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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, September 17, 2002.

I hereby appoint the Honorable BRIAN D. KERNS 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 a bill of the following title in which the concurrence of the House is requested:

S. 1777. An act to authorize assistance for other purposes.

This has harmed American workers in a number of ways. First, some American producers lose out because they are now competing with foreign companies that have access to cheaper steel. Their products become relatively more expensive because the steel in them costs our American producers more.

Second, many American firms have had trouble securing supplies of steel sufficient in quantity to keep that factory operating. I have had layoffs in my district because plants have closed for lack of steel.

Third, it gives American firms a powerful incentive to move production out of the United States to foreign plants where steel is available at the lower world market price. This is so that they can compete, so that they can survive as a company.

There are 57 workers employed in steel-using companies for every one worker in the steel-making industry. Steel-using industries account for more than 13 percent of gross domestic product, while the steel industry accounts for about one half of 1 percent. Thus, the steel tariff has threatened many more jobs than it has protected.

The Bush administration has recognized some of the distress that the steel tariffs are causing. It has issued rulings that exclude 727 products from the tariff. And, of course, this has set off a frenzy of lobbying as some of the steel-using companies angle for exemptions. This causes distortions not only in the price of domestic and foreign producers but between competing domestic producers as well.

Finally, the steel tariff encourages retaliation from our trading partners. The European Commission is now threatening retaliatory tariffs of 100 percent on a 22-page list of goods ranging from rice to grapefruit to shoes, brassieres, nuts, ballpoint pens, et cetera. The Japanese are also drawing up their steel payback list. Steel-exporting Russia has already retaliated by fencing out U.S. chicken. Hopefully that is going to be resolved.

We can ask if the tariff has done that much for the steel industry. Over the past 30 years, the Federal Government has been implementing policies to keep the steel industry in business despite its inefficiencies. These policies include voluntary quotas, antidumping, countervailing duty measures. Some of the companies have moved up and are now competitive, but much of the industry, instead of resulting in a stronger manufacturing efficiency, these policies have allowed companies to continue with production methods and labor contracts that keep it perpetually at the risk of dissolution.

Standard and Poor, for example, did not seem optimistic with the President’s decision and responded to the
tariffs by refusing to raise the industry’s credit ratings.

The steel tariff has turned out to be a mistake that is harming many industries both in my State of Michigan and across the country. It is having the result of losing American jobs. We need to repeal this kind of tariff restriction to allow our steel-using companies to be competitive. We need to start reviewing the kind of overzealous regulations and overtaxations that we have put on our steel industry and we need to assist in research and technology to help allow them to be more competitive in an international market.

SPIRALING PRESCRIPTION DRUG COSTS

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

Mr. BROWN of Ohio. Mr. Speaker, I came to the floor today to talk about the high cost of prescription drugs, which I will, but I am moved to respond for a moment to a friend from Michigan. He should visit some of the Northeast Ohio steel mills that have run into some problems because of unfair foreign competition and what it has meant to jobs in communities like Lorraine and Cleveland and Warren, Ohio, and other places because of dumped foreign, illegally dumped steel. And while some applauded the President’s actions back several months ago, we certainly do not applaud the President selling out the steel industry after making sort of a head-take in a political way that he is supporting the industry and, now has gone around the world promising other countries and reducing and in many cases revoking some of the tariffs that clearly have made the steel industry put in a more competitive position and in a more level playing field.

Mr. Speaker, industry experts predict that premiums for employer-sponsored health insurance will jump 13 to 24 percent next year, the third straight year of double-digit increases. What is driving the increased premiums? Mostly it is spiraling prescription drug costs.

In response to the public’s outrage at astronomical drug prices, the brand name drug industry says, Not to worry, prescription drugs actually save money by reducing health care costs. If they were more reasonably priced, that would be the case. There is no doubt that prescription medicines can reduce disability, prevent illness, and help alleviate other health services. Unfortunately, drugs are priced so outrageously high that costs associated with their increased use far outstrip any offsetting savings that might accrue. They are priced so high that seniors cannot afford them, and other Americans, too. Even a miracle cure is worthless if people cannot have access to it.

Skyrocketing drug prices are jeopardizing employer-sponsored health insurance, undercutting the financial security of seniors, and absorbing an enormous share of the Federal and State taxes devoted to health care.

The other body passed by an overwhelming margin legislation to close the loopholes and deliver long overdue relief to American consumers. The House of Representatives should pass it, too.

There are three pieces of legislation, each of which would close the loopholes. They are not partisan. They are not radical. And, realistically, they are not a panacea. But any one of them, if passed by this Congress and signed by the President, will force the drug industry to clean up its act and deliver lower-priced generic competition into the marketplace, will save consumers tens of billions of dollars.

I urge Republican leadership, which has stood in the way of this because of their closeness to the drug industry, I urge Republican leaders in the Senate to allow Members the opportunity to debate and vote on one of these bills in time to get a product to the President’s desk.

Members of both sides of the aisle recognize that it is time to do something about runaway prescription drug costs. Removing unjustifiable barriers to lower-priced medicines is a logical step. Given the havoc that runaway drug prices are wreaking on this Nation, that on all people, especially on America’s seniors, it should be an imperative.
day; and there, as much as anything, they were fighting over this document. They were fighting over a vision of a Union that would be preserved.

Seventy-five years from that day it would be September 17, 1937, and war was spreading in Europe, a dictator unchallenged on his borders, violating international convention, and 75 years would pass and those experiences resonate with our experiences today.

Three short lifetimes ago, our founders brought to us a document that has been the inspiration of the world, written most assuredly, Mr. Speaker, by the hand of men, men with feet of clay, very human in every sense of the word, but as we embrace the realities of these 215 years and how this great Republic, this great representative democracy has inspired the world, we can be certain of this, that while it was written by the hand of men, they were most certainly guided by providence to offer this gift to their posterity and to the entire world.

So I thought it imperative today, Mr. Speaker, that we gather to remember the accomplishment of three short lifetimes ago, the Constitution of the United States of America, and may it be said today that it is today that four short lifetimes have passed that we will gather in this same place, that we will celebrate the liberties enshrined in the Constitution and in the Bill of Rights; and may it be our prayer in our lifetimes to pass along the Bill of Rights; and may it be our prayer in our lifetimes to pass along this great document and these great traditions as adequately and as ably as our forebears have passed it onto us on this Constitution Day, 2002.

PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. KERNs). Pursuant to the order of the House of January 23, 2002, the gentlewoman from North Carolina (Ms. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, there is a consensus among Members of Congress, in fact, I think there is a consensus among the American people, as well as the President also says, that Medicare beneficiaries should indeed receive prescription assistance. The Congressional Budget Office has projected that the cost of providing prescription drugs to seniors will certainly it is unpredictable as to how high it will go; but they have said how the estimate has been made in the last year, that by the year 2010 we will be 23 percent higher than what we predicted it to be, and already it is too high. Already seniors cannot afford their prescription drugs.

This increases the sense of reality that we cannot make long-term predictions nor can we make short-term predictions with accuracy. With that reality, what do we know with the combined fact that more baby boomers are retiring among them, are retiring now, more than ever before, they are going to live longer and need more health care; and yet their reliance on Medicaid does not give them any assurance for that.

We must ensure that our seniors have the peace and security that they need to have access to affordable prescription drugs for maintenance of a quality of life.

We must also work to make sure that they do not deplete their savings and what low income they have from their retirement and their Social Security in order to buy these needed prescription drugs. My colleagues have heard that seniors now have to make the awful election, whether they feel themselves or pay the rent or buy prescriptions that they just really need for their health; and some of them are making the decision, which is harmful to their health, of dividing their daily dosage and spreading it so it can go further.

Our seniors deserve better than that. They are the people who have worked to make our country as robust as it is. Insecurity to provide for them. $64 is the equivalent of a mortgage payment that seniors would have to pay. They can no longer afford that.

We need to find ways in which we can help provide for them, and many adults are now having to reach back and provide for their senior parents as they are also providing for their children because their income, the retirement and the Social Security, is not sufficient.

The very least that Congress could do is to work towards bringing a prescription drug benefit that would be part of our Medicare benefit. Most elderly receive their primary health assistance through Medicare, and I would gather today if we were doing Medicare all over again we would make sure there would be a prescription drug provision. Yet Medicare does not provide any coverage for any senior’s outpatient prescription drugs. We also go to the hospital to be there and most seniors now have conditions that can be maintained by not doing it.

Mr. Speaker, we have an opportunity, in fact, we have an obligation Mr. Speaker, to make sure we have a prescription drug program that works for our seniors and not put up these artificial programs that we say that the companies are going to give some rebates. They need something they can rely on. To do less would be unworthy of us as a great Nation.

PAYING FOR PRESCRIPTION DRUGS

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

Mr. PALLONE. Mr. Speaker, I would like to follow up on my two colleagues. The gentlewoman from North Carolina talked in great detail about why we need a prescription drug benefit for seniors and why it should be under Medicare as an expansion of Medicare, and my colleague from Ohio talked about the cost of prescription drugs and how the brand-name drug companies essentially have put on a program, a lobbying campaign, a very effective one to try to prevent any kind of changes in the law that would allow for generic drugs or other kinds of measures that would reduce costs, not only for seniors but for all Americans; and I think those two discussions by my colleagues really are at the heart of the issue.

