a President again, as regretful as that might be to some of us, and the shoe could be on the other foot. Do we really want to establish this kind of standard, that we are prepared to vote down extraordinarily well qualified judges, who may be liberal or conservative, simply because we are of the other persuasion?

I think it is a low point in the recent history of the Senate. And I am not sure where we go from here. But I do not believe I will ever view these nominations quite the same way as I did in the past.

I can say this: I would like to have a lot of my votes back, going back over the last 8 years—Ginsburg, Breyer—scores of nominees for the circuit and district benches who I knew were far to the left of me, but I believed it was the President's prerogative. The Democrats won the election. It was the President's prerogative. And short of some kind of egregious failure to meet up to professional standards, it was not my place to impose my view on the nominee.

So I think it was a sad day in the history of the Senate. I agree with everything the Republican leader has had to say about this most unfortunate episode. I hope the President will not withdraw this nomination and will send it up again next year, and hopefully we will have a Senate with a little more of an open mind to this truly outstanding nominee.

Mr. LOTT. Mr. President, let me just conclude my remarks with this, a quote from Senator BIDEN, a member of the Judiciary Committee for a long time. Unfortunately, he was also recorded last week as voting against Judge Owen despite her excellent record and the ABA's highest rating. But when he was chairman of the Judiciary Committee, I am convinced he worked hard at trying to be fair in the way the nominees were considered under the previous President Bush.

But while on Judiciary Committee back in 1986 on the issue of judicial nominations he was quoted to this effect:

> [Judicial confirmation] is not about pro-life or pro-choice, conservative or liberal. It is not about Democrat or Republican. It is about the intellectual and professional competence to serve as a member of the third co-equal branch of the Government.

I agree. Priscilla Owen met that criterion. She should have been confirmed.

I yield the floor.

HOMELAND SECURITY ACT OF 2002—Continued

AMENDMENT NO. 4513

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, on behalf of myself and Senator WARNER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for himself and Mr. WARNER, proposes an amendment numbered 4513.

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

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

The amendment is as follows:

On page 8, strike lines 1 through 3.

On page 9, strike lines 13 through 15.

On page 12, line 15, strike ", with the Director,".

On page 12, strike lines 18 through 26 and insert the following:

(4) To make budget recommendations relating to the Strategy, border and transportation security, infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.

On page 77, lines 22 and 23, strike ", the Office," after "OSTP".

On page 103, line 5, strike "amended—" and all that follows through line 12 and insert the following: "amended in section 204(b)(1) (42 U.S.C. 6613(b)(1)), by inserting 'homeland security' after 'national security,'.".

On page 156, lines 15 and 16, strike ", the Office,".

On page 158, line 9, strike ", the Office,".

On page 162, line 11, strike "and the Director".

On page 162, line 17, strike "and Office".

On page 173, strike line 15 and all that follows through page 197, line 19.

Mr. THOMPSON. Mr. President, the purpose of this amendment is to strike title II and title III and make conforming amendments.

Title II would create an office in the White House that would coordinate the homeland security activities of the Federal Government. Title III would require the new office and the Secretary of Homeland Security to jointly produce a national strategy.

The administration opposes the creation of an office in the White House that would have a Senate-confirmed director with specific responsibilities and authorities. The White House believes that such an office would blur the lines of accountability and diffuse responsibility, particularly since the White House already has an office, the Office of Homeland Security, that is responsible for coordinating the Federal Government's homeland security efforts.

The committee's proposed structure will also create confusion because similar functions will be performed by the Secretary of Homeland Security, the Director of the Office of Homeland Security, and the Director of the Office of Combating Terrorism, which is the National Security Council. With all these different offices, it will be extremely difficult to determine who is responsible. When a homeland security issue arises, which official does the Congress hold accountable, the Secretary for Homeland Security or the proposed Director of the Office for Combating Terrorism?

We should also recognize that statutorily creating an office in the White House impairs the President's flexibility and authority to structure the Executive Office of the President to best meet his and the Nation's needs. The President traditionally has had broad authority to structure the Executive Office as he sees fit. This proposal is an infringement on that authority.

There certainly have been times when it has been necessary to create an interagency coordinating body in the White House. The creation of the National Security Council is an excellent example of this.

However, this proposal goes too far. It gives the proposed office specific responsibilities and authorities that tie the President's hands and limit his ability to mold the office to serve the needs of the American public.

Another disconcerting aspect of this proposal is that it would require the director to be Senate confirmed. For the last year, the President has made it clear that he desires a confidential homeland security adviser who would advise him on domestic security issues. He doesn't want or need another Senate-confirmed official who would be required to testify before a congressional committee. We have such an individual in the new Secretary that has been created. The President must have his own advisers who work for him. I think he is entitled to that.

Senator WARNER, the ranking member of the Senate Armed Services Committee, also expressed concern in a letter to the Senate Governmental Affairs Committee, where he wrote:

The structure proposed by the Chairman would be redundant of the structure that is already in place.

He further said that:

The budget review and certification authorities would undercut the ability of several cabinet members, including the Secretary of Defense, the Attorney General, and the Director for the Central Intelligence, to carry out their responsibilities. In the case of the Secretary of Defense, in particular, the proposal would give the director of this new office the ability to decertify; in essence, to veto the defense budget. It would be unwise to give this authority to an official who does not have to balance the many competing needs of the Department of Defense.

Finally he said:

The drafting of a new comprehensive strategy for homeland security is unnecessary. Legislating anything other than a periodic review and update of this strategy would be burdensome and would divert attention and resources away from the administration's focus on homeland security.

Prior to the President's June 6 decision to support a Department of Homeland Security, I spoke in favor of a Senate-confirmed official that the Congress could hold accountable. We now have that with the new Secretary, or soon will have with the new Secretary of Homeland Security.

I see little value in creating this new office when such an office already exists. Simply put, another office in the White House is redundant and unnecessary. Moreover, probably more importantly, there appears to be several negative consequences, potentially creating confusion as to accountability, as to budget authority, and the creation of a new homeland security strategy.

Therefore, I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, at the request of our colleague, Senator LIEBERMAN, I will be managing the debate on this particular amendment, an amendment for which I feel a strong parental relationship.

Shortly after the tragic events of September 11, with Senator FEINSTEIN, I introduced legislation to establish such an office of terrorism within the White House in order to create a focal point for decisionmaking and informing the President and the Congress of a national strategy on how to combat what clearly was emerging as the major challenge to America's national security.

My good friend, Senator THOMPSON, has just suggested that events that have occurred since that time, particularly the event of the President deciding, after a long period of consideration, to support a statutorily created Department of Homeland Security, had rendered irrelevant or, maybe even worse, redundant the idea of an office to combat terrorism within the Presidency.

I disagree with that analysis and look forward to the debate which will lay out the case of why these two agencies—a Department of Homeland Security and an office within the Office of the President—are, in fact, reinforcing in the same way that, in 1947, Congress found it appropriate to reorganize the previously distributed military, distributed by the various services, Army, Navy, a newly emerging Air Force, into a single Department of Defense. But at the same time they did that, in fact in the same legislation, they created the Office of National Security Council. They found those two actions to be reinforcing, cohesive, and both contributing to the Nation's security.

I will attempt to make the case that the same is true for the action suggested in the legislation before us.

I strongly support the creation of the Department of Homeland Security and the legislation before us today to do so. I wish to commend our colleagues, Senator LIEBERMAN and Senator THOMPSON, Senator LEVIN, Senator COCHRAN,

as well as Senator SHELBY, who serves with me on the Senate Committee on Intelligence, for their leadership on this issue and for the wisdom which they have shown in the development of this specific legislation.

The establishment of a Department entrusted with the security of our homeland, in my judgment, is a critical step to making our Nation safer. The vicious terrorists who struck out on September 11 may have succeeded in executing their plot, but they failed in achieving their mission.

America is sad; America is not afraid. We are alert, not panicked. We are firm in our resolve to orient ourselves to protect against future attacks; without altering the fundamental aspects of our life, we are committed to a strategy that will both protect us against our vulnerabilities here at home, while we take the war aggressively and successfully to our enemies, wherever they might live.

The Department of National Homeland Security Act of 2002 makes necessary changes in our governmental structure. It does so in a reasoned, careful way, preserving our constitutional liberties while increasing the effectiveness of our security organization.

This legislation is consistent with our history where periodically we have reexamined what our national priorities are and how the Federal Government should be organized to achieve those national priorities. A perfect example of this is the agency most affected by this legislation—the U.S. Coast Guard, which will represent about 25 percent of all the personnel in the new Department.

The Coast Guard began in 1789, the same year that George Washington was sworn in as President of the United States. At that time, it was known as the United States Light House Service, and its primary function, as its name implies, was seeing that lighthouses were operational. The agency eventually merged with four others and assumed a new role, and that was enforcing our customs laws, collecting tariffs. At that point, it was moved into the Department of the Treasury. Other than twice during World War I and again during World War II, when the Coast Guard was transferred by Executive order to the Navy, it stayed in the Department of the Treasury until 1967, when its role evolved yet again and it became seen as a maritime safety and security agency.

The Coast Guard was transferred to the newly formed Department of Transportation. It has stayed in that Department since 1967. Today, the Coast Guard is recognized as a primary component of our Nation's homeland security force. Thus, the recommendation in this legislation is that the Coast Guard in toto be transferred to the Department of Homeland Security.

I focus my remarks today on that portion of the bill which is the subject of the amendment that has just been offered by Senator THOMPSON, the amendment to delete from this legislation title II and title III, which would establish within the White House a national office for combating terrorism. The need for a coordinator within the White House has been recognized by a number of blue ribbon commissions in the last several years. Here are recommendations from three of the most prominent of those commissions.

The Gilmore Commission, chaired by the former Governor of Virginia, stated:

> Recommendation No. 2: The next President should establish a National Office for Combating Terrorism in the Executive Office of the President, and should seek a statutory basis for this office.

The Hart-Rudman Commission, chaired by two of our former colleagues, said this:

> Strategic planning is largely absent within the United States Government. . . . Across the Government, [a coordinator] should be given a stronger hand in the budget process. . . . Congress should develop mechanisms for a comprehensive review of the President's counterterrorism policy and budget.

The Bremer Commission, chaired by the distinguished Ambassador Bremer, stated:

> The President and the Congress should reform the system for reviewing and funding departmental counterterrorism programs to ensure that the activities and programs of various agencies are part of a comprehensive plan.

In a recently released—in July of this year—Brookings Institution report on the events since September 11, it was stated:

> Whether Congress establishes the broad-ranging department the Bush administration proposes or the more focused Department we advocate, there will remain a need for White House coordination. . . . By the administration's own reckoning, more than 100 U.S. Government agencies are involved in the homeland security effort. . . .

Continuing, the Brookings Institution report states:

> There is a critical need to coordinate their actions with those of [the Department of Homeland Security] and to develop and implement a government-wide homeland security strategy.

As I indicated earlier, this concept of an office within the White House with the responsibility for coordinating efforts to combat terrorism was originally embodied in legislation I introduced with Senator FEINSTEIN last fall and is based on the lack of any central coordinating figure within our Government with a singular focus on terrorism.

We believed then—and with the creation of the new department, we believe now—that it is essential the sometimes-discordant group of departments and agencies with counterterrorism responsibilities must be brought into harmony.

The creation of the Department of National Homeland Security does not change that fact. While this new Department will subsume some of the existing agencies, there will be many others which remain outside the authority of the Secretary of Homeland Security but will still be performing vital missions related to our efforts to combat terrorism.

As an example, the intelligence community itself is not going to be brought into the Department of Homeland Security. Clearly, it will play a very significant role if we are going to anticipate and be able to respond to terrorist attacks before they are launched.

The Department of Defense has recently created a new central command called Northern Command. That command will have increased responsibility for the military's role in protecting the security of our homeland. The departments of the Treasury will still be responsible for coordinating economic measures to reduce the opportunities of terrorists who finance their activities through U.S. sources or international sources. The departments of State and the Department of Energy, which has a major role in our nuclear policy and will have a major role in the Department of Homeland Security's efforts to develop new technologies that will help us better confront terrorism—they will all play a role in our national efforts to combat terrorism.

The Director of the National Office of Combating Terrorism will have three missions. First, the Director will be able to provide that coordination on counterterrorism for all of the agencies—not only the Department of Homeland Security but the intelligence community, Department of Defense, Department of the Treasury, Department of State, Department of Energy, just to list some of the other agencies that will be most directly involved in homeland security.

He will be able to do this with his power to certify budgets, that they are consistent with the comprehensive plan for combating terrorism. The model for this is twofold. I mentioned earlier the 1947 National Security Act, created by statute for a National Security Council and a National Security Adviser to the President.

In more recent years, we have created an office of drug policy. That office has been increased in authority over the years as we have seen that greater authority was needed in order to bring the Federal Government more effectively into a common army to combat the enemy of drug traffickers. That legislation now provides that the head of that office is appointed by the President, subject to Senate confirmation, and has the power to decertify budgets that are not consistent with the President's antidrug plan.

Those two models—the National Security Council and the National Office for Drug Policy—are the models for the office that we are proposing to create today.

This office and these powers, particularly the power to certify budgets, are what are necessary for the Director to

effectively coordinate the counterterrorism efforts of the important agencies that will not be part of the Department of Homeland Security.

The second responsibility of the Director will be to assure that his status and his effectiveness derives from law, not just the personal relationship with the President. Like the Office of Drug Policy, this is an agency that serves not only the interest of the President but also the interest of all of the American people and their representatives in the Congress. So it is important there be a level of shared responsibility and confidence in the individual who occupies that position.

Third, the Director will be subject to the explicit oversight of Congress. This is important so that Congress is a full partner; that Congress is there at the launch of our comprehensive strategy to combat terrorism so that Congress will be there during the good days and the bad days, and there will be some of both as we move forward in this effort to protect the homeland.

Fourth, this Director will have the confidence of both the executive branch and the Congress and will play the critical role of assuring that the agencies most involved in the war on terrorism will make the necessary institutional adjustments to move toward the era of terrorism and away from many of the concepts which have dominated us during the cold war.

One of the concerns I have developed, as our Intelligence Committee has reviewed the events leading up to September 11, is the question of why was the intelligence community slow to recognize that the world changed in a very fundamental way in terms of its mission with the end of the cold war? It was not surprising that the intelligence agencies were very influenced by the history of the cold war because they were a product of the cold war.

The United States had not had an organized intelligence service until World War II. During the war, a special security agency was established to develop and analyze intelligence for a military purpose. As soon as the war ended, so did that agency.

Two years later, President Truman recognized that as the Soviet Union changed from being a wartime ally to now an adversary, we needed to know more about the Soviet Union, about its capabilities, about its intentions, and in order to do so, we needed to have a permanent and a mixed civilian and military set of intelligence agencies.

Out of that decision came the 1947 National Security Act and the creation, in addition to the Department of Defense and the National Security Council, of also the intelligence community more or less as we know it today.

The intelligence community grew up dealing with the peculiarities of the Soviet Union. We knew a tremendous amount about the Soviet Union. We probably, without question, had more information about issues of warfare in the Arctic Ocean than any other place in the world, including the Soviet Union itself because it was very much in our interest to understand that particular water body.

As we were acquiring this tremendous depth of knowledge about the Soviet Union, we were doing it at the expense of not learning more about much of the rest of the world. Our intelligence agencies became focused narrowly—culturally, and linguistically—particularly on the Soviet Union. We were not acquiring competencies in other parts of the world.

Second, we became very dependent on technology as a means of collecting intelligence. The Soviet Union was a hard place to get spies into and to support and to sustain them once they were there. Particularly our satellite-based technologies gave us the means of acquiring most of the information we wanted to learn about the Soviet Union without the risk and difficulty of putting human beings into a position to collect that intelligence.

Finally, there was a criticism, which is subject to debate, that our intelligence communities became risk adverse; that we were reluctant to engage in operations that might fail and be embarrassing; it might fail and cost lives. All three of these characteristics, real or alleged, have disserved us in the post-cold-war era. Instead of being narrowly focused, we now must be broadly focused. We must understand the cultures and languages of countries that did not exist at the time the cold war started.

We no longer can depend on our technology, although it continues to be a very significant part of our intelligence collection, but if you are going to understand the mind of Osama bin Laden, you cannot do so by taking a picture or even listening to a conversation. The fact is, modern international terrorists rarely use the kind of communication that we have the greatest capability to intercept. Rather, we must have an intelligence capability which is extremely diverse, that understands many cultures, understands many languages, and is able to function in alliances with the intelligence services from many other nations.

Finally, this is going to be a riskier war than was the cold war. While the cold war posed the ultimate risk—nuclear annihilation—this is going to require human beings operating in very close contact with our adversaries and exposing themselves to the risk of that close encounter.

The reason I use this example of the intelligence community and its necessity, but slowness, to make the conversion from its cold-war orientation to the orientation of the new era on terrorism is that these same challenges will be faced by the agencies which are now being given responsibility for homeland security.

I can state with virtual certainty of correctness that over the next 10 to 20 years the nature of our enemy at home, the tactics that are used, will be substantially different than those that were used on September 11, 2001, and we must have a homeland capability which recognizes those changes and is prepared to adapt to the new challenges, the new threats that it will face.

I believe one of the things that was missing in the intelligence community was having an office which could be constantly challenging the intelligence leadership: Are you relevant to the challenge we are facing today? Are you looking over the horizon at the kinds of capabilities you will need in the tomorrows in order to prepare against this emerging threat?

In my judgment, the most important function of this office to combat terrorism will be its role as the constant challenger of all of the main line departments, from the new Department of Homeland Security to the Department of Defense to the Department of Energy, challenging them: Are you relevant to the current face of evil that we are continuing against?

What are you doing to prepare for future emerging threats? What are you doing to identify those threats? What are you doing to recruit and train and provide professional advancement to your key personnel so they will be personally responsive to the new challenges? Those are some of the issues. Those are some of the challenges. Those are the fundamental rationales why the committee, under the leadership of Senator LIEBERMAN, included title II and title III in providing for the Office for Combating Terrorism within the Office of the President.

These four missions together will assure the Director has both authority and legitimacy, authority with respect to his colleagues who lead other Governmental agencies, and legitimacy with respect to the important role the legislative branch will play in the achievement of his goals.

This position, as I indicated earlier, parallels the job being done today by the Director of the President's National Security Council. It does for domestic security many of the things that Dr. Condoleezza Rice does for foreign policy. It also parallels in many ways the emerging Office of Drug Policy and its challenge to have a coherent plan of action, and then assure all the Federal agencies that are responsible for that play their appropriate role.

We are about very serious business. It is not just business that will fade after the sorrow and shock of September 11. It goes further into history. In my judgment, for our lifetime, as it is today, the issue of terrorism will be the single most significant security threat faced by the United States of America. So we must prepare for the long haul, the sustained commitment.

There has been some criticism that Congress played a role in this failure of the intelligence community and other aspects of our National Government to

make the transition from the cold war to prepare for the challenges of the new era of terrorism. Some of those criticisms are no doubt deserved. This is an opportunity for Congress to take action which will help prepare us to avoid the unstated criticism. I do not want to have our predecessors in the Senate ask the question 25 years from now: Why did we create, in the year 2002, agencies that would become the dinosaurs of 2022 because they were unable to make the transition as the rapidly evolving but not fully understood threat of terrorism confronted our people?

This office, in my judgment, will reduce the likelihood of that criticism because, if this office functions as the architects intend, it will be the agency for continuing renewal within all of our Departments which have a responsibility for protecting the American people in our homeland.

For those reasons, I respectfully resist the amendment offered by Senator THOMPSON, urge its defeat, and the continuation within this legislation of the important concepts contained in title II of the Office for Combating Terrorism.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I appreciate the well-thought-out statement of my colleague from Florida with regard to his opposition to this amendment. I think the groundwork has been laid now for a good discussion of the pros and the cons.

The points my good friend made are not valid and are certainly not sufficient to defeat this amendment. I support this amendment basically for the following reasons, in addition to what I said earlier: It seems the opponents of this amendment—those who would create the new national Office for Combating Terrorism—take the position we need a coordinator to develop a strategy. But since this idea was first proposed, lots of things have happened. One is we are now on to the consideration of a large, new Department containing 22 agencies. Secondly, we have a strategy. In July, the President came forth with a national strategy.

Now we have under consideration a large new Department taking in most of the agencies that will have a homeland security function, and we have a strategy that this new Department will be following in trying to implement the safety measures that we all know are needed.

In addition, we still have a coordinator. We have someone to coordinate this new Department and those agencies which cannot be brought into the new Department, such as the Department of Defense and the FBI and other agencies. That is the Office of Homeland Security, under the leadership of Mr. Ridge. We also have the Office for Combating Terrorism under the NSC. Those offices are already there. We have those two offices in the White House serving a coordination function.

Plus, we will have a new Department with a new Secretary and all of his responsibilities. So we have a strategy.

I have not heard criticism that the strategy is not a good one or that we should go in a different direction or that there is some reason we should set up a whole new mechanism and bureaucracy to come up with a new strategy. So we have those components which the opponents of this amendment say we need. I agree we need them. We have them. We have them in a different way than what our friends on the other side would suggest.

It is suggested that the National Security Council is an analogous entity or one after which this provision in the Senate bill has been patterned. There has been a comparison between the NSC and this proposed office, but the National Security Act of 1947 created the National Security Council, and this legislation gave the NSC broad responsibilities and limited authority.

The head of the NSC, of course, is not confirmed by the Senate. There is no advice and consent with regard to the NSC. There is no Senate-confirmed official. The NSC has no budget authority, which is another big distinction between the NSC and the proposed Director in this bill. It was also designed for the sole purpose of coordinating policy.

In contrast, the proposed White House office would have specific statutory responsibilities and functions; would have a Senate-confirmed Director; would have considerable budget review authority; and would, I submit, interfere with the executive branch's current budget process.

I will dwell on that particular aspect of the bill because I think it is significant. That has to do with the budget authority. It is substantial. In title II, section 201, it states the new Director is:

> To coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects or activities relating to force protection.

It goes on to say:

> To have the lead responsibility for budget recommendations relating to military, intelligence, law enforcement [et cetera]. . . .
>
> To serve as an advisor to the National Security Council.

It goes on in section 202 and says with regard to the submittal of proposed budgets to the Director:

> The head of each Federal terrorism prevention response agency shall submit to the Director each year the proposed budget of that agency for the fiscal year beginning in that year for programs and activities of that agency. . . .

The proposed budget of an agency shall be submitted to the Director before that information is submitted to the Director of the OMB.

It goes on to say:

> If the Director determines that under paragraph (1) that the proposed budget of an agency for a fiscal year . . . is inadequate, in whole or in part . . . the Director shall submit to the agency . . . a notice and a statement.

It goes on to state:

> The head of the Federal terrorism prevention response agency that receives a notice [as described] shall incorporate the proposed funding . . . set forth in the statement accompanying the notice in the information submitted to the Office of Management and Budget. . . .

So as I read that he pretty much had to do what the Director says even though the agency has the primary responsibility for dealing with the problem under their jurisdiction.

It goes on under the section having to do with review and decertification, the Director:

> Shall review each budget submitted under paragraph (1);
>
> And may decertify the proposed budget.

So, in effect, this Director has a veto over the budget.

National Terrorism Prevention and Response Program budget in general:

> For each year, following the submittal of proposed budgets for the Director under subsection (b), the Director shall, in consultation with the head of each terrorism prevention agency concerned—
>
> (A) develop a consolidated proposed budget for each fiscal year for all programs and activities under the Strategy . . .

And submit it to the President and Congress.

> The head of the Federal terrorism prevention and response agency may not submit to Congress a request for a reprogramming or transfer of any funding specified in the National Terrorism Prevention and Response Program Budget for programs or activities of the agency under the Strategy for a fiscal year in excess of $5,000,000 without the approval of the Director.

So, obviously, there is substantial budgetary authority—even though we have created a new Secretary with vast responsibilities, including the normal budgetary responsibilities—that the head of this Department would have. We still have the OMB and the regular process. Yet we would have a new Director who may not have the entire view of the Government that OMB has.

Certainly it has an important function, an important role to play. Certainly it can have some input, but the ability to unilaterally make those kinds of budgetary decisions when we have this process, at a time when we are creating a new Department and a new Secretary, and to kind of take that away from the OMB, which has responsibility for a bigger picture, shall we say, I submit is not a good idea and it is unnecessary.

It is not necessarily accurate to say that more is better when creating this Department. We can make it so large, so huge, there are so many moving parts—and we already have more directorates in the Senate bill than the President would submit—that it becomes unworkable or much more difficult to handle and to manage than is necessary.

Also, it takes away from ease of accountability. One of the most difficult

things we have seen in the Governmental Affairs Committee with regard to the overall operation of the Government in looking at so many of the efficiencies that many of the Departments have and that we fear we may be incorporating into this new Department is lack of accountability, who is in charge. If the administration has it their way—and I submit on a close call you ought to give an administration, and the President, and a new Secretary, a fighting chance to take the approach they want to take and then have the accountability of making it work than otherwise—if we adopted the President's suggestion, we would have the Office of Homeland Security, Mr. Ridge, which he says he will retain under any circumstances. So we have to assume he will.

The Office of Combating Terrorism, under the NSC, which we have, and a new Department with a new Secretary with a big umbrella covering 22 agencies, I submit that will be complicated enough. We do not need a new directorate duplicating the budget process, duplicating the strategy process, when we already have one, and doing all those things that the administration is saying we don't want to do, we don't need to do. There has not been any good reason to say that is an incorrect position or that we need it. I don't think anyone has ever recommended exactly what we are considering today.

The Gilmore Commission suggested a statutory White House position. That is true. But they did not also suggest a new Department. That was before we had the new Department under consideration, as we have today.

Hart-Rudman recommended a new Department, but they did not recommend a statutory White House position. They recommended a coordinator, as I recall. I think I am accurate in saying that no Commission, no entity, anywhere, has ever recommended we have both a statutory, confirmable White House entity in addition to a new Department with a new Secretary which would be confirmable.

I submit it is a reasonable and prudent thing to prune this huge—some have called it—monstrosity. Maybe I have in times past. It is so big and potentially so unwieldy. I hope it does not turn out to be a monstrosity. I am talking about the new Department with all of the different agencies and 170,000 people, coming together and all of that. Surely, on something that is clearly as duplicative as this, we can pare it down a bit, use those offices and people we already have in place in all these key positions, and give the administration the ability to start this extremely important operation on a level playing field and one with which they feel comfortable. It does nothing for homeland security. It does not do anything to make this Nation safe by just adding on new agencies or any offices and new Directors and new responsibilities.

Let this entity also do what this other entity is already doing and establish someone else in play with regard to that. That does not do a thing to enhance homeland security.

I submit that it diminishes homeland security. None of us want to do that. So I submit the amendment is founded on sound principles and deserves serious consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise in opposition to the amendment offered by my friend and colleague from Tennessee, which would strike title II and title III, two very important pieces of our legislation; that is, the amendment that was passed out of the Governmental Affairs Committee.

I thank my friend and colleague from Florida, Senator GRAHAM, not only for his eloquent statement in response to the introduction of the amendment by Senator THOMPSON, but for the considerable work he has done on this proposal for almost a year now building on work, as he said in his statement, that was done by other groups calling for such an office. It was bipartisan work, incidentally—including members of the other party here in the Senate. This work greatly influenced the Senate Governmental Affairs Committee as we put together the amendment that we bring before you. So I thank the Senator from Florida for his thoughtful leadership on this matter.

This is not an amendment that strikes at the margins of our committee proposal. This is an amendment that really goes to one of the fundamental parts of the amendment that the Governmental Affairs Committee reported out in a bipartisan vote of 12 to 5. Look at the title of the amendment, the proposed bill: The National Homeland Security and Combating Terrorism Act of 2002. It clearly is the intention of our committee not just to create a Department of Homeland Security, which is, of course critical, but to combat terrorism. Terrorism goes beyond homeland security. It goes beyond the Department of Homeland Security. We feel very strongly that it requires the kind of strong coordination that the National Office for Combating Terrorism would provide. We wrote these two titles, title II and title III that Senator THOMPSON's amendment would strike, into our bill because while the new Department of Homeland Security would be a critical advance in our efforts to combat terrorism by raising our guard, by defending ourselves, the American people here at home, it is obviously not all that is needed to rise to the challenge that our terrorist enemies have put before us.

More than half the Members of the Senate were in New York Friday with more than half the Members of the House to meet in an unusual joint session to express our solidarity and respect and admiration to the people of New York, to honor those who were heroes that day, to mourn those who died that day, and to support their survivors. But also, I think, to rededicate ourselves to the war on terrorism so, as much as it is humanly possible, we believe that we have done everything we can to prevent another September 11 type of attack from occurring.

I strongly believe for that to be so we need not only the Department of Homeland Security, but the office that this proposal would require because even after the Department is up and running, there are going to be many agencies and programs with key roles in the war on terrorism that would be outside the purview of the new Department. That is why we created this national office in the White House.

The Director of the office, in my view, and I believe in the view of the majority on the committee, would be the primary architect of an antiterrorism multi-agency strategy working, of course, for the President because the Director is the appointee of the President. That strategy would include a host of components beyond homeland security—some diplomatic, some financial, some military, some intelligence, some law enforcement. I think Senator GRAHAM has listed the possibilities and the realities quite effectively.

What we are saying is, what we need to prevent another September 11 from ever happening again is not just a new department to oversee the most critical aspects of homeland security, but a coordinator, a director working directly for the President, who has the real power and positioning to see the larger picture of the war against terrorism and to coordinate it in a very aggressive way for the President.

We heard testimony at one of our Governmental Affairs Committee hearings—one of 18 we have held since September 11, 2001, from Ashton Carter, who was an Assistant Secretary of Defense in the Clinton administration. I want to quote from him. Ash said:

The announcement of an intention to create a cabinet-level Department of Homeland Security should in no way obscure the paramount need for a strong White House hand over all aspects of homeland security . . . The nation's capabilities for homeland security, even optimally coordinated, are simply not adequate to cope with 21st century terrorism. What is needed is far less a coordinator of what exists than an architect of the capabilities we need to build.

I want to read from a few others who have both supported the creation of a new Department and a strong White House office.

In July, the Brookings Institute issued a report called, ''Assessing the Department of Homeland Security.'' They say in that report:

Whether Congress establishes the broad ranging department the Bush administration proposes or the more focused department we advocate—

That is the nonpartisan experts on this task force at Brookings—

there will remain a need for White-House coordination. By the administration's own

reckoning, more than 100 U.S. government agencies are involved in the homeland security effort . . . There is a critical need to coordinate their actions with those of DHS and to develop and implement a government-wide homeland security strategy.

Indeed [Brookings continued] it would be advisable to broaden the scope of the Office of Homeland Security to include overseeing the intersection between the U.S., domestic and overseas counter-terrorism activities. Under this arrangement, the Office of Homeland Security will likely only be able to perform its vital coordinating functions if Congress steps in and provides the homeland security office, council and director status in law.

Which, parenthetically, I say, is exactly what our proposal would do. Going back to Brookings:

Moreover, if the Office of Homeland Security and its director are to continue to have a major role in drawing up an integrated homeland security budget—

As was the case for Governor Ridge for the 2003 fiscal year request—

it is absolutely critical that the director not only have statutory authority but be accountable and answerable to Congress.

I will read one more quote of GEN Barry McCaffrey, who testified before our committee on October 12 of 2001. Of course, General McCaffrey had been the Director of the Office of National Drug Control Policy. He talked about the importance of the authority to review and certify budgets if we are going to have and implement a national strategy for combating terrorism. General McCaffrey said:

A strategy without the resources is not worth the paper it is written on. The director of the Homeland Security Office needs the authority to independently decertify any agency budget that does not provide the resources needed to combat the threat of terrorism.

He added:

Not only are budget certification powers required to ensure sufficient resources, they also play a critical role in policy-making. The ability to decertify an agency's budget is the nuclear weapon of policymaking—it isn't something you can use often, but the mere fact that it is in your arsenal guarantees you are taken seriously. If you want to see another agency get with the program fast, just articulate the possible decertification of its budget.

End of quote from General McCaffrey. It is a very important point. The reality is that President Bush has acknowledged the need for an ongoing White House coordinating office on homeland security and terrorism, saying he would retain the current office he established last October once the new Department is established. That is what the Thompson amendment seeks to achieve, preserving the status quo with respect to the powers of the Office of Homeland Security.

But with all due respect, that would give us less than we need. We need an office that, of course, is accountable to the President, the President's appointee, but nonetheless can be an advocate within the councils of our Government to make antiterrorism a priority and, also, as General McCaffrey's words suggest, to create an incentive, because of the potential use of the power of decertification, for agencies not to slip back and underfund our antiterrorism effort, not to allow us to fall back into a slumber and make counterterrorism and antiterrorism a secondary or tertiary matter.

This office, with the authority our bill gives it, through both budgetary authority and Senate confirmation, will have the power to be what we all need it to be. The President basically acknowledges the utility of continuing the office. The question is, Will it be a strong office or a weak office?

I think the very reasons that convinced President Bush, contrary to his original position on this—and, of course, I am grateful for the change he made and I appreciate and admire him for making it—make the case for a strong White House office. He concluded that the original Office of Homeland Security was not enough to do the job that he wanted, as President, to have done because it did not have the power to do the job.

Also, there are war stories you can hear from inside the councils of Government about various attempts Governor Ridge made to try to bring some coordination to the disparate agencies involved in homeland defense. For instance, there was a proposal on coordinating the border agencies, and it was knocked down from within the agencies themselves.

Part of why, probably, those four men to whom Senator BYRD refers often, who gathered secretly to put together the administration's position or recommendation on the Department of Homeland Security, did so is that I think they—wisely, in this case—did not want to enter into a process preliminarily that would have allowed the bureaucracy to fight change, which was what Governor Ridge was facing.

So I think the fact that the Governor hit a lot of roadblocks and speed bumps rather than paved stretches of road should convince us that a Senate-confirmed director of the White House office, exercising statutory powers, would have the clout he or she needs to accomplish what the President wants him or her to accomplish.

Some argue, I know, that once we create the new Department, it will not really matter if the White House position is statutory and Senate confirmed. Certainly, I agree that even without a statutory and Senate-confirmed director of the White House office—which, again, we know will exist, in any case—the new Department of Homeland Security would be a vast improvement over what we have today. But it is still risky.

It is inadequate to assume that, even with the new Department, we can afford to have anything less than the strong antiterrorism coordinating office in the White House that was conceived by Senator GRAHAM and his cosponsors and adopted by our committee. As he has said, critical pieces of the antiterrorism effort cut across the Government and will not and cannot and should not be folded into the new Department even if it is well organized. Somebody needs to be looking at the big picture with a comprehensive sense of how every piece and element of the fight supports every other element, and then directly advising the President as to how the entire effort can be strategically integrated and implemented.

The White House office can be a crucial complement to a line agency. It is not unprecedented for Congress to create such positions within the White House, as Senator GRAHAM has said. Such legislatively created offices include the National Security Council; the U.S. Trade Representative, subject to confirmation; the Office of Drug Control Policy, of course, subject to confirmation by the Senate; and the Director of OMB, naturally subject to confirmation by the Senate.

The complexity of orchestrating the fight against terrorism makes this mission, which will be central to our security for a good part of the years ahead of us, every bit as worthy of statutory status within the White House as those other missions fighting drugs, expanding and providing for fair trade, and coordinating management and budgeting.

The White House office our legislation envisions would not be charged with homeland security per se, I want to make clear. Homeland security is the responsibility of the new Department. The White House office's job is to orchestrate and advise the President more broadly on the fight against terrorism. For instance, central questions that this office would consider, that will not come before the Department of Homeland Security or the Secretary, are: Are we doing enough to cut off the money supply of al-Qaida? And where might a new funding stream come from? Are our public diplomacy efforts, which are run through the State Department, complementing the other pieces, the military pieces, of the wider war against terrorism? How should our trade policies or our foreign aid policies be structured to be maximally effective in the fight against terrorism? Are there efforts that are duplicative or are there gaps between the various Departments beyond homeland security that need to be addressed? Those are central questions in the war against terrorism which will not come before or be decided by the Secretary of Homeland Security or all the agencies working under him or her.

A lot of our antiterrorism effort was not well coordinated before September 11. That is a sad fact. As we approach the first September 11 since the dark day of September 11, 2001, it is critically important that we make sure our antiterrorism effort has learned all the painful lessons of last September 11. It is just unrealistic to think that a new Department alone will achieve that goal. We must still press for the most effective coordination and leadership we can achieve.

I must say, we must do that for the longer term. I understand the President has strong feelings about this, but Congress has a responsibility to legislate for the longer term. As we all have agreed, the battle against terrorism is going to go on for the longer term, not just through this administration. And that really argues strongly for a statutory, Senate-confirmed position such as this bill would provide.

I want to quote David Walker, the Comptroller General, who made this point when he testified before our committee in April. On that occasion, he called for support of a statutory, Senate-confirmed official to coordinate antiterrorism policy Government-wide. Comptroller General Walker stated:

> Bottom line, there is a clear correlation that to the extent that there is a significant responsibility that spans administrations and years, that involve significant sums of money, . . . Congress has historically sought to address those with a statutory basis and to head those offices or operations with a Presidential appointee subject to Senate confirmation. History has shown that those lead to . . . more effective and accountable activity.

That is a critically important statement. We are legislating here for the long term. David Walker explains why the long-term interests of the security of the American people argue for this office as we have conceived it.

Brookings Institution scholar Paul Light added at one of our hearings:

> Congress should establish a statutory foundation for the White House Office of Homeland Security. Such a foundation is essential for the strategy, authority, and, perhaps most importantly, accountability.

Again, an important office. There is no sense in maintaining this office, as the President wants to do, unless it has an important role. If it has an important role, it ought to be subject to Senate confirmation and, therefore, accountable to the Congress as representatives of the people.

Title III of the legislation calls for a comprehensive national strategy to combat terrorism to be developed collaboratively by the new Secretary of Homeland Security and the Director of the White House Office for Combating Terrorism. The Secretary will have the lead role in issues of border security, critical infrastructure protection, emergency preparation and response, and integration with State and local efforts. Those are the elements within the Department. But the Director will have overall responsibility for preparing the strategy and will take the lead on strategic planning concerning intelligence and military assets, for instance, law enforcement, and diplomacy.

The idea is, the Director, working with the Secretary, will ensure the coordination of critical counterterrorism areas of Government outside the Secretary's direct control. And the legislation establishes an interagency council to be cochaired by the Secretary and Director to assist with preparation and implementation of the strategy.

It very progressively establishes a nonpartisan nine-member panel of outside experts to provide an assessment of the terrorism strategy. This is similar to the national defense panel created in legislation that came out of the Senate Armed Services Committee, of which I am privileged to be a member, that, in 1999, assessed the first Department of Defense Quadrennial Defense Review for military planning, and did so with very productive results.

In the area of antiterrorism, complacency has to be our constant concern. This panel our legislation creates will help assure an outsider-based, so-called red team critique of the strategy on a periodic basis.

Under our legislation, this antiterrorism strategy would be updated on a regular basis. The President's recently completed and released homeland security strategy is a good, constructive beginning, but of course it does not obviate the need for more detailed and updated strategies in the years to come.

I don't know if it is fair to quote a distinguished citizen from Tennessee when arguing against an amendment offered by the Senators from Tennessee, but I remember Fred Smith of FedEx said in a speech years ago, speaking to his employees—I paraphrase; I may not have it exactly—the journey to higher quality services has no final destination point.

That is a good point because the journey goes on and on. We are constantly trying to improve. In that same sense, the need for constant review and revision of our antiterrorism efforts will have no end. We have to keep reviewing and being a step ahead of our enemies.

I hope in the years to come and in future administrations, obviously, that terrorism is much less fresh in the minds and hearts and souls of the American people than it is less than a year after September 11. When it is, we need to ensure that, nonetheless, antiterrorism does not fall from the top of our concerns because these enemies of ours will still be out there in the shadows.

This statutory proposal of ours seems to me to be one of the best ways we can guarantee steadfast attention to the terrorism threat from administration to administration, from generation to generation, as we go forward in this century. We have never before had to organize and implement both a concerted assault against terrorists and to mount a defense of our people here at home at the same time, following an attack of this kind against civilians, innocents, on our territory. It is unprecedented.

Meeting the challenge means not only consolidating and organizing the dozens of agencies responsible for homeland security into a single unified chain of command, as we did in the first title of our bill, but it also means ensuring that the agencies and offices that remain outside the Department do not slip to the fringes of the fight against terrorism. That is what is achieved in titles II and III of the bill which Senator THOMPSON's amendment would strike.

We need every gear of government turning in the right direction, supporting every other as far ahead as we can see, to maximize our antiterrorism strategy, to advance the President's vision and policies, and to provide, in this painfully new context, for the common defense.

Therefore, I strongly oppose the Senator's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank my good friend from Connecticut for eloquently laying out his case against this amendment. It makes for a good debate.

As I sit and listen and think about what we are about here, it occurs to me that never before in the history of this country have we ever set up an organizational framework at this level of government. That is a pretty strong statement. I stand to be corrected if I can be.

We are setting up something here that we have never tried before. We are experimenting in a way in which we should not be experimenting. Why do I say that? I say that because we have never had a situation in the highest levels of government where we had a department with clearly defined responsibilities for an area of government and a White House entity that is Senate confirmed with decertification authority over the budget that pertains to that Secretary.

If there is another situation like that in the history of the Government, I will acknowledge it and stand corrected.

Reference has been made to the drug czar. He is Senate confirmed. He has decertification authority. But there wasn't a department such as the one we are in the process of creating. He, by his nature, by the nature of his job, had to coordinate legions of different entities and agencies and departments' budgets under the framework they had then. There was no one drug department or drug-fighting department other than him. He was it.

He had to deal with budgets of the Department of Agriculture, the Corporation for National and Community Service, the DC court services and offender protection, the Department of Defense, the intelligence community management account, the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of the Interior, the judiciary, the Department of Justice—I am not listing all the divisions and agencies within these Departments—the Department of Labor, the OMBCP, the Small Business Administration, the Department of State, the Department of Transportation, and the

Department of the Treasury. He was a coordinator in the truest sense of the word—not analogous at all to the situation we have here.

Reference has been made again to the NSC. We all know that the NSC not only does not have decertification authority; the NSC has no budget authority. The NSC is not confirmed by the Senate. Reference was made some way to our Trade Representative. He is confirmed by the Senate. He is the Trade Representative. I guess you could make some analogy to the Department of Commerce in terms of there being a Department that somehow has a responsibility in that area, but he is the person there, plus the fact that he has no decertification authority with regard to the Department of Commerce or anybody else.

So, again, I cannot think of another situation where we have had a large Department that we are getting ready to create, with 22 agencies, 170,000 people, and all the responsibilities, and we are going to be looking to that new Secretary. Everybody agrees there needs to be a coordinator there. I don't hear any reference to Mr. Ridge not doing a good job or the present circumstance not working out.

As the Office of Homeland Security is now constituted, we have a coordinator. But a new Department, a coordinator, who has decertification authority—think about how that would work. It is a recipe for conflict and turmoil within any administration. I don't know that there is a comparable in the history of our Government. It stands to reason that there would not be. What we seemingly have done is taken a lot of good ideas from a lot of people and added them together and not eliminated much of anything.

I don't know of any proposal that we do that is truly analogous. Perhaps Brookings comes the closest, but they were thinking about a much narrower Department. They were thinking about a border security department more than anything else.

So I suggest that we really think this through. More is not necessarily better. Do we really want a new coordinator who apparently is going to work down the hall from Mr. Ridge? I don't know if we are assuming—the President tells us he deserves to have his own person there. Are we assuming that he is going to back off? Is the new person—new Director—going to work down the hall from Mr. Ridge? Are we going to insist that the President get rid of Mr. Ridge's position because one is not confirmed and the other one is to be confirmed? It cannot be the same person serving both functions. I don't know what we are assuming.

Do we really want to set up a person there who has decertification of the budget—even over the military, apparently, according to Senator WARNER, who can speak for himself, and I understand he will—inside the White House? It is to be submitted to the budget and to him before it even goes to OMB, when you have a Secretary there with all of the responsibilities, budgetary and otherwise, that Secretaries normally have? Do we really want to do that? Is that really going to improve the operation of Government?

Like I say, there have been different ideas at different times, at different stages of this process. Many of them are good ideas, but many of them came before the President proposed his ideas for a Department and before he submitted his national strategy in July. To a great extent, unfortunately, what we have done is taken all these proposals and kind of added them together and said if a Senate-confirmed new Secretary for a Department is good, then a Senate-confirmed new Office of Homeland Security would be even better. And if the responsibility of the new Secretary for his budget is a good idea, let's have somebody over in the White House who can decertify his budget.

As I say, I think it is a recipe for turmoil within any administration. It is a recipe for conflict. I know that is not what is intended. As I sit here and think about how this would work, I think that would happen in any administration.

I think Mr. McCaffrey used his authority one time to great consternation with regard to everybody, but it would not be anything—perhaps he used it wisely, and I assume he did, but it would not be anything like a new Secretary with the responsibilities that a new Secretary would have, and the responsibility that OMB has.

We are going from a budget surplus to a budget deficit. We have no idea, in my humble opinion, as to how much this is going to cost us. We don't know how much it is going to cost the private sector and the State and local governments. I think it is going to be a lot if we do what we need to do to protect our infrastructure and the other things that constitute homeland security. It is certainly going to cost the Federal Government an awful lot of money.

We cannot shut this Nation down. We cannot spend all of our money on homeland security. We cannot have someone—I suggest it would not be wise—in the White House who only has responsibility for homeland security dictating what the entire Federal budget ought to look like. Somebody has to balance those, goodness knows, legitimate and, I would even say, primary concerns. But they are not exclusive concerns. We don't have an unlimited amount of money. We are apparently not willing to make tradeoffs.

We are spending money like there is no war against terrorism. We are adding new entitlement programs—the Congress is—as we speak. We have done some and are in the process of doing others. So what are we going to do, send somebody up in the White House to say, stop, don't let us kill again; is that the idea?

I think it has to do more with the will of Congress. We are going to have to do the right thing as a Congress. The Secretary is going to have to make proposals. The President and the head of OMB are going to have to say how much money we have to spend, and then take it to Congress and see what we think about it.

There will be plenty of ways for Congress to exert its will—properly so. We are not going to be cut out and should not be. That is the normal process. Do we really need another entity, which I think would be unprecedented, in the midst of all this confusion and difficulty that we are going through? People talk about maybe we ought to look at this thing in stages. Maybe that is one of the things we ought to look at in stages.

If it turns out that the strategy does not pan out, it is not satisfactory, that the budgetary situation is not working, it might be something we can revisit at another time. But with all these difficulties, is this really something we want to interject in the middle of this very difficult process? I submit to you that it is not.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, just to respond to some of the comments of my friend and colleague from Tennessee, it seems to me, as this debate has gone on for the last couple of hours, that we have sort of narrowed the focus. One question is: Does America need—assuming that there will be created an Office for Homeland Security—an office in the Presidency for the specific purpose of coordinating our efforts to combat terrorism?

I think the Senator from Tennessee just said he agreed—or he thought the President agreed—that some sort of office like that was going to be necessary. Basically, it is the office that Governor Ridge has been occupying now for approximately 10 months. So we agree there is a sufficient potential disorder, with the number of agencies that are going to have a role in our efforts to combat terrorism, and that is the specific and sole focus of this office in the White House; that it justifies somebody to attempt to bring order out of disorder.

As I was reviewing the legislation, I found some agencies that, frankly, I had not originally thought were going to be part of the fight to combat terrorism which I did not mention in my earlier remarks. One of those is the Environmental Protection Agency. One might say: How in the world is the Environmental Protection Agency going to be a part of the effort of homeland security against terrorism?

The answer is, if you list our vulnerabilities to terrorists, clearly one of the most significant of those vulnerabilities is our infrastructure, our basic water systems. If you were a creative terrorist and wanted to quickly disrupt America, identifying and targeting your efforts against our

water supply would be one of the ways that you might consider doing so.

Obviously, if that is going to be a vulnerability, then the agency of the Federal Government which has the primary responsibility, particularly for protecting the quality of our water—the Environmental Protection Agency—becomes an agency that has a role to play in deterring terrorists from access to that part of America's infrastructure.

The list of agencies you can consider today, much less what we might be dealing with 10 or 20 years from now when the imagination of the terrorists in our own sense of vulnerabilities have become more mature, could be very numerous. So we agree there is a need for there to be an agency in the White House for purposes of focusing on the specific issue of terrorism.

The second question then becomes: If so, how should that office be organized? Should it be called ''a meeting and hope people will come and, if they come, that they will cooperate'' type of agency, or should they have some agency with teeth that can sink in, if that is necessary, in order to accomplish the result?

We have had some experience with the former type of agency in the original version of the National Office of Drug Control. That office had relatively little real teeth and, therefore, had little effectiveness on chewing on the difficult problems of getting the variety of Federal agencies that have a role in our drug policy to collaborate.

We already are aware of some of the difficulties we are going to have in the area of homeland security because we are identifying areas in which various agencies, for reasons of their cultural attitudes or traditions, their isolation, their desire to not share the potential glory of success with other agencies, have been insular and the American people have paid the price because the agencies that should have known important pieces of information were denied that information and, therefore, their ability to be as effective on behalf of the American people in giving us security against terrorists was frustrated.

We know that this office within the White House has to have enough power to be taken seriously. I believe it is the evolution of the Office of Drug Policy that is the most informing recent experience in American Government as to what kind of agency this needs to be and that we do not have the luxury of waiting 10 years for it to get there; that this office within the White House needs to have some ability to oversee and control the budget as it is being developed to assure that it is consistent with the strategy for combating terrorism that has been agreed to and that, in the implementation of budgets, agencies will devote the required funds necessary to carry out that strategy.

I believe if we are serious about a war on terror—and the American people are very serious about an effective war on terror—they need to have what, in this beginning of the season, we might refer to as a head coach who can oversee all of the assistant coaches who have responsibility for individual components of the team to assure that the team in totality is focused on victory against its opponent.

There is the third question, and that is: How do we prepare for the future? It was said that we do not need title III which calls for the development of a strategic comprehensive plan to combat terrorism because we already have a plan. It was the plan the President submitted a few weeks ago.

Without commenting about the current plan that the President submitted, I can tell you—and I do not believe there would be anyone here who would speak to the contrary—but that is not the plan we are going to have 10 years from now. We are not so lame-headed as to be unable to learn from the experience that we are going to have over the next decade and to then incorporate that experience into what we think is the effective strategy to protect Americans against terrorism.

Unfortunately, there is a tendency to want to revere the status quo and to resist change. In my earlier remarks I talked about some of the history of the American intelligence agencies, going back to their inception in 1947 and how they became so committed to fighting the cold war against the one big enemy, the Soviet Union, that when the cold war was over and we suddenly had a much different environment of enemies, that they found it difficult to make the transitions that were necessary to respond to the new set of enemies.

The same thing is going to happen in our domestic war to secure Americans here in our homeland, but we have already demonstrated some of the slowness to respond.

One of my critiques of the current effort at homeland security is that we have tended to focus our efforts on those vulnerabilities that have been attacked. Just think of all the things we have done to change the character of American airports and American commercial airlines, with many more changes still to be fully implemented. Contrast that to what we have done to substantially increase the security in areas that, in my judgment, are equal in their vulnerability and threat to the people of the United States, such as the water systems to which I referred earlier.

What have we done to increase the security of our seaports and those thousands of containers which enter America every day? In my own judgment, they represent one of the greatest threats for a terrorist wishing to bring a weapon of mass destruction into the United States.

We have almost a genetic tendency to support the status quo and a genetic tendency to respond when we have been hit where we have been hit. Hopefully, this agency, at its best, will be an agency that will challenge us to think creatively about what our vulnerabilities might be, and then to assess: Are we taking those steps that are reasonable and appropriate to protect us against an attack, against a vulnerability that has not yet been exploited?

I believe an agency that has that kind of an orientation, mission, and responsibility will also then need the authority this legislation provides to see that, in fact, we act against that.

It is easy to get Americans energized to deal with commercial airline safety when commercial airliners have been flown into some of the symbols of America's greatness, but it is more difficult to get Americans to respond to dealing with the potential threats at a seaport, or a metal container rolling down the highway when we have not yet been attacked at that point of vulnerability.

This agency will have the opportunity, within the White House, with the power of the Presidency and the power of the Congress, through confirmation, and with the power that this legislation would provide, to be that creative watchdog to ensure that we are responding to the threat profile as it changes and that we do not require that we be attacked in a particular point of vulnerability before we take steps to secure that vulnerability.

So I think those are the basic issues in this debate.

Does America need such an office? I believe there is unanimity, yes. Once established, does the office need to have the capability, the authority, and the clout to assure that it can conduct a difficult job? I think the answer to that question is yes because it then answers the third question: Are we going to look to this agency to be, yes, a coordinative agency; yes, an agency that will help advise us as to the wisest strategy to combat terrorism, but, maybe most importantly, to be the agency that will be responsible for our creative inquiry as to what is the nature of the threat today, what is it likely to be tomorrow, and how do we prepare to give to the American people what they deserve and what they look to us to provide, the most effective security in the homeland of America?

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I agree we do have some points of agreement. One is the fact that we do need a person in the White House in this coordination function. I agree with the second point also that we need a person with some clout. I submit Condoleezza Rice has clout and Tom Ridge has clout to do their jobs. Neither is confirmed by the Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, if I may just momentarily desist and continue to hold the floor?

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

Mr. BYRD. Mr. President, throughout this debate—and there really hasn't been a lot of debate—there was talk about rushing this bill through and putting it on the President's desk before the August recess. Then there was kind of a fallback position in which it would be rushed through but it would be on the President's desk by 9/11, September 11. Neither of these efforts, as they appeared to be explained in the newspaper, was a very wise approach to dealing with such a very, very difficult, important—and I will use the word complex, which encompasses difficult as well, but I will add it to the sentence—piece of legislation.

How many Senators are paying attention to what is being said on this very important legislation? We have on the floor the distinguished manager of the bill, the chairman of the committee which had jurisdiction over this legislation, and we have the ranking member. These two Senators are here at their posts of duty. How many other Senators are there? I see the distinguished Senator from New Jersey, Mr. CORZINE, in the Chair. And here is this middling upstart from West Virginia at this desk.

So the deadline for completing this legislation by the beginning of the recess came and went, and the deadline of September 11 is going to come and go, but who is paying attention? My thought was that if Senators had the August recess, many of them would read this bill. What I mean by ''this bill,'' this bill is a House bill which was passed by the House after 2 days of floor debate—imagine that. Two days of floor debate. Why, it would take longer than that to get a sewer permit approved by the city council in many towns. And here we are passing a bill of this magnitude in 2 days by the other body and great pressure on this body, now, to act on this mammoth proposition, great pressure from the President, who is going up and down the country saying: Pass my bill. Pass my bill. Pass my bill. Then there are others from both sides who are willing to go along and really want to hurry through this legislation.

But let me say in all candor that if we do not pass this bill until next year, this country is not going to go undefended at its borders, at its ports, at its airports. No. The same people who will be working in the agencies within the new Department, when it is created, are already out there right now. They are out there on the borders today. They were out there last night when you and I were sleeping. I take it that you slept a little bit. I got a fair amount of sleep. But they were out there protecting us. They are at the airports. We are not satisfied with the protection we are getting at the airports, but I don't know that this bill is going to improve that.

But, in any event, what I am saying is that the very people who are going to be protecting the ports of entry, protecting the long borders to the north and to the south, protecting the seaports and the river ports, they are out there now. These are experienced people. These are those terrible Federal employees whose rights are about to be swept away under the administration's proposal. But under this bill they are being protected.

That is not exactly the point I am making. The point I am trying to make is why the hurry? On the other hand, in looking about this Senate one would say: Why not? There is no interest in this bill. Senators are not at their desks. Look on that side: One Senator. Look on this side: Two Senators, and one in the Chair. I am not saying that in derogation of Senators. They are busy, very busy. Senators are on committees, they have people back home who are No. 1. This is the people's branch. They are busy.

But how many Senators have read this bill? That is the key. If more Senators had read this bill than obviously have read it, I think we would have more Senators on both sides on the floor.

The chairman and ranking member have given plenty of attention to this bill. They worked for days. Their staffs worked for days and far into the nights in developing this piece of legislation. So we have several Senators on both sides of the aisle who have read the bill and worked over it and they have far more expertise so far as this bill is concerned than I have.

I am not on the committee that has jurisdiction over their legislation; what business do I have here?

Well, I have the same business here that every other Senator on both sides of the aisle has, and I have been concerned about this legislation. I have read the House bill. I have read the Lieberman substitute. And I have read them both more than once—twice is more than once, so I read them at least twice, you can say—you can draw from that statement. But I read this bill. When I say ''this bill,'' I am talking about the House bill and the Lieberman substitute. The House bill is the underlying bill here—we all know that—and it can be amended, too.

But the Thompson amendment is the amendment before the Senate right now, and it would strike title II and I believe it would strike title III as well; am I right?

Mr. LIEBERMAN. That is true.

Mr. BYRD. Mr. President, the Thompson amendment touches the bill in more than one place. It touches the bill in several places so it is open to a point of order to strike, a point of order against this amendment because it touches the bill in several places—more than one place, certainly. Also, it certainly is open to division. I am not sure at this point in time that I intend to pursue either of these two courses: make a point of order or ask for divisions. I am not sure of that at all.

I want to proceed right now with my statement. But I want to call attention to the fact that neither the Senate, apparently, judging from the attendance on the floor, nor the press is greatly concerned about this bill. Maybe Members and the media are just taking it for granted that this bill will pass, and it is a good bill, and the President wants it, and there it is; that is all there is to it. It is going to pass, so why fool around with it? Let's get on with something else. We have many other issues to occupy our attention.

I cannot fathom the reasons, except that I do not believe Senators have read this bill. I just do not believe it. If Senators read this bill, I think many more Senators would express concerns about it. Several Senators have expressed concerns about it. I am very concerned about it. It is a complex bill, and I think we are about to pass legislation here, if we are not very careful, that we will come to rue, that there will be many, many problems in connection with this bill that Senators have not thought through and will look back and say: My, how could that have happened? I didn't know that was in the bill.

So, in a way, I can understand Mr. THOMPSON's desire to strike titles II and III of the bill. I can understand that. I am not all together happy with either of those titles. But I think that the Senate will err in adopting the amendment by Mr. THOMPSON.

Throughout this debate, such debate as we have had, I have made clear my respect for the efforts of Senator THOMPSON in his work with Chairman LIEBERMAN on the homeland security bill. First of all, I think the Senator from Tennessee, Mr. THOMPSON, has a head full of common sense. You can find a good bit of that in those Tennessee hills and throughout most of Appalachia. I can say that because I am likewise from Appalachia. There are several States in Appalachia. But this Senator from Tennessee is one of the Senators representing a State in Appalachia where the common people, the common folk live. There are a lot of them down there, just ordinary people who live on my side of the tracks, the side of the tracks where I grew up.

I have also made clear my intention to oppose any effort that I believe jeopardizes the rights and liberties of the American people. I, therefore, must oppose Senator THOMPSON's amendment because, as I see it, it would contribute to the undermining of our constitutional system of checks and balances between the executive and legislative branches.

Now, to begin with, let me say that the administration's proposal does exactly that in several ways. I will not go into all the ways today. But if Senators will take the time to read the House bill, which reflects, in great measure, the administration's position on homeland security, they will find many instances in the House bill reflecting the administration's position which do just that—that get between the Constitution and the people, that put the Constitution and the people off to one side—and while this piece of legislation goes like a steamroller over that constitutional system of checks and balances, the separation of powers.

So the Thompson amendment would strike titles II and III of the Lieberman substitute. Title II is a title that provides a National Office for Combating Terrorism be established within the Executive Office of the President, presumably to replace the current White House Office of Homeland Security.

So we already have, in essence, just such an office as the one we are talking about in title II; namely, a National Office for Combating Terrorism. There is already one in the White House. There is already one established within the Executive Office of the President. It has not been established by law, but it has been established by Executive order. I do not have much use for Executive orders, whether they are issued under a Republican President or a Democratic President. But this legislation would replace, in my judgment, the current White House Office of Homeland Security.

In the legislation we are talking about here, in title II of the underlying legislation, such an office would be headed by a Director, who would be subject to Senate confirmation and made accountable to the Congress. Get that.

We already have such a Director down at the White House now working within the office of the White House, and that person is Tom Ridge, a former Governor of Pennsylvania. He has been there quite a while. He has been given a great deal of authority by the administration, by this President. He is an individual who is not subject to Senate confirmation and, therefore, is not made accountable to the Congress.

This legislation would make him subject to confirmation and accountable to the Congress. Why shouldn't that be the case?

Mr. President, the White House Office of Homeland Security was created to respond to an immediate need for an Executive Office that would oversee our Nation's homeland security efforts. Since its creation, however, it has become clear that that office, which has taken on such an important role in protecting our homeland, was also designed to be insulated from the American people, to operate from within the White House without congressional oversight and outside our constitutional system of Government, without, as I say, congressional oversight.

Now, Senator STEVENS and I, as all Senators know, tried repeatedly to have Mr. Ridge come before the Senate Appropriations Committee and testify on the budget for homeland security. The Director of the Office of Homeland Security has repeatedly refused.

I say with respect to Mr. Ridge, he is a former Governor. He is a very able, likable man, who once served in the Congress of the United States. He repeatedly refused to testify before the Congress. The administration arrogantly, in my opinion—arrogantly—maintained that he is accountable to the President only and not to the people's Representatives.

Now, I have some sympathy for the argument that a President ought to be able to have advisers from whom he can receive confidential guidance.

I am not saying that every Tom, Dick, and Harry, every clerk high and low at the White House, should have to come up and testify before the Congress if it invites him or her up to the Hill. I have sympathy for that idea as a concept.

But in the Director of Homeland Security, we have something that goes far beyond a mere staff person, far beyond a mere adviser to the President.

The Bush administration designed the Office of Homeland Security to be the Federal Government's point man on homeland security. There is the man. He is the man in whom the President of the United States has reposed great confidence and authority. Authority? Well, there was an Executive order.

The Office of Homeland Security was intimately involved in crafting the President's proposal to create a new Department of Homeland Security. I have said many times, I have almost spoken ad nauseam about the way this idea was initiated in the bowels of the White House and brought to life, much like Aphrodite, who sprang to life from the ocean foam and later appeared before the gods on Mount Olympus, and they all were much taken with Aphrodite; or much like Minerva who sprang from the forehead of Jove, fully armed, fully clothed, fully grown. And here it is, Minerva.

Well, that is the way this thing kind of came up. It came right out of the White House like an ocean foam. There it is, bango. You got it. We have something here that was created, lock, stock, and barrel, from an embryo of a tiny imagination. It was not quite the committee that created the Declaration of Independence, not quite of that caliber, but it was a committee of respectable men. There were four of them.

It was all done in secret, you know, down there in the subterranean caverns where there was not even a candlelight whose rays might illuminate just what was being talked about. But here it came.

Do you know why it came? In large measure, I say to my friend, Senator THOMPSON, I think one of the compelling factors in this idea that sprang from the White House foam might have been that legislation, that appropriations bill which was fast approaching and which had in it the language that Senator STEVENS and I put in it to require Mr. Ridge to be confirmed by the Senate of the United States.

That was in the appropriations bill. That appropriations bill passed the Senate in the seventies for it. Nobody took on provision. Nobody attacked that provision when it was before the Senate. Nobody tried to strike it. But there was a provision in that appropriations bill that said the Director of Homeland Security should be confirmed by the Senate of the United States.

Well, the administration saw that coming. They saw it coming like a train down the track. And it passed the Senate. Nobody raised any questions about it. It was headed for conference. And it went to conference.

So the administration, I think, thought: Wait a minute here. We had better get on board. Let's not get on board. Let's get ahead of that train. That is a fast train coming down the track. Let's get ahead of it. And so here came this thing out of the dungeon, out of the dark bowels of the Earth, beneath the White House.

So the administration had to do something fast to get ahead of this train so that the administration could claim, of course, credit for it. So here they came with this big idea of having a Department of Homeland Security. I am not sure they would have done that had TED STEVENS and I and the other members of the Appropriations Committee not included that provision in our appropriations bill which passed the Senate with nobody raising a finger against that provision. The administration saw that train coming.

The Office of Homeland Security was intimately involved in crafting the President's proposal to create a new Department of Homeland Security. Its Director has represented our Nation in forging international agreements related to our homeland security. You see, Governor Ridge could go to Mexico, he could go to Canada, but he couldn't come here before the Senate Appropriations Committee. ''No. No. No, don't throw me into that briar patch.'' He didn't want to come here. I think probably it was the President who didn't want him to come here.

Further, the President has vested in the Director of Homeland Security budgetary powers that led our colleague, Senator SPECTER, to say in testimony before the Governmental Affairs Committee in April:

> Some have compared Governor Ridge's position to that of Dr. Condoleezza Rice, the National Security Adviser. However, Governor Ridge's authority over such a large piece of the budget clearly distinguishes his position from that of the National Security Adviser. When an adviser such as Governor Ridge has significant responsibility for budgetary matters, he should be subject to congressional oversight.

That was Senator SPECTER. He went on to say:

We need to ''codify'' Governor Ridge's position.

The Office of Homeland Security is perhaps the clearest example of the administration's contempt, utter contempt, for Congress, a contempt that drives the White House to operate in a cloud of secrecy, beyond the boundaries of our constitutional system of government.

I recall—I am sure my distinguished friend from Tennessee recalls because he was here, as I was, and he was right in the middle of the news of that day and time—the Nixon administration attempting to create an entire executive system to bypass Congress. It has been called a ''personalized presidency.'' It has been called an ''administrative presidency.'' But whatever we call it, President Nixon wanted an administration in which the Federal Government would be run out of the White House, while the executive departments, those agencies and offices that are subjected to the oversight of Congress—I am talking about the people's branch—were, for all practical purposes, stripped of policymaking powers.

I do remember that period quite well. I was the Senate Democratic whip at the time. Senator THOMPSON must remember that period, too. He was minority counsel to the Senate Select Committee on Presidential Campaign Activities—in other words, the Watergate committee. He did a very competent job because he is a very competent man and a very knowledgeable person, as I said, and has a lot of the sense of the American people who read this thing and who are far ahead of any of us most of the time.

I remember not only the Watergate scandal, but I also remember the atmosphere and the culture that created it. As President Nixon's counsel, John Dean, later pointed out, Watergate was ''an inevitable outgrowth of a climate'' that had developed over the previous years of the administration.

Foreign and military policy at the time was being run not by the State Department so much or the Defense Department but largely out of the White House by the National Security Council, with National Security Adviser Henry Kissinger in command. There existed at the White House a layer of Government between the President and his Cabinet departments, with their congressionally confirmed Cabinet secretaries.

To run domestic policy, the Nixon administration created a White House Domestic Council, which was patterned after Kissinger's version of the National Security Council. According to former Nixon administration official Richard Nathan, in his book, ''The Plot That Failed: Nixon and the Administrative Presidency,'' Nixon's intent was ''to achieve policy aims through administrative action as opposed to legislative change.'' I repeat, ''through administration action as opposed to legislative change''—by the White House rather than the Congress, where the people have their say.

I recall the Nixon administration's defiance of Congress and the constitutional process. This included Nixon administration officials refusing to appear before Congress. It included the Nixon administration's efforts to ''stonewall'' Congress by denying information to congressional committees. It included the Nixon administration's efforts to belittle Congress and its constitutional responsibilities. It included the impoundment of funds appropriated by Congress by Mr. Nixon.

''Quite clearly,'' I wrote in my own history of the Senate, ''President Nixon set out to circumvent Congress.''

''Had Nixon succeeded,'' wrote Arthur Schlesinger, ''he would have effectively ended Congress as a serious partner in the Constitutional order''—a stunning thought that, through such brazen power grabs by the administration, in fact, one man could so dramatically shift the balance of power that safeguards the people's liberties. It should worry us all. It should worry us, as the people's elected representatives. It should worry the media, as the fourth estate that is to enlighten the people—our people. It should worry us all just how easily that shift can be accomplished.

Cloaked in secrecy and shrouded in arrogance, the Nixon administration became one in which the President and his aides believed that they operated outside the constitutional process and beyond congressional oversight. ''Even before Watergate,'' wrote Nathan, ''Nixon's management strategy was criticized as dictatorial, illegal and impolite.''

My point is that Watergate didn't just happen. Years of Executive secrecy and arrogance and contempt for Congress created it. As John Dean said, it was an ''inevitable outgrowth.''

When I think of these preconditions that led to Watergate, I keep thinking—I cannot help but think of the current administration. I am concerned—no, let me say I am not just concerned, I am alarmed that in this administration we are witnessing another Nixonian approach to Government; that is, holding the Congress at bay, saying to congressional committees, no, this man won't come; he is not coming up there—holding the Congress at bay using Senate-confirmed department and agency heads, while the real policy decisions are being made by advisers to the President behind the protected walls of the White House. That is where the real decisions are being made.

The Assistant to the President for National Security, Condoleezza Rice, plays a major role in crafting foreign policy for the Bush administration. That position, however, unlike that of Secretary of State, is not subject to Senate confirmation. While the Secretary of State testifies regularly before the Congress and is accountable for the Bush administration's foreign policy, the President's National Security Adviser operates secretly, inside the White House, and is largely unaccountable to the American public.

The same can be said for the Assistant to the President for Economic Policy, Larry Lindsey. The President's economic adviser is not subject to Senate confirmation and, while he crafts economic policy for the administration, he is not accountable for that policy to the Congress. The Treasury Secretary, who is confirmed by the Senate, has to justify his decisions and actions to Congress and to the public. The President's economic adviser, however, has no such obligation.

These are policymakers inside the White House who operate outside the constitutional system of checks and balances.

With the creation of this new Department of Homeland Security, my concern—indeed, what should be the concern of every Member of this body—is that the Department and its Secretary will be used as decoys to divert the attention of the American public away from the White House's Office of Homeland Security and its Director, Tom Ridge.

I speak with great respect for Tom Ridge, who happens to be the person in that position at this point. It could be ''Jack in the Beanstalk,'' or John, or Henry, or Robert—whatever. The White House has tried to shield that office. I know. TED STEVENS knows that. I know the White House has tried to shield that office from the Congress and the American public ever since its creation last year. Oh, they are willing to come up, yes. I heard from Tom Ridge. He was willing to come up and brief the members of the Appropriations Committee.

Well, now, that is a way of getting around what the people desire. The people deserve something better. The people deserve to see these hearings. The Appropriations Committee has been created now since 1867. So for these 135 years, since its creation, that is the way it has been done. I know the other body apparently settled for that kind of thing but not our side; we are not going to settle for that. We will do it the way it has always been done—out there within public view, with the record being written, questions being asked, and the American people watching.

The American people want answers to these questions, not just members of the Appropriations Committee. So it is the way it has been done for 135 years, and as long as I am chairman, that is the way it is going to be done. We are not going to settle for merely briefings. We can get that from lots of people.

But title II of the Lieberman bill seeks to make the actions of a Homeland Security Office inside the White House more accessible and more accountable to the public. What we must strive to avoid is a White House Homeland Security Office—be it the Ridge

office or John Doe's office or the one envisioned by the Lieberman substitute—that would act as a puppetmaster for Homeland Security, pulling the strings of the new Department and its Secretary from behind a curtain of secrecy.

That is why it is so important that the White House office, whatever its form, whoever its Director may be, be held accountable to the Congress and the American people. The head of that office must be a confirmable position, no matter what the President—any President—may say. After all, we hear that this battle, this war on terrorism, is going to go on for a long time. So I take ''a long time'' to mean beyond this year, beyond next year, beyond the next election, beyond the next 2 years. And who knows, we may have a different President in 2 years; we may have a Democratic President.

Will I feel any differently? No, not one whit. No. The head of that office must be a confirmable position. If the war is going on for a long time, that position is going to be there a long time. That office will be there a long time, and it should be a confirmable position.

If there is a Democratic President in office 2 years from now—and who knows. I do not know if I will be around or not. Only the Good Lord knows that. But whether I am around or not, that position, under a Democratic President or under a Republican President, should be confirmed by the United States Senate. He should be accountable to the American people, the people out there who are looking through those electronic lenses right up there, right now. He should be accountable to them.

Mr. President, the men who drafted our Constitution carefully laid out a system of government that has worked remarkably well for more than two centuries. It began in 1789. The First Congress in 1789 was probably the most important Congress of any of the 107 Congresses we have had. There was no Congress before it to tackle those problems. That Congress took on great problems, and the Senate especially is to be credited with the formulation of the Judiciary Act, creating the judiciary.

There we are, 1789. What would those signers of that Constitution think about the way we are running our Government today? Would they say to ROBERT BYRD: Senator BYRD, you should take your seat; there is no reason for that person to be confirmed; he should not be confirmed; we should accept at face value whatever President is in office, whether he is a Democrat or Republican. They would say: We did not have any political parties in our time, but you have them. You ought to just sit down and not worry. Leave it all to the President. If he is a Democratic President, leave it all to him. If he is a Republican President, leave it all to him. Leave it up to him. Trust him. Don't require that person to be confirmed.

How many Senators would believe those men who signed that Constitution of the United States would say that? They would turn over in their graves, as we hear an expression often in our part of the woods. They would turn over in their graves to even contemplate such a thing.

A major reason our Government has been so successful is that our Founding Fathers were wise and cautious people who had no naive expectations about human behavior. They understood human behavior. It has never changed. It is just like it was when Adam and Eve were in the garden, just as it was when Cain slew Abel. It does not change. That is why we have Saddam Hussein because human nature has not changed.

Everybody loves power, and sometimes we get intoxicated with the power we have. That intoxication feeds on intoxication and power feeds on power. I would much rather believe that the American people were in the mix. I should think any President would want that to be the way: I have nothing to hide; let the American people see it.

James Madison, the Father of our Constitution, had a shrewd view of human nature. He knew that those who achieved power too often tried to amass more power or, in other ways, misuse their power. ''If men were angels,'' he observed in Federalist 51, ''no government would be necessary.''

According to Madison, history showed that those in power often overreach; they want more. It is like that song: Give me more, more, more of your kisses. They want more, more, more power.

According to Madison, history showed that those in power often overreach and, as a result, power too often can become located in a single person or a single branch of government, either of which is dangerous to liberty. That is what we are talking about, the liberty of the American people. We are not talking about the prerogatives of the Senate per se. They are prerogatives of the Senate by the Constitution, but it goes deeper than that.

We are talking about the people's liberties. ''The accumulation of all powers, legislative, executive, and judiciary, in the same hands,'' wrote Madison, ''may justly be pronounced the very definition of tyranny.''