When it comes to prescription drugs, we need a benefit provided by Medicare for senior citizens and those eligible for Medicare; and at the same time, we need to address the issue of costs and bring down costs for all Americans because increasingly more and more people cannot afford to pay for prescription drugs and go without. And I also add, the real problem here is the brand-name drug companies. They are artificially keeping the price of prescription drugs high in order to make excessive profit than they would normally make.

Let me say, the Democrats in the House of Representatives, my colleagues on the Democratic side, have proposed an answer to both of these problems, both of these benefits and to the costs. At the time when the Republicans and the Republican leadership were trying to move a prescription drug bill that would simply privatize the program and say, well, we will give people some money, senior citizens, and maybe they can go out and buy a prescription drug policy in the private sector.
The Democrats were saying that would not work, and we came up with a prescription drug program under Medicare. We basically said that just like under Medicare now, they can pay so much per month in a premium to get their doctor bills paid. Most seniors pay much per month which under what is called part B of Medicare; and after the first $100 deductible, 80 percent of the costs of their doctor bills are paid for by the Federal Government. We propose, as Democrats, doing the same thing with prescription drugs. A senior would pay about a $25 per-month premium. They would have a $100 deductible for the first $100 in drugs; and after that, 80 percent of the costs would be paid for by the Federal Government for all the prescription drug needs up to $2,500 a year, at which time everything would be paid for at 100 percent by the Federal Government.

What we did in our Medicare benefit program in our proposal, by contrast to the Republicans, is we said the Secretary of Health and Human Services would be mandated to negotiate lower prices for all the seniors that were in the Medicare program, about 30 to 40 million; so you know that the Federal Government does with the Veterans Administration or with the military, we said the Secretary of Health and Human Services would be mandated to bring down costs for prescription drugs in the Medicare program because he would have the power to negotiate. We estimate that would bring down the cost of prescription drugs maybe 30, 40 percent over what they are now.

The Republicans totally rejected the idea of expanding Medicare to include prescription drugs. They just want people to go out and buy their own private health insurance, and they put in their bill which passed the House of Representatives that the head of the Medicare program or the head of the prescription drug program that they were proposing would not have any authority to negotiate price reductions, in fact, would be forbidden from doing so.

Why are they doing this? They are doing this because they do not want anything to negatively impact the drug companies. What the drug companies have been doing in this House of Representatives is very clear. From the very beginning they were giving huge amounts of money to the Republicans. They had a big fund raiser for them one night a couple of months ago when we were actually having these bills in committee being marked up, when they wrote the bill, the Republican bill, to make sure it was not an expansion of Medicare and did not impact costs in any way for drugs; and then they started putting up ads on TV where they promoted the Republican candidates for Congress, the Republican incumbent, to vote yes, to vote yes, to their own drug bill and said that people should vote for them because they are doing a very good job and providing people with a prescription drug benefit, which is simply not true.

We heard that this year United Seniors, which is basically a front for PHARMA, for the prescription name drug industry has pumped another 10, or I do not know how many, millions of dollars into an ad campaign. The bottom line is that the drug companies are going to do whatever they can with their Republican allies in Congress to make sure the issue of price is not addressed.

What are the Democrats saying about price? We heard my colleague from Ohio. He has introduced a bill similar to what passed the Senate that basically tries to encourage generic drugs by eliminating some of the barriers that the name-brand drug companies have put in place that make it more difficult under the patent system for generic drugs to come to market.

Mr. Speaker, we can address this in so many ways, but we have to get to the cost issue; otherwise we are not going to get to the problem.

RECESS

The Speaker pro tempore (Mr. KEEN). Pursuant to clause 12 of rule 1, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 1 minute p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

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

PRAYER

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

Lord, You are our light and our salvation. In Your hands is the faith of this Nation, for we place all our trust in You.

You claim the hearts of the powerful. Bestow Your wisdom upon the Members of the House of Representatives, that they may draw from the foundation of Your counsel and place You in all their thoughts and deeds.

The many talents of these women and men in government reflect Your splendor and manifest the diversity of this Nation. May their work today give the world hope and joy. For You are Lord of all and work through all, both 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 gentlewoman from Maryland (Mrs. MORELLA) come forward and lead the House in the Pledge of Allegiance as follows:

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

PRIVATE CALENDAR

The Speaker pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

NANCY B. WILSON

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

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

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

There was no objection.

JAMES D. BENOIT AND WAN SOOK BENOIT

The Clerk called the Senate bill (S. 1834) for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

There being no objection, the Clerk read the Senate bill as follows:

SECTION 1. REQUIREMENT TO PAY CLAIMS.

(a) PAYMENT REQUIRED.—The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James D. Benoit and Wan Sook Benoit, jointly, the sum of $415,000, in full satisfaction of all claims described in subsection (b), such amount having been determined by the United States Court of Federal Claims as being equitably due the said James D. Benoit and Wan Sook Benoit pursuant to a referral of the matter to that court by Senate Resolution 129, 105th Congress, 1st session, for action in accordance with sections 1492 and 2509 of title 28, United States Code.

(b) COVERED CLAIMS.—Subsection (a) applies with respect to all claims of the said James D. Benoit, Wan Sook Benoit, and the estate of David Benoit against the United States for compensation and damages for the wrongful death of David Benoit, the minor child of the said James D. Benoit and Wan Sook Benoit, pain and suffering of the said David Benoit, loss of the love and companionship of the said David Benoit by the said James D. Benoit and Wan Sook Benoit, and the wrongful retention of remains of the said David Benoit, all resulting from a fall sustained by the said David Benoit, on June 28, 1983, from an upper level window while occupying military family housing supplied by the Army in Seoul, Korea.
SEC. 2. LIMITATION ON USE OF FUNDS FOR AT-TORNEYS' FEES.

No part of the amount appropriated by section 1, to and including 9 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ANISHA GOVEAS FOTI

The Clerk called the bill (H.R. 2245) for the relief of Anisha Goveas Foti. There being no objection, the Clerk read the bill as follows:

H.R. 2245

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ANISHA GOVEAS FOTI.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Anisha Goveas Foti shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Anisha Goveas Foti enters the United States before the filing deadline specified in subsection (a), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Number.—Upon the granting of an immigrant visa or residence to Anisha Goveas Foti, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien’s birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien’s birth under section 203(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

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

THE NIH SECURITY ACT

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

Mrs. MORELLA. Mr. Speaker, today I am introducing the critically impor-
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 II.

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

WOMEN’S HEALTH OFFICE ACT OF 2002

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1784) to establish an Office on Women’s Health within the Department of Health and Human Services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SEC. 1. SHORT TITLE. This Act may be cited as the “Women’s Health Office Act of 2002.”

SEC. 2. HEALTH AND HUMAN SERVICES OFFICE ON WOMEN’S HEALTH.

(a) ESTABLISHMENT.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"HEALTH AND HUMAN SERVICES OFFICE ON WOMEN’S HEALTH"

"SEC. 229. (a) ESTABLISHMENT OF OFFICE.—The Secretary shall establish an office to be known as the Office of Women’s Health within the Department of Health and Human Services, and for other purposes, as amended.

(b) PURPOSE.—The Director of the Office shall:

"(1) establish short-range and long-range goals and objectives within the Department of Health and Human Services and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Department that relate to disease prevention, health promotion, service delivery, research, and public and professional education, for issues of particular concern to women;

"(2) provide expert advice and consultation to the Secretary concerning scientific, legal, ethical, and policy issues relating to women’s health; and

"(3) monitor the Department of Health and Human Services’ offices, agencies, and regional activities regarding women’s health and stimulate activities and facilitate coordination of such departmental and agency offices on women’s health;"

"(c) EVALUATION AND DISSEMINATION.—The Secretary shall directly or through contracts with public and private entities, agencies, and organizations, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) and for the dissemination of information developed as a result of such projects.

"(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

"(e) AUTHORIZATION OF APPROPRIATIONS. For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

SEC. 3. CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN’S HEALTH.

(a) ESTABLISHMENT.—The Secretary shall establish an office to be known as the Office of Women’s Health within the Centers for Disease Control and Prevention on the current day.

(b) PURPOSE.—The Director of the Office shall:

"(1) report to the Director of the Centers for Disease Control and Prevention on the current status of the Centers’ activity regarding women’s health conditions across, where appropriate, age, biological, and sociocultural contexts, in all aspects of the Centers’ work, including prevention programs, public and professional education, services, and treatment;

"(2) establish short-range and long-range goals and objectives within the Centers for women’s health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Centers that relate to prevention, research, education and training, service delivery, and policy development, for issues of particular concern to women;

"(3) identify projects in women’s health that should be conducted or supported by the Centers;

"(4) consult with health professionals, non-governmental organizations, consumer organizations, women’s health professionals, and other individuals and groups, as appropriate, on the planning and implementation of the Coordination Committee; and

"(5) serve as a member of the Department and Human Services Coordinating Committee on Women’s Health (established under section 329(b)(4)).

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a Coordinating Committee to assist the Secretary in implementing the Coordinating Committee.

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors of the national centers and other appropriate officials of the Centers for Disease Control and Prevention.