This very point was emphasized by none other than the Vice President of the United States, RICHARD CHENEY, when as a Member of the House of Representatives, during a hearing by the Iran-Contra committee, he, RICHARD CHENEY, lectured Oliver North saying, and I quote the now-Vice President:

> There is a long tradition in the Presidency of presidents and their staffs, becoming frustrated with the bureaucratic organizations they are required to deal with, to increasingly pull difficult positions or problems into the White House to be managed because there is oftentimes no sense of urgency at State or at Defense or any of the other departments that have to be worked with. . . . [P]roblems . . . that automatically lead presidents sooner or later to move in the direction of deciding that the only way to get anything done, to cut through the red tape, to be able to move aggressively, is to have it done, in effect, inside the boundary of the White House.

That was now-Vice President CHENEY back then.

Is that what is going on now? I remember the concerns and issues raised by Members on the other side of the aisle when the Clinton administration's health care task force was forming its policies in secrecy. One Republican Senator, who is here today—not on the floor right at this time—denounced the Clinton administration for operating—and I quote the Senator—a ''shadow government, without accountability to the American people.''

That Senator went on to say that:

> All Americans should know what their Government is doing and how it is spending public funds. That is just the way we ought to do things in a democracy.''

While I do not agree this is a democracy—Senators know we do not pledge allegiance to the Flag of the United States and to the democracy for which it stands. This is a republic. But that is neither here nor there.

This Senator said that is just the way we ought to do things in a democracy. Well, I think that Senator was right. He was a Republican Senator from Iowa, Senator GRASSLEY.

Another Republican Senator at that time, Senator Simpson, charged:

> The secrecy on the ongoing negotiations within the confines of the White House is a major concern of mine. . . . Health care is too important an issue to the American public to deliberate behind secretive walls of the White House.

Well, Senator Simpson was right, too. I do not dispute those comments, but I do ask this: If health care is too important an issue to the American public to deliberate behind the secretive walls of the White House, then what about the challenges of protecting our Nation in this frightful new age of terrorism, and what of a White House that seeks broad new authorities without respect to the harm they may do to the people's liberties or to our system of government? What about an officer who has his hand in intelligence, health care, law enforcement, commerce, environmental protection, transportation, agriculture, all matters that fall under the broad rubric of homeland security? What of a White House officer who would be granted never-before-seen authorities to involve the U.S. military?

Now get this, Mr. President, as you sit up there in that chair presiding over this august body. It is probably not very difficult to preside over when there are only three Senators in the Chamber. What of a White House officer who would be granted never-before-seen authorities to involve the U.S. military in any domestic matter that can be labeled ''homeland security''? What about that?

Let me read that again. What of a White House officer who would be

granted never-before-seen authorities to involve the U.S. military in any domestic matter that can be labeled ''homeland security''?

That is enough to choke on, is it not? Give me a glass of water. My gosh, that is enough to choke on. That is more than a bone. We will find that more than a bone in one's throat.

The White House is clearly seeking new and expanded roles for the military within our own borders. It has articulated as much in the homeland security plan the President released last July.

The White House aims to provide broad authorities to the military as part of its national antiterrorism homeland security plan. That should give us all pause.

I am certainly not to be equated in any sense with George Washington, but I think of George Washington who said, I have grown old and gray in my country's service; now I am growing blind. So in that sense I am a bit like George Washington.

Now, when we are talking about the military, I am reading from the national strategy for homeland security. This is what it says, in part—these are major Federal initiatives. I will just pick out this one. It jumps out at me.

> Review authority for military assistance in domestic security. Federal law prohibits military personnel from enforcing the law within the United States except as expressly authorized by the Constitution . . .

Oh, that word. How many of us have heard that word on television recently, the word ''constitution''? Let me read that again.

> Federal law prohibits military personnel from enforcing the law within the United States except as expressly authorized by the Constitution or an act of Congress. The threat of catastrophic terrorism requires a thorough review of the laws permitting the military to act within the United States in order to determine whether domestic preparedness and response efforts would benefit from greater involvement of military personnel and, if so, how.

All right, Senators, see if you can swallow that one. Apparently, there is some thinking going on in certain circles, because this says so, that the threat—I will read this portion again:

> The threat of catastrophic terrorism requires a thorough review of the laws permitting the military to act within the United States in order to determine whether domestic preparedness and response efforts would benefit from greater involvement of military personnel and, if so, how.

I say to Senators, beware.

The Lieberman substitute includes language requiring the Director of the new National Office for Combating Terrorism, in consultation with the new Homeland Security Secretary, to develop a national strategy that would include ''plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy.''

Let me read that to Senators. I read from the substitute by Mr. LIEBERMAN. I read title III, section 301, the section entitled ''development,'' which says:

> The Secretary and the Director shall develop the National Strategy for Combating Terrorism and Homeland Security Response.

Then it goes on and tells the responsibilities of the Secretary, and among those responsibilities I go down to the word ''contents,'' and then I go down to the fourth paragraph which reads as follows:

> Plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy.

Title III of the Lieberman bill talks about the Strategy. And so the Director and the Secretary together will develop the National Strategy for Combating Terrorism and Homeland Security Response. That is being done now in the White House by the Director, Tom Ridge, I would say undoubtedly.

Senator LIEBERMAN is trying to put—I have a little dog. I used to have a dog named Billy. I have a little dog now whose name is Trouble. My wife named him Trouble. She may have been looking at me when she named the dog. We put a little collar on that dog, and then I have a nice little chain that goes into the collar. That little dog might go astray if we did not have that collar on that sweet little dog. She has my wife and I around her two front paws. So when I take her out for a walk, she then would not run out on the street and get run over by a car.

Senator LIEBERMAN is seeking to put a collar on this office. He is seeking to put a chain on it, and for good reason. So Lieberman's substitute includes language requiring the Director—this is the chain in the collar—requiring the Director of the new national Office for Combating Terrorism, in consultation with the Homeland Security Secretary, to develop a national strategy that would include plans for integrating the capabilities and assets of the U.S. military and to all aspects of the strategy. The White House Homeland Security Director, Mr. Ridge, is under similar orders from the President. But at least, as I say, under the Lieberman plan, the Government official responsible for developing plans to mobilize U.S. troops within our own borders, if it comes to that, would be held accountable—and I hope it does not come to that—to the American public and the Congress. That is a critical difference.

Certainly the American people should feel uncomfortable with the thought of government officials, hidden away inside of the White House, drawing up plans on how to insert the military into the homeland security efforts of our communities. Ours is a nation in which the streets of our small towns and large cities are patrolled by civil forces, not tanks and black hawk helicopters. Our policemen are accountable to locally elected leaders, not four-star generals in distant command centers. Our citizens are tried in courts of law, not secret military tribunals. We may, in an abstract sense, recognize the danger of a growing involvement of the military in civil affairs, but we do not seem to recognize that the wall between civil and military government may be eroding as we speak. It is imperative, therefore, to ensure that any White House officer who would be granted such broad powers—as, say, Mr. Ridge would be—to insert the military into ''all aspects'' of the homeland security strategy should also be made accountable to the people's representatives.

I recognize the value of an Executive Office to coordinate homeland security efforts across the Federal Government. But there is also a need to ensure that any office with such long arms, so able to reach into the affairs of so many agencies, and with powers so sweeping that it can trim the liberties of the American people is, ultimately secured under the control of the people. Title II of the Lieberman bill attempts to respond to that need.

The mere fact that White House advisors have quietly accumulated broad powers in the past is certainly no reason to allow a White House office with influence of this magnitude and without congressional oversight to go forward.

We stand today in the swirl of unanswered questions about this administration's intent with regard to an unprovoked, preemptive attack against the sovereign nation of Iraq, the reasons for which have not yet been explained to Congress or the American people. Perhaps the White House has the answers to the questions that people are asking about why we may soon send our sons and daughters to fight, and perhaps die, in the sands of the Middle East, but thus far, we have encountered only a wall of secrecy at the other end of Pennsylvania Avenue—a wall built on the pillars of Executive privilege.

On the issue of homeland security, however, the lives at risk are not only of those who have chosen to serve our country in uniform. Homeland security is about protecting the lives of innocent civilians—men and women, children and grandparents—from terrorist attacks. The current administration is quite evidently eager to avail itself of every past precedent and every current day opening to hide its affairs from the public eye. If anything, we, the people's representatives, should be alarmed.

If I were Paul Revere and had the lungs, brass lungs, if I could speak as thunder from the cloud in a storm, I would insist that any such powerful White House Homeland Security Office not be allowed to operate outside the reach of the American people.

So I urge the Senate to refuse to be a party to erecting such a dangerous wall of secrecy between the people and their government. I urge the Senate to refuse to be a party to erecting such a dangerous wall of secrecy between the American people and the American Government, their Government. I urge my colleagues to vote against the Thompson amendment.

So, Mr. President, here we are. We are talking—I am not sure we are debating it, but we are talking—about this massive piece of legislation that would constitute the greatest reorganization of the American Government since 1789—not since the Department of Defense was created, not since the National Security Act, but I think the greatest reorganization of Government and, it is certainly arguable, since 1787, when our constitutional forebears met in Philadelphia to create a new Constitution, a new Government under a new Constitution, while those men at Philadelphia were serving under the Constitution that then guided them, and that then obtained the Constitution under the Articles of Federation. That was the first Constitution, that was the first American Constitution. There were State constitutions, State constitutions in 13 States before that time. They reconstituted this Government. Not all of the delegates from the 13 States attended; Rhode Island did not think too much of the idea. But under that Constitution, and the new Constitution, the support and ratification by nine States would constitute enough, a sufficient number to adopt this new Constitution and create a new order of—a new order of the ages. ''Novus ordo seclorum,'' a new order of the ages. There it is, up there on the wall. They created it.

''Annuit coeptis.'' He has favored our undertakings. God.

So they set forth a new order for the ages. They created anew, they reorganized this Government. That was the greatest reorganization ever. And there was the reorganization of the military that we have already talked about. And now we come along with this reorganization. But this is a far-reaching reorganization and this is a new Department.

Senators will remember the first three Departments were the Department of State or foreign affairs, the Department of War, and the Department of the Treasury. And the first committees, the real committees of the Congress, were created in 1816—the permanent committees. And the Appropriations Committee, as I say, was created in 1867. But here we are. We are creating a new Department of Government.

I have been here when several new Departments have been created. This will not be my first one, but this is the one which gives me greatest pause, the creation of this Department.

I will not proceed to make a point of order against this amendment at this time. I am not the manager of this bill. I am not even on the committee that created it. But I still have the rights of any Senator, so I can make a point of order. But out of courtesy to the distinguished chairman of the committee and the distinguished ranking member, who certainly has listened to me and my concerns—and TED STEVENS and his concerns, our concerns with respect to the power of the purse—they have listened and they have given great consideration to our concerns in those regards—I will not make the point of order, as I indicated was available to me and I could have made, but I am not going to do that out of respect for them. They are managers of the bill, not I. But I must say I am very concerned, extremely concerned about this whole matter.

I think the language that has been brought to the floor by Mr. LIEBERMAN and Mr. THOMPSON is—I wouldn't say light years ahead, but it is certainly way ahead of the House bill. I only hope Senators will read the House bill so that they can see the legislation that pretty accurately reflects the administration's position with respect to this new Department. I am telling you, it will make your hair curl if you pay close attention to that language.

I have some problems with this substitute, I have to say. But I will have opportunities as time goes on. I have an amendment which I will offer. I have more amendments than one, but I do have one I am going to offer within the next few days.

I hope, may I say to the chairman and ranking member, that other Senators will come to the floor and discuss this amendment. I hope they will come to the floor and discuss this amendment. I hope they will read in the RECORD tomorrow morning what was said today and that they, too, will come to the floor. The people will profit by vigorous debate.

I thank both Senators for their courtesies to me. I have great respect for them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the distinguished Senator from West Virginia for a characteristically learned statement, and also for the passion with which he has delivered it. He always informs this Senator and illuminates and informs the debate generally. I am very grateful to him.

I share his wish that Senators will come to the floor and debate this amendment. This amendment really does, as I indicated earlier today, go to one of the pillars of the bill. It is not just a bill to create a Department of Homeland Security. It is a bill to create a Department of Homeland Security and Combat Terrorism. The strength and structure and authority and accountability of this White House office really will determine, in my view, how effectively we will be able to combat terrorism.

Senators were here for a vote earlier today. As the Senator from West Virginia said, I know and respect the difficult schedules of Senators, but this is a very important amendment and I hope more Senators will come to the floor tomorrow. I believe it is the intention of the leadership to move to a vote on this amendment sometime tomorrow afternoon. There are many amendments filed by other Senators. This is the beginning of the second week on which we have been on this bill, though last week was a shortened week because of Labor Day at the beginning and our joint meeting in New York at the end.

This bill deserves the involvement for which the Senator from West Virginia has called. I thank him for it. I echo it. We are going to keep moving forward.

I thank Senator THOMPSON for putting forward a very consequential amendment which deserves the attention of all Members of the Senate.

I appreciate what the Senator from West Virginia has said. There is a point of order that is appropriate here. He reserves the right, of course, to make that point, as others of us do, and I would like to counsel with him on this tomorrow as we go forward and also to engage the Senator from Florida, Mr. GRAHAM, who was a major contributor and drafter of this particular part of the amendment we have put before the Senate.

The bottom line is I want to thank the Senator for West Virginia for his commitment, his understanding of how significant this piece of legislation is, and the extent to which he has devoted his valuable time to studying the various proposals and then his valuable time to preparing the learned statements—I go back to that adjective—learned statements that he has already made in the 3 or 4 days we have been on the bill, on different parts of the bill. He sets a standard for the rest of us. I must say even when, as occasionally happens, I do not agree with him, I always benefit from his involvement and appreciate very much his extraordinary public service.

I yield the floor.

Mr. WARNER. Mr. President, on June 6 of this year, President Bush proposed the establishment of a Department of Homeland Security and, arguably, the most fundamental reorganization of the United States Government since the passage of the National Security Act of 1947.

This proposal by our President is the logical culmination of a very deliberate process that started when then-Governor George W. Bush established homeland security as his highest priority during a speech at the Citadel in September 1999, when he stated, ''Once a strategic afterthought defense has become an urgent duty.''

While I support the overall intent of the legislation and strongly agree with the need to better organize our Government to protect our homeland, I do not support all provisions of this bill as drafted. Two such provisions are addressed by the pending Thompson amendment—which I support—which would strike titles II, and III of the underlying legislation.

Title II mandates the establishment of a National Office for Combating Terrorism and title III mandates the development of a national strategy for terrorism and homeland security response. I would like to note that the

administration is strongly opposed to both of these titles.

On October 8, 2001, following the tragic events of September 11, President Bush formed the Office of Homeland Security in the Executive Office of the White House to oversee immediate homeland security concerns and to propose long-term solutions. Governor Ridge and others have worked hard under the President's guidance to produce a comprehensive plan that now deserves our serious consideration and support.

To now mandate the establishment of a national Office for Combating Terrorism within the Executive Office of the President would be redundant to the structure currently in place, particularly since the President has already stated his intention to retain the position of Assistant to the President for Homeland Security.

Additionally, I have serious concerns about the budget review and certification authority provided by this legislation to the proposed Director of the National Office for Combating Terrorism. In my view, such authorities would undercut the ability of several Cabinet-level officials, including the Secretary of Defense, the Secretary of State, the Attorney General and the Director of Central Intelligence, as well as the new Secretary of Homeland Security, to carry out their primary responsibilities.

In the case of the Department of Defense, the Secretary of Defense has wide-ranging responsibilities to protect vital U.S. interests and to prevent threats from reaching our shores. The Department, under the leadership of Secretary Rumsfeld, is currently engaged in an all-out global war against terrorism—designed to bring to justice those responsible for the September 11 attacks on our Nation and to deter would-be terrorists and those who harbor them from further attacks.

The Secretary of Defense must ensure that the Department is adequately and properly funded to carry out its many missions. It would be unwise to subject portions of the budget carefully prepared by the Secretary of Defense to a ''decertification''—in essence, a veto—by an official who does not have to balance the many competing needs of the Department of Defense and the men and women of the Armed Forces.

Title III of the pending legislation requires the development of a national strategy for combating terrorism and the homeland security response. When the President established the Office of Homeland Security, he directed Governor Ridge to develop a comprehensive strategy to protect the United States from terrorist attacks.

In July of this year, President Bush unveiled his Homeland Security Strategy, precluding the need for Title III of the pending legislation. Legislating anything other than a periodic review and update of this strategy in conjunction with normal updates of our overall national security strategy would be burdensome and would divert attention and resources away from the administration's focus on homeland defense and the global war on terrorism.

As the President stated in releasing the homeland security strategy on July 16, ''The U.S. Government has no more important mission than protecting the homeland from future terrorist attacks.'' We in the Congress should do all we can to help our President achieve this goal.

I urge my colleagues to support the Thompson amendment.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

TRIBUTE TO MR. PAUL SCHNEIDER

Mr. LOTT. Madam President, I would like to recognize the professional dedication, vision, and public service of Mr. Paul Schneider, who is leaving his position as the Principal Deputy Assistant Secretary of the Navy for Research, Development and Acquisition. It is an honor for me to recognize the many outstanding achievements he has provided to the Assistant Secretary of the Navy for Research, Development and Acquisition, the Navy, and our great Nation.

Mr. Schneider has spent almost four decades ensuring our Nation and its naval forces are equipped with the technological supremacy to ensure victory over America's enemies. As our Nation enters the 21st century and faces new and unsettling changes, the leadership and technological achievements Mr. Schneider has nurtured will continue to ensure our strength and freedom.

Mr. Schneider began his public service career over 37 years ago at the Portsmouth Naval Shipyard as a project engineer to the Submarine Propulsion and Auxiliary Machinery Branch and Waterfront Design Liaison Office. Throughout the 1970s Mr. Schneider was a key member of the Navy's Trident submarine program, where he provided leadership, expertise, and vision in design, engineering, program management, and advanced technology development.

The Navy, recognizing Mr. Schneider's leadership and engineering expertise, brought him to the Naval Sea Systems Command in 1981 to be a Deputy Director in the Engineering Directorate where he was responsible for design and engineering of ship and submarine mechanical and electrical support systems and auxiliary machinery. In his next assignment, Mr. Schneider became executive director of the Amphibious, Auxiliary, Mine and Sealift Ships Directorate.

Throughout the 1990s, Mr. Schneider continued to be one of the Navy's leading engineers, becoming Executive Director of the Surface Ship Directorate. In October 1994, he became Executive Director and Senior Civilian of the Naval Sea Systems Command where he led efforts to revamp the Navy business process by adopting commercial cost processes and practices in the acquisition of major systems. He also implemented training and education programs to retool the Navy's acquisition workforce for the 21st century. In 1998, Mr. Schneider became Principal Deputy Assistant Secretary of the Navy for Research, Development and Acquisition.

Mr. Schneider has earned numerous awards, including the Department of Defense Distinguished Civilian Service Award, the Department of the Navy Distinguished and Superior Civilian Service Awards, and Presidential Distinguished and Meritorious Executive Rank Awards.

I could go on and on about the many significant contributions made by Paul Schneider throughout his long and distinguished career. There are almost too many to recount. Despite his many professional, technical, and engineering achievements, perhaps his most noteworthy trait is his genuine concern for those around him. He regards as his family the entire community of military personnel, civilian employees, contractors, and industry who faithfully serve the Navy throughout the world. His memberships in the American Society of Naval Engineers, Society of Naval Architects and Marine Engineers, Association of Scientists and Engineers, Navy League and the Naval Institute attest to his dedication to be a friend, counselor, and mentor to many hundreds of junior personnel who have had the pleasure to serve under him during his tenure.

I ask my colleagues to join me today as I wish Mr. Paul Schneider all the best in his future as he continues his successful career as Senior Acquisition Executive for the National Security Agency. On behalf of my colleagues on both sides of the aisle, I wish Paul and his loving wife Leslie fair winds and following seas.

REMEMBERING ALAN BEAVEN

Mrs. FEINSTEIN. Madam President, I come to the floor today to honor the heroism of Alan Beaven—a Californian aboard Flight 93 who helped prevent the terrorists from crashing another airplane into its intended target on September 11, 2001.

As we approach the one-year anniversary of that horrible day, our thoughts turn to the heroes like Alan who gave their lives to save others.

To honor the courageous passengers of Flight 93, I joined Senator SPECTER to co-sponsor the ''Flight 93 National Memorial Act,'' which I believe the Senate will pass today to establish a

memorial at the crash site in Pennsylvania. This legislation will also establish a Flight 93 Advisory Commission to recommend planning, design, construction, and long-term management of the memorial.

I believe it is important to pass this legislation before the anniversary of September 11 to appropriately recognize the heroism of Alan Beaven and the other Flight 93 passengers.

I would like to take a few moments to tell the world about Alan and his family.

Alan Beaven wasn't supposed to be on Flight 93 that tragic day. On Monday, September 10, Alan and his wife Kimberly were in New York planning for a year long sabbatical in India to work for a humanitarian foundation. Alan was a top environmental lawyer in San Francisco who planned to volunteer his services in India.

Alan was headed east, not west, but there was one last case involving pollution in the American River near Sacramento and settlement talks had broken down that Monday. Alan had to head back.

Tuesday morning Alan drove to Newark, New Jersey to catch a flight to the West Coast. Flight 93 was 40 minutes late that day—giving passengers onboard time to learn about the planes that had crashed into the World Trade Center and the Pentagon. A few called home on cell phones to express their love and say that a group of passengers were determined to fight back against the hijackers—Alan Beaven was one of those brave men.

No one knows for sure what happened aboard that airplane, but we do know countless lives were saved when that plane was diverted from its intended target.

Even though Alan's seat was in the back of the airplane, his remains were found in the cockpit at the crash site in Pennsylvania. The Beaven family has also heard Alan on the cockpit voice recorder, so it is clear that Alan, standing 6 feet 3 inches tall and weighing over 200 pounds, fought with the hijackers.

I will enter two letters I have received from the Beaven family into the RECORD. Alan's wife, Kimberly, and his son, Chris, wrote to me about what they heard on the cockpit voice recorder in April when the families of the passengers of Flight 93 were allowed to listen to the struggle aboard the aircraft.

My heart goes out to Alan's wife, Kimberly, and his three children John, Chris, and Sonali. John earned a biology degree at UC San Diego where he was captain of the baseball team and an Olympic torch bearer when the torch went through Sacramento on its way to Salt Lake City this past winter. John's brother Chris attends Loyola Marymount University and sister Sonali is 5-years-old.

Alan's great joy was his family. He spent hours reading to Sonali, scuba diving with Chris, and playing catch with John.

In fact, John's early memories of his father were of the two of them playing catch for hours on end. When John was 5, the family moved from London to New York and before they could drop off their luggage, young John made Alan play catch in Central Park.

In a tribute to Alan, the Beaven family decided not to have a funeral, but instead a ''Thanksgiving for the life of Alan Anthony Beaven.''

And what a life it was.

Alan was born in New Zealand on October 15, 1952. He worked as an attorney in New Zealand, England, New York, and California. As a top environmental lawyer, Alan worked on over 100 clean water cases in just 10 years in California.

Friends and family of Alan say they are not surprised that Alan risked his own life so selflessly to save others.

The day after the terrorist attacks on our nation, Alan's secretary went into his office and found a single piece of paper tacked up at eye level on the wall in front of his desk. It was a quote he heard that week which summed up how he lived his life, and how he ended it when he joined others to fight back against the terrorists. Alan wrote, ''Fear, who cares?'' And these words adequately describe his actions aboard Flight 93.

I did not know Alan Beaven, but this quote tells me all I need to know about him—that he was a fearless, loving, and devoted man.

One year later, it is clear that our Nation has lost a superstar environmental lawyer, a loving father and husband, and a true hero—Alan Beaven.

I ask unanimous consent to print the two letters to which I referred in the RECORD.

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

AUGUST 9, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: My father, Alan Beaven, was among those 33 passengers of United Airlines Flight 93. Their hurried steps toward the cockpit were the first in an international campaign against the threat of fanatical hostility. For this they should be celebrated.

My dad played a central role in the deposing of his flight's assailants. Not only did he cooperate in an organized effort but he commanded it as well. for this effort he should be particularly acknowledged.

The cockpit recorder (C.V.R.) substantiates my claim of his exceptional heroism. At a private listening in Princeton, New Jersey I twice heard his accented words. His final phrase, ''Turn up!'' was shouted at 10:02:17.3 on the official C.V.R transcript. Given the range of sensitivity of the cockpit microphones and my father's seating placement in the rear of the plane I reasonably believe that these findings indicate my dad's extraordinary actions.

Secondly, my father's remains were recovered in the front of the aircraft. Authorities confirmed that D.N.A. testing placed him in the cockpit at the time of impact. Again, given his seating placement, this evidence undoubtedly proves his centrality in the effort to regain custody of United's Flight 93.

Though my father did not place a telephone call in his final hour, other such correspondences indicate his exceptional involvement. Reports were made of great men well above the height of six feet leading the passengers toward the captured cockpit. My dad, 6′3″ and 215 lbs., was one of few men who met this description.

Finally, the assumption of his extraordinary bravery in death is founded on the thematic valiance of his life. Whether in his professional or personal activities he met opposition with strength and spirit. It is understood by all who knew him that he continued this trend in passing.

In conclusion, I concede that assumptions based on the thematic valiance of his life do not warrant superlative public recognition. However, his stature and his physical placement at impact beg it. Finally, the cockpit voice recording demands it. I ask you to do all in your power to issue due credit to my father. He led a group that led a nation that led an international campaign against the threat of fanatical hostility. My father is a hero.

Sincerely,

CHRIS BEAVEN.

AUGUST 1, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On April 18, 2002 in Princeton, NJ, I heard the voice of my husband, Alan Beaven, on the cockpit voice recorder of United Airlines Flight 93 that crashed in Shanksville, Pennsylvania on September 11, 2001.

I know without a doubt that I heard Alan's voice shout ''Turn up!'' at the time on the tape's clock of 10:02:17.3. My stepson, Chris Beaven, who was listening to the VCR at the same time, independently made note of the exact same words and time.

There are at least two other occasions that I am very confident that Alan's voice was recorded. These additional times were of shouting and ''aargh'' noises, familiar to us as Alan often ''wrestled'' playfully with his sons. The distinct sounds were very similar. The times I noted for these sounds were 9:38:36.3 and 9:40:17.7.

As you know, Alan's physical remains were found in the cockpit area of the plane. Alan was a 6 foot 3 inch, 205 lb powerful man. A brilliant litigator who made his life's work fighting for justice. I, and all who knew Alan, know he was an active participant that fateful day.

Please ensure that Alan Beaven and all the passengers of Flight 93 are duly honored for their heroic actions in preventing the terrorists from destroying their intended target in Washington, D.C.

Sincerely,

MRS. KIMBERLY BEAVEN.

JOHN E. COLLINGWOOD OF THE FEDERAL BUREAU OF INVESTIGATION

Mr. THURMOND. Madam President, I rise today to recognize the service of my good friend John E. Collingwood, upon his retirement as the Assistant Director for the Office of Congressional and Public Affairs for the Federal Bureau of Investigation. Mr. Collingwood will retire after 27 years of exemplary service as a Special Agent of the FBI. As Mr. Collingwood enters the private sector, he leaves behind an irreplaceable legacy of dedication, integrity, and success.

John Collingwood was raised in Findlay, OH, and graduated from Bowling Green University in Ohio in 1970. Mr. Collingwood then worked in the family business and went on to graduate from the University of Toledo Law School in 1975. Upon graduation, he began his career with the FBI as a Special Agent in Detroit, MI.

During the following three decades, John Collingwood served the FBI in many capacities. After attending the Defense Language Institute in California, he became a Special Agent in Portland, OR. His first position at FBI Headquarters was in the Legal Research Unit of the Legal Counsel Division. He then became the Unit Chief of the Civil Litigation Program. In 1992, Mr. Collingwood was named to head the Office of Public and Congressional Affairs and became the Assistant Director in 1997.

During the past three decades, Mr. Collingwood has made countless contributions to the Federal Bureau of Investigation. He can take pride in all of his accomplishments during his tenure. Mr. Collingwood is to be commended for working diligently to keep Congress informed about issues related to the FBI. Under his leadership, the Office of Public and Congressional Affairs assumed responsibilities of the Freedom of Information and Privacy Act and implemented initiatives to increase the FBI's responsiveness to the public. I would also like to congratulate him for his continuing efforts to help reshape the structure of the FBI as our Nation deals with the tragedies of September 11,

The positive impact Mr. Collingwood has made on the FBI and our great Nation runs deep, and I applaud him for his leadership. During the past three decades, he has worked tirelessly to make positive changes within the agency. It is because of individuals like him, that our Nation is the greatest in the world.

It has been an honor getting to work with such an outstanding leader, and I wish Mr. Collingwood, his wife Mary Ann, and his children, Stephanie and Mark, the best of luck in future endeavors. For three decades, Mr. John E. Collingwood served the Federal Government distinguishing himself as one of the hardest working leaders of our time. His professional and friendly manner will be missed by all those who have had the pleasure to work with Mr. Collingwood, but I am certain that he will continue to set a fine example for others to follow.

POULTRY EXPORTS

Mr. CLELAND. Madam President, I want to express my relief that the long standoff with the Russian Government over American poultry exports has finally been resolved. On March 1, 2002, the Russian Government instituted a ban on American poultry imports and cited safety concerns about U.S. processing procedures. Although the U.S. Department of Agriculture responded to those concerns point-by-point, the ban continued until August 23.

Russia is the largest market for U.S. chickens, with annual sales of about one million tons valued at $600 million. This trade dispute had cost Georgia poultry producers, the most productive in the country, approximately $100 million a year.

After many efforts to resolve this embargo, American poultry producers may resume selling chickens in Russia. I had joined with many of my colleagues on multiple occasions in contacting members of the administration about this unfair trade practice. For example, I cosigned a letter to U.S. Trade Representative Zoellick with 16 other Senators on March 4. Soon after, on March 14, I personally wrote to the President on behalf of Georgia poultry producers. On March 22, I cosigned a letter to the President with nine of my Senate colleagues. On May 9, I personally wrote Trade Representative Zoellick on behalf of Georgia's poultry producers. Again, on May 17, I cosigned a letter to the President with 51 of my Senate colleagues. Finally, on July 2, I cosigned a letter to the President with 30 other Senators about the serious economic damage that the Russian trade block was having on the American economy.

I believe that the continued focus by members of Congress, as well as the diligence of the administration, helped bring about the successful resolution of this ban. At a time of economic uncertainty, the poultry producers of my State will certainly appreciate the reopening of this important market.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 2, 2002 in West Hollywood, CA. Two gay men, Treve Broudy, 33, and Edward Lett, 22, were brutally beaten while walking home after dinner. As the victims were walking, a car pulled up beside them. The two assailants, one of whom wielded a bat, jumped out of the car and attacked the victims. Mr. Lett received minor injuries, but Mr. Broudy was critically wounded, having been kicked and punched and struck violently in the back of the head with the baseball bat. No one has been arrested in connection with the incident, which police are investigating as a hate crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

STOPPING THE LITIGATION LOTTERY

Mr. FRIST. Madam President, the only level one trauma center in Las Vegas shuts its doors. Twelve orthopedic surgeons at facilities near Philadelphia resign their practice. Two-thirds of doctors in a small Mississippi city consider leaving for Louisiana. What is forcing our medical community to take such drastic measures? The ''litigation lottery,'' trial lawyers filing too many lawsuits with the hope of winning excessive awards.

Medical malpractice litigation, when an injured patient sues a doctor over a medical error, has exploded in the United States. Between 1995 and 2000, the average amount a jury awards a patient rose more than 70 percent to $3.5 million per claim. And more than half of awards now exceed $1 million. Trial lawyers, who are fueling this surge by hand-picking patients whom they believe will win large awards, typically take 30 to 40 percent of the proceeds.

Doctors purchase insurance to protect themselves from malpractice lawsuits, but excessive awards have pushed the cost of insurance to unaffordable levels. In 2001, insurance premiums rose 30 percent or more in some States. And for doctors who perform high-risk procedures or practice where trial lawyers have won excessive awards, premiums have risen by as much as 300 percent per year. Many doctors can no longer afford to do the jobs they love.

But even more disturbing to doctors, because we swear a sacred and ancient oath to do no harm, is the impact of excessive awards on patient care. High insurance premiums are forcing doctors to move their practices to other States, adjust how they practice medicine, or quit practicing medicine altogether. Trial lawyers may be winning the litigation lottery, but patients are suffering a health care crisis.

First, excessive malpractice awards hurt access to health care. When a trauma center closes or specialists resign from a hospital or rural doctors can't deliver babies, patients must travel longer distances to get the care they need. They must also select from a smaller pool of physicians. When minutes, and a doctor's experience, can mean the difference between life and death, access to health care matters.

Second, excessive malpractice awards increase the cost of health care. Many doctors are forced to practice defensive medicine. They must order more tests, write more prescriptions, and refer more patients to specialists to protect themselves against lawsuits. A recent Federal report found evidence that reasonable limits on malpractice awards would reduce health care costs by as much as 5 to 9 percent per year.

Third, excessive malpractice awards are the single largest barrier to improving patient safety in our country. Doctors and hospitals want desperately to improve patient safety by sharing, analyzing, and learning from medical errors. I have proposed a bill that would let them do that without the fear of being sued for trying to improve patient care. But even the most limited restrictions on lawsuits are unacceptable to some of my Democrat colleagues. They believe trial lawyers should have open access to any medical error reporting system, which would render such a system useless because few doctors or hospitals would participate.

We can turn back this growing health care crisis by reforming medical malpractice litigation. Some States have already taken the responsible step of capping awards for noneconomic damages, which are highly subjective, intangible and the major source of mischief for trial lawyers. Rightfully, these States have also preserved awards for economic damages, such as lost wages and medical costs.

But most States have done nothing or not enough to fix the problem. The American Medical Association lists 12 States that are now in a health care crisis because of excessive malpractice awards. And 30 more States are nearing crisis, including Tennessee. This is a national problem that will worsen without a national solution.

Just prior to the August recess, the Senate debated medical malpractice litigation reform that would have capped trial lawyers' fees. Though I support bolder action that includes limiting awards for noneconomic damages, this bill would have been a good first step. It would have allowed injured patients to keep a greater share of their rightful compensation while reducing the incentive for trial lawyers to pursue excessive awards. Unfortunately, all of my Democrat colleagues voted against this patient-friendly bill, keeping the litigation lottery alive and well.

Injured patients have the right to sue for medical malpractice, but trial lawyers do not have the right to force innocent doctors from their livelihoods and throw our health care system into crisis. With millions of uninsured families, increasing health care costs, too many deaths from medical errors, and no prescription drug benefit for seniors, the Senate must show its commitment to turning back the growing health care crisis in our country. Limiting excessive malpractice awards is one solution that concerned public servants, providers, and, most importantly, patients can and should support.

Mr. DURBIN. Madam President, I rise today to discuss an issue that affects a broad coalition of health care providers and the Medicare beneficiaries they serve. I have become increasingly concerned that the current method for updating Medicare payments to physicians and other health care providers does not accurately reflect the costs associated with delivering high-quality patient care. Reimbursement levels for providers participating the Medicare Program this year will decline by 5.4 percent. There is little to suggest that the cost of providing care has declined. In fact, costs to various providers have actually increased over the past year.

These payment reductions could have strong repercussions on access to essential health services. A flawed payment update system potentially jeopardizes access to medically necessary services for millions of seniors and disabled Americans who rely on Medicare for their health care. In addition, a flawed payment system makes practicing medicine, particularly in underserved areas, all the more difficult, if not impossible for providers participating in the Medicare Program.

Reductions in Medicare physician reimbursement forced Ronald Johnson, M.D., an Illinois physician, to borrow money to keep his practice operating. All told, the loan necessary to sustain his practice for an additional year was equivalent to two-thirds the value of his family farm.

I share the view of many health care analysts, including MedPAC, that the methodology used to update physicians payments is flawed. Although this system was designed to accurately compensate providers for the care they provide while controlling overall program spending on physician and other providers services, it has become apparent that the current system struggles to meet each of these goals. The volatility of physician payments is also a persistent problem for those providers attempting to gauge expected revenue from one year to the next.

Until 1989, Medicare physician payments were based on a reasonable charge payment system. This system was thought to be responsible for escalating program costs, and the Medicare physician fee schedule was adopted in response to these concerns.

The current method for updating Medicare physician payments is unique because the annual increase or decrease in physician payments does not simply reflect changes in the cost of medical goods and services. Unlike other payment systems, an expenditure target for physician services, know, as the sustainable growth rate, (SGR), is calculated each year. Annual payment updates for physician services, that reflect the changes in the costs of medical goods and services, are then increased or reduced to meet targeted expenditures for the program. In other words, physician payment updates only reflect actual changes in the cost of medical goods and services when actual costs equal the target growth rate in physician payments.

Setting target expenditures, or the SGR, for physician payments that do not depart from the actual costs associated with delivering patient care has proven difficult. Methods for calculating the SGR have contributed to this divergence. The SGR is calculated using estimated changes in spending due to fee increases, changes in Medicare fee-for-service enrollent, gross domestic product GDP per capita and the cost of new laws and regulations. Moreover, many of the factors that strongly influence the overall cost of services are difficult to measure including patient preference, technological advances, and changing demographics.

In particular, the inclusion of the GDP in SGR calculations is problematic. Economic downturn may lead to sharp reductions in GDP that are far more dramatic than changes in Medicare beneficiary need. This volatility can have devastating effects on the program and threaten beneficiary access to critical health care services. At a time when beneficiary need is growing due to an aging U.S. population, providing physicians and other health care professionals with adequate reimbursement levels is an the more important.