"(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

"(d) DUTIES.—With respect to women’s health, the Coordinating Committee shall assist the Director of the Office in—

"(1) identifying the need for programs and activities that focus on women’s health;

"(2) recommending persons and programs for women’s health; and

"(3) recommending needs regarding the coordination of activities, including intramural and extramural multidisciplinary activities; and

"(4) making recommendations to the Director of the Centers for Disease Control and Prevention concerning findings made under subparagraphs (A) and (B).

"(e) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Director of the Office shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

"(f) DEFINITION.—As used in this section, the term ‘women’s health conditions’, with respect to women of all age, ethnic, and racial groups, means diseases, disorders, and conditions—

"(1) unique to, or significantly more prevalent in women; and

"(2) for which the factors of medical risk or type of medical intervention are different for women.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

SEC. 4. AGENCY FOR HEALTHCARE RESEARCH AND QUALITY ACTIVITIES REGARDING WOMEN’S HEALTH.

Part C of title IX of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended by adding after sections 927 and 928 as sections 929 and 929, respectively;
SEC. 927. ACTIVITIES REGARDING WOMEN'S HEALTH.

(a) ESTABLISHMENT.—The Director shall desig-
nate an Office of Priority Popula-
tions to carry out, through the last date for
which appropriations are authorized under se-
ction 928(e), the responsibilities described in
this section for such office.

(b) PURPOSE.—The official designated under
subsection (a) shall—

(1) report to the Director on the current
Agency level of activity regarding women's
health, across, where appropriate, age, biologi-
cal, and sociocultural contexts, in all aspects of
Agency work, including the development of evi-
dence, best practices, and clinical protocols to
monitor clinical trials and analysis of data by sex in the
testing of drugs, medical devices, and biological
products across, where appropriate, age, biological,
and sociocultural contexts;

(2) consult with pharmaceutical, biologics,
and device manufacturers, health professionals
and device manufacturers, and other appro-
priate offices on activities within the
Agency for research important to women's health and,
as relevant and appropriate, coordinate with other
appropriate offices on activities within the
Agency that relate to health services and med-
eical effectiveness research, for issues of par-
cular concern to women;

(3) identify projects in women's health that
should be conducted or supported by the Agen-
cy;

(4) consult with health professionals, non-
governmental organizations, consumer organiza-
tions, women's health professionals, and other
individuals and groups, as appropriate, on
Administration policy with regard to women;

(5) serve as a member of the
Department of
Health and Human Services Coordinating Com-
mittie on Women's Health (established under
section 229(b)(4)).

(c) COORDINATING COMMITTEE.—

(1) ESTABLISHMENT.—In carrying out sub-
section (a), the official designated under
subsection (a) shall establish a committee to be
known as the Coordinating Committee on Re-
search on Women's Health (referred to in this
subsection as the 'Coordinating Committee').

(2) COMPOSITION.—The Coordinating
Committee shall be composed of the official
designated under subsection (a) and the directors
of the centers and offices of the Agency.

(d) CHAIRPERSON.—The official
designated under subsection (a) shall serve as the
Chairperson of the Coordinating
Committee.

(e) DUTIES.—With respect to research on
women's health, the Coordinating Committee
shall assist the official designated under
subsection (a) and the directors of
centers and offices of the Agency in—

(A) identifying the need for such research,
and making an estimate each fiscal year of the
funds needed to adequately support the re-
search;

(B) identifying needs regarding the coordi-
nation of research activities, including intra-
mural and extramural multidisciplinary activ-
ities; and

(C) making recommendations to the Director
of the Agency concerning findings made under
subparagraphs (A) and (B).

(f) REPORTS.—Not later than January 31,
2003, and January 31 of each second year there-
after, the Director of the Office shall prepare
and submit to the appropriate committees of
Congress a report describing the activities car-
ried out under this section during the period for
which the report is being pre-
pared.

(3) by adding at the end of section 928 (as
re-
designated by paragraph (1)) the following:

"SEC. 909. OFFICE OF WOMEN'S HEALTH.

(a) ESTABLISHMENT.—The Secretary shall es-
ablish through the last date for which appro-
priations are authorized under subsection (e),
within the Office of the Commissioner, an office
known as the Office of Women's Health
(referred to in this section as the 'Office'). The
Office shall be headed by a director who shall be
appointed by the Commissioner of Food and
Drugs.

(b) PURPOSE.—The Director of the Office
shall—

(1) report to the Commissioner of Food and
Drugs and agencies on current Food and Drug Admin-
istration (referred to in this section as the 'Admin-
istration') level of activity regarding women's
participation in clinical trials and the analysis of
data by sex in the testing of drugs, medical
devices, and biological products across,
where appropriate, age, biological, and sociocultural
contexts;

(2) establish short-range and long-range
goals and objectives within the Agency policy with regard to
women's health within the jurisdiction of the Admin-
istration, including, where relevant and appropriate,
advice to federal agencies and to appropriate committees
of Congress about issues of particular concern to
women;

(3) C OORDINATION COMMITTEE.

(1) ESTABLISHMENT.—In carrying out sub-
section (b), the Director of the Office shall es-
ablish a committee to be known as the Coordi-
nating Committee on Research on Women's Health
(referred to in this subsection as the 'Coordi-
nating Committee').

(2) COMPOSITION.—The Coordinating
Committee shall be composed of the directors of the
bureaus of the Administration.

(3) CHAIRPERSON.—The Director of the Office
shall serve as the Chairperson of the Coordi-
nating Committee.

(3) DUTIES.—With respect to research on
women's health, the Coordinating Committee
shall assist the Director of the Office in—

(A) identifying programs and activities that focus on
women's health;

(B) identifying needs regarding the coordi-
nation of research activities, including intramural and
extramural multidisciplinary activities; and

(C) making recommendations to the Adminis-
tration concerning findings made under para-
grahs (A) and (B).

(d) REPORTS.—Not later than January 31,
2003, and January 31 of each second year there-
after, the Director of the Office shall prepare
and submit to the appropriate committees of
Congress a report describing the activities car-
ried out under this section during the period for
which the report is being prepared.

(e) DEFINITIONS.—For purposes of this sec-
tion:

(1) ADMINISTRATION.—The term 'Adminis-
tration' means the Health Resources and Services
Administration.

(2) ADMINISTRATOR.—The term 'Adminis-
trator' means the Administrator of the Health
Resources and Services Administration.

(3) OFFICE.—The term 'Office' means the Of-
cine of Women's Health
established under this section in the Admin-
istration.

(f) AUTHORIZATION OF APPROPRIATIONS.—
For the purpose of carrying out this section,
there are authorized to be appropriated such sums
as may be necessary for each of the fiscal years
2003 through 2007.".

SEC. 6. FOOD AND DRUG ADMINISTRATION
OFFICE OF WOMEN'S HEALTH.

Chapter 11 of Title 21, Food and Drug, and Com-
monwealth of Puerto Rico (21 U.S.C. 319 et seq.) is amended by adding at the end the following:
The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and includeextraneous material on H.R. 1784. 

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and includeextraneous material on H.R. 1784.

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

There was no objection.

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

Mr. Speaker, the House will consider H.R. 1784, the Women's Health Office Act of 2002. I would like to take a moment to sincerely thank our colleagues, the gentlewoman from Maryland (Mrs. MORELLA), for her tireless, tireless support of this bill, the gentlewoman from Florida (Mr. BILIRAKIS), and the gentlewoman from New York (Mrs. MALONEY) for their involvement in this issue.

Certain diseases and conditions, as we know, as we finally address, exclusively affect women are more prevalent in women and are often treated differently. While research in women's health has traditionally been far too limited, development of a number of women's health offices in the past few years has begun to shrink that disparity.

The Women's Health Office Act would statutorily create offices of women's health in four Federal agencies: the Department of Health and Human Services, the Agency for Health Care Research and Quality, Health and Human Services, the Agency for Health Care Research and Quality, Health Resource and Services Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Food and Drug Administration. These offices have committed themselves to promoting women's health. This bill will help ensure that the needs and gaps in research, policy programs, education, and training in women's health will continue to be addressed in a concerted manner. I thank, Mr. Speaker, that my colleagues support it.

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

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I might consume to the gentleman from Florida (Mr. DINGELL).

Mr. Speaker, the Women's Health Office Act of 2002 will provide in perpetuity for the establishment of a permanent, full-time, dedicated office in each major Federal health and human services agency to coordinate agency activities related to women's health. This is critical to ensure that research and development funding is appropriately targeted to research on women's health.

Mr. Speaker, I thank my colleagues in the House Democratic Caucus, and the Republican leadership, and my thanks to the White House, for their commitment to this legislation. My constituents and I, and I am sure, with our colleagues, to the women's health office.

Mr. Speaker, it is certainly possible to change the faces of our nation's most prestigious research institutions. With the passage of this legislation, we can and should ensure that the Women's Health Office Act of 2002 will provide for permanent, full-time, dedicated commitment to the advancement of women's health.

Mr. Speaker, as we move forward and support the Women's Health Office Act of 2002, I urge my colleagues to join us in passing this important legislation. Thank you, Mr. Speaker.
still have to be vigilant and we still have to figure out ways to make sure that all of these offices, as well as men and all, have to address the health needs of all of our citizens and the fundamental challenges posed by our Nation’s health care system.