Also, erroneous CMS enrollment and spending data collected in previous years has exacerbated and already difficult financial situation. Although the necessary corrections were made, the changes have a disproportionately negative financial impact over the coming year.

Efforts to control Medicare spending should not jeopardize the integrity of the health care system. Designing a physician reimbursement system that is less volatile and reflects the actual cost of delivering high-quality patient care is absolutely necessary. Now is the time to take a closer look at the way Medicare payments affect those serving some of our Nation's most vulnerable citizens. Further delay could make it financially untenable for doctors such as Ronald Johnson to practice in areas like Pittsfield, IL.

I ask that the article from FPReport be printed in the RECORD.

[From FPReport, May 2002]

LOWER PAYMENTS FORCE FPS TO RISK PERSONAL LOSS FOR THEIR PATIENTS, PRACTICES

(By Jody Gloor)

For a growing number of family physicians, Medicare payment cuts ultimately could break up the ''families'' dependent on them—families composed of patients, employees and entire communities.

While some FPs have stopped accepting new Medicare patients, others are putting personal loss on the line to keep their ''families'' intact.

One rural doctor in Illinois who borrowed money to meet his payroll is now borrowing against his dream farm to repay those loans and protect his practice from financial failure.

Medicare patients make up one-third of the Pittsfield practice of Ronald Johnson, M.D., and the area's only hospital claims nearly 80 percent of its patients use Medicare. With an average age of 58 in the two counties Johnson serves, ''we don't have the choice of not taking Medicare patients. That's our life here,'' he said in a recent telephone interview. ''They are our neighbors; they are our friends. We have to take care of each other.''

When he added the losses from Medicare reimbursements and accounts receivables that have doubled in the past six months, Johnson realized he needed to borrow an amount that nearly equaled the value of his farm.

''I got lucky,'' he said, ''because the farm has been taking care of itself financially. Now, it's going to take care of us and our patients.''

Johnson is finalizing a loan for two-thirds of his farm's value. It's an amount that realistically, he said, can sustain his practice for another year—two at the most—depending on factors including future Medicare reimbursement rates, the local economy and land values.

''I'd never thought I would spend this much of my time being a businessman,'' he said. ''It's such a joy to sit down and see a patient. I thought that was what I was training for.''

AAFP Director Arlene Brown, M.D., of Ruidoso, NM., said she and her staff ''saw the writing on the wall'' when Medicare physician payments dropped and accounts receivables increased. Something had to happen to keep her ''frontier medicine'' practice open.

Brown serves 8,000 patients, some of whom must drive 50 miles on a dirt road to reach a paved road—then must drive another 100 miles to her office. At least 30 percent rely on Medicare, she said, ''and we can't stop accepting these patients.''

So Brown took a pay cut and turned to her staff for help. The employees—a close-knit ''family''—didn't want to see anyone lose his or her job, she said. Instead of eliminating a position and/or cutting patient services, all staff members agreed to cut their hours and pay by 15 to 18 percent.

''We must stay open,'' Brown said. ''We now if my patients have to get their primary care 200 miles away from home, they won't go get it. They depend on me, and on us.''

How long can her practice hold out for a permanent financial solution? Not long, Brown said. She's hoping efforts to get the federal government to rethink Medicare and correct the physician payment formula will succeed soon.

''If not, we'll be cutting some services we don't have to provide,'' she said. ''The first to go will be flu shots.'' Next to go will be the free assistance older and low-income patients get when they need help to buy prescription drugs.

''It all makes for bad medicine,'' Brown said, ''but it could help keep our doors open.''

If her practice closes, the entire community—her community—could collapse, she said. ''A majority of Americans eat, live, sleep and die in small communities. If we shut down the very things that help small communities survive, like medicine, then those communities will die.''

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

ADDITIONAL STATEMENTS

CONGRATULATING AUSTIN AND LYDIA WARDER

• Ms. MIKULSKI. Madam President, today I bring your attention to Austin and Lydia Warder. On August 12, 2002, they celebrated their 60th wedding anniversary, and I ask you to join me, their family and friends in congratulating them.

The Warders have devoted 60 years to each other, to their family, to their community of Indian Head, MD, and to the service of their country through the United States Navy. Our country could not ask for two more dedicated citizens.

Austin Warder was born in Marbury, MD in 1922, just a few miles away from his future bride, Lydia Eastburn, born in 1924. The two met and soon married on August 12, 1942, in Austin's hometown, just before he shipped out for World War II. Austin served his country as a United States Navy Seabee in the South Pacific from 1942 until the war ended in 1945. During that time, Lydia joined the war effort and began working at the Naval Ordinance Station in her hometown of Indian Head, MD.

After the war, the Warders settled down in Indian Head. Austin continued his service with the U.S. Navy, joining Lydia at the Naval Ordinance Station where she worked as a housing project manager. Austin began his career there as Director of the Public Works Department, Maintenance Division. Both received numerous letters of commendation and many outstanding performance ratings over their long careers. They worked together over the years. They finally decided to retire, together, in January of 1977. Lydia was retiring after 35 years and Austin after 32 years.

The Warders have left an important legacy with the Federal Government. Together, they have 70 years of service, and I am sure the Navy joins me in congratulating them. But their most important legacy, and I know their favorite, is their family. Austin and Lydia have been blessed with a large and loving family. They have one daughter, Sandra Benson, two grandchildren, five great grandchildren and one great-great grandchild.

I am honored to share this couple's story of commitment and service with the Senate today. Austin and Lydia Warder are fine Marylanders. Their shared values, hard work, and spirit kept them together through the War, through many years with the Navy, through children and grandchildren and great grandchildren. Please join me in wishing the Warders my most sincere congratulations and best wishes for many more happy years!•

RECOGNIZING THE ENTERPRISE FOUNDATION'S 20TH ANNIVERSARY

• Mr. SARBANES. Madam President, I rise today to recognize The Enterprise Foundation as it celebrates its 20th year of building communities and improving low-income people's lives across America.

Renowned developer James Rouse and his wife, Patty, launched Enterprise in 1982. Jim and Patty were inspired to start Enterprise by three women from the Church of the Saviour here in Washington. They asked Jim for help in turning two run-down, rat-infested buildings blighting their Adams Morgan neighborhood into affordable apartments for low-income residents of the area.

With Jim and Patty's help and thousands of hours of volunteer time, the group achieved its goal. The buildings still provide a decent affordable home to low-income people in that community today.

Jim and Patty founded Enterprise to help more community groups rebuild their neighborhoods. Today, Enterprise works through a network of more than 2,200 community-based organizations in more than 820 locations to provide affordable housing, safer streets, and access to jobs and quality childcare.

Through these unsung heroes at the grassroots, Enterprise has invested nearly $4 billion to produce more than 132,000 homes affordable to low-income people. On any given day, more than 250,000 low-income people live in decent, affordable housing made possible in part by Enterprise.

In addition, Enterprise's job training and placement programs have helped more than 32,000 hard-to-employ people qualify for work and retain employment. More than 4,500 children have benefited from Enterprise's childcare initiatives.

President Clinton presented Jim with the Presidential Medal of Freedom in 1995. When Jim passed away a year later, Patty and the rest of Enterprise's leadership continued the work he began.

That work goes on today. I have seen firsthand what Enterprise has achieved in many communities in my State. To cite just one example, Enterprise has been working since the early 1990s with the residents of Sandtown-Winchester in Baltimore City on a comprehensive effort to reverse decades of disinvestment and decay.

After more than a decade, Sandtown is showing signs of a turnaround. The median income in the community increased by 50 percent during the 1990s, according to the Census. Median home sale prices rose 376 percent during that time, according to Johns Hopkins University's Institute for Policy Studies. In the parts of this 72-block community where Enterprise has been most active, crime is down and elementary school students are going better.

More work remains, in Sandtown and in countless other low-income areas around the country. True to Jim Rouse's vision, Enterprise will not rest until all low-income Americans have the opportunity for fit and affordable housing and to move up and out of poverty into the mainstream of American life.

I ask that we pay tribute to Mr. Rouse's legacy and to the profound impact that The Enterprise Foundation has had, and continues to have, on the lives of low-income Americans building better lives for themselves, their families and their communities.•

THE 75TH ANNIVERSARY OF THE INVENTION OF THE TELEVISION BY PHILO T. FARNSWORTH

• Mrs. FEINSTEIN. Madam President, I rise today to honor the late Philo T.

Farnsworth and the Farnsworth family on the 75th anniversary of the invention of the electric television.

It was on September 7, 1927, while working in his small, cramped laboratory at 202 Green Street in San Francisco, that Philo Farnsworth conducted the first successful experiments that form the basis for today's television. Upon completing the very first transmission of an electronic image, Farnsworth sent a telegram to his investors that simply said, ''The Damn Thing Works.''

Farnsworth first conceptualized these ideas one summer day while tilling a potato field on his family's farm. Riding atop the horse driven plow, the 14 year-old Farnsworth was struck by the crisscrossed patterns in the field. Like the furrows in the field front of him, Farnsworth believed he could separate a picture into lines and reassemble them elsewhere.

In 1930, Farnsworth obtained the patents for his invention, which employs a magnetically deflected electron beam inside a cathode ray tube to transmit a picture. All forms of video in use in the world today, including computer displays, trace their origins to Farnsworth's patents and this seminal event 75 years ago.

When Farnsworth died at the age of 64 in 1971, he held more than 300 U.S. and foreign patents. In September 1983, he was one of four inventors honored by the U.S. Postal Service with a stamp bearing his portrait. My home State of California has recognized his invention of the electronic television by placing a State historical marker memorializing the event in front of his former lab in San Francisco. In addition, the mayor of San Francisco, Willie Brown, recently issued a proclamation making September 7, 2002, Philo Taylor Farnsworth Day in that city.

Before I conclude today, I also want to recognize the important contributions of Elma ''Pem'' Farnsworth, now 94 years of age and the only living witness to this historic 1927 event. Mrs. Farnsworth, a talented scientist in her own right, worked closely with her husband on many of his inventions. Often called ''The Mother of the Television,'' Mrs. Farnsworth now spends her retirement days residing in Fort Wayne, IN, working tirelessly to ensure that the legacy of Philo Farnsworth's inventions will live on.●

COMMENDING THE SERVICE OF KAYLA J. GILLAN

● Mrs. BOXER. Madam President, I take this opportunity to bring to the Senate's attention the exemplary career and public service of Kayla J. Gillan.

Ms. Gillan has served as General Counsel for the California Public Employees' Retirement System, CalPERS, since 1996, and also worked as Staff Counsel from 1986 to 1990 and as Deputy General Counsel from 1990 to 1996. She led a team of attorneys and other professionals who have worked to support the retirement, health and investment programs benefitting CalPERS members and employers. Ms. Gillan was instrumental in drafting corporate governance principles for the CalPERS Board of Administration, making CalPERS the first fund in the Nation to articulate roles for its Board, leaders, committees and staff.

Ms. Gillan also facilitated the CalPERS Board's self-evaluation process and helped the Board implement path-breaking corporate governance policies. She was the principal drafter of all CalPERS corporate governance policy statements since 1992, and met with more than 150 companies to address poor financial performance and corporate governance.

Under Ms. Gillan's leadership, the CalPERS legal team successfully fought and won litigation that resulted in a return of over $2 billion to the fund, and the establishment of the principle that CalPERS members have a vested right to a fiscally secure retirement system. She drafted Board policies on securities litigation, including the CalPERS process for evaluating litigation that served as a roadmap for the CalPERS legal team to win the largest securities fraud class action recovery in history.

Ms. Gillan has been the recipient of numerous industry honors, such as being named one of the National Law Journal's top 50 women lawyers in the United States in 1998, and was included in that publication's 1995 list of the top ''40 under age 40 attorneys'' in the Nation.

Ms. Gillan's expertise, dedication, and leadership should be commended. Her work has resulted in the advancement of corporate governance principles in corporations throughout the United States. Establishing higher standards and clear accountability for corporate governance is vital to the integrity of the American economy, particularly in light of the burgeoning corporate scandals in our markets.

I wish Ms. Gillan all the best in her future endeavors.●

THE CHALLENGE OF COMMUNITY SERVICE

● Mr. KERRY. Mr. President, we have learned much in the last year about how to measure the strength of America, a Nation built on the willingness of our citizens to give of their time and their energy, knowing that in the end our freedom and strength as individuals is connected to the freedom and strength of our Nation, and when one falters the other suffers in turn. Mothers and fathers have passed along to every successive generation pride in sacrifice and a commitment to our shared values that have become the touchstone of America's strength, grounded in the simple words of DeTocqueville: ''America is great because Americans are good.''

Arthur Blaustein's book on American volunteerism proves that the spirit of our forebears, that spirit that carried us through the tumultuous early days, a Civil War, a Depression, two World Wars, and the upheaval at home and overseas of the sixties, is alive and well today. From commitments to civil rights and civic bodies to military service and community volunteering, our Nation is a nation committed to strengthening and improving the world around us.

And every time Americans have sought to strengthen our freedom and values, we have found individuals willing to volunteer their time and lead by their example, Thomas Jefferson, Abraham Lincoln, Clara Barton, Rachel Carson, Martin Luther King, Jr., and many more. And today, youngsters in middle school and high school have more opportunities than ever to volunteer in their local communities, in nursing homes, tutoring their peers, or helping protect our environment; and are doing so in increasing numbers.

Arthur Blaustein, a long-time volunteer himself and an active force in American volunteer efforts, has written a book that appears at a crucial moment in our Nation's history, a moment when communal and civic engagement are more important then ever. His book honors the high ideals and values that are found in these organizations that have proven so successful in strengthening the ties of our communities and our country.

His message is an important one: if America is to remain strong and committed to our values, civic and community engagement is a necessity. I applaud his proposals and hope many more, both young and old, will volunteer their time and energy to keep America strong.

Part I, The Challenge of Community Service: The traditions of community service and citizen participation have been at the heart of American civic culture since before the nation was founded; whether through town hall meetings, the local school board, a political party, a hospital auxiliary, or one of our innumerable other national and local organizations, Americans have felt and acted on the need to give something back to their communities. Yet since the events of September 11, this need has become more urgent, as Americans on the whole have become more introspective and more patriotic. This patriotism has taken many different forms, but one thing is clear: our concern for our country, our communities, our families, and our neighbors has become more acute, and our need to contribute more urgent.

With firefighters, police officers, and rescue teams leading the way, ordinary citizens, ironworkers, teachers, public health clinicians, professionals, businesspeople, and schoolchildren, either volunteered to go to Ground Zero or offered their support from a distance. Everything from blankets to blood, peanut butter to poetry arrived

in New York City by the bale, the gallon, the barrel, and the ream. Americans didn't wait until January 1, 2002, to make resolutions; in mid-September, many resolved to be more caring and giving.

Make a Difference is here to help harness this outpouring of compassion, energy, and patriotism in creative and useful ways. If you've decided to make a difference because of the events of September 11, or if volunteering is one of those things you've been meaning to do all along but just haven't gotten around to, or if you're just curious about what's out there, this book can help you take the next step. It was designed to help you decide that you can make a contribution to the well-being of your community. It will help to answer the why, the how, the what, and the when. Why is community service important? How can you get in touch with a group that promotes the values and goals that you believe in? What specific volunteer activities match up with your skills and experiences? When is a good time to volunteer?

Each of the organizations included in the book has been selected because of its commitment to educational, social, economic, environmental, and community development goals. Some have been in existence for many decades and others are fairly new. Most are national organizations and some are local prototypes; but all have a solid track record of delivering services that are useful and meaningful. Before you select an organization, ask yourself a few questions.

How much time do you want to serve?

What kind of service fits your personality?

What neighborhood and community do you want to work in?

Which target population do you want to work with?

What skills do you have to offer?

What would you like to gain from the experience?

If, for example, you're over 17 can commit a full year, and would like leadership training, some income, and a stipend, you should seriously consider AmeriCorps. If you want to commit a year and you're over 18 and want to work on environmental, art, or music projects, or in community development, you should think about Volunteers in Service to America (VISTA). If you only have a weekend or one day a week, you like working with your hands, and you want to be outdoors, Habitat for Humanity will probably be perfect. If you only have a few hours a week and enjoy children, consider mentoring or tutoring with an educational group. It might take some reflection and research, but there is a fulfilling opportunity for everyone.

Historically, our greatest strength as a nation has been to be there for one another. Citizen participation is the lifeblood of democracy. As Thomas Paine put it, ''The highest calling of every individual in a democratic society is that of citizen!'' Accidents of nature and abstract notions of improvement do not make our communities better or healthier places in which to live and work. They get better because people like you decide that they want to make a difference.

Volunteering is not a conservative or liberal, Democratic or Republican issue; caring and compassion simply help to define us as being human, Unfortunately, opportunistic radio talk-show hosts and reactionary politicians have spread two false myths about community service. The first is the notion that only inner-city minorities benefit from volunteer efforts. Here's a story about that myth, told to me by a friend who was in VISTA. He was helping local groups organize fuel cooperatives many years ago, in small towns in Maine. That winter was unusually cold and the price of home heating had skyrocketed, placing an enormous financial burden on most families in the state, which had a low per-capita income. He was invited to make a presentation to about two hundred residents in their town's church. After the talk, one of the ''happy guy'' television reporters from Portland baited a farmer, asking, ''What do you think of this outside agitation?''

The farmer, who was about seventy-five, paused for a moment; and, with an edge of flint in his voice, he said, ''You know, I'm a fourth-generation Republican Yankee, just like my father, my grandfather, and my great-grandfather, but if I've learned anything, it's that there are two kinds of politics and economics in America. The first kind is what I see on television and what politicians tell me when they want my vote. The other kind is what me and my friends talk about over doughnuts and coffee. And that's what this young fellow was talking about tonight, and he made a lot of sense to me. I'm joining the co-op.''

Over 65 percent of America's poor are, like this farmer, white, and white families with children are the fastest growing homeless population. The myth that social programs only serve inner-city minorities stigmatizes volunteer social programs, which are, in fact, color-blind.

The second myth is that the vast majority of individuals who volunteer for community service are naive, idealistic do-gooders. Here's a story about that myth. It happened to me in a bookstore in Northern California. Six years ago, I was a technical advisor to the producers of a public television series called ''The New War on Poverty.'' There was a companion book to the series, and since I had been one of the contributing editors, the publisher asked me to give readings. This particular evening, I showed film clips from the series and spoke about the importance of several War on Poverty programs, including Head Start, the Job Corps, VISTA, Legal Services, and Upward Bound.

While I was signing books after the reading, a woman in her mid-twenties who looked like a quintessential California valley girl, blond hair, blue eyes, approached me with tears in her eyes. I asked if I had said anything that offended her. She replied that I had not and told me she was nonpolitical, conservative, and in her last year of law school. She had been a political science major at college but knew nothing about the history of the War on Poverty. She said she was ashamed because, despite having benefited from two of the programs I had spoken about, Head Start and Upward Bound, she had never before felt a responsibility to give back to her community, and to assure that these programs would be continued so that others could have the same opportunities she had.

Like this woman, the vast majority of volunteers I've worked with are not idealistic, but are serious realists. They are only too aware that as a nation we cannot squander our human and natural resources.

Community service not only exposes the sterility of this kind of idealism-versus-realism debate, but helps individuals to integrate their own idealism and realism. An idealist without a healthy dose of realism tends to become a naive romantic. A realist without ideals tends to become a cynic. Community service helps you put your ideals to work in a realistic setting. It creates a dynamic tension that gives you a coherent and comprehensive approach to complex problems. I've seen it happen time and again with my students, and with VISTA and AmeriCorps volunteers. Dr. Margaret Mead, one of my teachers in graduate school at Columbia, wrote that a truly healthy person is a thinking, feeling, acting person. That's what serving helps us to achieve.

The talk-show hosts and politicians who push these myths are scapegoating and attacking the most vulnerable segments of our society. They are adept at moralizing over the problems of the homeless and the hungry, the unemployed and the underemployed, drug users and the mentality ill, and over such issues as infant mortality, child and spousal abuse, and disrupted families. But they have neither the heart nor the will for rigorous thought and the work of finding cures, nor even relieving some of the suffering or symptoms. Just as military service and patriotism should not be politicized, neither should community service.

Nearly 40 years ago, when President John F. Kennedy launched the Peace Corps, he made this oft-quoted suggestion: ''Ask not what your country can do for you, but what you can do for your country.'' After 30 years of first-hand experience with hundreds of volunteers, I would make a follow-up suggestion: ''Ask not what you can do for your community and the people you serve, but what they can do for you.'' Community service is very much a two-way street. It is about giving and receiving, and the receiving can be

nourishing for the heart and mind. The very act of serving taps into a wellspring of empathy and generosity that is both personally gratifying and energizing. Again and again, former volunteers described their experiences with words like these: adventure, growth, human connection, exciting, spiritual, learning, and enjoyable.

I saw this in action 3 years ago when I decided to give the students in each of my classes, mostly university seniors, the choice between a mid-semester exam or sixteen hours of community service. The students unanimously chose service—though most of them didn't know what was in store for them. They had a choice of about ten different activities organized by the Public Service Center at the University of California, Berkeley.

Here's what one student wrote about this experience: ''Before I started volunteering, I had very different expectations about the [after-school] program. I thought it would be very sports-oriented with little academic emphasis. Luckily, my expectations proved false. The program for fourth and fifth-grader at the Thousand Oaks/Franklin Elementary School, has a set schedule for each grade. The students rotate between free play, sports, library study time, circle time, and arts and crafts.

It was in the library that I saw how truly behind these children are in mathematics, reading, and grammar. In addition, I never expected to see the immense poverty that these children experience or to be so emotionally affected by it. Last week, I learned that one of my favorite children is homeless. It seems so silly to be reprimanding him for not doing his homework and not putting out the effort at school. This seems so trivial compared to the real-life horrors that he must experience. Although I had my expectations, never did I anticipate the emotional attachment that I now share with these children. I find myself yearning to become a teacher, which was a career I never thought about before this program. I know that as these children grow, they will probably forget about me; but I know I will never forget them. I have truly changed and matured as a result of them.

A second student wrote:

Before I started tutoring I was really scared, because I didn't know what tutors did in junior high schools. I was afraid of not being able to explain things so that the kids could understand. I thought I might also lose patience quickly with kids who were slower in understanding and for whom I would have to repeatedly state the same thing. I was concerned that the kids would resent me or not respect me because I wasn't the teacher and was closer to their age. And finally, I thought they wouldn't like me; the first day I even had trouble introducing myself because of this initial uncertainty.

Contrary to these preliminary fears, however, tutoring at Willard has been a life-changing experience for me. I've found that I have more patience working with kids than I've ever had in any other area of my life. I work hard to come up with lots of examples when the kids I'm working with don't understand. We relate well to one another because I'm close to their age, yet they respect me because I go to Cal and they know that I'm there to help them. It's been the joy of my semester to work with these students, who I really appreciate.

These comments were typical of the experience of nearly all 80 students. Their testimony is consistent with the more formal academic research and evaluations, which tell us that service-learning clearly enriches and enhances the individual volunteer in multiple ways. And the same things happened to me during my own community service 35 years ago, when I taught in Harlem during the early years of the War on Poverty and VISTA.

My students now, and I back then, confronted the complexities of the everyday worlds of individuals and communities quite different from our own. We are forced to deal with difficult social and economic realities. It was an eye-opener to learn about the inequities and injustices of our society, to see firsthand the painful struggles of children who did not have the educational, social, or economic opportunities that we took for granted. This experience was humbling and it broke down my insularity, for which I'm truly grateful. Again, it was Dr. Margaret Mead who called this ''heart-learning.''

Community service also taught me an important lesson about our society: ethical values and healthy communities are not inherited. They are either recreated through action by each generation, or they are not. That is what makes AmeriCorps, VISTA, and other forms of community service unique and valuable. They help us to regenerate our best values and principles as individuals and as a society. From Plato to the present, civic virtue has been at the core of civilized behavior. My experience as a teacher and with service-learning has taught me that moral and ethical values cannot survive from one generation to the next if the only preservatives are texts or research studies. Real-life experience is the crucible for shaping values. Out of it develop an intuition and a living memory that are the seeds of a humane and just society.

The task of passing along to the young our best civic traditions is made more difficult by the steady shift of emphasis away from qualitative values civility, cooperation, and the public interest, to quantitative ones, competition, making it, and privatism, as well as the demoralizing pursuit of mindless consumerism and trivia force-fed us by the mass media. Just about every parent and teacher I know has, in one way or another, expressed the concern that they cannot compete with the marketing techniques of the mass media, particularly television. They are worried about the potential consequences of the growing acquisitiveness, the indulgence, and the self-centeredness of children. You hear this from conservatives, liberals, and moderates. Small wonder. The average eighteen-year-old in the United States has seen more than 380,000 television commercials. We haven't begun to comprehend the inherent brutality of this media saturation on our children's psyches.

Materialism and assumptions of entitlement breed boredom, cynicism, drug abuse, and crime for kicks. Passivity, isolation, and depression come with television and on-line addiction. Ignorance, fear, and prejudice come from insularity and exclusivity. A national and local effort to promote community service by young people is the best antidote to these social ills. The goals are inclusive and nourishing; they seek to honor diversity, to protect the environment, and to enrich our Nation's educational, social, and economic policies so that they enhance human dignity. On a personal level, volunteering, the very act of caring and doing, makes a substantial difference in our individual lives because it nourishes the moral intelligence required for critical judgment and mature behavior.

Dr. Seuss reminded us in The Lorax that ''unless someone like you cares a whole awful lot nothing is going to get better. It's not.'' September 11, 2001, as tragic and traumatic as it was, can serve as a transformative event for the American people. We responded to this crisis with introspection, generosity, and caring. Now is not the time to push the snooze button and return to civic fatuity and complacency. Just as we marshaled our forces and mobilized our capacities to confront a foreign enemy, we can take action and confront our domestic problems and conflicts on the home front. In the real world, we know that taking ordinary initiatives can make a difference. It is within our power to move beyond a disaster and to create new opportunities. What it comes down to is assuming personal responsibility. If we decide to become involved in voluntary efforts, we can restore idealism, realism, responsiveness, and vitality to our institutions and our communities.

At her memorial service, it was said of Eleanor Roosevelt, the most influential American woman of the twentieth century, ''she would rather light a candle then curse the darkness.'' What was true for her then is true for us now. The choice to make a difference is ours.●

HONORING NEW YORK CITY'S COURT OFFICERS

● Mrs. CLINTON. Madam President, as we approached the 1-year anniversary of 9/11, I rise today to again honor all of the public safety officers whose courageous and heroic acts saved thousands of lives at the World Trade Center. In particular, I want to highlight a group of public safety officers who deserve to be honored for their heroism. The New York City court officers risked their lives and contributed immensely to the rescue and recovery operations at Ground Zero.

I especially would like to honor three court officers who gave the ultimate sacrifice—their lives. Their heroic deeds have earned them the nomination for the Public Safety Officer Medal of Valor—a testament to true American heroes.

I would like to say a little bit on each officer.

Captain William ''Harry'' Thompson, of the Bronx, was widely respected and beloved by all 1,600 court officers in New York City as senior instructor at the New York State Court Officers Academy. A 27-year veteran, he was the father of two adult sons and was the sole supporter for his widowed mother. All who knew Captain Thompson considered him a ''spit and polish'' type of officer. Captain Thompson was proud of his profession and New York is so very lucky that he devoted his life to public service.

Senior Court Officer Thomas Jurgens was part of a family who believed in giving back to one's city and country. Senior Court Officer Jurgens was the son of a firefighter, and was a volunteer fireman from Lawrence, Long Island. He made all of us proud by serving his country in the Persian Gulf war as an Army combat paramedic. Senior Court Officer Jurgens was a 4-year veteran at the Manhattan Supreme Court, and he was married in June 2001.

Senior Court Officer Mitchel Wallace, of Mineloa, Long Island, worked at the Manhattan Supreme Court for 2 years. Before September 11, the New York State Court of Appeals Chief Judge Judith Kaye honored him for resuscitating a man who had collapsed from cardiac arrest aboard a Long Island railroad train. Senior Court Officer Wallace planned to marry Noreen McDonough in October, and he called her ''Cinderella.''

In addition to these brave heroes who were lost, 22 other court officers risked their lives to save others at the World Trade Center. These men and women have been honored for their bravery on September 11. They are: Deputy Chief Joseph Baccellieri, Jr., Officer Tyree Bacon, Sgt. Frances Barry, Captain John Civelia, Sgt. Gerard Davis, Officer William Faulkner, Officer Gerard Grant, Officer Edwin Kennedy, Officer Elayne Kittel, Officer William Kuhrt, Officer Theodore Leoutsakos, Officer Craig Lovich, Sgt. Patricia Maiorino, Major Reginald V. Mebane, Sgt. Al Moscola, Sgt. Kathryn Negron, Officer Joseph Ranauro, Sgt. Albert Romanelli, Sgt. Richard Rosenfeld, Officer Andrew Scagnelli, Officer Mahindra Seobarrat, and Sgt. Andrew Wender.

Hundreds of court officers volunteered to work on recovery efforts at Ground Zero. After working full shifts at the courthouse, these officers would then work a full shift at Ground Zero. They would return home, clean the dust and debris from their hands, and return to their jobs at the courthouse. Through valor, duty, and commitment, they did all that they could to assist in the rescue and recovery operations.

On behalf of the American people, I express my thanks and appreciation for these public safety officers whose dedication and patriotism strengthen the resolve of our Nation. These officers went above and beyond the call of duty, sacrificing their lives in order to save others, not because it was their job, but because it was their sense of duty of pride. These officers represent the very best in America.●

IN MEMORIAM: WILLIAM A SCHWARTZ, VICE CHAIRMAN AND VOLUNTEER CEO, NATIONAL PROSTATE CANCER COALITION

● Mr. CLELAND. Madam President, William A. Schwartz died today from the disease that he fought so tirelessly to defeat, prostate cancer. Bill was a 35-year veteran executive of the media industry and a staunch leader in the fight against prostate cancer. His endless passion, devotion, drive, and caring for his family, friends, and community, along with his unwavering commitment to save lives from cancer, will always be remembered.

After being diagnosed with prostate cancer in 1994, Bill dedicated himself to fighting the disease by promoting awareness and launching lobbying efforts to increase research dollars. He served as vice chairman and volunteer CEO of the National Prostate Cancer coalition, board member of CaP CURE, and president of the Prostate Cancer Research Political Action Committee. His work also included cancer projects for the Department of Defense and the National Dialogue on Cancer. The results of his work will continue to benefit countless men and families for many years to come. Georgia was very fortunate to have Bill, his wife Marlene and their three children reside in Atlanta for the past 23 years.

Thank you for letting me take this time to remember our friend, Bill Schwartz and to offer our prayers for the loss of a great American. Prostate cancer is the most commonly diagnosed cancer in America among men and nearly 40,000 American men lose their lives to this disease each year. I know the best tribute we can pay to Bill and his family is to continue his work and find the cure for prostate cancer.●

NATIONAL ASSISTED LIVING WEEK

● Mr. WYDEN. Madam President, I want to draw the Senate's attention to National Assisted Living Week, which begins September 8 and continues through September 14. Since 1995, the National Center for Assisted Living has sponsored National Assisted Living Week to emphasize the importance of this service that nearly 1 million seniors rely on for long-term care.

Assisted living offers hope to seniors who can no longer live independently at home but do not need the level of care provided by nursing facilities. In assisted living facilities, seniors find dedicated caregivers to provide assistance in the activities of daily living in a setting that truly becomes a home. It is predicted that the demand for assisted living will continue to grow as more and more seniors and their families seek out home-like independent living with the benefits of 24-hour supervision.

The theme of this year's National Assisted Living Week is ''Honoring the Spirit of Our Nation,'' which is intended to honor the Nation's rekindled interest in our heritage and values. It is an appropriate theme because it celebrates the residents' lifetime of memories, devotions, and patriotism and the dedication and service of assisted living caregivers. The theme for National Assisted Living Week will highlight the variety of ways assisted living meets the different needs of seniors in our Nation.

I am proud that Oregon has led our Nation in the concept of assisted living. Assisted living has developed differently in each State and its importance in meeting the needs of seniors continues. I believe offering these choices for seniors is important in order to provide them with security, dignity, and independence. It is also important for us to continue to support options that allow seniors and their families a choice of settings in order to assure that they get the level of care they need and deserve.●

REMEMBERING A GREAT GEORGIAN AND A DEVOTED LEADER IN THE FIGHT AGAINST PROSTATE CANCER

● Mr. MILLER. Madam President, I rise today to remember a great Georgian, a 35-year veteran executive of the media industry and a staunch leader in the fight against prostate cancer. William A. Schwartz died today at the age of 63 from the disease that he fought so tirelessly to defeat.

His endless passion, devotion, drive, and caring for his family, friends, and community, along with his unwavering commitment to save lives from cancer, will always be remembered.

After being diagnosed with prostate cancer in 1994, Bill dedicated himself to fighting the disease by bringing national attention to it and by lobbying for crucial research dollars.

Bill served as vice chairman and volunteer CEO of the National Prostate Cancer Coalition and president of the Prostate Cancer Research Political Action Committee. His work also included cancer projects for the Department of Defense and the National Dialogue on Cancer. His work will continue to benefit countless men and families for many years to come.

Bill was the former president and COO of Cox Enterprises and held various executive positions with the company in New York, San Francisco, and Atlanta between 1973 and 1987. In the 1990s, he served as president and part owner of Cannell Communications and First Media Television and was chairman, CEO, and partner of Capital Cable.

A native of Detroit, Bill received a BS degree from Wayne State University in 1961 and did graduate work at Baruch College. After his military service in the Army Security Agency,

he began his broadcasting career in New York with NBC. He eventually moved to Cleveland, OH, and helped put WUAB-TV on the air, and many years later purchased the station with several partners.

Always a music lover, Bill was a professional drummer, playing in jazz trios throughout college and his time in the Army. He marched in President John F. Kennedy's inaugural parade in college, and toured the Mediterranean with the USO.

An Atlanta resident for 23 years, Bill was also a philanthropist who generously donated his time as well as financial support.

I send my heartfelt sympathies to Bill's wife of 39 years, Marlene, and to their children and grandchildren.●

AMERICAN ASSOCIATION ON MENTAL RETARDATION AWARD WINNERS

● Mr. DURBIN. Madam President, I am pleased today to join the Illinois chapter of the American Association on Mental Retardation, AAMR, in recognizing the recipients of the 2002 Direct Service Professional Award. These individuals are being honored for their outstanding devotion to the effort to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They go to work every day with little recognition, providing much needed and greatly valued care and assistance.

It is my honor and privilege to recognize the Illinois recipients of AAMR's 2002 Direct Service Professional Award: Amy Burnell, Kay Grant, Hattie Gregory, Judy Harper, Dora Hildebrand, Mae Holmes, Sarah Kyakonye, Toni Lloyd, Bob Maas, Kelli Martin, Janet Maxton, Millicent McAfoos, Flo McMaster, Lisa Mitchell, Anne Pettus, Sharon Pritchett, LeVetta Rhodes, Ruth Rodenberg, Karin Schwab, and Judy Sheffield.

I know my fellow Senators will join me in congratulating the winners of the 2002 Direct Service Professional Award. I applaud their dedication and thank them for their service.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, on September 6, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 5012. An act to amend the John F. Kennedy Center Act to authorized the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts.

Under the authority of the Senate of January 3, 2001, the enrolled bill was signed by the President pro tempore (Mr. BYRD) on August 2, 2002.

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–8624. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States; to the Committee on the Budget.

EC–8625. A communication from the Assistant Secretary for Indian Affairs, transmitting, pursuant to law, the report of rule entitled ''Trust Management Reform: Repeal of Outdated Rules'' (RIN1076–AE20) received on August 27, 2002; to the Committee on Indian Affairs.

EC–8626. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report on all expenditures during the period October 1, 2001 through March 31, 2002; to the Committee on Appropriations.

EC–8627. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98–01; to the Committee on Appropriations.

EC–8628. 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 ''Schedule for Rating Disabilities; Intervertabral Disc Syndrome'' (RIN2900–AI22) received on September 3, 2002; to the Committee on Veterans' Affairs.

EC–8629. 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 ''Accelerated Benefits Option for Servicemenbers' Group Life Insurance and Veterans' Group Life Insurance'' (RIN2900–AJ80) received on September 3, 2002; to the Committee on Veterans' Affairs.

EC–8630. 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 ''National Service Life Insurance'' (RIN2900–AK43) received on September 3, 2002; to the Committee on Veterans' Affairs.

EC–8631. 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 ''VA Acquisition Regulation: Construction and Architect-Engineer Contracts'' (RIN2900–AJ56) received on September 3, 2002; to the Committee on Veterans' Affairs.

EC–8632. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act: XIX Olympic Winter Games and VIII Paralympic Winter Games in Salt Lake City, UT, 2002'' (22 CFR Part 41) received on August 27, 2002; to the Committee on Foreign Relations.

EC–8633. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a memorandum of justification under section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2002 funds appropriated for International Organizations and Programs (IO&P) to the Child Survival and Health Programs Fund; to the Committee on Foreign Relations.

EC–8634. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning amendments to Parts 121 and 123 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–8635. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8636. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8637. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the Report of the Proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC–8638. A communication from the Senior Counsel, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Technical Amendments'' (RIN1105–AA75) received on August 27, 2002; to the Committee on the Judiciary.

EC–8639. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''District of Columbia Educational Good Time Credit Interim Final Rule'' (RIN1120–AB05) received on August 27, 2002; to the Committee on the Judiciary.

EC–8640. 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 ''Reduced Course Load for Certain F and M Nonimmigrants Students in Border Communities'' (RIN1115–AG75) received on August 27, 2002; to the Committee on the Judiciary.

EC–8641. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Board of Immigration Appeals; Procedural Reforms to Improve Case Management'' (RIN1125–AA36) received on August 27, 2002; to the Committee on the Judiciary.

EC–8642. A communication from the Clerk of the Court of Federal Claims, transmitting, pursuant to law, the report of the Court for the period October 1, 2000 through September 30, 2001; to the Committee on the Judiciary.

EC–8643. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiophanate-methyl; Pesticide Tolerance'' (FRL7192–1) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8644. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triflumizole; Pesticide Tolerance for Emergency Exemption'' (FRL7194–4) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8645. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerances for Emergency Exemptions'' (FRL7195–9) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8646. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Iprovalicarb; Pesticide Tolerance'' (FRL7194–3) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8647. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clomazone; Pesticide Tolerance'' (FRL7192–2) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8648. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Artificially Dwarfed Plants'' (Doc. No. 00–042–2) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8649. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Child and Adult Care Food Program: Implementation Legislative Reforms to Strengthen Program Integrity'' (RIN0584–AC94) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8650. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual assessment of the cattle and hog industries; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8651. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Annual Report of the Securities Investor Protection Corporation (''SIPC'') for 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–8652. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program; Assistance to Private Sector Property Insurers'' (RIN3067–AD30) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8653. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (44 CFR Part 65) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8654. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Doc. No. FEMA–7789) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8655. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Single Family Mortgage Insurance; Sec. 203(k) Consultant Placement and Removal Procedures'' (RIN2502–AH51) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8656. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Agency Reorganization; Nomenclature Changes'' received on August 27, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8657. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law , the Office of Thrift Supervision's 2001 Annual Report on the Preservation of Minority Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–8658. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled ''Safety and Soundness'' (RIN2550–AA22) received on August 27, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8659. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniform Financial Reporting Standards for HUD Housing Programs, Additional Entity Filing Requirements'' (RIN2501–AC80) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8660. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Manufactured Housing Program Fee'' (RIN2502–AH62) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8661. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Ownership Reports and Trading by Officers, Directors and Principal Security Holders'' (RIN3235–AI62) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8662. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Manufactured Home Construction and Safety Standards: Smoke Alarms; Amendments'' (RIN2502–AH48) received on August 27, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8663. A communication from the Vice Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–8664. A communication from the Vice Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Nigeria; to the Committee on Banking, Housing, and Urban Affairs.

EC–8665. A communication from the Vice Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–8666. A communication from the Chairman, Medicare Payment Advisory Commission, Medpac, transmitting, pursuant to law, a report on Medicare payment for advanced practice nurses and physician assistants; to the Committee on Finance.

EC–8667. A communication from the Chairman, Medicare Payment Advisory Commission, Medpac, transmitting, pursuant to law, a report on Medicare's coverage of nonphysician practitioners; to the Committee on Finance.

EC–8668. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Split-Dollar Life Insurance Arrangement'' (Notice 2002–59) received on August 27, 2002; to the Committee on Finance.

EC–8669. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''July—September 2002 Bond Factor Amounts'' (Rev. Rul. 2002–51) received on August 27, 2002; to the Committee on Finance.

EC–8670. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—September 2002'' (Rev. Rul. 2002–53) received on August 27, 2002; to the Committee on Finance.

EC–8671. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Limitations on Passive Activity Losses and Credits—Treatment of Self-Charged Items of Income and Expense'' (RIN1545–AN64) received on August 27, 2002; to the Committee on Finance.

EC–8672. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2002–55'' (RP–106334–02) received on August 27, 2002; to the Committee on Finance.

EC–8673. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 2002–57—Bureau of Labor Statistics Price Indexes for Department Stores—July 2002'' (Rev. Rul. 2002–57) received on August 27, 2002; to the Committee on Finance.

EC–8674. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2002–48 (Revision of Rev. Proc. 88–10)'' received on August 27, 2002; to the Committee on Finance.

EC–8675. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2002–54, 2002 Marginal Production Rates'' received on August 27, 2002; to the Committee on Finance.

EC–8676. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Licenses for Certain Worsted Wool Fabrics Subject to Tariff-Rate Quota'' (RIN1515–AC83) received on September 3, 2002; to the Committee on Finance.

EC–8677. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Re-use of Air Waybill Number on Air Cargo Manifest'' (RIN1515–AD01) received on September 3, 2002; to the Committee on Finance.

EC–8678. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Medicare inpatient psychiatric prospective payment system (PPS); to the Committee on Finance.

EC–8679. A communication from the Deputy Secretary of Defense, transmitting, the report of seven retirements; to the Committee on Armed Services.

EC–8680. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report relative to pay Critical Skills Retention Bonuses (CSRB) to selected military personnel and of each military skill to be designated; to the Committee on Armed Services.

EC–8681. A communication from the Assistant Secretary of Defense, International Security Policy, transmitting, pursuant to law, a report relative to appropriations requested for each project category under each Cooperative Threat Reduction (CTR) program element; to the Committee on Armed Services.

EC–8682. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report on the use of alternatives to the Fee-Basis Physicians in providing pre-enlistment medical evaluations for military applicants; to the Committee on Armed Services.

EC–8683. A communication from the Assistant Secretary of Defense, International Security Policy, transmitting, pursuant to law, a report on Activities and Assistance under the Cooperative Threat Reduction (CTR) program; to the Committee on Armed Services.

EC–8684. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, the Report on the Evaluation of the TRICARE Program for Fiscal Year 1999; to the Committee on Armed Services.

EC–8685. A communication from the Assistant Secretary of Labor, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Disaster Unemployment Assistance Program, Interim Final Rule; Request for Comments'' (RIN1205–AB31) received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8686. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Use of Ozone-Depleting Substances; Essential-Use Determinations'' (RIN0910–AA99) received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8687. A communication from the Administrator, Office of Workforce Security, Employment and Training Administration, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Unemployment Insurance Program Letter No. 39–97, Change 2'' received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8688. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Records and Reports Concerning Experience with Approved New Animal Drugs; Delay of Effective Date'' (RIN0910–AA02) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8689. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled ''AmeriCorps Grant Regulations'' (RIN3045–AA32) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8690. A communication from the Administrator, Office of Workforce Development, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Unemployment Insurance Program Letter (UIPL) 30–02—Operating Instructions for the Temporary Extended Unemployment (TEUC) Act of 2002'' received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8691. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Title I—Improving the Academic Achievement of the Disadvantaged'' (RIN1810–AA92) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8692. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Exempt From Certification; Sodium Copper Chlorophyllin; Confirmation of Effective Date'' (Doc. No. 00C–0929) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8693. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Indian Education Discretionary Grant Program'' (RIN1810–AA93) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8694. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Impact Aid Program'' (RIN1810–AA94) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8695. A communication from the Director of Communications and Legislative Affairs, transmitting, pursuant to law, the Annual Report on the Federal Work Force for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8696. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8697. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8698. A communication from the Vice Chairman, Federal Election Commission, transmitting, pursuant to law, the Annual Report regarding the implementation of the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–8699. A communication from the Director, Office of Personnel and Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Definition of San Joaquin County, California, as a Nonappropriated Fund Wage Area'' (RIN3206–AJ35) received on August 27, 2002; to the Committee on Governmental Affairs.

EC–8700. A communication from the Director, Office of Personnel Management, Executive Office of the President, transmitting pursuant to law, the report of a rule entitled ''Presidential Rank Awards'' received on September 3, 2002; to the Committee on Governmental Affairs.

EC–8701. A communication from the Director, Program Services Division, Office of Agency Programs, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to Regulations Governing Filing Extensions and Late Filing Fee Waivers'' (RIN3209–AA00) received on August 27, 2002; to the Committee on Governmental Affairs.

EC–8702. A communication from the Comptroller General of the United States, Government Accounting Office, transmitting, pursuant to law, the report of the list of General Accounting Office reports for June 2002; to the Committee on Governmental Affairs.

EC–8703. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office Reports for May 2002; to the Committee on Governmental Affairs.

EC–8704. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the Annual Performance Plan for 2003; to the Committee on Governmental Affairs.

EC–8705. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 7D for Fiscal Years 2000, 2001, and 2002 Through March 31, 2002''; to the Committee on Governmental Affairs.

EC–8706. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''D.C. Public Schools Medicaid Revenue Recovery Operations Require Substantial Improvement''; to the Committee on Governmental Affairs.

EC–8707. A communication from the Director, Office of Personnel Management, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Change in the Survey Cycle for the Portland, OR, Appropriated Fund Wage Area'' (RIN3206–AJ60) received on August 27, 2002; to the Committee on Governmental Affairs.

EC–8708. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Annual Report on Performance and Accountability for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–8709. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Employee Elections to Contribute to the Thrift Savings Plan, Participants' Choices of Investment Funds, Vesting, Uniformed Services Accounts, Correction of Administrative Errors, Lost Earnings Attributable to Employing Agency Errors, Participant Statements, Calculation of Share Prices, Methods of Withdrawing Funds from the Thrift Savings Plan, Death Benefits, Domestic Relations Orders Affecting Thrift Savings Plan Accounts, Loans, Miscellaneous'' received on September 3, 2002; to the Committee on Governmental Affairs.

EC–8710. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 14–441, ''Domestic Relations Laws Clarification Act of 2002''; to the Committee on Governmental Affairs.

EC–8711. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–446, ''Honoraria Amendment Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–8712. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–458, ''Child Restraint Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–8713. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–459, ''Technical Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–8714. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–444, ''Back-to-School Sales Tax Holiday Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–8715. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–445, ''Special Education Task Force Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–8716. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–443, ''Public Health Laboratory Fee Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–8717. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-440, ''Improved Child Abuse Investigations Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–8718. A communication from the Acting Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Francisco Bay, CA'' ((RIN2115-AA97)(2002-0178)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8719. A communication from the Acting Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; (4 regulations)'' ((RIN2115-AE46)(2002-0029)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8720. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Notification of Arrival: Addition of Charterer to Required Information'' ((RIN2115-AG06)(2002-0001)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8721. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Captain of the Port of Chicago Zone, Lake Michigan'' ((RIN2115-AA97)(2002-0177)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8722. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Traffic Separation Scheme: In Prince William Sound, Alaska'' ((RIN2115-AG20)(2002-0001)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8723. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Big Wells, Texas'' (MM Doc. No. 01-247) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8724. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Baird, Texas'' (MM Doc. No. 01-197) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8725. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Georgetown, SC'' (MB Doc. No. 02-65) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8726. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Athens, GA'' (MB Doc. No. 02-94) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8727. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Eldorado, Texas'' (MM Doc. No. 01-294) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8728. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Pawhuska, Oklahoma'' (MM Doc. No. 01-260) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8729. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations; Ballinger, Texas'' (MM Doc. No. 01-292) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8730. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Bearden, Arkansas'' (MM Doc. No. 01-258) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8731. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Benavides, Texas'' (MM Doc. No. 01-256) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8732. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Weinert, Texas'' (MM Doc. No. 01-205) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8733. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Grandim, Missouri'' (MM Doc. No. 01-259) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8734. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622, Table of Allotments, DTV Broadcast Stations, San Mateo, CA'' (MM Doc. No. 02-84) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8735. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Cheboygan and Onaway, Michigan'' (MM Doc. No. 00-69) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8736. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; George West, Texas'' (MM Doc. No. 01-147) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8737. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Freer, Texas'' (MM Doc. No. 01-243) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8738. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Cuthbert and Buena Vista, Georgia'' (MM Doc. No. 02-48) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8739. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Burney, California'' (MM Doc. No. 01-311) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8740. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Buffalo Gap, Texas'' (MM Doc. No. 01-221) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8741. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of

FM Allotments, FM Broadcast Stations; Harrodsburg and Keene, Kentucky'' (MM Doc. No. 02-24) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8742. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Asherton, Texas'' (MM Doc. No. 01–246) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8743. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; La Pryor, Texas'' (MM Doc. No. 01–262) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8744. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Firth, Nebraska'' (MM Doc. No. 01–234) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8745. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Childress, Texas'' (MM Doc. No. 01–196) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8746. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Rockwell Collins, Inc. ADC–85, 85A, 850D, and 850F Air Data Computers'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8747. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 and 11F Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8748. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Pilatus Aircraft Lrd. Models PC–12 and PC–12/45 Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8749. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Boeing Model 737–600, 700, and 800 Series Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8750. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8751. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 and –11F Airplanes'' (RIN2120–A64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8752. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Boeing Model 767–300 Series Airplanes Equipped with Rolls Royce RB211–524H Series Engines'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8753. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, –700, –800, and –900 Series Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8754. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Hamilton Sundstrand Corporation Model 568F–1 Propellers'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8755. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca S.A. Arriel Models 1A, 1A1, 1B, 1D, and 1D1 Turboshaft Engines'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8756. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: EMPRESA Model EMB–135 and –145 Series Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8757. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Glaser-Dirks Glugzeugbau GmbH Models DG–400 and DG–800A Sailplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8758. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Empresa Brasileira de Aeornautica SA Model EMB 135 and 145 Series Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8759. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Hamilton Sundstrand Power Systems T–62T Series Auxiliary Power Units'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8760. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Eurocopter France Model DC120B Helicopter'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8761. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: McDonnell Douglas Model DC 9, 10, 30, 30F, and 40 Series Airplanes; and Model C 9 Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8762. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: McDonnell Douglas Model DC–10–10, 10F, 15, 30, 30F (KC 10A and KDC–10), 40 and 40F Airplanes; Model MD–10–10F and 30F Airplanes; and Model MD–11 and 11F Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8763. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Airbus Model A300, Br–600, and F4–600R and A310 Series Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8764. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Boeing 727 Series Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8765. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Marquette, MI; Modification of Class E Airspace Marquette, MI'' (RIN2120–AA66) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8766. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Jackson, OH'' (RIN2120–AA66) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8767. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Tecumseh, MI'' (RIN2120–AA66) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8768. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitude; Miscellaneous Amendments; Amdt. No. 436'' (RIN2120–AA63) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8769. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitude; Miscellaneous Amendment-Correction; Amdt. No. 436'' (RIN2120–AA63) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8770. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes Equipped with General Electric Tail Engine Buildup United (EBU)'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8771. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8772. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: McDonnell Douglas MD–11 and 11F Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8773. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes Equipped with United Technologies Pratt and Whitney Engines'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8774. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 and 11F Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8775. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8776. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Eurocopter France Model AS332L and AS332L1 Helicopters'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8777. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Pratt and Whitney JT8D–200 Series Turbofan Engines'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8778. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes'' (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8779. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 11 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico'' (RIN0648–AO51) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8780. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2002 Recreational Specifications for Summer Flounder, Scup and Black Sea Bass, Final Rule'' (RIN0648–AN70) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8781. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure Notice for Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3'' (RIN0648–AP06) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8782. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Removal of the Sablefish Size Limit South of 36 Degrees N. Latitude for Limited Entry Fixed Gear and Open Access Fishery'' (I.D. 072902E) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8783. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit'' (I.D. 071202D) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8784. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reopening of the 2002 Spring Commercial Red Snapper Fishery in the Gulf of Mexico Exclusive Economic Zone'' received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8785. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Western Regulatory Area, Gulf of Alaska'' received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8786. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustment to the 2002 Scup Winter II Quota'' (RIN0648–AP06) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8787. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Additional Interim Measures to Reduce Overfishing, as Specified in the Settlement Agreement'' (RIN0648–AP78) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8788. A communication from the Acting Director for the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Rock Sole/Flathead Sole/ ''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Area'' received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8789. A communication from the Acting Director for the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Deep-Water Species Fishery Using Trawl Gear in the Gulf of Alaska'' received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8790. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Shortaker and Rougheye Rockfish Fishery in the Western Regulatory Area , Gulf of Alaska'' received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8791. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 7—Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR'' received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8792. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 6—Closure of the Commercial Fishery from Horse Mountain to Point Arena (Fort Bragg)'' (I.D. 080202D) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8793. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 5—Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Falcon, OR'' received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8794. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Central Regulatory Area, Gulf of Alaska'' received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8795. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department

of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8796. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Central Regulatory Area, Gulf of Alaska'' received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8797. A communication from the Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing of Marine Mammals: Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor Low Frequency Active Sonar'' (RIN0648–AM62) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8798. A communication from the Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing of Marine Mammals: Taking Marine Mammals Incidental to Oil and Gas Structure Removal Activities in the Gulf of Mexico'' (RIN0648–AP83) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8799. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''National Marine Fisheries Service—Sea Grant Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics: Request for Applications for FY 2003'' received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8800. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Conformance with FA–07 and Miscellaneous Administrative and Technical Changes'' (RIN2700–AC33) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8801. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Competitiveness Demonstration Program'' (RIN2700–AC33) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8802. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report on Apportionment of Membership on the Regional Fishery Management Councils; to the Committee on Commerce, Science, and Transportation.

EC–8803. A communication from the Acting Division Chief, Marine Mammal Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Dolphin-Safe Tuna Labeling; Official Mark'' (RIN0648–AN37) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8804. A communication from the Associate Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information'' (FCC No. 02–214) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8805. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Security Requirements for Unclassified Information Technology Resources'' (48 CFR Parts 1804 and 1852) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8806. A communication from the Acting Division Chief, Marine Mammal Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP)'' (RIN0648–AI85) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8807. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a Report regarding Injuries and Fatalities of Workers Struck by Vehicles on Airport Aprons'' dated July 2002; to the Committee on Commerce, Science, and Transportation.

EC–8808. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7266–9) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8809. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7267–3) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8810. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7267–6) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8811. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the 1-Hour Ozone Standard for San Diego County, California'' (FRL7263–9) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8812. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Arizona State Implementation Plan, Maricopa County Environmental Services Department'' (FRL7261–7) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8813. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Service Department'' (FRL7266–3) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8814. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District'' (FRL7266–5) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8815. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting a report entitled ''Hazardous Waste Generated in Laboratories'' received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8816. A communication from the Principal Deputy Associate Administrator of the Environmental Protection 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; State of New Jersey'' (FRL7264–6) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8817. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the 1-Hour Ozone Standards for the Santa Barbara County Area, California'' (FRL7263–8) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8818. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL7264–1) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8819. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District'' (FRL7258–3) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8820. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''FY03 Wetland Program Development Grants Guidelines''; to the Committee on Environment and Public Works.

EC–8821. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2003''; to the Committee on Environment and Public Works.

EC–8822. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Watershed Initiative: Call for Nominations''; to the Committee on Environment and Public Works.

EC–8823. A communication from the Acting 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 ''Migratory Bird Hunting: Final Framework for Early Season Migratory Bird Hunting Regulations'' (RIN1018–AI30) received on August 15, 2002; to the Committee on Environment and Public Works.

EC–8824. 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 ''Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands'' (RIN1018–AI30) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8825. 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 ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2002–03 Early Season'' (RIN1018–AI30) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8826. A communication from the Director, Endangered Species Program, Fish and Wildlife Services, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Remove Potentilla robbinsiana (Robbin's cinquefoil) from the Federal List of Endangered and Threatened Plants'' (RIN1018–AH56) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8827. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Manual on Uniform Traffic Control Devices; Accessible Pedestrian Signs'' (RIN2125–AE83) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8828. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Traffic Control Devices on Federal-Aid and Other Streets and Highways; Color Specifications for Retroreflective Sign and Pavement Marking Materials'' (RIN2125–AE67) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8829. A communication from the Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to the Howard A. Hanson Dam, Green River, Washington; to the Committee on Environment and Public Works.

EC–8830. 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 ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Northern Great Plains Breeding Population of the Piping Plover'' (RIN1018–AH96); to the Committee on Environment and Public Works.

EC–8831. A communication from the Acting Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report regarding the Missouri River Mitigation Project; Missouri, Kansas, Iowa, and Nebraska; to the Committee on Environment and Public Works.

EC–8832. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly status report on the Commission's licensing activities and regulatory duties for April 2002; to the Committee on Environment and Public Works.

EC–8833. A communication from the Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report on navigation improvements for the Arthur Kill Channel-Howland Hook Marine Terminal, New York and New Jersey; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1028: A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes. (Rept. No. 107–253).

S. 1638: A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes. (Rept. No. 107–254).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1944: A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes. (Rept. No. 107–255).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2519: A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System. (Rept. No. 107–256).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2571: A bill to direct the Secretary of the Interior to conduct a special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area. (Rept. No. 107–257).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2598: A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes. (Rept . No. 107–258).

H.R. 37: A bill to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails. (Rept. No. 107–259) .

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 38: A bill to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes. (Rept. No. 107–260).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 107: A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes. (Rept. No. 107–261).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1776: A bill to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas. (Rept. No. 107–262).

H.R. 1814: To amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System. (Rept. No. 107–263).

H.R. 1925: A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes. (Rept. No. 107–264).

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 321: A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes. (Rept. No. 107–265).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on September 5, 2002:

By Mr. LEAHY for the Committee on the Judiciary.

Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit.

James Knoll Gardner, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Denny Wade King, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on September 6, 2002 under the authority of an order of the Senate of September 5, 2002:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 96–53 CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (Exec. Rept. No. 107–9)

(TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Convention on the Elimination of all Forms of Discrimination Against Women, subject to Reservations, Understandings and Declarations.

The Senate advises and consents to the ratification of 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), subject to the reservations in Section 2, the understandings in Section 3, and the declarations in Section 4.

Section 2. Reservations.

The advice and consent of the Senate is subject to the following reservations, which shall be included in the instrument of ratification:

(1) The Constitution and laws of the United States establish extensive protections against discrimination reaching all forms of

governmental activity as well as significant area of non-governmental activity. However, individual privacy and freedom from governmental interference in private conduct are also recognized as among the fundamental values of our free and democratic society. The United States understands that by its terms the Convention requires broad regulation of private conduct, in particular under Articles 2, 3 and 5. The United States does not accept any obligation under the Convention to enact legislation or to take any other action with respect to private conduct except as mandated by the Constitution and laws of the United States.

(2) Under current U.S. law and practice, women are permitted to volunteer for military service without restriction, and women in fact serve in all U.S. armed services, including in combat positions. However, the United States does not accept an obligation under the Convention to assign women to all military units and positions which may require engagement in direct combat.

(3) U.S. law provides strong protections against gender discrimination in the area of remuneration, including the right to equal pay for equal work in jobs that are substantially similar. However, the United States does not accept any obligation under this Convention to enact legislation establishing the doctrine of comparable worth as that term is understood in U.S. practice.

(4) Current U.S. law contains substantial provisions for maternity leave in many employment situations but does not require paid maternity leave. Therefore, the United States does not accept an obligation under Article 11(2)(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

Section 3. Understandings.

The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States understands that this convention shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of this Convention.

(2) The Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression, and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under Articles 5, 7, 8 and 13, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.

(3) The United States understands that Article 12 permits States Parties to determine which health care services are appropriate in connection with family planning, pregnancy, confinement and the post-natal period, as well as when the provision of free services is necessary, and does not mandate the provision of particular services on a cost-free basis.

(4) Noting in this Convention shall be construed to reflect or create any right to abortion and in no case should abortion be promoted as a method of family planning.

(5) The United States understands that the Committee on the Elimination of Discrimination Against Women was established under Article 17 ''for the purpose of considering the progress made in the implementation'' of the Convention. The United States understands that the Committee on the Elimination of Discrimination Against Women, as set forth in Article 21, reports annually to the General Assembly on it activities, and ''may make suggestions and general recommendations based on the examination of reports and information received from the States Parties.'' Accordingly, the United States understands that the Committee on the Elimination of Discrimination Against Women has no authority to compel actions by States Parties.

Section 4. Declarations.

The advice and consent of the Senate is subject to the following declarations:

(1) The United States declares that, for purposes of its domestic law, the provisions of the Convention are non-self-executing.

With reference to Article 29(2), the United States declares that it does not consider itself bound by the provisions of Article 29(1). The specific consent of the United States to the jurisdiction of the International Court of Justice concerning disputes over the interpretation or application of this Convention is required on a case-by case basis.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 2913. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2914. A bill to amend title XVIII of the Social Security Act to provide for appropriate incentive payments under the medicare program for physicians' services furnished in underserved areas; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. TORRICELLI, and Mr. CORZINE):

S. 2915. A bill to provide for cancellation of student loan indebtedness for spouses, surviving joint debtors, and parents of individuals who died or became permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 2916. A bill to put a college education within reach, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. HARKIN, Mr. LUGAR, Mr. DASCHLE, Mr. CONRAD, Mr. DORGAN, Mr. GRASSLEY, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. DURBIN, Mr. BAUCUS, Mr. ALLARD, Mr. FEINGOLD, Mr. BAYH, Mr. CRAPO, Mrs. CARNAHAN, Mr. BINGAMAN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. DEWINE, Ms. STABENOW, and Mr. BREAUX):

S. Res. 324. A resolution congratulating the National Farmers Union for 100 years of service to family farmers, ranchers, and rural communities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself and Ms. CANTWELL):

S. Con. Res. 138. A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 561

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 561, a bill to provide that the same health insurance premium conversion arrangements afforded to Federal employees be made available to Federal annuitants and members and retired members of the uniformed services.

S. 572

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 677

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 874

At the request of Mr. TORRICELLI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 874, a bill to require health plans to include infertility benefits, and for other purposes.

S. 1234

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1234, a bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1605

At the request of Mr. CONRAD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1761

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 2049

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2049, a bill to amend the Federal Food, Drug and Cosmetic Act to include a 12 month notification period before discontinuing a biological product, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2483, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 2505

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2505, a bill to promote the national security of the United States through international educational and cultural exchange programs between the United States and the Islamic world, and for other purposes.

S. 2533

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2533, a bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

S. 2555

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2555, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program.

S. 2596

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 2602

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2602, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation.

S. 2626

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2626, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2735

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2735, a bill to amend title 49, United States Code, to provide for the modification of airport terminal buildings to accommodate explosive detection systems for screening checked baggage, and for other purposes.

S. 2739

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. NICKLES) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2739, a bill to provide for post-conviction DNA testing, to improve competence and performance of prosecutors, defense counsel, and trial judges handling State capital criminal cases, to ensure the quality of defense counsel in Federal capital cases, and for other purposes.

S. 2770

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas.

S. 2793

At the request of Mr. ENSIGN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2793, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 2826

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2826, a bill to improve the national instant criminal background check system, and for other purposes.

S. 2841

At the request of Mr. CORZINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2841, a bill to adjust the indexing of multifamily mortgage limits, and for other purposes.

S. 2869

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2908

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2908, a bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State, and for other purposes.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 11, a concurrent resolution

expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

AMENDMENT NO. 4508

At the request of Mr. FEINGOLD, the names of the Senator from Nevada (Mr. REID) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 4508 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4509

At the request of Mr. FEINGOLD, the names of the Senator from Nevada (Mr. REID) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 4509 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4510

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of amendment No. 4510 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 2913. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Madam President, I rise today to raise the awareness of an issue that affects over 22,000 people a year, and that issue is organ donation. The sad fact about organ donations is this: We have the medical know-how to save lives, but we lack the organs. We lack organs because most Americans simply are unaware of the life-giving difference they can make by choosing to become organ donors.

Sadly, each day the waiting list for those needing organs continues to grow. Today, nearly 79,000 people remain on the national transplant waiting list. Right now, more than 50,000 people, alone, are waiting for kidney transplants. That number is expected to double within the next decade. Additionally, between 12 and 16 people die each day just waiting for an available organ.

To remedy the organ shortage, we must increase public awareness. By educating the public and raising awareness, more people will choose to become organ donors. At the very least, through these efforts, we can encourage more families to discuss what their wishes are and whether they would want to be organ donors.

But our efforts must not stop there. We must do more than just implement public awareness campaigns, because the face of organ donation is changing. For the first time ever, the number of living organ donors outnumbered cadaver donors. Last year, there were 6,081 donor cadavers while 6,485 people opted to become living donors, usually giving up a healthy kidney to help a family member or friend.

Recognizing this, my colleague, Senator DURBIN, and I introduce a bill today that would help protect living organ donors in the group insurance market. Our bill would ensure that those individuals who choose to be living organ donors are not discriminated against in the insurance marketplace. Our bill builds on the protections provided by the Health Insurance Portability and Accountability Act, so that living organ donors are not denied insurance nor are they applied discriminatory insurance premiums because of their living organ donor status.

Quite simply, a brother who donates a part of his kidney to his sister should not be denied health insurance. But tragically, that is what oftentimes happens. Frequently, individuals who are living organ donors are denied health insurance or restricted from the insurance market. Instead, we should celebrate living organ donors and remove obstacles and barriers for the successful donation of organs. Insurance shouldn't undermine someone's decision to be a living organ donor.

Some States are evaluating how living organ donors affect the market. States are amending their Family Medical Leave eligibility so that living organ donors can participate and benefit from the program. The Federal Government, with the Organ Donor Leave Act of 1999, offered 30 days paid leave to Federal employees who chose to be an organ donor. But, paid leave and job protection doesn't mean much if people are denied health insurance or are required to pay higher premiums because they donated an organ to save another person's life.

The impact of living organ donation is profound. A living organ donor not only can save the life of one patient, but can also take that person off the waiting list for a cadaver donation. That means the next person on the waiting list is ''bumped up'' a spot—giving additional hope to the 79,000 persons on the national transplant waiting list.

Living organ donors give family members and friends a second chance at life and the opportunity to reduce the number of people on the waiting list to receive an organ. It is time for Congress to make a sensible decision in support of a person's decision to be a living organ donor. I encourage my colleagues to join me in co-sponsoring this bill.

By Mr. ROCKEFELLER:

S. 2914. A bill to amend title XVIII of the Social Security Act to provide for appropriate incentive payments under the medicare program for physicians' services furnished in underserved areas; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I introduce the Medicare Incentive Payment Program Refinement Act of 2002. This bill makes needed and long-overdue changes to the Medicare Inventive Payment Program, an initiative conceived to address the growing primary care physician shortage in some of our country's most medically underserved communities. The number of physicians needed to care for all individuals, especially our aging seniors, continues to grow in remote rural areas and in underserved urban areas. However, rising health costs and the difficulties of operating a practice in underserved communities has exacerbated the physician shortage. Although the Medicare Incentive Payment Program aims to address the financial hurdles facing physicians in needy areas, the program has failed to achieve real results. This bill will make fundamental changes to improve the program's effectiveness.

Rural areas, in particular, are in need of efforts to retain primary care physicians, since the difficulties of operating a practice often drive doctors to larger areas with more resources and professional support. According to the Federal Office of Rural Health Policy, over 20 million Americans live in areas that have a shortage of physicians, and between 1975 and 1995 the smallest counties in the U.S., population under 2,500, experienced a drop in their physician-to-population ratio. More than 2,200 primary care physicians would be needed to remove all nonmetropolitan HPSA designations, and more than twice that number is needed to achieve adequate physician staffing levels nationwide.

According to the National Rural Health Association, nonmetropolitan physicians treat a larger number of Medicare and Medicaid beneficiaries than their urban counterparts do, generating less income for physicians per patient. Furthermore, nonmetropolitan physicians are less likely to perform high cost medical services due to their limited number of resources. Understandably, MIPP monies can affect the quality of life for rural physicians and help prevent the mass migration of

needed health care professionals from underserved areas.

The Medicare Incentive Payment Program, as it exists today, has not fulfilled its original mandate, to recruit and retain primary care physicians in health professional shortage areas. Passed as part of OBRA 87, the program pays all physicians a 10 percent bonus for each Medicare recipient they treat. This enhanced reimbursement is meant to offset the financial advantage of providing service in more populous areas, as well as help physicians with the costs associated with operating a practice in an underserved community. Most importantly, the program aims to increase health care access for Medicare beneficiaries and improve the health of communities overall.

However, analyses from the Office of the Inspector General of HHS, the GAO, and independent health experts confirm that the program is unfocused and largely ineffective. All physicians are eligible for bonus payments, even when they may not be in short supply. Bonus payments are 10 percent, not enough to lure physicians to underserved areas, especially if the payment is based on a basic, primary care visit. Finally, many physicians do not even know this program exists, and those that do are often unsure whether they are delivering care in a HPSA and how to bill for the payment appropriately.

To improve the program, this bill increases the bonus payment from 10 percent to 20 percent and allows only those physicians providing primary care services, including family and general medicine, general internal medicine, pediatrics, obstetrics and gynecology, emergency medicine, and general surgery, to receive the incentive payment. Finally, my bill automates payments, so physicians no longer have to guess whether they are eligible for the program. These improvements will strengthen the original intent of the legislation, to recruit and retain primary care physicians in underserved areas, and strengthen the primary health care infrastructure of our country's most needy communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

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 ''Medicare Incentive Payment Program Refinement Act of 2002''.

SEC. 2. REVISION OF INCENTIVE PAYMENTS FOR PHYSICIANS' SERVICES FURNISHED IN UNDERSERVED AREAS.

(a) IN GENERAL.—Section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)) is amended to read as follows:

''(m) INCENTIVE PAYMENTS FOR PHYSICIANS' SERVICES FURNISHED IN UNDERSERVED AREAS.—

''(1) IN GENERAL.—In the case of physicians' services furnished by a physician with an applicable physician specialty to an individual who is enrolled under this part and who incurs expenses for such services in an area that is designated under section 332(a)(1)(A) of the Public Health Service Act as a health professional shortage area, in addition to the amount otherwise paid under this part, there also shall be paid to the physician (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)) (on a quarterly basis) from the Federal Supplementary Medical Insurance Trust Fund, an amount equal to 20 percent of the payment amount for the service under this part.

''(2) APPLICABLE PHYSICIAN SPECIALTY DEFINED.—In this subsection, the term 'applicable physician specialty' means, with respect to a physician, the primary specialty of that physician if the specialty is one of the following:

''(A) General practice.

''(B) Family practice.

''(C) Pediatric medicine.

''(D) General internal medicine.

''(E) Obstetrics and gynecology.

''(F) General surgery.

''(G) Emergency medicine.

''(3) AUTOMATION OF INCENTIVE PAYMENTS.—The Secretary shall establish procedures under which the Secretary shall automatically make the payments required to be made under paragraph (1) to each physician who is entitled to receive such a payment. Such procedures shall not require the physician furnishing the service to be responsible for determining when a payment is required to be made under that paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to services furnished on or after January 1, 2003, in an area designated under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)) as a health professional shortage area.

By Mr. BIDEN:

S. 2916. A bill to put a college education within reach, and for other purposes; to the Committee on Finance.

Mr. BIDEN. Mr. President, as another school year starts, many college students are worrying not only about their class loads and their coursework, but about where the money to pay for their educations will come from. Today, the average cost of attending a public 4-year college has jumped to $9,000, up 7.7 percent from last year. This represents the highest rate of increase since 1993. For those families that choose to send their children to a private institution, that number rises. Up 4.7 percent from the year before, the average cost of a private 4-year institution is now close to $24,000 a year.

What do these rising tuition costs mean? Hard working American families are spending a larger percentage of their incomes than ever before to send their children to college. To attend the University of Delaware, where I went to school, it costs nearly 20 percent of a Delaware family's average annual income to cover costs. To attend a private college or university, that number, in some instances can jump to over 40 percent of annual income.

To help remedy this situation I come to the floor today to reintroduce legislation to help American families afford their children's tuition. This comprehensive package, ''The Tuition Assistance for Families Act,'' builds upon previous steps that others and I have taken to make it possible for more families to provide their children with a college education. I introduce this bill so that the decision to send one's child to college will not be overshadowed by the decision of how to pay for it.

The ''Tuition Assistance for Families Act'' will provide middle class American families with a $12,000 tuition tax deduction each year. Based on legislation that I introduced with Senator SCHUMER last year, at $12,000 this deduction provides real, meaningful tax relief. Tax relief that American families have been waiting for. Tax relief that can go a long way in helping them afford room, board and tuition.

The bill that I am introducing today also expands the two tuition tax credits enacted in 1997—the Hope Scholarship and the Lifetime Learning Tax Credit. Under current law, the Lifetime Learning Credit allows a 20 percent tax credit on the first $10,000 in higher education expenses in year 2003. Under my bill, the Lifetime Learning Tax Credit percentage would jump from 20 to 25 percent and raise the amount of education expenses subject to the credit to $12,000. In terms of real dollars, this would mean that a student who files in tax year 2003 under my plan could get up to $3,000 back in taxes. Under current law, the maximum allowable credit is only $2,000. That is a $1,000 difference. $1,000 that can go directly into a student's pocket to pay for books, a computer or tuition. The also raises the income limits for each credit to $130,000 per family, per year, so that more families are afforded the help that they need.

This bill reintroduces the idea of a $1,000 merit scholarship to be awarded to the top 5 percent of each high school's graduating class. These types of scholarships not only reward student achievement, they help to ensure that the best and brightest students have the ability to go on to college—thereby increasing the pool of well-qualified American workers for the information technology age.

This act also increases the maximum Pell Grant award from $4,000 to $4,500. During the 2001–2002 school year, the maximum Pell Grant award covered about 42 percent of the average tuition, room and board at a public 4-year university. During the 1975–76 it covered 84 percent of these same costs. Clearly, the purchasing power of these grants has dramatically declined. As such, the debt load of American families and American students has increased considerably over the years as students have looked to federal and private loans to finance their educations. A report released just this March by the State PIRG's Higher Education Project found that at the end of the 1999–2000 school year, 64 percent of college students graduated with student loan debt at an average of $16,928, nearly double the average debt load just eight years ago. Double the debt load in 1994.