So, Mr. Speaker, I urge my colleagues to support this legislation and programs to address the health needs of all of our citizens.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairman for being a leader on these issues. The chemistry between the ranking member and the chairman has presented a lot of good initiatives on this floor; and I thank them for that, because health care is America. It involves all of us. I thank the gentleman from New York (Mrs. MALONEY); and I announce as well that I was very pleased to be one of the original cosponsors of this legislation.

It is important to delineate what this legislation actually does, and provides statutory authority for a women’s health center in four very vital health agencies of this government, and that is, of course, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Food and Drug Administration, and the Office of Priority Populations within the Agency for Health Care Research and Quality, the lead agency for women’s research.

But the Centers for Disease Control certainly is the key as it relates to the tracking of diseases here in the United States. I think something else is important, as well, as we look at this legislation, that all of these agencies will be brought to bear on the complexity of women’s health and will be required to identify projects in women’s health that should be conducted by the particular centers.
In addition, they will be brought to bear to consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups as appropriate on the policy of the centers' work as it is regarded.

I heard my friend and colleague, the gentleman from Ohio (Mr. BROWN), mention just a few moments ago or sometime before on the need for a guaranteed drug benefit under Medicare. I agree. As I visit with them in my district needing to have this kind of legislation.

This legislation that we are debating on the floor of the House will go a long way in helping the health of women of all ages, including those in puberty and young women of child-bearing age, now that we find that women can have children a longer period of time; and minority women in particular, who we find that percentage of African American, Hispanic, and Asian American women are clearly at risk with 147 deaths per 100,000. When we look at cervical cancer, we see that the incidence rate of invasive cervical cancer is higher among Asian-American women. Yet, we cannot explain the causes of these higher rates.

Disparities are perhaps most alarming when we look at HIV/AIDS. Twenty-two percent of Americans currently living with HIV are African American women, African American women, and Hispanic women. African women commonly have higher rates of infection with the Human Immunodeficiency Virus (HIV) than other races and ethnicities. One in four African-American women has been diagnosed with HIV/AIDS.

Moreover, there is a growing body of research linking HIV/AIDS and women's reproductive health. For example, HIV-positive women are at increased risk for adverse outcomes in pregnancy and childbirth, including premature birth and low birth weight. Additionally, many women living with HIV face discrimination and stigma, which can negatively impact their health and access to care.

As we carry out our myriad responsibilities, we have too often forsaken not only our physical health, but our mental health as well. We must do better.

In conclusion, let me say that I have filed legislation dealing with cultural competence. It relates to this issue, and I look forward to working with the committees on this issue.

I rise in support of H.R. 1784, the Women's Health Office Act of 2002. In the last century, the life expectancy of American women has increased by 30 years. Now we face the challenge of keeping women alive and healthy. American in the new millennium faces increasingly complex public health challenges. I stand here today, as a representative of women in our community, to support this legislation and work to close the gaps in health care and women's health in five federal agencies: the Department of Health and Human Services; and require the establishment of a Department and Human Services Coordinating Committee on Women's Health and establish the Coordinating Committee on Research and Development.

The Women's Health Office Act of 2002 amends the Public Health Services Act to establish within the Office of the Secretary of Health and Human Services an office on Women's Health, headed by a Deputy Assistant Secretary for Women's Health. In addition, the Women's Health Act requires the establishment of a Department of Health and Human Services Coordinating Committee, a National Women's Health Information Center, and requires biennial reports to Congress.

Research has established that the existence of persistent racial and socioeconomic disparities in women's health in the United States. We know that coronary disease is the leading cause of death for both men and women. But, nearly twice as many women in the U.S. die of heart disease and stroke every year as die from all types of cancer. Yet, multiple studies have shown that women are less likely than men to be referred for invasive cardiac procedures.

While the life expectancy of women in the United States has risen, as a group, African American women have a shorter life expectancy and experience earlier onset of such chronic conditions as diabetes and hypertension. If we look at the death rates for diseases of the heart, African American women are clearly at risk with 147 deaths per 100,000. When we look at cervical cancer, we see that the incidence rate of invasive cervical cancer is higher among Asian-American women. Yet, we cannot explain the causes of these higher rates.

Disparities are perhaps most alarming when we look at HIV/AIDS. Twenty-two percent of Americans currently living with HIV are African American women, African American women, and Hispanic women. African American women, and 77 percent of those are African American women. Many people are shocked to know that AIDS is the second leading cause of death among African American women age 25 to 44.

There are nearly 40 million women in America who are members of racial and ethnic minority groups. These women suffer disproportionately from premature death, disease, and disabilities. Many also face tremendous barriers to optimal health. This is a growing challenge in our nation.

The challenge is even greater when we consider the aging population. By the year 2050, nearly 1 in 4 adult women will be 65 years old or older, and an astonishing 1 in 11 will be 85 years old or older. We must ensure that our Federal agencies are in the forefront working to find solutions to the challenges our nation faces in caring for the health of our women.

The 'Women's Health Office Act of 2002' provides permanent authorization for offices of women's health in five federal agencies: the Department of Health and Human Services (HHS); the Centers for Disease Control and Prevention (CDC); the Agency for Health Care Research and Quality (AHRQ); the Health Resources and Services Administration; and the Food and Drug Administration (FDA).

Mr. Speaker, behind each impersonal statistic is a woman whose life is potentially at risk because of health disparities and a family that will be devastated by the loss of a mother or sister. The Women's Health Act of 2002 would be a tremendous step toward eliminating health disparities. In the last century, we made improvements that expanded the life span of women. In this century, we must commit to meeting the health care needs and improving the quality of life for all women. Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I, too, thank the gentleman from Ohio (Mr. BROWN) for his cooperation, Mr. Speaker. Yet, even though we disagree on philosophy, we do have a chemistry that works well for the legislation that is up before this House.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume. Just to say that I feel the same way, to be sure.

Mrs. CHRISTENSEN. Mr. Speaker, in good conscience, I rise in support of H.R. 1784. The Women's Health Office Act of 2002 amends the Public Health Service Act to establish within the Office of the Secretary of Health and Human Services (HHS) an Office on Women's Health, headed by a Deputy Assistant Secretary for Women's Health, requires the establishment of a Department and Human Services Coordinating Committee and a National Women's Health Information Center, requires biennial reports to Congress and authorizes appropriations for FY 2003 through 2007.

Women make up the largest number of Americans affected by so many of today's leading illnesses—many of which are preventable if steps are taken earlier in life through routine care and a balanced and healthy lifestyle.

Heart disease is the number one killer of American women. Although the incidence of HIV/AIDS is decreasing in white males, it has become the third leading cause of death among women ages 25 to 44 and the leading cause of death among African American women ages 25 to 44 in 2007.

As we carry out our myriad responsibilities, we have too often forsaken not only our physical health, but our mental health as well. We must do better.
coordination to federal efforts to prevent, treat, and research women’s health needs.

Streamlined federal communication regarding women’s health issues is vital. This bill will also prevent attempts, like those made last year, to eliminate the offices of women’s health throughout federal health agencies. Specifically, as originally written under this bill, will allow the women’s health offices to carry out their tasks without fear that their programs or funding will be cut.

It is essential that we provide stable funding and statutory authority for the good work these programs are doing to promote women’s health, study diseases that affect women and promote the inclusion of women in research studies. I urge the speedy adoption of this important measure.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H.R. 1784, the Women’s Health Office Act. By establishing Offices of Women’s Health throughout different agencies in the Department of Health and Human Services, this legislation recognizes the ongoing need to focus attention on various health issues unique to women. Women make up over half the adult population of this country and it is critical that we make women’s health a top priority.

For years, almost all medical research was conducted from a male perspective, while women’s health concerns were ignored. Today, there is a need for more research on breast, cervical, and ovarian cancer, hormone replacement therapy, and how various ailments such as osteoporosis and heart disease specifically affect women. It is important that we conduct this research, not as an afterthought, but as primary research important to everyone’s well-being.

There is also a need to ensure that all women in the U.S. have access to health care coverage, including comprehensive reproductive health care, prenatal care, preventative care, and coverage throughout menopause and old age. Too many poor and low-income women in this country have little or no access to health care. This is particularly harmful and unacceptable for pregnant women and women suffering from ongoing ailments.

I also expect the new Offices of Women’s Health within the various agencies to focus on domestic violence and sexual assault as serious threats to both women’s health and public health in general. Violence against women is the leading cause of injury to women in America between the ages of 15 and 54. Not only does this violence leave victims with visible injuries, but it can lead to other physical problems and emotional distress. It is critical that we look at violence against women from a medical perspective, as well as examine its social consequences in order to recognize it, address it, and work to end it.

I am pleased that the House of Representa-
tives is addressing the issue of women’s health today and I urge my colleagues to vote for H.R. 1784, the Women’s Health Office Act. Ms. SLAUGHTER. Mr. Speaker. I rise in strong support of H.R. 1784, the Women’s Health Office Act.

As an original cosponsor and vocal advocate of this legislation, I am delighted that it is finally being considered by the House. Congress has too long in the past addressed the second-class status of the various offices of women’s health throughout the Department of Health and Human Services (HHS).