It is the dream of every American to provide for their child a better life than they had themselves. Helping families afford the increasing cost of a college education will move us closer to making that dream a reality. For this reason, I have spent a great deal of time in the Senate fighting to provide tax relief for middle class American families struggling with the cost of college. And while I was pleased when some of the ideas I advocated were adopted in the 1997 tax cut bill, it is clear that as tuition costs rise dramatically, working Americans need additional assistance. The ''Tuition Assistance for Families Act'' will provide extra help so that more families can afford to give their children a brighter and better future. Let's not allow a college education to become a luxury when, in the information technology age, it is an absolute necessity.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—CONGRATULATING THE NATIONAL FARMERS UNION FOR 100 YEARS OF SERVICE TO FAMILY FARMERS, RANCHERS, AND RURAL COMMUNITIES

Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. HARKIN, Mr. LUGAR, Mr. DASCHLE, Mr. CONRAD, Mr. DORGAN, Mr. GRASSLEY, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. DURBIN, Mr. BAUCUS, Mr. ALLARD, Mr. FEINGOLD, Mr. BAYH, Mr. CRAPO, Mrs. CARNAHAN, Mr. BINGAMAN, Mrs. MURRAY, Mr. JERFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. DEWINE, Ms. STABENOW, and Mr. BREAUX) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 324

Whereas the National Farmers Union celebrates its centennial anniversary in 2002;

Whereas during its 100 years of service to rural America, the National Farmers Union has faithfully promoted the organization's mission of education, legislation, and cooperation as identified by its founders and proclaimed in its triangular symbol;

Whereas the National Farmers Union represents nearly 300,000 family farmer and rancher members across the United States;

Whereas the National Farmers Union epitomizes the spirit and energy of hundreds of thousands of family farmers, ranchers, rural advocates, and communities;

Whereas the National Farmers Union remains dedicated to protecting and enhancing the quality of life for rural America;

Whereas the National Farmers Union has been instrumental in the establishment and progress of the farmer-owned cooperative movement; and

Whereas the National Farmers Union strives to improve rural America through proactive support and proposals to enhance rural economic development, educational opportunities, resource conservation, market competition, domestic farm income, and international cooperation: Now, therefore, be it

Resolved, That the Senate commends and congratulates the National Farmers Union for a century of dedicated service to the farmers, ranchers, and rural communities of the United States.

SENATE CONCURRENT RESOLUTION 138—EXPRESSING THE SENSE OF CONGRESS THAT THE SECRETARY OF HEALTH AND HUMAN SERVICES SHOULD CONDUCT OR SUPPORT RESEARCH ON CERTAIN TESTS TO SCREEN FOR OVARIAN CANCER, AND FEDERAL HEALTH CARE PROGRAMS AND GROUP AND INDIVIDUAL HEALTH PLANS SHOULD COVER THE TESTS IF DEMONSTRATED TO BE EFFECTIVE, AND FOR OTHER PURPOSES

Mr. REID (for himself and Ms. CANTWELL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 138

Whereas ovarian cancer is a serious and under recognized threat to women's health;

Whereas ovarian cancer, the deadliest of the gynecologic cancers, is the fourth leading cause of cancer death among women in the United States

Whereas ovarian cancer occurs in 1 out of 57 women in the United States;

Whereas approximately 50 percent of the women in the United States diagnosed with ovarian cancer die as a result of the cancer within 5 years;

Whereas ovarian cancer is readily treatable when it is detected in the beginning stages before it has spread beyond the ovaries, but the vast majority of cases are not diagnosed until the advanced stages when the cancer has spread beyond the ovaries;

Whereas in cases where ovarian cancer is detected in the beginning stages, more than 90 percent of women survive longer than 5 years;

Whereas only 25 percent of ovarian cancer cases in the United States are diagnosed in the beginning stages;

Whereas in cases where ovarian cancer is diagnosed in the advanced stages, the chance of 5-year survival is only about 25 percent; and

Whereas ovarian cancer may be difficult to detect because symptoms are easily confused with other diseases and because there is no reliable, easy-to-administer screening tool: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health—

(A) should conduct or support research on the effectiveness of the medical screening technique of using proteomic patterns in blood serum to identify ovarian cancer, including the effectiveness of using the technique in combination with other screening methods for ovarian cancer; and

(B) should continue to conduct or support other promising ovarian cancer research that may lead to breakthroughs in screening techniques;

(2) the Secretary of Health and Human Services should submit to Congress a report on the research described in paragraph (1)(A), including an analysis of the effectiveness of the medical screening technique for identifying ovarian cancer; and

(3) if the research demonstrates that the medical screening technique is effective for identifying ovarian cancer, Federal health care programs and group and individual health plans should cover the technique.

Mr. REID. Madam President, I rise today for myself and Senator CANTWELL to submit a concurrent resolution expressing the sense of the Congress that the Secretary of Health and Human Services should conduct or support research to improve early detection of ovarian cancer. Specifically, our resolution encourages continuing and accelerating the development of an ovarian cancer screening test currently underway through a public-private partnership including the National Cancer Institute and the Food and Drug Administration.

Ovarian cancer is the deadliest of the gynecologic cancers and the fourth leading cause of cancer death among women in the United States. Ovarian cancer occurs in 1 out of 57 women, and an estimated 13,900 American women died from ovarian cancer in 2001 alone.

Currently, approximately three-quarters of women with ovarian cancer are diagnosed when they are already in advanced stages of the disease, and only one in five will survive five years. However, if the disease is caught early, the five-year survival rate jumps to 95 percent. Thus providing a way to routinely identify the disease in its ''Stage 1'' phase could have a dramatic impact in what is now a very deadly cancer. No screening test exists that can accurately detect ovarian cancer in the early states when it is highly curable.

In the February 2002 issue of The Lancet, scientists from the Food and Drug Administration and the National Cancer Institute reported that patterns of protein found in patients' blood serum may reflect the presence of ovarian cancer. Using an innovative testing approach, analyzing patterns of blood protein rather than identifying single blood biomarkers, researchers were able to differentiate between serum samples taken from patients with ovarian cancer and those from unaffected individuals.

However, this research finding was only a first step. Before the scientific community will agree that protein screening is an accurate and beneficial tool, additional multi-institutional trials must be completed.

Patients would certainly be more willing to be tested if all that it involved were a simple, finger-stick blood test, thus eliminating the need for surgery, biopsy, or other painful, invasive, or risky procedures. The critical advantage of such as screening test is early detection, finding the disease when it is most treatable. Of course, early detection of ovarian cancer will save health care costs, but, more importantly, it will save lives.

This is why I am submitting this resolution. Our resolution encourages the Department of Health and Human Services to rapidly evaluate the efficacy of this cutting-edge work in the area of testing for ovarian cancer. If the screening tests are proven effective, the public must have the widest

possible access to them. Toward that end, the resolution provides that they be covered by Federal health care programs and group and individual health plans.

Representatives STEVE ISRAEL, and ROSA DELAURO, both tireless leaders on cancer research and health issues, introduced this resolution, in the House of Representatives. Through their efforts and bi-partisan support, H. Con. Res. 385 was passed by the House of Representatives on July 22. The resolution deserves the Senate's prompt attention, and I urge my colleagues to join me in supporting it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4512. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4513. Mr. THOMPSON (for himself and Mr. WARNER) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4514. Mr. REID (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 4687, to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

SA 4515. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4512. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, between lines 13 and 14 insert the following:

(10) Conducting the necessary systems testing and demonstration of infrastructure target hardening methods at the National Critical Infrastructure Testbed at the Idaho National Engineering and Environmental Laboratory.

And renumber the subsequent paragraphs as necessary.

SA 4513. Mr. THOMPSON (for himself and Mr. WARNER) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 8, strike lines 1 through 3.

On page 9, strike lines 13 through 15.

On page 12, line 15, strike '', with the Director,''.

On page 12, strike lines 18 through 26 and insert the following:

(4) To make budget recommendations relating to the Strategy, border and transportation security, infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.

On page 77, lines 22 and 23, strike '', the Office,'' after ''OSTP''.

On page 103, line 5, strike ''amended—'' and all that follows through line 12 and insert the following: ''amended in section 204(b)(1) (42 U.S.C. 6613(b)(1)), by inserting 'homeland security' after 'national security,'.''.

On page 156, lines 15 and 16, strike '', the Office,''.

On page 158, line 9, strike '', the Office,''.

On page 162, line 11, strike ''and the Director''.

On page 162, line 17, strike ''and Office''.

On page 173, strike line 15 and all that follows through page 197, line 19.

SA 4514. Mr. REID (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 4687, to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Construction Safety Team Act''.

SEC. 2. NATIONAL CONSTRUCTION SAFETY TEAMS.

(a) ESTABLISHMENT.—The Director of the National Institute of Standards and Technology (in this Act referred to as the ''Director'') is authorized to establish National Construction Safety Teams (in this Act referred to as a ''Team'') for deployment after events causing the failure of a building or buildings that has resulted in substantial loss of life or that posed significant potential for substantial loss of life. To the maximum extent practicable, the Director shall establish and deploy a Team within 48 hours after such an event. The Director shall promptly publish in the Federal Register notice of the establishment of each Team.

(b) PURPOSE OF INVESTIGATION; DUTIES.—

(1) PURPOSE.—the purpose of investigations by Teams is to improve the safety and structural integrity of buildings in the United States.

(2) DUTIES.—A Team shall—

(A) establish the likely technical cause or causes of the building failure;

(B) evaluate the technical aspects of evacuation and emergency response procedures;

(C) recommend, as necessary, specific improvements to building standards, codes, and practices based on the findings made pursuant to subparagraphs (A) and (B); and

(D) recommend any research and other appropriate actions needed to improve the structural safety of buildings, and improve evacuation and emergency response procedures, based on the findings of the investigation.

(c) PROCEDURES.—

(1) DEVELOPMENT.—Not later than 3 months after the date of the enactment of this Act, the Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall develop procedures for the establishment and deployment of Teams. The Director shall update such procedures as appropriate. Such procedures shall include provisions—

(A) regarding conflicts of interest related to service on the Team;

(B) defining the circumstances under which the Director will establish and deploy a Team;

(C) prescribing the appropriate size of Teams;

(D) guiding the disclosure of information under section 8;

(E) guiding the conduct of investigations under this Act, including procedures for providing written notice of inspection authority under section 4(a) and for ensuring compliance with any other applicable law;

(F) identifying and prescribing appropriate conditions for the provision by the Director of additional resources and services Teams may need;

(G) to ensure that investigations under this Act do not impede and are coordinated with any search and rescue efforts being undertaken at the site of the building failure;

(H) for regular briefings of the public on the status of the investigative proceedings and findings;

(I) guiding the Teams in moving and preserving evidence as described in section 4(a)(4), (b)(2), and (d)(4);

(J) providing for coordination with Federal, State, and local entities that may sponsor research or investigations of building failures, including research conducted under the Earthquake Hazards Reduction Act of 1977; and

(K) regarding such other issues as the Director considers appropriate.

(2) PUBLICATION.—The Director shall publish promptly in the Federal Register final procedures, and subsequent updates thereof, developed under paragraph (1).

SEC. 3. COMPOSITION OF TEAMS.

Each Team shall be composed of individuals selected by the Director and led by an individual designated by the Director. Team members shall include at least 1 employee of the National Institute of Standards and Technology and shall include other experts who are not employees of the National Institute of Standards and Technology, who may include private sector experts, university experts, representatives of professional organizations with appropriate expertise, and appropriate Federal, State, or local officials. Team members who are not Federal employees shall be considered Federal Government contractors.

SEC. 4. AUTHORITIES.

(a) ENTRY AND INSPECTION.—In investigating a building failure under this Act, members of a Team, and any other person authorized by the Director to support a Team, on display of appropriate credentials provided by the Director and written notice of inspection authority, may—

(1) enter property where a building failure being investigated has occurred, or where building components, materials, and artifacts with respect to the building failure are located, and take action necessary, appropriate, and reasonable in light of the nature of the property to be inspected to carry out the duties of the Team under section 2(b)(2)(A) and (B);

(2) during reasonable hours, inspect any record (including any design, construction, or maintenance record), process, or facility related to the investigation;

(3) inspect and test any building components, materials, and artifacts related to the building failure; and

(4) move such records, components, materials, and artifacts as provided by the procedures developed under section 2(c)(1).

(b) AVOIDING UNNECESSARY INTERFERENCE AND PRESERVING EVIDENCE.—An inspection, test, or other action taken by a Team under this section shall be conducted in a way that—

(1) does not interfere unnecessarily with services provided by the owner or operator of the building components, materials, or artifacts, property, records, process, or facility; and

(2) to the maximum extent feasible, preserves evidence related to the building failure, consistent with the ongoing needs of the investigation.

(c) COORDINATION.—

(1) WITH SEARCH AND RESCUE EFFORTS.—A Team shall not impede, and shall coordinate its investigation with, any search and rescue efforts being undertaken at the site of the building failure.

(2) WITH OTHER RESEARCH.—A Team shall coordinate its investigation, to the extent practicable, with qualified researchers who are conducting engineering or scientific (including social science) research relating to the building failure.

(3) MEMORANDA OF UNDERSTANDING.—The National Institute of Standards and Technology shall enter into a memorandum of understanding with each Federal agency that may conduct or sponsor a related investigation, providing for coordination of investigations.

(4) WITH STATE AND LOCAL AUTHORITIES.—A Team shall cooperate with State and local authorities carrying out any activities related to a Team's investigation.

(d) INTERAGENCY PRIORITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3), a Team investigation shall have priority over any other investigation of any other Federal agency.

(2) NATIONAL TRANSPORTATION SAFETY BOARD.—If the National Transportation Safety Board is conducting an investigation related to an investigation of a Team, the National Transportation Safety Board investigation shall have priority over the Team investigation. Such priority shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(3) CRIMINAL ACTS.—If the Attorney General, in consultation with the Director, determines, and notifies the Director, that circumstances reasonably indicate that the building failure being investigated by a Team may have been caused by a criminal act, the Team shall relinquish investigative priority to the appropriate law enforcement agency. The relinquishment of investigative priority by the Team shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(4) PRESERVATION OF EVIDENCE.—If a Federal law enforcement agency suspects and notifies the Director that a building failure being investigated by a Team under this Act may have been caused by a criminal act, the Team, in consultation with the Federal law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

SEC. 5. BRIEFINGS, HEARINGS, WITNESSES, AND SUBPOENAS.

(a) GENERAL AUTHORITY.—The Director or his designee, on behalf of a Team, may conduct hearings, administer oaths, and require, by subpoena (pursuant to subsection (e)) and otherwise, necessary witnesses and evidence as necessary to carry out this Act.

(b) BRIEFINGS.—The Director or his designee (who may be the leader or a member of a Team), on behalf of a Team, shall hold regular public briefings on the status of investigative proceedings and findings, including a final briefing after the report required by section 8 is issued.

(c) PUBLIC HEARINGS.—During the course of an investigation by a Team, the National Institute of Standards and Technology may, if the Director considers it to be in the public interest, hold a public hearing for the purposes of—

(1) gathering testimony from witnesses; and

(2) informing the public on the progress of the investigation.

(d) PRODUCTION OF WITNESSES.—A witness or evidence in an investigation under this Act may be summoned or required to be produced from any place in the United States. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(e) ISSUANCE OF SUBPOENAS.—A subpoena shall be issued only under the signature of the Director but may be served by any person designated by the Director.

(f) FAILURE TO OBEY SUBPOENA.—If a person disobeys a subpoena issued by the Director under this Act, the Attorney General, acting on behalf of the Director, may bring a civil action in a district court of the United States to enforce the subpoena. An action under this subsection may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.

SEC. 6. ADDITIONAL POWERS.

In order to support Teams in carrying out this Act, the Director may—

(1) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Codes;

(2) request the use, when appropriate, of available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

(3) confer with employees and request the use of services, records, and facilities of State and local governmental authorities;

(4) accept voluntary and uncompensated services;

(5) accept and use gifts of money and other property, to the extent provided in advance in appropriations Acts;

(6) make contracts with nonprofit entities to carry out studies related to purpose, functions, and authorities of the Teams; and

(7) provide nongovernmental members of the Team reasonable compensation for time spent carrying out activities under this Act.

SEC. 7. DISCLOSURE OF INFORMATION.

(a) GENERAL RULE.—Except as otherwise provided in this section, a copy of a record, information, or investigation submitted or received by a Team shall be made available to the public on request and at reasonable cost.

(b) EXCEPTIONS.—Subsection (a) does not require the release of—

(1) information described by section 552(b) of title 5, United States Code, or protected from disclosure by an other law of the United States; or

(2) information described in subsection (a) by the National Institute of Standards and Technology or by a Team until the report required by section 8 is issued.

(c) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, a Team, the National Institute of Standards and Technology, and any agency receiving information from a Team or the National Institute of Standards and Technology, shall not disclose voluntarily provided safety-related information if that information if that information is not directly related to the building failure being investigated and the Director finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

(d) PUBLIC SAFETY INFORMATION.—A Team and the National Institute of Standards and Technology shall not publicly release any information it receives in the course of an investigation under this Act if the Director finds that the disclosure of that information might jeopardize public safety.

SEC. 8. NATIONAL CONSTRUCTION SAFETY TEAM REPORT.

Not later than 90 days after completing an investigation, a Team shall issue a public report which includes—

(1) an analysis of the likely technical cause or causes of the building failure investigated;

(2) any technical recommendations for changes to or the establishment of evacuation and emergency response procedures;

(3) any recommended specific improvements to building standards, codes, and practices; and

(4) recommendations for research and other appropriate actions needed to help prevent future building failures.

SEC. 9. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIONS.

After the issuance of a public report under section 8, the National Institute of Standards and Technology shall comprehensively review the report and, working with the United States Fire Administration and other appropriate Federal and non-Federal agencies and organizations—

(1) conduct, or enable or encourage the conducting of, appropriate research recommended by the Team; and

(2) promote (consistent with existing procedures for the establishment of building standards, codes, and practices) the appropriate adoption by the Federal Government, and encourage the appropriate adoption by other agencies and organizations, of the recommendations of the Team with respect to—

(A) technical aspects of evacuation and emergency response procedures;

(B) specific improvements to building standards, codes, and practices; and

(C) other actions needed to help prevent future building failures.

SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ANNUAL REPORT.

Not later than February 15 of each year, the Director shall transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) a summary of the investigations conducted by Teams during the prior fiscal year;

(2) a summary of recommendations made by the Teams in reports issued under section 8 during the prior fiscal year and a description of the extent to which those recommendations have been implemented; and

(3) a description of the actions taken to improve building safety and structural integrity by the National Institute of Standards and Technology during the prior fiscal year in response to reports issued under section 8.

SEC. 11. ADVISORY COMMITTEE.

(a) ESTABLISHMENT AND FUNCTIONS.—The Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall establish an advisory committee to advise the Director on carrying out this Act and to review the procedures developed under section 2(c)(1) and the reports issued under section 8.

(b) ANNUAL REPORT.—On January 1 of each year, the advisory committee shall transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) an evaluation of Team activities, along with recommendations to improve the operation and effectiveness of Teams; and

(2) an assessment of the implementation of the recommendations of Teams and of the advisory committee.

(c) DURATION OF ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

SEC. 12. ADDITIONAL APPLICABILITY.

The authorities and restrictions applicable under this Act to the Director and to Teams shall apply to the activities of the National Institute of Standards and Technology in response to the attacks of September 11, 2001.

SEC. 13. AMENDMENT.

Section 7 of the National Bureau of Standards Authorization Act for Fiscal Year 1986 (15 U.S.C. 281a) is amended by inserting '', or from an investigation under the National Construction Safety Team Act,'' after ''from such investigation''.

SEC. 14. CONSTRUCTION.

Nothing in this Act shall be construed to confer any authority on the National Institute of Standards and Technology to require the adoption of building standards, codes, or practices.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

The National Institute of Standards and Technology is authorized to use funds otherwise authorized by law to carry out this Act.

SA 4515. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Section 131 is amended by adding at the end the following:

(f) CONTINUATION OF CERTAIN FUNCTIONS OF THE CUSTOMS SERVICE.—

(1) IN GENERAL.—

(A) PRESERVATION OF CUSTOMS FUNDS.—Notwithstanding any other provision of this Act, no funds available to the United States Customs Service or collected under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1) through (8)) may be transferred for use by any other agency or office in the Department.

(B) CUSTOMS AUTOMATION.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(i) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) amounts deposited into the Customs Commercial and Homeland Security Automation Account under paragraph (5).'';

(ii) in paragraph (4), by striking ''(other than the excess fees determined by the Secretary under paragraph (5))''; and

(iii) by striking paragraph (5) and inserting the following:

''(5)(A) There is created within the general fund of the Treasury a separate account that shall be known as the 'Customs Commercial and Homeland Security Automation Account'. In each of fiscal years 2003, 2004, and 2005 there shall be deposited into the Account from fees collected under subsection (a)(9)(A), $350,000,000.

''(B) There is authorized to be appropriated from the Customs Commercial and Homeland Security Automation Account for each of fiscal years 2003 through 2005 such amounts as are available in that Account for the development, establishment, and implementation of the Automated Commercial Environment computer system for the processing of merchandise that is entered or released and for other purposes related to the functions of the Department of Homeland Security. Amounts appropriated pursuant to this subparagraph are authorized to remain available until expended.

''(C) In adjusting the fee imposed by subsection (a)(9)(A) for fiscal year 2006, the Secretary of the Treasury shall reduce the amount estimated to be collected in fiscal year 2006 by the amount by which total fees deposited to the Customs Commercial and Homeland Security Automation Account during fiscal years 2003, 2004, and 2005 exceed total appropriations from that Account.''.

(2) ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS OF THE UNITED STATES CUSTOMS SERVICE.—Section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 19 U.S.C. 2071 note) is amended—

(A) in paragraph (1), by inserting ''in consultation with the Secretary of Homeland Security'' after ''Secretary of the Treasury'';

(B) in paragraph (2)(A), by inserting ''in consultation with the Secretary of Homeland Security'' after ''Secretary of the Treasury'';

(C) in paragraph (3)(A), by inserting ''and the Secretary of Homeland Security'' after ''Secretary of the Treasury''; and

(D) in paragraph (4)—

(i) by inserting ''and the Under Secretary of Homeland Security for Border and Transportation'' after ''for Enforcement''; and

(ii) by inserting ''jointly'' after ''shall preside''.

(3) CONFORMING AMENDMENT.—Section 311(b) of the Customs Border Security Act of 2002 (Public Law 107–210) is amended by striking paragraph (2).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 17, at 9:30 a.m. in Dirksen 366.

The Committee will conduct an oversight hearing on the Federal Energy Regulatory Commission's Notice of Proposed Rulemaking Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design, issued July 31.

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, Attn: Jonathan Black, United States Senate, Dirksen 364, Washington, D.C. 20510.

For further information, please call Leon Lowery at 202/224–2209 or Jonathan Black at 202/224–6722.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 18, at 9:30 a.m. in SD–366.

The purpose of the hearing is to receive testimony concerning the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy; and to identify necessary changes to those programs to support U.S. competitiveness in the global marketplace.

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, ATTN: Jonathan Black, 364 Dirksen Senate Office Building, Washington, D.C., 20510.

For further information, please call Jennifer Michael on 4–7143 or Jonathan Black on 4–6722.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine and the Subcommittee on Transportation, Infrastructure and Nuclear Safety be authorized to meet on September 9, 2002, at 2:30 p.m. on freight and intermodal transportation.

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

COMMITTEE ON TRANSPORTATION INFRASTRUCTURE, AND NUCLEAR SAFETY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation, infrastructure, and Nuclear Safety be authorized to meet jointly with the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation on Monday, September 9, 2002, at 2:30 p.m. to conduct a hearing to receive testimony on freight and transportation issues. The hearing will be held in SR–253.

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

NATIONAL CONSTRUCTION SAFETY TEAM ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 510, H.R. 4687.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Madam President, today the Senate will consider H.R. 4687, the National Construction Safety Team Act. The Senate companion, S. 2496, was introduced by Senators CLINTON, SCHUMER, LIEBERMAN, and DODD, and is currently pending before the Senate Committee on Commerce, Science, and Transportation, which I chair.

At the urging of our colleagues, particularly Senator CLINTON, the committee has agreed to move the House version of the legislation in the hopes

that action on this bill might be completed by September 11. The committee has worked to accommodate those requests to move this bill. In that effort, the committee has made some changes to the bill to clarify its purpose and to address some technical issues.

The National Construction Safety Team Act would provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life. The bill seeks to address several problems identified as a result of the collapse of the World Trade Center Towers. For example, no Federal agency is clearly charged with investigating building failures. The bill would solve this problem by giving the National Institute of Standards and Technology, NIST, clear responsibility to handle such investigations. Further, there are currently no guarantees that investigations will begin quickly enough to preserve valuable evidence. The bill would require NIST to act within 48 hours of a building failure. In addition, no Federal agency has the investigative authority needed to ensure access to a building's structural information. Therefore, the bill would provide to NIST clear authority to enter sites, access documents, test materials, and move evidence, as well as clear authority to issue subpoenas. Finally, there is no mechanism for keeping the public informed of the progress of an investigation. The bill would require NIST to provide regular public briefings and to make public its findings and the materials that led to those findings.

I would like to enter into a discussion with my friend Senator MCCAIN, the ranking member of the committee, regarding the provisions in the bill relating to a construction safety team's final report and membership.

Mr. MCCAIN. I thank the chairman of the Commerce Committee. When a construction safety team issues its report on the likely technical cause for building failure, along with recommendations under Section 8 of this legislation, it is my understanding that any strongly held minority or dissenting views would also be included in that report. I believe that is the committee's intent.

Mr. HOLLINGS. The ranking member is correct. While it is our hope that teams would be able to issue a consensus report, the committee urges the Director of the National Institute of Standards and Technology, when setting the procedures to govern construction safety teams, to ensure that any such minority or dissenting views are included in any report.

Mr. MCCAIN. I would also like to clarify an issue regarding the composition of a safety team. It seems appropriate to permit employees of Federal agencies to serve as members of construction safety teams. And certainly in the event that a construction safety team investigates the collapse of a Federal building, a representative from the General Services Administration should be included on the team.

Mr. HOLLINGS. I agree that is the committee's intent. I thank Senator MCCAIN once again for his cooperation in this matter and urge the Senate to pass this legislation, as amended.

AMENDMENT NO. 4514

(Purpose: To provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life)

Mr. REID. Senator HOLLINGS has a substitute amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to; the motion to reconsider be laid upon the table; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and that any statements and colloquies relating to this matter be printed in the RECORD, with no intervening action or debate.

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

The amendment (No. 4514) was agreed to.

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

The bill (H.R. 4687), as amended, was read the third time and passed.

ORDERS FOR TUESDAY, SEPTEMBER 10, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, September 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Interior Appropriations Act under the previous order. Further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly partly conferences, and at 2:15 p.m. the Senate resume consideration of the Homeland Security Act.

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

PROGRAM

Mr. REID. Madam President, the next rollcall vote will occur at about 10:30 tomorrow morning in relation to the Daschle second-degree amendment regarding agricultural disaster assistance, and this will be an amendment that is considered on the Interior Appropriations Act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. There being no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Tuesday, September 10, 2002, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 9, 2002:

THE JUDICIARY

KENNETH A. MARRA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. ANDREWS. Mr. Speaker, I was unable to be present for votes on September 5, 2002 because I was taking my kids to their first day of school.

Had I been present, I would have voted in favor of H.R. 4727, the Dam Safety and Security Act of 2002, and also in favor of H. Res. 94, honoring the contributions of Venus and Serena Williams.

TRIBUTE TO JOHN EDWARD WRIGHT

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. GRAHAM. Mr. Speaker, I rise today to recognize John Edward Wright, originally from Aiken, South Carolina. Mr. Wright was recently awarded a citation for distinguished service from the Secretary of the Interior for his outstanding contributions in the field of public affairs for the Office of the Secretary.

Mr. Wright is the Senior Public Information Officer in the Secretary's Office of Communications, where he is held in high esteem and is respected for his media relations expertise, institutional knowledge, and familiarity with the key issues confronting the Department of Interior.

As Senior Public Information Officer, he provides expert public affairs counsel to the Secretary, Deputy Secretary and Director of Communications. In addition, departmental communications managers rely upon Mr. Wright for guidance and direction regarding public affairs messages and strategies.

Mr. Wright has also fostered important working relationships with reporters in the national media. He has a reputation for his responsiveness and willingness to go the extra mile to meet media deadlines. Earlier this year during the Department of Interior's unveiling of the Competitive Sourcing program, Mr. Wright worked closely with the Office of Policy, Management, and Budget was responsible for all media relations planning and execution. With his guidance, the launch of this plan in the media was an outstanding success, generating accurate and positive media coverage.

Most recently, Mr. Wright has been the lead for the public affairs office in the Office of the Secretary for implementation of media outreach and communications related to the Department of Interior/USDA National Fire Plan. In this capacity, Mr. Wright has worked effectively with federal and state communications officers to develop news releases, fact sheets, and interviews with key media. Mr. Wright, through his enduring hard work, unwavering attention to detail and diligence in promoting Departmental ideals, portrays a public information specialist that others can emulate.

For his service which has earned him Departmental commendation as well as his coworkers' respect, I recognize Mr. John Edward Wright.

RAE AND MAL WEBBER CELEBRATE THEIR 60th WEDDING ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Ms. DeLAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family and friends who have gathered to congratulate Rae and Mal Webber of New Haven, Connecticut as they celebrate their 60th wedding anniversary. Throughout their six decades together, Rae and Mal have dedicated much of themselves to enriching our community—bringing the generosity and compassion they have shared together to us all.

It is not often that you find individuals who so willingly volunteer their time and efforts on behalf of their communities. Rae and Mal have a rich history of advocacy and unparalleled commitment—their unwavering spirit changing the face of Greater New Haven. I have often had the pleasure of working with both Rae and Mal and am continually inspired by their devotion and dedication to our community.

I have often spoke of our nation's need for talented, creative educators ready to help our children learn and grow. Committing a lifetime of work to our young people, Rae exemplified this ideal as an educator. Throughout her career, she touched the lives of thousands of children, ensuring that they were prepared with the skills and knowledge they needed to pursue their dreams. In addition to her professional career, Rae volunteered much of her time to community organizations. Through her efforts on behalf of the League of Women Voters, a non-partisan, non-profit organization that encourages the informed and active participation of citizens in government, Rae helped many Connecticut residents find ways to make their voices heard. Rae was also active in the coordination of the communal service held at the Immanuel Baptist Church on Martin Luther King Day. Her contributions, as a professional and community member, have truly made a difference in the lives of many.

A vocal public advocate, Mal's efforts on behalf of New Haven's Jewish community and the Greater New Haven area, have left an indelible mark that will not forgot. Education and the gift of knowledge were a central focal point of Mal's incredible work. As Chairman of the Board of Directors, during a pivotal point in its history, Mal led the efforts to save and enhance the New Haven Public Library—which has ensured the library's continued success today. Mal also served as the Director of both the Connecticut Jewish Community Relations Council and Anti-Defamation League during the times of the Civil Rights Movement—a tumultuous time throughout the nation.

Using his unique position in these two organizations, Mal worked diligently with clergy, political, and community leaders to sustain the relationship between our Jewish community and the Greater New Haven community as a whole.

Today, as they celebrate their lifetime together, we, as a community, extend our deepest thanks and appreciation for all that they have done to enrich our lives. I am proud to join their children, Susan, Henry, and Bruce, family, friends and community members in congratulating them on this very special occasion and extending my very best wishes for many more years of health and happiness.

TRIBUTE TO MARIE HOLINSWORTH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. LEVIN. Mr. Speaker, during my service as a Member of the House of Representatives, it has been my honor and privilege to rise and pay tribute to organizations and people who really make a difference in the Michigan community. Today I rise to recognize Marie Holinsworth, Legislative Chair for the Veterans of Foreign Wars Post 2358 Ladies Auxiliary in Roseville, Michigan.

As Legislative Chair, Mrs. Holinsworth has been a tireless advocate for the VFW's ''Priority Goals.'' No veterans' subject is insignificant to Mrs. Holinsworth. With her quiet strength and customary eloquence, Mrs. Holinsworth's letters to my office express a comprehensive understanding of the issues and clearly set forth the agenda the Ladies Auxiliary is pursuing.

At the recent Michigan VFW State Convention, Mrs. Holinsworth was recognized for her legislative duties by being the recipient of two top awards. The first was the ''Most Outstanding Promotion of the Legislative Program'' for her efforts in writing letters, working at polls and meeting with candidates and legislators. This distinction was enhanced by the announcement that she also won the award for the ''Best Promotion of Priority and Security Goals,'' placing first among over two-hundred and fifty Auxiliaries in the state of Michigan.

Mr. Speaker, I applaud Mrs. Holinsworth for the wonderful work that she has done for the Ladies Auxiliary, and heartily congratulate her on winning the awards which she so richly deserves.

TRIBUTE TO DAN B. WALDEN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special citizen in my district. Dan B. Walden has provided continuous efforts on behalf of children and education throughout his community and throughout the state of California. Dan Walden graduated from the University of California at Berkeley with a bachelor's degree in economics. For the past 33 years he has worked at Bank of America in industrial engineering, management, planning and project management. He has recently retired. Dan Walden has served as a school board member in Walnut Creek since 1988, serving as president in both 1994 and 1995. Along with this he was extremely active in the Contra Costa County School Boards, as its president in 1991 and 1996. Not only has he served his community, but the entire State of California as well. Dan Walden was a member of the California School Boards Association's Delegate Assembly since 1991. He has also served on numerous association committees. He served as chair of the CSBA Legislative Committee and Schools and Media Crisis Communications Task Force. Dan Walden has also served as chair of the Annual Education Conference Planning Committee in 1997. His desire to help did not stay in California as he has participated on the National School Boards Association's Policies and Resolutions Committee and the NSBA Pacific Region Bylaws and Regional Nominating Committees. Apart from the School Boards Associations he has also been active in community initiatives including the Contra Costa County Partners in Education, Project R.E.A.D. and the Walnut Creek Library Foundation, which he served as its first president. Dan Walden is now the outgoing President of the California School Boards Association for the 2002 year. I am very grateful for all of the hard work that Dan Walden has done in our community, the State of California and our country.

THE MILITARY PHYSICIAN EQUITY ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to urge support for the Military Physician Equity Act. This legislation will level the playing field for Uniformed Services (Title 37) physicians so that they have the option of receiving the same annuities as civil service physicians (NIH, HHS etc.) and Veterans Affairs (VA) physicians.

Currently, civil service physicians (Title 5) and VA physicians (Title 38) are allowed to have their recruitment/retention bonuses counted as part of their ''high-three'' for purposes of determining their retirement annuity. The ''high-three'' is the system whereby one's highest three consecutive salaries are used to determine an annuity. By allowing for recruitment/retention bonuses to be counted as one's salary, a retiree receives a bigger retirement check each month from his former employer. We do not feel it is just that Title 5 and Title 38 physicians should have received this benefit while military physicians do not. Our bill does not create any unique benefit; it only allows Title 37 military physicians to receive the same benefit that other Federal physicians receive.

In addition to the fairness issue, it is also a matter of good policy. The government cannot pay physicians on the same scale as physicians employed in hospitals, HMOs, and universities. Consequently, enhancing the benefits of our military physicians is an essential way to retain our best doctors. Passage of this bill would help offset the loss of income for Federal physicians if they choose to remain a public servant. This important legislation helps ensure that the government can recruit and retain highly trained and well-qualified physicians and I urge my colleagues to support it.

IN COMMEMORATION OF THE PLACER HERALD'S 150TH ANNIVERSARY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. DOOLITTLE. Mr. Speaker, today I wish to recognize the 150th Anniversary of my hometown newspaper, the Placer Herald, which traces its roots to the first printing press used in California.

On September 11, 1852, the first edition of the Placer Herald was published for 25 cents per copy in Auburn, California, not far from where gold had been discovered a few years earlier. Established by Tabb Mitchell, Richard Rust, and John McElroy to serve the mining community in the foothills of the Sierra Nevada, the newspaper was housed in a plain, board-sided storefront office. As an interesting historical note, the paper was printed on California's very first printing press—the one that Sam Brannan had brought to publish The California Star.

In 1892, a new, two-story brick building measuring 30 feet by 75 feet was erected on the site of the Placer Herald's original headquarters. After changing hands many times over the subsequent years, new owners moved the paper in 1963 to Rocklin, California, where it continues to be published.

I wish to commend the modern Placer Herald for its ongoing service to the people of Rocklin and neighboring communities. For 150 years, it has maintained its heritage of reporting local news to a segment of California's Gold Country. The newspaper serves a valuable purpose by both reflecting and shaping the community it serves. As we celebrate the Placer Herald's sesquicentennial, let me add my wishes that the newspaper will flourish for another century and a half!

ENVIRONMENTAL ACTIVISTS MUST STOP BLOCKING SENSIBLE WILDFIRE PREVENTION EFFORTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the August 3, 2002, Norfolk Daily News. The editorial emphasizes the need for proper forest management in order to prevent disastrous wildfires. Unfortunately, as the editorial indicates, all too often sensible management plans designed to reduce wildfire threats have been delayed or defeated by environmental activists.

[From the Norfolk (NE) Daily News, Aug. 3, 2002]

ACTIVISTS HAVE TO SHARE BLAME

The extreme environmental groups accused of contributing to the wildfires in the West this year are scrambling like mad to say it wasn't their fault. But as a recent report shows, they in fact have a lot to answer for:

The report comes from the U.S. Forest Service, and as press accounts note, it shows that administrative appeals delayed almost half of 326 projects last year that were aimed at lowering the wildfire threat through the hacking away of underbrush and small trees. Those making the appeals, of course, were more often than not environmental groups.

In response, the environmental groups maintain that what they're actually doing is trying to save the forests from the awful, dreadful timber industry, as if anytime the timber industry profits, life on this planet has somehow worsened. It's true that removing the biggest and oldest trees does not serve fire-prevention purposes, but that's not what the projects aimed to do. And meanwhile, it's also true that the preferred solution of environmental activists—controlled burns—is often no solution at all.

The problem with controlled burns, in addition to being extraordinarily expensive, is that the unwise suppression of natural fires over many decades has led to a buildup of what wildfires like to feed on, namely all that underbrush and all those small trees.

The consequence is that the burns cannot be controlled, as was amply illustrated two years ago when one such attempt destroyed 200 homes in Los Alamos, N.M. That burn was also mismanaged, but there are fewer and fewer stretches of forest where even the best management can be assured of keeping such burns from getting out of hand.

Thinning the forests mechanically is not only safe and effective and good for the future grandeur of the forests, but not nearly so expensive, because the timber industry helps foot the bill.

Delays in the process have to stop if we are not to see many repeat performances for this year's destruction.

TRIBUTE TO JOHN B. BEAUDOIN

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to bring to your attention an outstanding individual, John B. Beaudoin. Mr. Beaudoin has been chosen as the 2002 recipient of the

Frank W. Kennedy Memorial Award. During the 1960s, Frank Kennedy served with distinction as the president of the Board of Directors of the Lansingburgh Boys & Girls Club. This award, named in his honor, is given to a member of the community that embodies the characteristics of Frank Kennedy—integrity, generosity, and loyalty to the community.

The 2002 recipient of this award, Mr. Beaudoin, is a graduate of Syracuse University with a masters in social work and, for the last 34 years, has been working for the Rensselaer County Commissioner of Social Services. With his unparalleled concern for youth and the elderly, John Beaudoin has used his role in the Department of Social Services to improve conditions within his community. He has developed various services such as homeless shelters, day care initiatives, and dealt with child protective issues, to name just a few of his accomplishments.

John Beaudoin has distinguished himself within the Department of Social Services, as well as the many affiliated organizations he has worked with. John has developed numerous programs to serve every facet of the community and is certainly deserving of this award.

Mr. Speaker, it is a privilege for me to join with the Lansingburgh Boys & Girls Club in honoring John Beaudoin. I am sure that John's admirable efforts on behalf of the local community will continue well into the future.

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, there is a crisis affecting the 500,000 children in foster care in this country. Day after day, there are reported cases of sexual abuse, neglect, and even death of foster children, all while under the care of the state child welfare agencies. Social workers remove children from their homes because of abuse and/or neglect. Yet neither safety nor stability is ensured by child protective services interventions.

In the following article, The Washington Post reports that a 7-year-old boy, a ward of the District's Child and Family Services Agency, was warehoused in a group home for older foster children, where 12-year-old boys later admitted to sodomizing him. Additionally, officials confirmed that other boys were sexually abused at that facility and at a separate group home for mentally retarded foster children.

But severe problems in the foster care system exist in many states and jurisdictions beyond Washington D.C. Articles and reports that I will provide in subsequent extensions document how children in foster homes, children's shelters, and group homes are sometimes subject to even greater abuse as a result of those placements.

A strong federal law passed in 1980 establishes tough accountability standards to protect children in foster care. It is evident that there has not been sufficient oversight at the state or federal level, and that billions of dollars are being spent, often in violation of federal law, to perpetuate a system that falls to provide children and their families with necessary services and safeguards.

The circumstances described in these reports underscore the need for lawmakers, practitioners, and advocates to work together without delay to reform the child welfare system and to review the enforcement and implementation of our foster care laws without further delay.

The article follows:

[From the Washington Post, Aug. 1, 2002]

D.C. SPEEDS GROUP HOME CHANGE; MOVE FOLLOWS NEW REPORT OF ASSAULTS ON BOYS

The director of the District's child welfare agency yesterday ordered her staff to speed up the removal of children under 12 from foster group homes, as officials learned of another unreported case of alleged sexual abuse involving youths at one of the privately run facilities.

The agency acknowledged yesterday that it did not remove an 11-year-old mentally retarded boy from one of the homes until nearly three months after he reported being sexually abused by a 15-year-old resident.

A city social worker learned of the April 9 incident shortly after it occurred but did not report it until July 2, city officials said. Police then interviewed the I 1-year-old and his 12-year-old roommate, who also reported being sexually assaulted, and removed them from the home. The alleged perpetrator is still at the facility.

The case is the latest in a string of such incidents that were not promptly reported to authorities. Last week, city officials said that a 7-year-old boy was sodomized by two 12-year-olds at another group home in April and that the home's staff did not report the abuse until two days later. This week, officials said that home also failed to tell government monitors about a 1999 abuse incident.

The D.C. Child and Family Services Agency announced yesterday that it has strengthened its procedures on the reporting of abuse and that it will refer for prosecution any caregiver or employee who fails to make such a report.

More than 400 District foster children are in congregate care, as group homes and other institutions are called, and the agency's policy is to limit the facilities' use to older children and those with special medical needs.

Yesterday, Olivia A. Golden, the agency's director, ordered an inventory to determine how many group home residents are younger than 12. She ordered her staff to review those cases and prioritize the children for placement with foster families or relatives or for reunification with birth parents. A key hurdle to that effort, however, is a shortage of foster families, especially families who are trained to offer therapeutic services for children with intensive needs.

Golden's order comes one year after the agency emerged from six years of federal court control, the legacy of a 1989 lawsuit filed over poor conditions in the child welfare system. The agency is trying to improve its regulation of private foster care institutions, which have never been licensed because the city failed for 15 years to implement a 1986 licensure law.

''We knew we were coming into a situation where congregate care was substantially overused, and we knew that group home providers did not have enough resources and staff,'' said Golden, who took over the agency in June 2001.

Golden said she was ''surprised and saddened'' by the severity of unreported abuse. ''The fact that we're still having tragedies is what we have to change,'' she said.

Marcia Robinson Lowry, the New York-based lead counsel in the class-action suit against the District, said yesterday that she has asked the agency's court-appointed monitor to investigate the recent incidents.

''We had been focusing on children 6 and under, but it is clear that the problem is well beyond that and that children under 12 should not be in group home facilities,'' Lowry said.

In the latest abuse case, a police report obtained by The Washington Post indicates that during an April 9 bed check at the group home, in the 800 block of Floral Place NW, staff members observed the 15-year-old running out of the two younger boys' bedroom with his pajama pants open.

The 11-year-old told the staff that the older boy had touched him on the buttocks, according to the police report,

The report states that when a detective went to investigate on July 2, the boy said he had been forced to perform oral sex on the 15-year-old. The boy's roommate corroborated the account and said his penis was grabbed by the teenager on the same night.

The 11-year-old ''stated that this has occurred several times and each time he has reported it to the staff of the group home,'' the police report said,

Moderate mental retardation has been diagnosed in all three boys. The 11- year-old is living temporarily with his family while awaiting an alternative placement, and the 12-year-old has been placed with a foster family.

The group home is run by a nonprofit contractor, Community Multi Services Inc. It operates five homes that serve up to 18 mentally retarded foster children, as well as seven care facilities and 15 apartments for adults with developmental disabilities. It is paid nearly $3,500 a month for each foster child.

Constance A. Reese, the contractor's program director, said her staff interviewed the three boys and had them seen by a doctor but determined that ''nothing took place with these children.'' She said the staff notified the three boys' social workers and sent an incident report to a government monitor.

Mindy L. Good, a spokeswoman for the child welfare agency, said that the 15-year-old boy's social worker learned of the incident April 10 but ''completely failed to report this until July.'' The social worker, Emmanuel K. Baah, called the agency's abuse and neglect hotline in July after his supervisor ordered him to do so, Good said. The hotline staff then contacted the police.

Good said Baah violated agency policy on the reporting of abuse by not immediately calling the hotline or informing his supervisor. She said that the actions of the group home, the monitor and the social workers for the two younger boys also are being reviewed.

Baah, who has worked for the city since 1992, said he received a dismissal letter from the agency yesterday. He said the group home told him about the incident April 18, right before he went on a six week vacation. He said he did not call the hotline because group home employees were reviewing the alleged abuse and ''because they were not sure whether it was substantiated or not.''

For years, city law has required health care providers, law enforcement officers, educators and social service and day-care workers to immediately report suspected child abuse or neglect to the police or the child welfare agency.

Group home regulations that took effect in September require any staff member who knows of possible abuse or neglect to call the hotline immediately and submit a written report within 24 hours to the child's social worker and the child welfare agency.

But in February, the agency sent a letter to foster care institutions indicating that staff should make oral reports to social workers during business hours and to the hotline during evenings and weekends. Yesterday, the agency said that the 24-hour hotline, 202–671—SAFE, should always be used.

In addition, the agency said it will refer violations of the reporting requirements for prosecution and push for an increase in the penalties for violators. Currently, failure to report abuse or neglect is punishable by a fine of up to $100 or imprisonment for up to 30 days.

Staff researchers Bobbye Pratt and Karl Evanzz contributed to this report.

A PROCLAMATION RECOGNIZING JONATHAN W. WEISS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. NEY. Mr. Speaker, Whereas, Jonathan Weiss has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jonathan Weiss has shared his time and talent with the community in which he resides; and

Whereas, Jonathan Weiss has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jonathan Weiss must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 401, the residents of Jefferson County, and the entire 18th Congressional District in congratulating Jonathan W. Weiss as he receives the Eagle Scout Award.

HONORING SPECTRUM IN MARIN COUNTY, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Spectrum, Center for Lesbian, Gay, Bisexual and Transgender (LGBT) Concerns, on the occasion of its 20th anniversary. Spectrum began its work in 1982, under the leadership of Rev. Janie Spahr, and with the direction of Executive Director Paula Pilecki, Spectrum has continued to pursue its mission to "strengthen, mobilize and serve lesbian, gay, bisexual, transgender and questioning people, and promote acceptance, understanding and full inclusion in Marin County."

Spectrum is the only organization in Marin County that focuses exclusively on addressing the needs of LGBT people. In twenty years, over 1,000 volunteers have helped tens of thousands of people come together to speak out against fear and discrimination. Spectrum works with a national network of social Justice advocates to make the world a more inclusive and safe place for all people. Spectrum recognizes that in a diverse community, it is important that people learn to respect each other and their differences.

Spectrum plays an active role in the community, providing outreach programs that educate the community on LGBT people and provide systems of support for LGBT people. Spectrum's Speakers Bureau makes presentations to elementary, middle and high schools, colleges and community groups. Volunteer speakers share their personal stories to dispel myths and stereotypes about LGBT people. Spectrum's program, Rainbow's End, provides support for LGBT and questioning youth, 14–19 years old. Community Connections focuses on LGBT seniors providing peer support, facilitating social groups and educational forums.

Mr. Speaker, Spectrum has played a pivotal role in the LGBT community. The support they provide to LGBT people and the education they provide to the public has had an everlasting effect on Marin County.

COMMENDING THE PUBLICATION OF ''TO LIFE: STORIES OF COURAGE AND SURVIVAL TOLD BY HAMPTON ROADS HOLOCAUST SURVIVORS LIBERATORS AND RESCUERS''

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. FORBES. Mr. Speaker, I rise to call attention to the publication of ''To Life: Stories of Courage and Survival as told by Hampton Roads Holocaust Survivors, Liberators, and Rescuers.''

I also wish to bring to the attention of the House of Representatives the following statement issued by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, upon publication by the United Jewish Federation of Tidewater of the book ''To Life: Stories Of Courage and Survival told by Hampton Roads Holocaust Survivors, Liberators and Rescuers.'' Rabbi Zoberman, son of Polish Holocaust survivors, and his daughter Rachel are among the contributing authors.

STATEMENT OF RABBI ZOBERMAN

Out of the depths of Jewish anguish and an aching human soul, with much trepidation to disclose accounts so personal and intimate yet with a compelling need to unburden heavy-laden hearts, reaching out to connect across a separating abyss, this—courageously, convincingly and caringly—shared tales of woes and victories is an enduring gift of Tikvah, reasssuring hope for generations.

Out of the Shoah's poisonous fires still threatening to consume civilization, hope is painstakingly garnered and guarded from the midst of despair, a reminder of humanity's capacity to stand up to indefinite evil—physically, psychologically and spiritually—to ensure that infinite goodness will be the lot of all God's children.

Hope that dreams dashed by blind hatred and boundless cruelty perverting the divine image within us cannot ultimately be destroyed by demonic design deposited in the recesses of human depravity. While affirming the Holocaust's uniqueces we recall with horror the September 11th, 2001 terrorist strikes and the genocidal wars in Cambodia, Rwanda and Bosnia, further diminishing us. Hope that life's sacred and sweet essence of creative potential, morel imperative, fulfilling relations and maturing growth will prevail over the stifling emptiness of a culture of death. Hope that the holiness in the victims' lives, symbolized by the flickering Sabbath lights, is within reach in spite of history's harsh winds. Hope that glorious Israel reborn, the surviving remnant facing continued trials and tribulations, will ever be a fitting testimony to its martyred people's inspiring bequest of prophetic values and undying faith. Hope filled with lasting gratitude that the United States of America, home and haven to the persecuted and oppressed, a weary humanity's best and last beacon of light, will retain its great pluralistic vision. It valiantly defeated Nazism and it will win as well its war on global terrorism.

Our heroic survivors, rescuers and liberators have entered portals not one else has, a land only they traversed, leaving behind lost dear ones safe from hurt and humiliation under the Shechina's broken wings. They dared remember, recall and retell for memory empowers the living and is the dead's lasting memorial. Rebuilding and healing their lives in Hampton Roads, the survivors along with their children and grandchildren provide us with indelible past and present lessons of perseverance, purpose and promise. The treasured candles of their cherished lives will brightly shine, eternal watch and witness, kindling a path for shalom's blessing to yes highlight a global community at harmonious peace.

Mr. Speaker, I commend this important publication to all Members of the House of Representatives. The stories of Holocaust survivors must be documented and told again and again. In doing so, we will ensure that such inhumane horror will remain present forever in our collective conscience, so that we, above all else, will never let this dark chapter in our history ever repeat itself.

A PROCLAMATION COMMENDING MORNING JOURNAL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. NEY. Mr. Speaker, whereas, the Morning Journal published in Lisbon, Ohio will celebrate its 150th anniversary on September 15, 2002; and

Whereas, the Morning Journal started as The Buckeye State in 1852 and became the Evening Journal in 1909; and

Whereas, the Morning Journal has grown to become the largest newspaper in Columbiana County; and

Whereas, the Morning Journal serves its community with publication seven days a week;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing the Morning Journal on September 15, 2002 its 150th anniversary.

RECOGNIZING ROSELLE, MICHAEL HINGSON'S GUIDE DOG, FOR HER BRAVERY AT WORLD TRADE CENTER ON SEPTEMBER 11

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Roselle, a yellow Labrador dog, whose

bravery on September 11 as she led her blind owner Michael Hingson from the World Trade Center is an inspiration.

Michael and Roselle have become well-known as representatives of the power of the human/animal bond to build a trust that can carry them through even the greatest tragedy.

Michael was working on the 78th floor of the World Trade Center when the building was struck. After making sure everyone in the office was evacuated safely, Roselle and Michael began the long descent down the stairwell. Despite the heat and smoke, they calmly made their way from the building and started running for the subway as Tower 2 began to collapse. In the subway, Roselle guided Michael and another woman down the stairs and led Michael to the home of a friend in mid-Manhattan.

Michael has traveled with a dog from Guide Dogs for the Blind for 37 years. Roselle's ability to lead, and Michael's to command, under such difficult circumstances embodies the success of the lifelong partnerships developed through this program.

Mr. Speaker, Roselle's story demonstrates that there were many kinds of bravery on September 11, 2001. It is appropriate to honor the bond that enabled her to save the life of Michael Hingson.

CONGRATULATING THE TOWN OF SMITHFIELD, VIRGINIA ON THEIR 250TH ANNIVERSARY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. FORBES. Mr. Speaker, I rise today to congratulate the Town of Smithfield, Virginia on the marking of their 250th anniversary this year.

Smithfield has a population of 6,584 and is approximately 10.1 square miles in size. Located on the banks of the Pagan River in Isle of Wight County, Smithfield, Virginia was incorporated in 1752 from land donated and surveyed by Arthur Smith IV. Smithfield offers residents a small-town atmosphere, a great school system, affordable housing, and a beautiful historic downtown.

While numerous Tidewater localities suffered during the Revolutionary War, the War of 1812, and the Civil War, Smithfield was spared the devastation. Since the Town's inception, Smithfield has worked hard to maintain its architectural heritage and small town charm.

The rise of Smithfield is most often credited to its world famous ham industry. Know as the ''Ham Capital of the World,'' no visit to Smithfield can be considered complete without enjoying a quality ham.

To mark the Town's anniversary, on September 28th, the residents of Smithfield will be making the largest ham biscuit in the world. The ham biscuit bill will be eight fee in diameter and large enough to feed 1,752 people. I hope the Guinness Book of World Records will recognize the biscuit as the worlds largest ham biscuit.

Mr. Speaker, I congratulate the citizens of Smithfield, Virginia, as they celebrate the Town's 250th anniversary and wish them continued success and prosperity in the years to come. While rich in history and in the beauty if its surroundings, the greatest part of Smithfield is the people who live there. It is truly an honor and privilege to represent the people of the Town of Smithfield in the United States House of Representatives.

A PROCLAMATION RECOGNIZING MARK DUGAN

HON. ROBERT. W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. NEY. Mr. Speaker, Whereas, Mark Dugan is a hero who used his knowledge of Cardiopulmonary Resuscitation to help save the life of a one-year-old child; and

Whereas, Mark Dugan acted quickly and efficiently without hesitation or thought of himself; and

Whereas, Mark Dugan is an asset to the New Philadelphia community in his preparedness and willingness to help others; and

Whereas, Mark Dugan has displayed remarkable responsibility by becoming trained in life-saving first aid and furthermore by his real-life application of that knowledge;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Mark Dugan for his selflessness and heroism.

POINT REYES NATIONAL SEASHORE 40TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Point Reyes National Seashore on the occasion of its 40th anniversary. On September 13, 1962, President John F. Kennedy signed into law P.L. 87–657 ''to save and preserve, for the purpose of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped.''

Conceived as a park in the 1930s, the hard work of dedicated people made Point Reyes National Seashore a reality many years later. Today the Seashore, located an hour's drive from the urban San Francisco Bay Area, is enjoyed by over 2.5 million visitors annually. It comprises over 71,000 acres including estuaries, beaches, coastal grasslands, salt marshes, and coniferous forests and contains 45 percent of North American avian species and 18 percent of California's plant species. The Park is the best site for whale watching on the West Coast with as many as 200 migrating whales sited per day. In 1988 Point Reyes National Seashore was internationally recognized by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) for its examples of the world's major ecosystem types and named the Central California Coast Biosphere Reserve.

Lying just across the San Andrea Fault from the rest of North America, the Point Reyes peninsula is also a geological land in motion which has moved over 300 miles in the last 100 million years. Visitors to the Park's Earthquake Trail can see the results of this activity from near the epicenter of the 1906 San Francisco earthquake.

The cultural history of Point Reyes dates back 5,000 years to a time when the Coast Miwok Indians inhabited the peninsula. Over 120 Miwok archeological sites exist within the park. In 1579 Sir Francis Drake was probably the first European in the area, landing on the shores of the Bay which bears his name. Lighthouses and lifesaving stations, several still available to visitors, were established in the 19th century in response to the many shipwrecks in the treacherous waters off the coast. In the early 19th century Mexican land grantees established ranchos, and today ranching operations continue in the Park's pastoral zones.

Today, under the direction of Superintendent Don Neubacher, the Park successfully balances the needs of visitors and ranchers with the preservation of ecosystems and historical sites.

Mr. Speaker, Point Reyes National Seashore ranks among the top twenty most-visited National Park service areas in the country and exemplifies the Park Service's mission to ''care for special places saved by the American people so that all may experience our heritage.''

PAYING TRIBUTE TO ANDREA ARAGON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. McINNIS. Mr. Speaker, today I stand before you with great pride to honor the accomplishments of Andrea Aragon of Pueblo, Colorado. Andrea was one of the six distinguished women to receive the 2002 YWCA Anna Taussig Tribute to Women Awards on Thursday, June 6, 2002. She was selected for her unparalled dedication to the education of the youth of Pueblo, her personal philanthropy. Andrea Aragon has exemplified unrelenting passion in not only her professional life, but her personal one as well, and I am honored to pay tribute to her accomplishments today.

Andrea is the perfect example of a model citizen who commits selflessly to the betterment of her community. She currently dedicates her time to countless boards that strive to improve the integrity of the community, such as the Colorado Student Loan Obligation Authority, the University of Southern Colorado President's Leadership Program Advisory Board, the Pueblo Hispanic Education Foundation Board, the Columbine Girl Scouts Board, and the El Pueblo Boys and Girls Ranch Board and previously served as Executive Director for the Latino Chamber of Commerce. Throughout her term as Executive Director, Andrea increased membership by seventy-five percent which provided the Chamber with new, renovated offices and space. In July, Andrea was elevated to become the proctor of the office of development and alumni relations for the University of Southern Colorado.

Mr. Speaker, it is my pleasure today to recognize the compassion of Andrea Aragon of Pueblo, Colorado and her ability to inspire the

community of Pueblo to strive for their dreams. Her actions are an integral asset to those around her, and the entire State of Colorado. Congratulations on your achievement Andrea, and I wish the best of luck to you and you future endeavors.

COMMENDING THE NATIONS THAT PARTICIPATED IN THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. STARK. Mr. Speaker, I rise today to commend the one hundred and ninety-one nations that participated in last week's United Nations World Summit on Sustainable Development. I hope that the cooperative efforts of these nations will begin to solve the mounting problems that have been brought to bear by decades of rampant consumption, resource depletion, and overpopulation.

I applaud a major victory of the conference: China's decision to join the Kyoto Protocol and reduce its greenhouse gas emissions. I welcome Russia's intention to do the same very soon in the near future. But, I am left with profound disappointment at the United States continued failure to offer our leadership and cooperation in this effort.

The United States, absence at the World Summit on Sustainable Development was not only a setback to America's leadership in the world, it was indicative of the Bush Administration's lack of commitment to solving a problem for which we are a major cause.

Fossil fuel consumption and Carbon Dioxide ($C0_2$) emissions—the major contributors to greenhouse gas and global warming—are on the rise, most notably in the United States and Asia. The United States, Canada, and Mexico are the primary source of CO_2, emissions in the world. In fact, CO_2, emissions in North America have grown steadily over the last decade, nearly 16 percent between 1990 and 2000. Meanwhile, these emissions have declined in the former Soviet Union, Europe and Japan.

The World Summit was a unique opportunity for nations to cooperatively address what scientists have long stated are the serious consequences of global climate change. Major glaciers and arctic sea ice are retreating, causing sea levels to rise. Rainfall has increased in the Northern Hemisphere leading to unexpected flooding and related disasters. Insurance payments for flood and storm damage rose by $28 billion in just a decade. Meanwhile, droughts and subsequent poverty and famine have been devastating large parts of Asia and Africa.

The President's failure to attend the summit—like his withdrawal of the United States support for the Kyoto treaty—puts the world's environment and economic well being in jeopardy, even as nations forge on without us. The President's indifference only isolates us from our allies and alienates the developing world.

Indeed, the root causes of global climate change are inextricably tied to the economic and social conditions in which much of the world lives. We cannot ignore the lack of econonmic opportunity and poverty that help breed extremism and hatred toward the United States. The World Summit was a profound opportunity for us to lend a compassionate hand to improving lives of people throughout the world.

The United States, as the only remaining superpower, is expected to show leadership on all issues affecting the global community. The President's decision to abandon a leadership role on global climate change and sustainable economic development, I fear, will severely harm our standing in the world—not to mention the environment—for years to come.

HONORING KEVIN EISENBERG

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Kevin Eisenberg, a student at Corona Del Mar High School in Newport Beach, California. Kevin is not you average, everyday student; he is motivated, dedicated, and committed to helping his fellow Americans who are currently serving and fighting for our great nation.

Following the tragic events of September 11, 2001, Kevin wanted to show his support for the troops who are risking their lives for us, as well as remember his late grandfather, Mr. Sam Cooper, who was a serviceman in the Navy. Subsequently, he decided to raise money for the Navy Marine Corps Relief Society, an organization that does not solicit donations.

Kevin used money previously earned to purchase American flags and bake apple pies, which he then sold from a stand on Newport Boulevard in Costa Mesa. All of the profits, including the initial investment, have been presented to the Navy Marine Corps Relief Society. In addition to financially supporting this great agency, he circulated information about the organization, helping everyone realize the vital role it plays to American service personnel.

During the six weekends Kevin spent outside at the stand, he raised $1500.00. What was important to him was not the amount of money actually raised, but more simply, increasing awareness. He wanted his fellow Americans to realize the importance of contributing and serving, with the hope that a chain reaction would ensue.

Mr. Speaker, I ask that the House please join me in honoring and ccmmending Mr. Kevin Eisenberg for his selflessness, service, and devotion to our great nation, and to those who make the ultimate sacrifice so we may remain free.

PHILO T. FARNSWORTH

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. MATHESON. Mr. Speaker, I rise today to honor the achievements of Philo T. Farnsworth, the inventor of television.

Though his name is largely unknown in much of the world, Philo was born in Beaver City, Utah and later moved to Idaho. At the age of just 14 he conceived of the idea of manipulating electrons while plowing a field on his father's farm.

Seven years later he demonstrated his invention for a small circle of friends and family in San Francisco—and television was born. September 7, 2002 marks the 75th anniversary of Philo's remarkable invention.

Philo struggled to establish a patent for his invention, taking on electronics giant RCA. He battled the corporate giant for the patent rights and his dedication and persistence paid off.

Philo later went on to develop radar systems and the electron microscope in addition to conducting research on nuclear fusion. It was only after his death in 1971 that Philo's achievements in television were acknowledged.

In 1992, the state of Utah presented the United States Capitol with a gift, the statue of Philo Farnsworth that now graces the Hall of Columns, downstairs from this Chamber.

He was hard working and imaginative, as so many Utahns are, and I would like to honor his efforts today. His enthusiastic interest in science sparked a series a series of technological advancements that truly shaped the 20th century.

HONORING A LIFETIME OF WORK AND ACCOMPLISHMENTS BY ROBERT E. ROUNDTREE

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. BLUNT. Mr. Speaker, I rise today to honor a lifetime of work and accomplishments by Robert E. Roundtree. A Florida native, Bob Roundtree has spent the last 18 years in Springfield, Missouri, where he has been the General Manager of Springfield City Utilities.

Bob Roundtree has risen to the top of his profession in the management of public utility companies. His utility career began more than half a century ago. He started in 1948 as the ''oiler'' for the power plants in his hometown of Gainesville, Florida. Roundtree says an ''oiler'' is a glorified name for janitor. During the next 30 years, Roundtree moved through the ranks of the utility company, retiring in 1978 from the position of general manager.

Roundtree moved on to manage utility companies in Brownsville, Texas and Dalton, Georgia before arriving in Springfield in 1984. He transformed the corporate culture of Springfield City Utilities, which provides electricity, natural gas, water and bus services to a community of more than 150,000 people. Roundtree put the utility on sound financial ground, held utility rates stable, improved the reliability of the electric system, instituted safety programs to improve gas line safety, and promoted creation of a water pipeline that ensures adequate water resources for the community for the next 30 years. He also placed the utility company at the forefront of economic development by directing the creation of a major industrial park that is the source of hundreds of new jobs.

His leadership won him the ''Springfieldian of the Year Award'' in 1995. He has also been recognized by the Hawthorn Chapter of the Professional Secretaries International with

their ''Executive of the Year Award'' in 1991. The American Public Power Association named him their recipient of the ''Alex Radin Distinguished Service Award for Individual Achievement.'' Roundtree is a past president of the Springfield Chamber of Commerce and is a past president of the American Public Power Association. He has also given his time and energy to Junior Achievement, the Safety Council of the Ozarks and serves on the boards of several organizations. His favorite non-profit organization is ''Project SHARE,'' a program through City Utilities to pay utility bills for those in need.

Bob Roundtree's big smile and deep voice are reassuring and project his confidence and vision. Bob says he is ready to retire to enjoy more time with his wife Alice Ruth, his three children, and four grandchildren.

The community he adopted 18 years ago is a better place because of his vision, work and diligence. The people of Springfield, Missouri and the customers of City Utilities offer Bob their best wishes for a bountiful retirement.

HONORING THE RETIREMENT OF MANAGEMENT ANALYST LYNNE MATTOS FROM THE UNION CITY POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. STARK. Mr. Speaker, on September 26, 2002, the Union City Police Department will celebrate the retirement of one of its finest officers, Management Analyst II Lynne Mattos.

In her 22-year career, Lynne has served the Union City Police Department in many capacities, working as a Crime Prevention Specialist, Community Relations Manager, and Management Analyst II.

Lynne Shelton was instrumental in developing Union City's Neighborhood and Business Watch Programs, the Police Department's False Alarm Program, and Crime Prevention's National Night Out. Lynne was involved in organizing almost all of the special events sponsored through city/police department collaborations, including the Gladiola Festivals in the late 1980s and early 1990s, the prestigious awarding of ''All-America City'' in 1999, and ''WinterFest,'' an annual event to raise funding for many of the city's community-based service groups.

The recipient of countless accolades and letters of appreciation from citizens, businesses, Boy Scout troops, Lions Clubs, homeowners associations, and the school district, Lynne Mattos has made a lasting impression on the entire community. Lynne is also active on the city's Chamber of Commerce Board of Directors, and has been a member of the city's Planning Commission since February 1990.

I am honored to join the colleagues of Lynne Mattos in commending her for her many years of dedicated service. Her commitment to excellence has left its irreplaceable mark on the entire Union City community.

SPEECH BY DR. LESLIE LENKOWSKY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mrs. MORELLA. Mr. Speaker, on August 27, 2002, Dr. Leslie Lenkowsky, the CEO of the Corporation for National Community Service, and a constituent of mine, addressed the National Press Club on the subject of ''Protecting the Homeland: What Volunteers Can Do.'' His words are particularly meaningful in light of the fact that he was appointed by President Bush and confirmed by the Senate in October of 2001, at a time when many thousands of Americans were volunteering in the recovery from the September 11th attacks. I commend the speech to my colleagues.

PROTECTING THE HOMELAND: WHAT VOLUNTEERS CAN DO

On September 11, as smoke poured from the ruins of the World Trade Center, along with New Yorkers, hundreds, if not thousands, of New Jerseyites headed toward Ground Zero to help. Many went right to work, assisting the hard-pressed ''first responders'': police, firefighters, emergency medical personnel, among others. But many also found themselves without clear guidance about what was needed or where they could best serve. Of New Jersey's 21 counties, only three had networks called ''VOADS''—Voluntary Organizations Active in Disasters—which are the principal channel through which public agencies responsible for dealing with emergencies can call on the resources of the nation's nonprofit groups. As a result, many people who wanted to be helpful had difficulty finding ways of doing so.

What happened in New Jersey occurred elsewhere in the United States as well. Americans stepped forward in record numbers to give blood, make donations, even travel long distances to help the searchers and console the survivors. No one who knows our country's history should have been surprised; we have long been unique among the nations in our willingness to give and volunteer, especially in the face of local and national emergencies. But this outpouring of generosity stretched the abilities of our charities. Blood banks wound up with more supplies than they could keep; for all the exceptionally great work they did, the Red Cross and other groups encountered big challenges in distributing the contributions they received; so many people showed up to search the rubble of the World Trade Center, William Langewiesche's extraordinary series in The Atlantic Monthly reports, that the site became even more dangerous than it already was.

Moreover, this particular national emergency is not one which is likely to end soon. As the cache of videos uncovered recently by CNN so clearly illustrates, these perpetrators of evil are determined to strike again, and to strike in ways that heretofore had been considered unthinkable. To prevent what we can prevent, and to prepare ourselves for what we cannot, will take a concerted effort that involves not just our intelligence and security agencies, and our trained ''first responders,'' whose efforts were critical in helping New York deal with the terrorist attacks, but also an unprecedented level of commitment by everyday people—by volunteers—to support those first responders and ensure that homes and families, schools and places of business, houses of worship and other public spaces are prepared to face any crisis.

No one should doubt that Americans are prepared to make this commitment. But what we must strengthen is our capacity to make this commitment effectively. We often think of volunteering as something we do spontaneously, as when we are moved by an appeal to help or the images of a needy group of people on our televisions. As we saw on September 11, there is a lot of truth to this, but as we also saw on that day, volunteering requires more to be useful in dealing with the threats we now face. It requires not just the will (of which Americans have always had plenty), but also careful and creative thought about the ways.

That is part of what President Bush is trying to do with the USA Freedom Corps. Last November, in a speech in Atlanta, the President responded to those asking what they could do to help by calling on Americans to ''get directly involved in this war effort, by making our homes and neighborhoods and schools and workplaces safer.'' A few weeks later, in his State of the Union address, he created the USA Freedom Corps, a major Presidential initiative aimed at fostering a new culture of ''citizenship, service, and responsibility'' and helping the nation's voluntary groups build the kind of capacity they need to better assist not only in the war effort, but also in the many other vital tasks they perform in our communities.

As part of that sweeping initiative, the President called for the creation of a new set of Citizen Corps programs to deal specifically with the issue of homeland security. Today, FEMA and the Departments of Justice and Health and Human Services are working together to create and expand these programs.

At the Corporation for National and Community Service, we have long utilized Senior Corps volunteers and AmeriCorps members in public health, public safety, and disaster relief and preparedness. These programs were not designed specifically to deal with terror attacks, of course, but our members were well trained and fully able to take on the task. And like other Americans, they were glad to have the opportunity. Many, for example, have long worked with the American Red Cross and FEMA, responding to disasters and ensuring public safety. Currently, twenty American Red Cross Chapters sponsor National Readiness and Response Corps teams staffed by AmeriCorps members. These teams have assisted more than 430,000 victims of natural disasters since 1994.

Members of our National Civilian Community Corps, an AmeriCorps program, responded to the September 11 attacks, helping to process requests for aid, distributing relief checks to victims' families, and assisting them with paperwork and other kinds of support, both in New York and Washington. While the rescue workers combed through the site, our Corps members were helping out with the little things that truly made a difference in people's lives. They worked at Pier 94 in New York, at a Red Cross phone bank in Northern Virginia, and elsewhere. As one AmeriCorps member put it in an e-mail: ''The hours are long, the cases are stressful, the food is fattening, but all in all we wouldn't want to be anywhere else right now.''

AmeriCorps and Senior Corps participants are also working around the nation to free up police and other ''first responders'' by taking on basic tasks that divert them from focusing on public safety. Volunteers with special skills, such as our veterans, provide backup assistance to fire and medical personnel, while ordinary citizens can and do provide basic administrative assistance to police stations, hospitals, and fire stations

so that those with highly technical skills can focus their time and energies on the tasks they are trained to perform.

In Daytona Beach, for example, nearly two hundred members of our Senior Corps participate in the local Citizens on Patrol program, helping police with traffic management and neighborhood watch. They wear uniforms, look for suspicious activity, remove disabled vehicles, watch vacant homes, and search for missing persons. They have fingerprinted thousands of children in an effort to keep them safe in the community. Last year alone, they served more than 51,000 hours and logged more than 360,000 miles in their patrol cars, allowing trained law enforcement officials in the county to focus on crime prevention and real emergencies.

And there's more to come. Just a few weeks ago, we became one of the first federal agencies to direct grant money to community groups working in homeland security. The $10.3 million in grants we gave to 43 private groups and public agencies in 26 states and the District of Columbia will support more than 37,000 homeland security volunteers across the nation. The grantees included: the venerable American Radio Relay League, based in Connecticut, which will create a national communications network of amateur radio enthusiasts prepared to respond in disasters when those new-fangled cell phones and pda's become inoperative; Mercy Medical Airlift, a charitable organization based in Virginia that usually flies critically ill patients to receive treatment around the country, but will also now prepare its network of pilots to fly at a moment's notice, transporting emergency blood shipments to hospitals, key relief agency officials to disaster sites, and needed materials to rescue and response crews; and the Housing Authority of the City of Milwaukee, which will train an intergenerational group of 2000 public housing residents in emergency preparedness, crime prevention, basic responder skills, and the use of two-way radios. In several communities, the American Red Cross will be working with local organizations to develop response plans and in New York City, the AmeriCorps Public Safety Program will place members in firehouses to relieve some of the administrative burdens on the ''bravest of the brave,'' who sacrificed so much for all of us on September 11. Last, but not least, one of our grants will establish the New Jersey Secure Corps, whose main objective will be to ensure that every county in that state has a fully functioning VOAD.

These programs, I believe, represent some of the most appropriate and effective ways that citizens can help prepare for or respond to any future attack. They build on our strengths—the vast array of voluntary groups that are spread throughout our nation and the credibility they enjoy with so many Americans—to create an organized network that is ready, willing, and able to tackle emergencies whenever and wherever they arise. They do not ask ordinary citizens to take on the often difficult and dangerous tasks that the ''first responders'' and other specialists are qualified to do. But by coordinating their efforts with those trained professionals, these programs enable ordinary Americans—such as Senior Corps member Roseann Schneider, who is here today, but would otherwise be helping the Montgomery County police—to make extraordinary contributions to our nation's safety and security when the occasion requires them to do so.