As other speakers have attested, only two of the HHS offices of women’s health are currently established in statute: the Office of Research on Women’s Health at the National Institutes of Health, and the women’s health associate administrator at the Substance Abuse and Mental Health Services Administration. While women’s health issues are far from the top priority at a number of other agencies, they can be moved, altered, or eliminated at the discretion of the agency director. This lack of permanence is extremely detrimental to long-term planning and multi-year efforts. It also sends a message to women that we are not firmly committed to improving their health.

Women’s health is not a passing fancy or a fad that will go out of fashion. It is a serious discipline that will require the attention of doctors, scientists, and health care providers far into the future. The offices of women’s health should not be an afterthought. H.R. 1784 is a vital step in permanently integrating women’s health into the structure of our health care system. I look forward to voting for this important initiative, and I urge my colleagues to do the same.

Mr. WU. Mr. Speaker, for too long, women’s health needs have been ignored or excluded in federal medical research. For instance, one federally funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is a leading cause of death among women. Another study on breast cancer examined hundreds of men. Fortunately, this attitude has changed. Today, medical researchers and health care professionals are working to ensure the importance of distinguishing women’s health. I strongly support these efforts, but I realize that more needs to be done. Last May, the GAO released a report on the status of women’s research at NIH. Although noting that much progress has been made, the report stated that the Institute had made less progress in implementing the requirement that certain clinical trials be designed and carried out to permit valid analysis by sex, which could reveal whether interventions affect women and men differently. It noted that NIH researchers, even though they would include women in their trials, would either do no analysis on the basis of sex, or would not publish the sex-based results if no difference was found.

This must change. We need to continue to eliminate this health care gender gap and improve women’s access to affordable, quality health services. The bill before us today, by Women’s Health Office Act, will bring us one step closer to eliminating this gap by providing permanent authorization for Offices of Women’s Health within the Department of Health and Human Services (HHS); the Centers for Disease Control and Prevention (CDC); the Agency for Health Care Research and Quality (AHRQ); the Health Resources and Services Administration (HRSA); and the Food and Drug Administration (FDA). Currently, only two women’s health offices in the Federal Government have statutory authority: the Office of Research on Women’s Health at the National Institutes of Health, and the Office for Women’s Services within the Substance Abuse and Mental Health Services Administration (SAMHSA). Offices of Women’s Health across the Public Health Service are charged with coordinating women’s health activities and monitoring progress on women’s health issues within their respective agencies, and they have been successful in making Federal programs and policies more responsive to women’s health issues. Unfortunately, all of the good work these offices are doing is not guaranteed in Public Health Service authorizing legislation. The funding for federal women’s health offices is a critical step in ensuring that women’s health research will continue to receive the attention it requires in future years.

I urge my colleagues to join me in support of this important legislation.

Mrs. MALONEY of New York. Mr. Speaker, I am delighted to have the opportunity to speak on the floor in favor of H.R. 1784, The Women’s Health Office Act. Congressman MORELLA and I have worked on this bill for a number of years and I want to thank the Congresswoman for her leadership on this issue. In addition, I want to thank the Energy & Commerce committee, Chairman TAUZIN, Congressman DINGELL, Chairman BLIRIKIS, and Congressman SHERROD BROWN for moving this forward and for their dedication to women’s health.

The other body has also taken action on this issue. I am pleased to see that this legislation was included in the Senate’s “Women’s Health Act,” S. 2328, that passed out of the Senate Committee on Health, Education, Labor, and Pensions earlier this month.

By permanently establishing offices for women’s health within the Department of Health and Human Services, the Agency for Health Care Research and Quality, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration, the Women’s Health Office Act will provide the much needed statutory authority to further develop women’s health research.

Women around the United States need and deserve to have their health protected and not overlooked. Yet, various health differences between men and women have long gone unnoticed and not studied. Just last spring, the GAO reported that 8 out of 10 drugs pulled off the market for health reasons were more harmful than to men. These were drugs that underwent extensive clinical trials and were approved by the FDA. Yet, once on the market these drugs caused serious health hazards for the women they were prescribed to.

Obviously, there is still much work to be done in the area of women’s health. Congress, Federal health agencies, and the scientific community are working to ensure that women’s health is made a priority. This legislation is another important step towards equity in science.

I support this legislation. Women need this legislation. Let’s work to improve the lives and health of women in this country. Support H.R. 1784, The Women’s Health Office Act.
I’m honored to be the lead Democrat on this bill. Mr. DINGELL. Mr. Speaker, I rise in strong support for this bill. The General Accounting Office released a report in 1990 that exposed the historical pattern of neglect of women in health research. As a result of this report, there was a significant increase in government initiatives in women’s health research and the creation of women’s health offices, advisors, and coordinators in many governmental institutions.

But that was just a beginning. We must now work to ensure that these highly beneficial institutions remain funded and operational into the future.

Currently, there are only two agencies which have federally authorized women’s health offices: the Office of Research on Women’s Health in the National Institutes of Health, and the Office for Women’s Services in the Substance Abuse and Mental Health Services Administration. Since these two agencies are the only women’s health offices established under statute, these are the only two women’s health offices which are authorized and protected by law. The women’s health offices, advisors, and coordinators of other government agencies face the possibility that future administrations will not continue to support them, or that future funding will be insufficient to meet their needs.

H.R. 1784 would provide permanent authorization for women’s health offices in the Department of Health and Human Services, the Agency for Health Care Research and Quality, the Health Resource and Service Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration. It will ensure that women’s health offices will continue under statute and carry on the important work to improve the health of women through ongoing evaluation in the areas of education, prevention, treatment, research, and delivery of services.

I want to note the outstanding leadership on this legislation of my friend and colleague, Representative CAROLYN MALONEY. I urge my colleagues to join me in support of this important and beneficial piece of legislation.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each to revise and extend their resolutions to the floor coming before us on September 5; and the Senate concurring.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. BROWN of Ohio. Mr. Speaker, I urge my colleagues to support this important resolution, and I ask the balance of the time I may have on the bill for that purpose.

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Mr. BROWN of Ohio. Mr. Speaker, I urge my colleagues to support this important resolution, and I ask the balance of the time I may have on the bill for that purpose.
with generics, by in some cases using private lawsuits, using the court system.

Our legislation would save $60 million to consumers over the next 10 years. It is something that our committee would do and that this body should do.

While the chairman, the gentleman from Florida (Mr. BILIRAKIS), has always been so helpful in bipartisan working on a lot of these issues, the Republican leadership has not been so helpful. I would hope that as we work on these resolutions, as on the resolution of the gentlewoman from North Carolina (Mrs. MYRICK), which I support, House Concurrent Resolution 435, that we would also work on legislation like H.R. 5272, which has bipartisan sponsors, but on which, because of the opposition of the drug industry, Republican leadership, who are much too close to the drug industry, much too aligned to the drug industry with drug inductions and political support, has failed to step forward.

I would hope as we pass this bill today that perhaps tomorrow we can work on such legislation, on which we are going to do a discharge petition, I would hope, this week, Mr. Speaker, and pass legislation to stop the gaming of the patent system, Mr. Speaker, and pass legislation to work on such legislation, on which we today that perhaps tomorrow we can close to the drug industry, much too close.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman for yielding me this time and for bringing this bill forward today.

I do come in support of H. Con. Res. 435, the Candace Newmaker Resolution of 2002. I introduced this resolution in July to honor a little girl from North Carolina who lost her life tragically because of voodoo science called rebirthing. She was a beautiful 10-year-old girl, her whole life ahead of her, and she died tragically in April of 2000 because she was forced to take part in a rebirthing therapy session. Candace had been adopted out of the foster care system by a single woman; and like any child would, she missed her parents and her siblings, and her adoptive mother claimed that she and Candace were not “bonding” properly.

While searching the Internet for help, Candace’s adoptive mother discovered “reactive attachment therapy.” It is a disorder treatment, a clinical term for what folks see as a child’s ability to bond with new adoptive parents.

A therapist, who never met Candace, diagnosed her with this disorder; and her mother took her to Colorado for treatment. A radical attachment-disorder therapist was paid $7,000 for a 2-week course of treatment for Candace. This was not a licensed psychiatrist or a licensed psychologist. The supposed therapist’s highest degree was a master’s in social work.

After a few days of other attachment therapy, the therapist thought that Candace was ready for the rebirthing therapy. The plan to simulate Candace’s trip through the birth canal and would symbolically deliver her to her adoptive mother and erase her natural birth 10 years ago.

The therapist told her assistant, along with two other helpers, wrapped Candace tightly in a flannel blanket and covered her with eight cushions. Then the four adults put their combined weight of 673 pounds on Candace’s bound body, bounced on her and squeezed her to simulate contractions. During the 70-minute procedure, the adults taunted Candace to try to fight her way out of the cocoon. Ten minutes into the procedure, Candace begged to be let out because she could not breathe. Her pleas were ignored, and she was even told to go ahead and die by the therapist. Candace continued to cry for her life for 30 more minutes.

Forty minutes into the procedure, she spoke her last word, “no.” The adults continued to sit on her and taunt her for 30 more minutes. When they finally unwrapped Candace, she was dead. Her adoptive mother had witnessed the entire episode, and the therapist had even videotaped the procedure which was used against her in a court of law. She and her assistant were convicted of reckless child abuse resulting in death and were sentenced to 16 years each.

Colorado has since passed a law to outlaw this horrendous practice; and other States, including my State of North Carolina, will hopefully do so soon. The resolution I introduced, H. Con. Res. 435, would express the sense of Congress that this “rebirthing” therapy is dangerous and should be prohibited. This therapeutic technique is not recognized by any professional psychological groups, and many have specifically denounced the practice, including the American Psychological Association, the American Psychiatric Association, the Judge David Bazelon Center for Mental Health, and the National Council for Adoption. I encourage all States to outlaw this voodoo science and prevent another tragedy from happening.

Candace’s grandparents, David and Mary Davis, who are my constituents and who are my friends today, have been tireless advocates for outlawing this procedure. They do not want their granddaughter to have died in vain.

I ask my colleagues to join me in passing this resolution to ensure States to outlaw. Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. 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 Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 435.

The question was taken.

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

Mr. BILIRAKIS. 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.

ROLLAND D. MELTON POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4102) to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the “Rolland D. Melton Post Office Building.”

The Clerk read as follows:

H.R. 4102

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

SECTION 1. ROLLAND D. MELTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, shall be known and designated as the “Rolland D. Melton 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 Rolland D. Melton Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. Tierney) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. 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, H.R. 4102. The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Utah?

There was no objection.

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

Mr. Speaker, H.R. 4102, introduced by our distinguished colleague from Nevada (Mr. Gibbons) designates the facility of the United States Postal Service in Fallon, Nevada, as the Rolland D. Melton Post Office Building. All Members of the House delegation from the State of Nevada are cosponsors of this legislation.

Mr. Speaker, Rolland Melton was a credit to the field of journalism and a
devoted resident of the town of Fallon in the gentleman from Nevada's (Mr. GIBBONS) district. At this time, Mr. Speaker, the sponsor of the legislation, the gentleman from Nevada (Mr. GIBBONS), has asked me to read a statement on his behalf because he regrets that he cannot be here today.

"It is only fitting that this post office, which is an integral part of the Fallon community, be named after the man who dedicated his life to the town, its people, and the goal of keeping small communities like Fallon connected to the world through their local newspaper.

"A prominent resident of Fallon, Nevada, Rollon Melton established a remarkable career in journalism and never forgot his hometown roots.

"Born July 21, 1931, in Boise, Idaho, Rollon Melton moved to Fallon as a young boy. He played football for the Fallon High School and went on to the University of Nevada on a football scholarship. He always appreciated his Fallon years and would later endow a scholarship at Fallon's Churchill County High School to celebrate the help he had from his high school teachers and coaches.

"As a young man, Melton quickly embarked on a career of journalism. He would write for the London Observer, the Wall Street Journal and several New York City papers. Yet, Melton loved his home State of Nevada and in 1957, he joined the inaugural Reno Gazette where he could write about his hometown and the surrounding communities.

"He would hold various positions at the paper including reporter, sports editor, telegraph editor, promotion manager, and, finally, editor and publisher of the paper which would become known as the Reno Gazette-Journal.

"Throughout his newspaper career, he remained active in numerous philanthropic organizations. He served as a trustee and officer of the Jon Ben Snow Trust based at Syracuse, New York. The trust gives about $300,000 in grants each year in Nevada.

"Rollon was also a member of the Nevada Board of Regents, earning the designation of a Distinguished Nevada.

"Of all his positions, the one he loved the most was columnist, and he wrote frequently about Fallon and its people. On November 30, 2001, Mr. Melton was in Fallon and frequently about Fallon and its people. Naming the Fallon Post Office in his honor would be a great tribute to his work and commitment to the Silver State and to the town he loved so much, Fallon, Nevada."

"Mr. Speaker, this concludes the statement from the gentleman from Nevada (Mr. GIBBONS).

"Mr. Speaker, I urge adoption of H.R. 4102.

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

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

"Mr. Speaker, I thank my colleague who, as usual, is doing a great job on this for his colleague and for the entire delegation over there.

"Mr. Speaker, I am a member of the House Committee on Government Reform and I am pleased to join the gentleman in the consideration of H.R. 4102 which names that post office in Fallon, Nevada, for the late Rollon D. Melton.

"Mr. Speaker, As a member of the House Committee on Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4102, which enjoys the support and cosponsorship of the entire Nevada delegation, was introduced by the gentleman from Nevada (Mr. Gibbs (R-NV)) on April 9, 2002.

"Mr. Rollon Melton graduated from the University of Nevada in 1955. A journalism major, Rollon served as the sports editor of the campus paper, "Sagebrush" and worked as the city editor of a Nevada weekly. In 1957, he joined the Reno Evening Gazette as a reporter, eventually rising to the position of editor and publisher.

"As Chairman and CEO of Speidel Newspapers, Mr. Melton negotiated the Speidel merger with Gannett in 1977, and served on the Gannett board for two years. In 1979, he was chosen as a Distinguished Nevadan.

"An avid supporter of a sound college education, Mr. Melton served as an interim dean of the Reynolds School of Journalism. He was also a member of the advisory board for the Reynolds School of Journalism, Sigma Delta Chi Journalism Society and the College of Arts and Science.

"Active in fine arts and educational programs, Mr. Melton continued to remain a columnist for the Reno Gazette-Journal until his death on January 13, 2002.

"Mr. Speaker, I comment the gentleman from Nevada (Mr. GIBBONS) for seeking to honor Rollon D. Melton by naming a post office after him in his adopted city of Fallon, Nevada and urge the swift passage of this bill.

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

"Mr. CANNON. Mr. Speaker, I urge the adoption of this measure.

"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 Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 20 minutes.

"The Chair recognizes the gentleman from Utah (Mr. CANNON).

"Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to consider and extend their remarks on the bill under consideration, H.R. 5333.

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

"There was no objection.

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

"Mr. Speaker, H.R. 5333, sponsored by our distinguished colleague from Massachusetts (Mr. McGovern), designates the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building.""

The Clerk read as follows:

H.R. 5333

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

SECTION 1. JOSEPH D. EARLY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, shall be known and designated as the "Joseph D. Early 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 Joseph D. Early Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

General Leave

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to consider and extend their remarks on the bill under consideration, H.R. 5333.

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

There was no objection.

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

Mr. Speaker, H.R. 5333, sponsored by our distinguished colleague from Massachusetts (Mr. McGovern), designates the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts as the Joseph D. Early Post Office Building. All Members of the House delegation from the Commonwealth of Massachusetts are cosponsors of this legislation.

Mr. Speaker, with this legislation we honor a man who has been a fixture in Massachusetts politics for over 40 years.

Joseph Early was born and raised in Worcester and attended the College of Holy Cross. Early was the captain of the Holy Cross Crusaders basketball squad that won the 1954 National Invitational Tournament, at that time the...
Mr. Speaker. Joe Early is undeniably one of the City of Worcester’s favorite sons. Long before the Jesse Burkett Little League team of this year, Joe Early brought national prominence to the City of Worcester as cocaptain of the Holy Cross College basketball team that won the National Basketball Tournament. The same tenacity Joe regularly demonstrated on the hard-wood later proved to be the hallmark of a remarkable career in public service.

First elected to the Massachusetts House of Representatives in 1962, Joe rose through the ranks to ultimately become Vice Chairman of the House Ways and Means Committee. In the legislature, Joe earned a reputation as a forceful advocate for social programs and a staunch supporter of organized labor. This unwavering commitment to New Deal principles remained firmly intact when Joe Early arrived as a newly elected Member of Congress in 1973.

As a Member of the House Committee on Appropriations, Joe continued to fight doggedly for funding for education, health care and social services. Senior citizens, most notably the frail elderly, never had a more loyal friend or passionate ally in their struggle to retain health care benefits in the late 1980s than Joe Early. In an era of shrinking domestic spending, Joe repeatedly cautioned his colleagues to not forsake our priorities at home. He was both the gate for medical research funding, and the National Institutes of Health in particular benefitted greatly from his vigilance on the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations.

Many of the recent advances in the treatment of chronic disease can be attributed in no small measure to Joe’s steadfast support of the NIH. Today, people here and around the world live healthier lives because of Joe Early; and while he may not be a household name, he will forever be remembered within the medical research community as a true champion of their cause. Joe’s persistent work in his committee was rivaled only by a fierce devotion to his constituents at home. There are countless untold stories of the assistance performed by Joe on behalf of a family in need. No problem was too big and no person too small to receive the personal attention and intervention of Congressman Early.

Joe’s constituent service was re-nowned as was his relentless pursuit of funding for the Third District of Massachusetts. The University of Massachusetts Medical School stands as only one shining example of Joe Early’s tireless efforts to ensure his district receive its fair share.

Mr. Speaker, in our business there are show horses and there are work horses. Joe Early was the consummate work horse. He never sought the glory of the spotlight or rushed to grab a headline. Joe was content to let others receive the credit while he worked quietly and effectively on the issues and for the constituents he cared so deeply about. In that respect, Joe Early is very much like the district he represents for. It has been said that Joe Early did not represent his beloved City of Worcester as much as he personified its three-decker homes and blue-collar work ethic.

Mr. Speaker, I want to thank my colleagues from Massachusetts (Mr. McGovern) for his generosity in yielding me time and for his leadership on this issue.