Most importantly, by enlisting Americans in serving their country, these programs—and the broader efforts of the USA Freedom Corps—help to perpetuate our country's greatest source of strength, both in war and in peace: a citizenry that is actively engaged in public life.

When he announced the creation of USA Freedom Corps, the President also asked Americans to devote at least two years of their lives—or 4,000 hours—in service to their

Congress also needs to pass the Citizen Service Act, the legislation pending in the House right now would bring much needed improvements and reforms to our programs—as well as more resources. It has been almost a decade since the laws that authorize our programs were last debated and authorized—and while we have done much to expand and improve our programs with lapsed authorization, we think that debate and discussion will take us much further—and will ultimately help enhance the availability of quality volunteer opportunities for individuals and improve the quality of service that volunteers provide in response to many of our greatest national needs, including homeland security. A clear Congressional endorsement of this work would be a fitting way to recognize the efforts volunteers made on September 11—and are still making—to guard against the evils of terrorism.

Here with us today is one of those people: AmeriCorps member Mark Lindquist, who is a team leader at the DC campus of our National Civilian Community Corps. Right after September 11, he helped run shuttles between the Pentagon and Red Cross headquarters in Arlington, set up Red Cross centers for rescue and relief workers, as well as for survivors and their families, and a phone bank which people could call for more information. And during the rest of his AmeriCorps year, he took the training he received in helping victims of catastrophes to La Plata, Maryland, as well as states that had been ravaged by floods and forest fires.

All of us at the Corporation for National and Community Service, including our chairman, former Mayor Stephen Goldsmith and distinguished board of directors, are privileged to work with people like Mark and on issues such as volunteerism, philanthropy, and national service for many years now. For the first time in a long time, the values that we seek to inculcate and perpetuate through programs such as AmeriCorps, Senior Corps, and Learn and Serve America—patriotism, democratic citizenship, a concern for the national purpose, the desire to give back—are on the front burner of our nation's politics.

But they won't stay there forever. Dr. Robert Putnam, author of the book Bowling Alone, recently noted that: ''in the aftermath of [last] September's tragedy, a window of opportunity has opened for a sort of civic renewal that occurs only once or twice a century. But though the crisis revealed and replenished the wells of solidarity in American communities, so far those wells remain untapped.''

We should not lose the momentum toward civic connectedness and service to others that came out of the terrible event whose anniversary we will mark in just two weeks. Our Nation still has a great need for volunteers, in homeland security and in many other areas. And public service itself is a responsibility that attends the privilege of life in a free society. Among all that we will be called upon to remember in the next two weeks, let us not forget that the ideals embodied by our country are not only worth defending. They are also worth serving.

PAYING TRIBUTE TO JIM OLTERMAN

SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. McINNIS. Mr. Speaker, it is with great sorrow as I rise to pay tribute to the memory and passing of Colorado Division of Wildlife biologist, Jim Olterman of Dolores, Colorado. Jim Olterman had an exemplary career in his time at the agency and embodied the principles of honesty, hardwork, and courage that Coloradans and all Americans should strive to exemplify. As his family mourns his loss, we should pay tribute to a man who has contributed so much not only to the vitality of the region's wildlife, but also to the State of Colorado.

Mr. Olterman tragically lost his life Wednesday when his plane crashed while he was carrying out aerial fish-stocking duties high in the lakes of the Sangre de Cristo Mountains. As the most experienced pilot in the CDOW, Jim understood the danger that was involved in flying these high risk operations, but he chose the assignment because he believed in the division's mission to ensure the vitality of animal species in the wild.

Mr. Olterman served a very distinguished career in 27 years at the division. After attending Oregon State graduate school, Mr. Olterman entered into Division of Wildlife training classes and, in 1972, began to work for the Colorado Division of Wildlife's Ridgeway District. In 1979, Jim was promoted to the position of senior terrestrial biologist for the district, followed by a promotion in 1994 to senior terrestrial biologist for the entire Western Slope of Colorado.

Jim was involved in the reintroduction of many wildlife species in Western Colorado such as moose, lynx, and the black foot ferret. He was also the lead biologist of big game species in his district and played a crucial role in the expansion of big game herds throughout the region. Well-liked and widely respected throughout the agency, Jim Olterman was known as the ''go to guy'' who could always provide assistance and a thoughtful opinion on a broad range of subjects. It has been widely expressed throughout the CDOW that his pleasant company will be deeply missed and the proficiency and expertise that he brought to his work will be irreplaceable.

Mr. Speaker, it is with deep respect and great sadness that I recognize Mr. Jim Olterman before this body of Congress and this nation for the definitive contributions he made to his profession, to Colorado, and this nation. He devoted his life to the protection and management of Colorado's wildlife, and I commend him for the diligence and commitment he displayed in his professional endeavors. He will be missed by the many souls he touched in his life and I express my sincere condolences to his wife Robin and his family.

REFLECTIONS ON AMERICA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. HOEFFEL. Mr. Speaker, recently, as the one-year anniversary of September 11 approached, I looked back over the statement I released the day after the attacks occurred. As I read the statement that was issued even as the smoke and dust still billowed over Lower Manhattan, the Pentagon and a field in rural Pennsylvania, I was struck by how easy it was to write some of the words and how difficult it was to write others.

It was tremendously difficult to put into words my feelings of disbelief and anger over the insane acts of 19 individuals and their supporters. It still is. It was heart rending to try to voice the sorrow and sympathy I felt for the victims and their families. And that, too, is still difficult.

It was not difficult, however to write the words of hope, pride and conviction I had for this country and its people on September 12. And, today, a year later, I am happy to report that the hope, pride and conviction were well-founded. On September 12, 2001 1 wrote, in part:

''As I walked to work across the Capitol grounds this morning, a day after the attacks, I was struck as I often am by the incredible beauty of the U.S. Capitol building. The dome was shining a brilliant white against a clear blue sky on a beautiful late summer day. I realized that the glorious dome, such a symbol of the strength and stability of our country, might well have been the final target of the ill-fated fourth hijacked plane.

''The simple truth is that even if a terrorist act had destroyed the dome, or if a thousand terrorist acts had obliterated the entire capital, America would still be standing firm as it is today.''

In the past year, we have cried and cursed. We have opened our hearts and our wallets. We have buried our dead and we continue to heal our wounded and sorrowful. We have cleared the debris and begun to rebuild. Our President has led, and Congress has indeed stood shoulder to shoulder with him in support. Our soldiers have fought bravely and we here at home have done what we do best—we went back to work.

We will never again look at the world in the same way. We are sadder. We are wiser. We are closer. And, as I said a year ago, we are still standing firm. We've been through a lot. There will be tough times ahead, but today I have even a stronger feeling of hope, pride and conviction in our country and its people.

God Bless America.

TRIBUTE TO GARY QUICK ON THE OCCASION OF HIS RETIREMENT AS A UNION LEADER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to a man who was a union member for over forty three years and a union leader in the Upper Peninsula of Michigan for almost that long. Mr. Speaker, I rise to honor Gary Quick on the occasion of his retirement on June 30, 2002.

Gary Quick was born in downstate Michigan on October 28, 1940 and moved with his family to Rapid River in the Upper Peninsula as a child. Gary graduated from Rapid River High School in 1959.

Gary's union career began when he accepted a position as a sub assembler at the Harnischfeger Corporation plant in Escanaba, Michigan on May 4, 1959. With the new position came membership in United Auto Workers Local 632.

Gary came from a union family so he understood and valued the importance of union membership and union leadership. Gary was elected by members of Local 632 as Steward in 1963 serving until 1966.

Gary maintained the respect of the union rank and file and was elected Vice President of U.A.W. Local 632 in 1967. After two years as Vice President, Gary was elected President of Local 632 in 1969.

Mr. Speaker, Gary is not just a leader in his union, he is also a patriot who has a great love of his country. While serving his brothers and sisters as president of local 632, Gary also served his country as a United States Army Reservist.

Gary was honored to be sent to the U.A.W. Constitutional Convention as a delegate seven times between the years 1966 and 1983. He also served as a delegate to the Trades and Labor Council. In addition to his union activities, Gary served as a Commissioner on the Delta County Road Commission for six years.

The United Auto Workers Union recognized Gary's union leadership skills and service and appointed him to a union staff position as an International Representative in the United Auto Worker's Escanaba Sub-Region I–D office in April of 1989.

While serving as an International Representative, Gary successfully negotiated union contracts in a wide variety of employment settings including the health care, higher education, automotive, and aerospace industries.

Not one to shy away from public service, Gary also served on many community and industry boards and councils such as the Blue Cross Blue Shield Advisory Board, the Labor management Board, and the Private Industry Council.

After attending his last U.A.W. Constitutional Convention this year, Gary announced his retirement effective June 30, 2002.

Mr. Speaker, when Gary was asked to recall the biggest influence in his union career, he responded that former United Auto Workers President Walter Reuther was the most influential figure in his career. The late Walter Reuther, who was known to call everyone he met brother, made many profound statements in his lifelong effort to better the lives of workers everywhere.

One such statement inscribed on Reuther's statue in the Walter and May Reuther Gardens at the Black Lake U.A.W. Educational Center in my district reads: ''There is no greater calling than to serve your brother. There is no greater satisfaction than to have done it well.''

Mr. Speaker, brother Gary Quick responded to his great calling and brother Quick has served his brothers and sisters well.

While Gary may be retiring from his active position with the union, I know that he will retain his love and support for his brothers and sisters in labor. Gary will now be able to focus his activities toward his wife Beverly and stepdaughter Tina, who, together with friends, relatives and union brothers and sisters celebrated Gary's retirement at a dinner on September 7, 2002.

Mr. Speaker, I ask you and my House colleagues to join me in saluting Gary Quick, a true personal friend and a friend of labor in the Upper Peninsula of Michigan.

TRIBUTE TO MR. JAMES H. GOMEZ

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. STARK. Mr. Speaker, I rise today to honor one of CalPERS' highest-ranking officials, Mr. James H. Gomez, as he ends his tenure as the Deputy Executive Officer.

James Gomez was appointed to the position of Deputy Executive Officer of CalPERS in December of 1996, a position that is second in command and serves as the chief operating officer under the CEO. As chief operating officer, James Gomez was responsible for the day-to-day operations of the $145 billion retirement system. He led the implementation of CalPERS' strategic plan to ensure the system is a world-class administrator of retirement and health benefits for public employees.

While at CalPERS, James Gomez made his mark by improving customer service with the Customer Call Center which significantly improves the ability to provide solutions to members' problems. He also led the effort to obtain $7 billion in state funding to benefit state and public school employees. The imaging project he oversaw allowed 51 million records to be imaged for increased record efficiency. CalPERS is a more effective and efficient organization due to the hard work and dedication of James Gomez.

James Gomez has been a public servant for close to 30 years working for the State Department of Benefit Payments, State Department of Social Services, California Department of Corrections, the County of Santa Clara, and most recently CalPERS. His dedication to public service kept him with the California State Department of Social Services over several years where he was tasked with ensuring that all children and foster care services were difficult to enter into but simple to leave.

James Gomez is the recipient of many distinguished awards and recognitions, including the American Society of Public Administrators and the Outstanding Public Administrator Award. In recognition for his contributions, he has earned the One to One, Leadership Award, Share the Path Program, along with other such distinguishable awards.

I am honored to join the employees of CalPERS in commending James Gomez for his many years in public service. His dedication to the community has been great and his commitment to the employees of California will serve as a model for others to follow.

U.S. SHOULD ASSUME INTERNATIONAL LEADERSHIP ROLE ON THE ENVIRONMENT

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. RODRIGUEZ. Mr. Speaker, I expected that the United States would have taken a leadership role in the recent international summit on sustainable development. Instead, I am disappointed to report that this Administration has taken a back seat in international discussions on global warming and increasing the use of renewable energy.

GLOBAL WARMING

The United States is the number one contributor of greenhouse gases worldwide. We have a responsibility to provide the necessary international leadership to address global warming. It is shameful that the Bush Administration has elected to ignore that responsibility. Not only did the Bush Administration decide that the United States should not take a leadership role on addressing the challenges presented by global warming, but worse, it also

tried desperately to keep the climate change issue off of the World Summit on Sustainable Development Agenda earlier this month in Johannesburg.

We may not agree with every international recommendation, and we must chart our own course. But at the time we must engage the issue not only here at home but also with our global neighbors around the world. If we don't show leadership, then we abdicate leadership.

RENEWABLE ENERGY

Even though we in the U.S. account for only 4 percent of the world's population, we account for 20 percent of the world's energy use. We are the world's great producer and great consumer. We must take responsibility for the consequences of our prosperity. Simply seeking voluntary standards to protect the environment will not solve the problem. Without some sort of specific timetables or goals, we will never get there. Partnerships are successful only when there is binding accountability. The Enron and WorldCom scandals have shown us the hard way that corporate self-policing will not work. We don't need corporations to do to our environment what they have done to their employees' 401 Ks.

Our national energy policy must include a forward-thinking plan to increase the use of renewable energy—in our buildings, automobiles, and appliances, the large sources of carbon dioxide emissions. Tax credits, incentives to use smart energy plans, and efficiency programs such as those offered by the Brooks Energy Sustainability Lab are all steps in the right direction to create more energy-efficient buildings and appliances.

SENATE 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 all 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 Monday, September 9, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

Time to be announced

Finance

Business meeting to consider H.R. 5063, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

S–216 Capitol

9:15 a.m.

Conferees

Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on seapower provisions.

SR–232A

9:30 a.m.

Judiciary

To hold hearings to examine the implementation of the USA PATRIOT Act, focusing on the expansion of the Foreign Intelligence Surveillance Act (FISA), in which the standards for courts to approve surveillance of foreign intelligence gathering are far less demanding than those required for approval of a criminal wiretap.

SD–226

Commerce, Science, and Transportation

To hold hearings to examine the status of aviation security one year after September 11, 2001.

SR–253

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the implementation of the Elementary and Secondary Education Act, focusing on Title 1.

SD–430

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 Cannon Building

2:30 p.m.

Intelligence

To hold closed hearings to examine intelligence matters.

SH–219

SEPTEMBER 11

1:30 p.m.

Conferees

Meeting of conferees, in closed session. on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on readiness provisions.

S–211 Capitol

4 p.m.

Conferees

Meeting of conferees, in closed session. on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces.

345 CHOB

SEPTEMBER 12

9:30 a.m.

Conferees

Meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people.

2123 Rayburn Building

10 a.m.

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

S–407 Capitol

Indian Affairs

To hold oversight hearings to examine successful strategies for Indian reservation development.

SR–485

Health, Education, Labor, and Pensions

To hold hearings to examine restoring economic security for workers in the nation one year after September 11, 2001.

SD–430

10:15 a.m.

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine replenishment authorizations for the World Bank's International Development Association, the Asian Development Fund, and the African Development Fund.

SD–419

11 a.m.

Conferees

Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on airland provisions.

SR–232A

1:30 p.m.

Conferees

Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on emerging threats provisions.

2212 RHOB

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Wayne Abernathy, of Virginia, to be Assistant Secretary of the Treasury for Financial Institutions, to be followed by a business meeting to mark up S. 2239, to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers, S. 1210, to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and the nomination of Wayne Abernathy.

SD–538

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine S. 2537 and H.R. 3833, bills to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet.

SR–253

Foreign Relations

To hold hearings to examine the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002 (Treaty Doc. 107–08).

SD–419

3 p.m.

Conferees

Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on personnel provisions.

HC–8 Capitol

5:30 p.m.

Conferees

Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on strategic provisions.

HC–8 Capitol

SEPTEMBER 13

9:30 a.m.

Environment and Public Works

To hold oversight hearings to examine the implementation of the Comprehensive Everglades Restoration Plan.

SD–406

SEPTEMBER 17

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the Federal Energy Regulatory Commission's notice of proposed rulemaking, entitled ''Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design''.
SD–366

10 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine current tensions in South Asia.
SD–419

Indian Affairs
To hold hearings to examine S. 1392, to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition; and S. 1393, to provide grants to ensure full and fair participation in certain decisionmaking processes at the Bureau of Indian Affairs.
SR–485

SEPTEMBER 18

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy and to identify necessary changes tothose programs to support U.S. competitiveness in the global marketplace.
SD–366

10 a.m.
Indian Affairs
To hold hearings to examine H.R. 2880, to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations (historically referred to as the Five Civilized Tribes).
SR–485

SEPTEMBER 19

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the Food and Drug Administration jurisdiction of tobacco products.
SD–430

SEPTEMBER 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings to examine stem cell research.
SD–124

10 a.m.
Indian Affairs
To hold oversight hearings to examine Special Trustees.
SR–485

CANCELLATIONS

SEPTEMBER 13

9:30 a.m.
Conferees
Meeting of conferees, in closed session. on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on general provisions.
S–207 Capitol

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8335–S8392

Measures Introduced: Four bills and two resolutions, were introduced: S. 2913–2916, S. Res. 324, and S. Con. Res. 138. **Page S8384**

Measures Reported:

S. 1028, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, with an amendment in the nature of a substitute. (S. Rept. No. 107–253)

S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, with an amendment in the nature of a substitute. (S. Rept. No. 107–254)

S. 1944, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, with amendments. (S. Rept. No. 107–255)

S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System, with an amendment. (S. Rept. No. 107–256)

S. 2571, to direct the Secretary of the Interior to conduct a special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, with an amendment in the nature of a substitute. (S. Rept. No. 107–257)

S. 2598, to enhance the criminal penalties for illegal trafficking of archaeological resources, with an amendment in the nature of a substitute. (S. Rept. No. 107–258)

H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails, with an amendment in the nature of a substitute. (S. Rept. No. 107–259)

H.R. 38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska. (S. Rept. No. 107–260)

H.R. 107, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, with amendments. (S. Rept. No. 107–261)

H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas. (S. Rept. No. 107–262)

H.R. 1814, to amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System. (S. Rept. No. 107–263)

H.R. 1925, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System. (S. Rept. No. 107–264)

S. 321, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children, with an amendment in the nature of a substitute. (S. Rept. No. 107–265) **Page S8383**

Measures Passed:

National Construction Safety Team Act: Senate passed H.R. 4687, to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life, after agreeing to the following amendment proposed thereto:

Pages S8391–92

Reid (for Hollings) Amendment No. 4514, in the nature of a substitute. **Page S8392**

Homeland Security Act: Senate resumed consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto: **Pages S8350, S8352–67**

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute. **Pages S8350, S8352–67**

Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats. **Pages S8352–67**

A unanimous-consent agreement was reached providing for further consideration of the bill at 2:15 p.m. on Tuesday, September 10, 2002. **Page S8392**

Department of the Interior Appropriations—Agreement: A unanimous-consent agreement was reached providing for further consideration of H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, at 9:30 a.m. on Tuesday, September 10, 2002. **Page S8392**

Executive Reports of Committees: Senate received the following executive report of a committee:

Received on Friday, September 6, 2002 during the adjournment of the Senate:

Report to accompany Convention On The Elimination Of All Forms Of Discrimination Against Women (Treaty Doc. 96–53) (Ex. Rept. 107–9). **Pages S8383–84**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 82 yeas (Vote No. EX. 211), Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida. **Pages S8340–50, S8392**

Messages From the House: **Page S8376**

Executive Communications: **Pages S8376–83**

Executive Reports of Committees: **Pages S8383–84**

Additional Cosponsors: **Pages S8384–86**

Statements on Introduced Bills/Resolutions: **Pages S8386–89**

Additional Statements: **Pages S8371–76**

Amendments Submitted: **Pages S8389–91**

Notices of Hearings/Meetings: **Page S8391**

Authority for Committees to Meet: **Page S8391**

Record Votes: One record vote was taken today. (Total—211) **Page S8350**

Adjournment: Senate met at 12 noon, and adjourned at 6:34 p.m., until 9:30 a.m., on Tuesday, September 10, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8392).

Committee Meetings

(Committees not listed did not meet)

FREIGHT AND INTERMODAL TRANSPORTATION

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded joint hearings with the Committee on Environment and Public Works Subcommittee on Transportation, Infrastructure, and Nuclear Safety to examine national freight and intermodal transportation issues, focusing on marine transportation funding approaches, customs duties on imported goods, and a framework to assist the Congress as it considers future federal investment decisions, after receiving testimony from Jeffrey N. Shane, Associate Deputy Secretary, Director, Office of Intermodalism, Department of Transportation; JayEtta Z. Hecker, Director, Physical Infrastructure Issues, General Accounting; Katie Dusenberry, Arizona Department of Transportation Board, Tucson; Richard M. Larrabee, Port Authority of New York and New Jersey, New York, New York; Michael W. Wickham, Roadway Corporation, Akron, Ohio, on behalf of the American Trucking Associations, Inc.; Edward R. Hamberger, Association of American Railroads, and Michael P. Huerta, ACS State and Local Solutions, former Associate Deputy Secretary of Transportation, on behalf of the Coalition for America's Gateways and Trade Corridors, both of Washington, DC; and John D. Caruthers, Jr., I–69 Mid-Continent Highway Coalition, Shreveport, Louisiana.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 5344–5355; and 2 resolutions, H. Res. 518–519, were introduced. **Page H6129**

Reports Filed: Reports were filed today as follows:

H.R. 1701, to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, amended (H. Rept. 107–590, Pt. 2);

H. Con. Res. 442, recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century (H. Rept. 107–646);

H.R. 3813, to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund (H. Rept. 107–647);

H.R. 5039, to direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada, amended (H. Rept. 107–648);

H.R. 3880, to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, amended (H. Rept. 107–649 Pt. 1). **Page H6128**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Dan Miller of Florida to act as Speaker pro tempore for today. **Page H6087**

Recess: House recessed at 12:44 p.m. and reconvened at 2 p.m. **Page H6089**

Ceremonial Meeting of the Congress in Federal Hall, New York, New York: Agreed that the proceedings of the special ceremonial meeting of the United States Congress held in Federal Hall, New York, New York, on September 6, 2002, be printed in the Record and that all members have five legislative days to insert their remarks on the topic of the ceremonial meeting. **Pages H6102–07**

Resignation from Congress—Ambassador Hall: Read a letter from Representative Hall of Ohio wherein he announced his resignation as a Member of the house effective at the close of business on September 9 because he was nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. **Page H6089**

Recess: House recessed at 3:05 p.m. and reconvened at 6:31 p.m. **Pages H6099–H6100**

National Skills Standards Board: The Chair announced the Speaker's reappointment of Mr. William E. Weisgerber of Iona, Michigan to the National Skill Standards Board for a four-year term. **Page H6100**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Federal Transit Formula Grants Flexibility Retention Act: H.R. 5157, to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003 (agreed to by a yea-and-nay vote of 350 yeas with none voting "nay", Roll No. 375); **Pages H6090–91, H6100**

Heroism and Courage of Airline Flight Attendants: H. Con. Res. 401, amended, recognizing the heroism and courage displayed by airline flight attendants each day (agreed to by a yea-and-nay vote of 351 yeas with none voting "nay", Roll No. 376); **Pages H6091–93, H6100–01**

100th Anniversary of the American Road and Transportation Builders Association: H. Con. Res. 442, recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century; **Pages H6093–94**

Congratulating the Valley Sports Little League, Louisville, Kentucky, Little League World Series Champions: H. Res. 516, congratulating the Valley Sports American Little League baseball team from

Louisville, Kentucky, for their outstanding performance in the Little League World Series (agreed to by a yea-and-nay vote of 344 yeas with none voting "nay," Roll No. 377); **Pages H6094–95, H6101–02**

Peter J. Anci, Jr. Post Office, Farmingdale, New York: H.R. 5336, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Anci, Jr. Post Office Building;" and **Pages H6095–97**

Nat King Cole Post Office, Los Angeles, California: H.R. 4797, to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office." **Pages H6097–99**

Meeting Hour—Wednesday, Oct. 11: Agreed that when the house adjourns on Tuesday, Oct. 10, it adjourn to meet at 12 noon on Wednesday, October 11. **Page H6107**

Motion to Instruct Conferees—Terrorism Risk Protection Act: Representative Fossella announced his intention to offer a motion to instruct conferees on H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, to agree to the provisions contained in section 11 of the Senate amendment, relating to satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and state sponsors of terrorism. **Page H6107**

Senate Messages: Message received from the Senate today appears on page H6087.

Referral: S. 351 was referred to the Committee on Energy and Commerce. **Pages H6125–26**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H6100, H6101, and H1601–02. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:18 p.m.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 10, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the status of aviation security one year after September 11, 2001, 9:30 a.m., SR–253.

Committee on Finance: business meeting to consider H.R. 5063, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, time to be announced, S–216, Capitol.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the implementation of the Elementary and Secondary Education Act, focusing on Title 1, 10 a.m., SD–430.

Select Committee on Intelligence: to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: to hold hearings to examine the implementation of the USA PATRIOT Act, focusing on the expansion of the Foreign Intelligence Surveillance Act (FISA), in which the standards for courts to approve surveillance of foreign intelligence gathering are far less demanding than those required for approval of a criminal wiretap, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 Cannon Building.

House

Committee on Armed Services, hearing on the state of the Iraqi weapons of mass destruction program and the history of the United Nations inspection efforts in Iraq, 3 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing entitled "Retirement Security for American Workers: Examining Pension Enforcement and Accountability," 10:30 a.m., 2175 Rayburn

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on H.R. 4646, Steel Industry Legacy Relief Act of 2002, 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "America's Blood Supply in the Aftermath of September 11, 2001," 10 a.m., 2123 Rayburn.

Committee on House Administration, hearing on Capitol Security, Emergency Preparedness, and Infrastructure Upgrades since September 11, 1:30 p.m., 1310 Longworth.

Committee on the Judiciary, to continue markup of the following bills: H.R. 4600, Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act 2002; and H.R. 4689, Fairness in Sentencing Act of 2002; and to mark up the following bills: S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance; H.R. 4125, Federal Courts Improvement Act of 2002; and H.R. 4561, Federal Agency Protection of Privacy Act, 10 a.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Intelligent Transportation Systems, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on legislation to Reduce Medical Errors, 11 a.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on seapower provisions, 9:15 a.m., SR–232A.

Joint Meetings: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Tuesday, September 10

Senate Chamber

Program for Tuesday: Senate will resume consideration of H.R. 5093, Department of the Interior and Related Agencies Appropriations Act.

At 2:15 p.m., Senate will continue consideration of H.R. 5005, Homeland Security Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their weekly party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, September 10

House Chamber

Program for Tuesday: Consideration of motions to go to Conference:

1. H.R. 5011, Military Construction Appropriations; and
2. H.R. 5010, Department of Defense Appropriations.

Consideration of Suspensions:

1. H. Res. 513, Historical significance of the United States-Ireland Business Summit;
2. S. 2810, Intelsat IPO Extension Act;
3. H.R. 3880, Temporary Waiver from Clean Air Act Requirements for New York City; and
4. H. Con. Res. 320, Support Scleroderma Research.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1523
Bereuter, Doug, Nebr., E1524
Blunt, Roy, Mo., E1528
DeLauro, Rosa L., Conn., E1523
Doolittle, John T., Calif., E1524
Forbes, J. Randy, Va., E1526, E1527
Graham, Lindsey O., S.C., E1523
Hoeffel, Joseph M., Pa., E1530
Levin, Sander M., Mich., E1523
McInnis, Scott, Colo., E1527
Matheson, Jim, Utah, E1528
Miller, Gary G., Calif., E1528
Miller, George, Calif., E1525
Morella, Constance A., Md., E1524, E1529
Ney, Robert W., Ohio, E1526, E1526, E1527
Rodriguez, Ciro D., Tex., E1531
Stark, Fortney Pete, Calif., E1528, E1529, E1531
Stupak, Bart, Mich., E1531
Sweeney, John E., N.Y., E1524
Tauscher, Ellen O., Calif., E1524
Woolsey, Lynn C., Calif., E1526, E1526, E1527

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $211.00 for six months, $422.00 per year, or purchased for $5.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

Reid (for Hollings) Amendment No. 4514, in the nature of a substitute. **Page S8392**

Homeland Security Act: Senate resumed consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto: **Pages S8350, S8352–67**

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute. **Pages S8350, S8352–67**

Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats. **Pages S8352–67**

A unanimous-consent agreement was reached providing for further consideration of the bill at 2:15 p.m. on Tuesday, September 10, 2002. **Page S8392**

Department of the Interior Appropriations—Agreement: A unanimous-consent agreement was reached providing for further consideration of H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, at 9:30 a.m. on Tuesday, September 10, 2002. **Page S8392**

Executive Reports of Committees: Senate received the following executive report of a committee:

Received on Friday, September 6, 2002 during the adjournment of the Senate:

Report to accompany Convention On The Elimination Of All Forms Of Discrimination Against Women (Treaty Doc. 96–53) (Ex. Rept. 107–9). **Pages S8383–84**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 82 yeas (Vote No. EX. 211), Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida. **Pages S8340–50, S8392**

Messages From the House: **Page S8376**

Executive Communications: **Pages S8376–83**

Executive Reports of Committees: **Pages S8383–84**

Additional Cosponsors: **Pages S8384–86**

Statements on Introduced Bills/Resolutions: **Pages S8386–89**

Additional Statements: **Pages S8371–76**

Amendments Submitted: **Pages S8389–91**

Notices of Hearings/Meetings: **Page S8391**

Authority for Committees to Meet: **Page S8391**

Record Votes: One record vote was taken today. (Total—211) **Page S8350**

Adjournment: Senate met at 12 noon, and adjourned at 6:34 p.m., until 9:30 a.m., on Tuesday, September 10, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8392).

Committee Meetings

(Committees not listed did not meet)

FREIGHT AND INTERMODAL TRANSPORTATION

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded joint hearings with the Committee on Environment and Public Works Subcommittee on Transportation, Infrastructure, and Nuclear Safety to examine national freight and intermodal transportation issues, focusing on marine transportation funding approaches, customs duties on imported goods, and a framework to assist the Congress as it considers future federal investment decisions, after receiving testimony from Jeffrey N. Shane, Associate Deputy Secretary, Director, Office of Intermodalism, Department of Transportation; JayEtta Z. Hecker, Director, Physical Infrastructure Issues, General Accounting; Katie Dusenberry, Arizona Department of Transportation Board, Tucson; Richard M. Larrabee, Port Authority of New York and New Jersey, New York, New York; Michael W. Wickham, Roadway Corporation, Akron, Ohio, on behalf of the American Trucking Associations, Inc.; Edward R. Hamberger, Association of American Railroads, and Michael P. Huerta, ACS State and Local Solutions, former Associate Deputy Secretary of Transportation, on behalf of the Coalition for America's Gateways and Trade Corridors, both of Washington, DC; and John D. Caruthers, Jr., I–69 Mid-Continent Highway Coalition, Shreveport, Louisiana.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 5344–5355; and 2 resolutions, H. Res. 518–519, were introduced. **Page H6129**

Reports Filed: Reports were filed today as follows:

H.R. 1701, to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, amended (H. Rept. 107–590, Pt. 2);

H. Con. Res. 442, recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century (H. Rept. 107–646);

H.R. 3813, to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund (H. Rept. 107–647);

H.R. 5039, to direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada, amended (H. Rept. 107–648);

H.R. 3880, to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, amended (H. Rept. 107–649 Pt. 1). **Page H6128**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Dan Miller of Florida to act as Speaker pro tempore for today. **Page H6087**

Recess: House recessed at 12:44 p.m. and reconvened at 2 p.m. **Page H6089**

Ceremonial Meeting of the Congress in Federal Hall, New York, New York: Agreed that the proceedings of the special ceremonial meeting of the United States Congress held in Federal Hall, New York, New York, on September 6, 2002, be printed in the Record and that all members have five legislative days to insert their remarks on the topic of the ceremonial meeting. **Pages H6102–07**

Resignation from Congress—Ambassador Hall: Read a letter from Representative Hall of Ohio wherein he announced his resignation as a Member of the house effective at the close of business on September 9 because he was nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. **Page H6089**

Recess: House recessed at 3:05 p.m. and reconvened at 6:31 p.m. **Pages H6099–H6100**

National Skills Standards Board: The Chair announced the Speaker's reappointment of Mr. William E. Weisgerber of Iona, Michigan to the National Skill Standards Board for a four-year term. **Page H6100**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Federal Transit Formula Grants Flexibility Retention Act: H.R. 5157, to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003 (agreed to by a yea-and-nay vote of 350 yeas with none voting "nay", Roll No. 375); **Pages H6090–91, H6100**

Heroism and Courage of Airline Flight Attendants: H. Con. Res. 401, amended, recognizing the heroism and courage displayed by airline flight attendants each day (agreed to by a yea-and-nay vote of 351 yeas with none voting "nay", Roll No. 376); **Pages H6091–93, H6100–01**

100th Anniversary of the American Road and Transportation Builders Association: H. Con. Res. 442, recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century; **Pages H6093–94**

Congratulating the Valley Sports Little League, Louisville, Kentucky, Little League World Series Champions: H. Res. 516, congratulating the Valley Sports American Little League baseball team from

Louisville, Kentucky, for their outstanding performance in the Little League World Series (agreed to by a yea-and-nay vote of 344 yeas with none voting "nay," Roll No. 377); **Pages H6094–95, H6101–02**

Peter J. Anci, Jr. Post Office, Farmingdale, New York: H.R. 5336, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Anci, Jr. Post Office Building;" and **Pages H6095–97**

Nat King Cole Post Office, Los Angeles, California: H.R. 4797, to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office." **Pages H6097–99**

Meeting Hour—Wednesday, Oct. 11: Agreed that when the house adjourns on Tuesday, Oct. 10, it adjourn to meet at 12 noon on Wednesday, October 11. **Page H6107**

Motion to Instruct Conferees—Terrorism Risk Protection Act: Representative Fossella announced his intention to offer a motion to instruct conferees on H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, to agree to the provisions contained in section 11 of the Senate amendment, relating to satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and state sponsors of terrorism. **Page H6107**

Senate Messages: Message received from the Senate today appears on page H6087.

Referral: S. 351 was referred to the Committee on Energy and Commerce. **Pages H6125–26**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H6100, H6101, and H1601–02. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:18 p.m.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 10, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the status of aviation security one year after September 11, 2001, 9:30 a.m., SR–253.

Committee on Finance: business meeting to consider H.R. 5063, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, time to be announced, S–216, Capitol.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the implementation of the Elementary and Secondary Education Act, focusing on Title 1, 10 a.m., SD–430.

Select Committee on Intelligence: to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: to hold hearings to examine the implementation of the USA PATRIOT Act, focusing on the expansion of the Foreign Intelligence Surveillance Act (FISA), in which the standards for courts to approve surveillance of foreign intelligence gathering are far less demanding than those required for approval of a criminal wiretap, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 Cannon Building.

House

Committee on Armed Services, hearing on the state of the Iraqi weapons of mass destruction program and the history of the United Nations inspection efforts in Iraq, 3 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing entitled "Retirement Security for American Workers: Examining Pension Enforcement and Accountability," 10:30 a.m., 2175 Rayburn

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on H.R. 4646, Steel Industry Legacy Relief Act of 2002, 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "America's Blood Supply in the Aftermath of September 11, 2001," 10 a.m., 2123 Rayburn.

Committee on House Administration, hearing on Capitol Security, Emergency Preparedness, and Infrastructure Upgrades since September 11, 1:30 p.m., 1310 Longworth.

Committee on the Judiciary, to continue markup of the following bills: H.R. 4600, Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act 2002; and H.R. 4689, Fairness in Sentencing Act of 2002; and to mark up the following bills: S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance; H.R. 4125, Federal Courts Improvement Act of 2002; and H.R. 4561, Federal Agency Protection of Privacy Act, 10 a.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Intelligent Transportation Systems, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on legislation to Reduce Medical Errors, 11 a.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on seapower provisions, 9:15 a.m., SR–232A.

Joint Meetings: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Tuesday, September 10

Senate Chamber

Program for Tuesday: Senate will resume consideration of H.R. 5093, Department of the Interior and Related Agencies Appropriations Act.

At 2:15 p.m., Senate will continue consideration of H.R. 5005, Homeland Security Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their weekly party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, September 10

House Chamber

Program for Tuesday: Consideration of motions to go to Conference:

1. H.R. 5011, Military Construction Appropriations; and
2. H.R. 5010, Department of Defense Appropriations.

Consideration of Suspensions:

1. H. Res. 513, Historical significance of the United States-Ireland Business Summit;
2. S. 2810, Intelsat IPO Extension Act;
3. H.R. 3880, Temporary Waiver from Clean Air Act Requirements for New York City; and
4. H. Con. Res. 320, Support Scleroderma Research.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1523
Bereuter, Doug, Nebr., E1524
Blunt, Roy, Mo., E1528
DeLauro, Rosa L., Conn., E1523
Doolittle, John T., Calif., E1524
Forbes, J. Randy, Va., E1526, E1527
Graham, Lindsey O., S.C., E1523
Hoeffel, Joseph M., Pa., E1530
Levin, Sander M., Mich., E1523
McInnis, Scott, Colo., E1527
Matheson, Jim, Utah, E1528
Miller, Gary G., Calif., E1528
Miller, George, Calif., E1525
Morella, Constance A., Md., E1524, E1529
Ney, Robert W., Ohio, E1526, E1526, E1527
Rodriguez, Ciro D., Tex., E1531
Stark, Fortney Pete, Calif., E1528, E1529, E1531
Stupak, Bart, Mich., E1531
Sweeney, John E., N.Y., E1524
Tauscher, Ellen O., Calif., E1524
Woolsey, Lynn C., Calif., E1526, E1526, E1527

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $211.00 for six months, $422.00 per year, or purchased for $5.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.