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

Mr. CANNON. Mr. Speaker, in that spirit, we shall pass this legislation to name a post office building in Worcester for Congressman Joseph D. Early as a small tribute to a great man who humbly and selflessly has given so much of his life in service to others.

Mr. Speaker, in that spirit, we shall pass this legislation to name a post office building in Worcester for Congressman Joseph D. Early as a small tribute to a great man who humbly and selflessly has given so much of his life in service to others.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 5333.

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

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

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

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

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) providing for the concurrent resolution by the House with an amendment to the amendments of the Senate to H.R. 3253.

The Clerk read as follows:

H. Res. 526

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker’s table the bill H.R. 3253, with the Senate amendments thereto, and to have concurred in the Senate amendments thereto, and to have concurred in the Senate amendment to the text of the bill with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Emergency Preparedness Act of 2002".
SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7325. Medical emergency preparedness centers

"(a) Establishment of Centers.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each center shall be established at a Department medical center and shall be staffed by Department employees.

"(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for on-going evaluation of the centers and their compliance with the requirements of this section.

"(3) The Under Secretary shall carry out the Under Secretary’s functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(b) Mission.—The mission of the centers shall be as follows:

"(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or nuclear weapons, or devices posing threats to the public health and safety.

"(2) To provide education, training, and advice to health care professionals, including medical students and local health care agencies and personnel involved in or responding to the disaster or emergency.

"(c) Selection of Centers.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one Department.

"(2) A finding by the Secretary referred to in paragraph (1) with respect to a proposal for designation of a site as a location for a center under this section shall be made after consultation with the Under Secretary for Health and the Assistant Secretary for Operations, Preparedness, Security, and Law Enforcement Functions, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) the following:

"(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) to provide education and training to medical students and other health care professionals outside the Veterans Health Administration, the National Disaster Medical System, and the National Health Service Corps.

"(B) An arrangement with a graduate medical school and a qualifying school of public health (or a consortium of such schools) to provide education and training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

"(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxic agents through the participating Department facilities.

"(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, prevention, or treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or nuclear weapons, or devices posing threats to the public health and safety.

"(3) The Under Secretary shall carry out the research and training programs referred to in paragraph (2) with respect to the proposal for the designation of each center.

"(4) The Secretary shall make a finding under paragraph (2) in consultation with the Assistant Secretary for Operations, Preparedness, Security, and Law Enforcement Functions.

"(d) Research Activities.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center’s expertise. Each center may seek research funds from public and private sources for such purpose.

"(e) Dissemination of Research Products.—(1) The Under Secretary for Health and the Assistant Secretary for Operations, Preparedness, Security, and Law Enforcement Functions shall ensure that information produced by the research, education, and training activities of centers established under this section is made available, as appropriate, to health care providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter II of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

"(f) Coordination of Activities.—The Secretary shall take appropriate actions to ensure that the work of each center is carried out.

"(g) Funding.—(1) Amounts appropriated for the activities of the centers under this section shall be available only from amounts appropriated for the Department of Veterans Affairs.

"(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for the fiscal year for the activities of the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary deems appropriate to support the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary for Operations, Preparedness, Security, and Law Enforcement Functions.

"(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.

"(h) Peer Review for Designation of Centers.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel to assist in determining the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. The peer review panel shall be established in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(2) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of patients exposed to such hazards, and radiological and chemical conduction as determined by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

"(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to
the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether the proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON GENERAL EMERGENCIES AND CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

"§7326. Education and training programs on medical response to consequences of terrorist activities

"(a) EDUCATION PROGRAM.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the terrorist activities mentioned in subsection (a) of section 1722A of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

(b) IMPLEMENTING OFFICIAL.—The program shall be carried out under the Under Secretary for Health, in consultation with the Agency for Healthcare Research and Quality, within the Department of Health and Human Services and with the support of the American Nurses Association, the American Medical Association, the American Academy of Family Physicians, the American College of Emergency Physicians, and the American Society for Preparedness.

(c) CONTENT OF PROGRAMS.—The education and training programs developed under the program shall be modeled after programs established at the F. Edward Hébert School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

(2) Identification of the potential symptoms of exposure to those agents.

(3) Understanding of the potential long-term effects of exposure, including psychological effects, resulting from exposure to those agents, weapons, or devices.

(4) Emergency treatment for exposure to those agents, weapons, or devices.

(5) An appropriate course of followup treatment, supportive care, and referral.

(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

(d) POTENTIAL TRAINERS.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for health-care professionals in Department medical centers. Such programs shall be designed to be disseminated to health professionals students, graduate health and medical education trainees, and health practitioners in a variety of fields.

(e) CONSULTATION.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.

(b) EFfECTIONS OF TERRORIST ACTS.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§1785. Care and services during certain disasters and emergencies

"(a) AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

(b) COVERED DISASTERS AND EMERGENCIES.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 281(b) of the Public Health Service Act (42 U.S.C. 300h-11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

(c) APPLICABILITY TO ELIGIBLE INDIVIDUALS WHO ARE VETERANS.—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

(d) REIMBURSEMENT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be prescribed by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

(e) REPORT TO CONGRESSIONAL COMMITTEES.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section or as soon thereafter as is practicable, the Secretary shall submit to the Senate Committee on Veterans Affairs and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

(f) REGULATIONS.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.

(2) The table of sections at the beginning of this chapter is amended by adding at the end the following new section after "§1785. Care and services during certain disasters and emergencies":

(b) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 8111(a) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

"(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary shall furnish hospital care and medical services to members of the Armed Forces on active duty referred to or involved in that disaster or emergency.

(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(ii) A disaster or emergency in which the National Disaster Medical System established pursuant to section 281(b) of the Public Health Service Act (42 U.S.C. 300h-11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

SEC. 5. 10-YEAR EXTENSION OF EXPIRED AUTHORITY.

Effective September 30, 2002, subsection (d) of section 1722A of title 38, United States Code, is amended by striking "September 30, 2002" and inserting "September 30, 2012".

SEC. 6. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) INCREASE.—Subsection (a) of section 306 of title 38, United States Code, is amended by striking "six" in the first sentence and inserting "seven".

(b) FUNCTIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(11) Operations, preparedness, security, and law enforcement functions.

SEC. 7. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§8117. Emergency preparedness

"(a) READINESS OF DEPARTMENT MEDICAL CENTER.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from emergency or incidental attack or otherwise to respond to such an attack so as to enable such centers to fulfill their obligations as part of the Federal response to public health emergencies.

(2) Actions under paragraph (1) shall include—

(A) the provision of decontamination equipment and personal protective equipment at Department medical centers; and

(B) the provision of training in the use of such equipment to staff of such centers.

(1) The Secretary shall take appropriate actions to provide for
the security of Department medical centers and research facilities, including staff and patients at such centers and facilities."

(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities under section 186h of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 116 Stat. 631), including the results of such evaluation relating to the following needs:

(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

(3) The Secretary shall maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment through an emergency health care system in order to permit the rapid identification and utilization of such pharmaceuticals, medical supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

(d) Training.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks or attacks from an incendiary or other explosive weapon.

(1) in paragraph (2), by striking "(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 261l(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b))."

(2) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies pursuant to section 134a of the Public Health Service Act (42 U.S.C. 247d–4(a)).

(3) The Secretary shall establish and maintain a training program under paragraph (1) in consultation with the following:

(A) The Secretary of Defense.

(B) The Secretary of Health and Human Services.

(C) The Director of the Federal Emergency Management Agency.

(f) Telepsychology.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various services including mental health counseling and assistance, including counseling and assistance for post-traumatic stress syndrome, providing a bioterror attack or other public health emergency to the following persons:

(A) Veterans.

(B) Local and community emergency response providers.

(C) Active duty military personnel.

(D) Individuals seeking care at Department medical centers.

(2) The strategies under paragraph (1) shall include the following:

(A) Training and certification of providers of mental health counseling and assistance.

(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

(3) The Secretary shall develop and maintain the framework in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e).

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

"8117. Emergency preparedness."

(b) Repeal of Codified Provisions. —Subsections (a), (b), (c), (d), (e), and (f) of section 154 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 38 U.S.C. note pream. 8117) are repealed.

(c) Conforming Amendments. —Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting "of section 8117 of the United States Code" after "subsection (a)"; and

(2) in paragraph (2), by striking "subsection (b) through (f)" and inserting "subsection (1) through (f) of section 8117 of title 38, United States Code".

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH). Mr. SMITH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to bring to the floor legislation that I introduced almost a year ago to respond to the diabolical terrorist attacks of September 11 and the anthrax attacks that followed.

The legislation, H.R. 3253, as amended, the Department of Veterans Affairs and Department of Justice and Department of Homeland Security Act of 2002, provides the Federal Government with another tool to prevent or, if necessary, respond to future acts of terrorism against the United States. This legislation is designed to mobilize the underappreciated strength of the VA health care infrastructure in defending our Nation against future acts of terrorism.

Although it may come as a surprise to many, the Department of Veterans Affairs operates one of the largest integrated health care networks, with over 200,000 health care practitioners, 163 medical centers, more than 800 outpatient clinics, 115 medical research programs, affiliations with over 100 schools of medicine, and a $25 billion annual budget including over $1 billion for research programs.

The VA health care system must, Madam Speaker, be an integral component of any homeland security strategy. In fact, the VA already does have defined roles in the National Disaster Medical System and the Federal Response Plan in the event of national emergencies.

Among the VA’s current specialized duties are, one, conducting and evaluating disaster and terrorist attack simulation exercises; second, managing the Nation’s stockpile of drugs to counter the effects of chemical and biological agents; third, training a rapid response team for radioactive releases; and, fourth, training public and private NDMS medical center personnel around the country in properly responding to biological, chemical, or radiological disaster.

H.R. 3253 was developed in order to apply the existing experience and expertise in the VA’s health care research programs as a defensive tool in the war on terrorism.

Mr. Speaker, I know from my own experience with the anthrax attacks last October, which hit my own district and hit it hard in central New Jersey in Hamilton Township, putting thousands of dedicated postal workers and the public as well at risk, that we need to move very quickly, develop new tests and new treatments for anthrax and scores of other biological and dangerous chemical agents and radiological weapons that might be employed by terrorists.

When anthrax was discovered in the Hamilton Post Office, I was astounded to discover that there were no existing protocols to test, quarantine, or treat victims. The confusion that emanated, the fog, if my colleagues will, that followed the discovery of anthrax made a bad situation even worse. I saw it over and over again, well-intentioned experts from the departments of health, State and Federal, CDC and the like were flying by the seat of their collective pants. Far too many pertinent questions were not answered and were not answered with scientific or any kind of precision.

It was during that crisis, frankly, that I thought that we needed to develop a new policy that would establish protocols which would try to deal with the details before the unthinkable, which now had become the thinkable, actually happened; and that was the genesis of this legislation.

H.R. 3253, we believe, will marshal some of our Nation’s best and brightest scientists in a focused effort to develop new protocols for testing, vaccinating, and treating our citizens who may be victims of biological, chemical, or radiological terrorism.

Madam Speaker, the House previously approved H.R. 3253, as amended, on May 20. I am very grateful that the Senate passed an amended bill on August 1. The bill before us today represents the compromise language agreed to after discussions and negotiations between the Senate Committees on Veterans’ Affairs.

As amended, H.R. 3253 will authorize the VA to establish four National Medical Preparedness Centers. These centers would undertake research and develop new protocols for detecting, diagnosing, vaccinating, and treating potential victims of terrorism. In particular, the centers would focus on...
The House and Senate Committees on Veterans' Affairs have prepared the following explanations of H.R. 3253, as amended (hereinafter referred to as the “Compromise Agreement”). Differences between the preparedness provisions contained in the Compromise Agreement and the related provisions of H.R. 3253 and S. 2132 are limited to clerical exceptions, for the sake of clarity, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

**SHORT TITLE**

**CURRENT LAW**—Public Law 105-368, the “Veterans Preparedness Research Act of 1998,” charged Department of Veterans Affairs (VA) to investigate potential long-term health effects of biological and chemical warfare agents. Under current law, the VA does not possess specific authority to establish centers dedicated to research, education, and training activities related to managing the health consequences of terrorist use of weapons of mass destruction.

**HOUSE BILL**—Section 1 of H.R. 3253 provides that the short title of the bill is the “Department of Veterans Affairs Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002.” This section of H.R. 3253 and S. 2132 provide that the short title of the bill is the “Department of Veterans Affairs Emergency Preparedness Act of 2002.”

**COMPROMISE AGREEMENT**—Section 1 of the Compromise Agreement would adopt the Senate language.

**ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS RESEARCH CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS**

**CURRENT LAW**—No provision.

**HOUSE BILL**—Section 2(a) of H.R. 3253 would amend Chapter 73 of title 38, United States Code, by establishing a new section 7325.

**Subsection (a) of section 7325 of title 38, United States Code** would require the Secretary of Veterans Affairs to establish at least four national medical emergency preparedness centers at existing VA medical centers, carrying out full-time emergency medical employees. The Under Secretary for Health, in consultation with the assistant secretary for operations, preparedness, and security, would be required to design centers and developing the operation of these centers.

Proposed section 7325(b) of title 38, United States Code, would define the centers’ threefold mission as follows: (1) to conduct research and development into “diagnosis, vaccination, protection, and treatment for chemical, biological, and radiological threats,” (2) to provide education, training, and expert advice to department and community health-care practitioners; and (3) to provide “contingent rapid response laboratories” and training to established health-care authorities during national emergencies. The House bill would specify that at least one center be dedicated to radiological threats.

The Senate bill would require that centers provide education and training to VA health-care professionals, and to non-VA professionals at the direction of the Secretary. The Senate would also authorize the establishment of a national emergency. The Senate bill would not assign specific areas of research to single centers.

The Senate bill would require that the Secretary designate centers after peer review of competitive proposals submitted by existing and non-VA medical centers. The Senate bill would require the same qualifications as the House bill, but would require geographic dispersal “to the maximum extent practicable.”

The Senate bill would require the offices responsible for directing research and medical emergency preparedness to administer the funds as appropriate. This section would also authorize the Department to work in close coordination with the Departments of Defense and Health and Human Services, the Office of Homeland Security, and other appropriate federal agencies.

Subsection (e) of proposed section 7320A would require that centers be staffed by VA employees or employees of other Federal agencies, on a non-reimbursable basis.

Proposed section 7325(b) of title 38, United States Code, would require that VA make the centers’ findings available to health-care providers in the United States through publications and medical education programs, and that research programs be coordinated and shared among other Federal, state, and agencies. The House bill would also authorize the Department to establish Federal research into the bio- and radiological, medical, or other assistance to Federal, State, and local health-care agencies and facilities involved in responding to a national emergency. The Senate bill would not assign specific areas of research to single centers.

The Senate bill would require that the Secretary designate centers after peer review of competitive proposals submitted by existing and non-VA medical centers. This section would require the same qualifications as the House bill, but would require geographic dispersal “to the maximum extent practicable.”

The Senate bill would require the offices responsible for directing research and medical emergency preparedness to administer the funds as appropriate. This section would also authorize the Department to work in close coordination with the Departments of Defense and Health and Human Services, the Office of Homeland Security, and other appropriate federal agencies.
Proposed section (f) section 7320A would authorize the Secretary to provide assistance to Federal, State, and local agencies engaged in investigations or inquiries to protect against or to be used by terrorists or weapons of mass destruction. Proposed section 7320A(g) would authorize the centers to seek grants from outside sources, and would authorize the committees to report $20 million for each of fiscal years 2003–2007.

**COMPROMISE AGREEMENT**—The Compromise Agreement would incorporate the Senate provisions in proposed section 7325 of title 38, United States Code, authorizing a total of four medical emergency preparedness centers, by substituting “agreement” for “contract.” The Compromise Agreement would not include House language defining qualifications for center directors. The centers would be situated organizationally within Veterans Health Administration (VHA) and would report to the Under Secretary for Health. Nevertheless, the research programs and educational tools arising from the work of the centers would link directly to the mission and function that the compromise Agreement would assign to the assistant secretary responsible for operations, preparedness, security, and law enforcement. Thus, there would be a clearly defined line of accountability and coordination among the centers and the responsible departmental officials. This need is clearly acknowledged in the Compromise Agreement by the requirement to link the Under Secretary’s decisions with regard to the operations of the centers to the work of the assistant secretary.

Proposed section 7325(b)(1) of title 38, United States Code, in the Compromise Agreement, would supersede the Senate’s language by substituting “prevention” for “vaccination and protection,” and adding to the list of potential threats incendiary and other explosive weapons of mass destruction. Committees agree that contingency planning would include an all-hazards approach and acknowledge that strategies for mass casualty management overlap, irrespective of the particular nature of a terrorist attack or source of other mass-casualty disaster. The Compromise Agreement would not require individual centers to be dedicated to specific fields of study. Nevertheless, the Compromise Agreement would allow the Department to pursue multiple approaches to medical management in mass casualties. In exercising the authority, the Department could designate any, some, or none of the centers as lead agent for development of a particular focused research area dealing with bioterrorism.

Proposed section 7325(b)(2) of title 38, United States Code, would require the Secretary to ensure that VA provide education, training, and advice to health-care professionals within VHA as proposed in both bills, but would follow the Senate language by specifying that such training and advice be provided to outside professionals and practitioners through the NDMS as authorized by Public Law 107–188, the “Public Health Security and Protection Act of 2002,” or through specific interagency agreements executed for the purpose. The committees intend that VA take steps to ensure that potentially valuable research findings and educational developments in medical emergency preparedness be translated into practical, day-to-day clinical practice as quickly as practicable, but that VA accomplish this task through channels established as part of VA’s role in existing federal response partnerships and the evolving U.S. national homeland security policy.

Proposed section 7325(b)(3) of title 38, United States Code, would receive language from both bills authorizing centers to provide such laboratory, epidemiological, medical, or other assistance as the Secretary in consultation with the centers, and local health-care agencies and personnel in the event of a disaster or emergency. Thus, there would be a clearly designated assistant secretary responsible for operations, preparedness, and security, and subject to a dedicated, peer-reviewed scientific peer-review process. The Compromise Agreement would follow House language describing the composition of the peer-review panel to protect the term “bio-hazards management education and training” with the term “infectious diseases,” in describing the types of expertise and support that would be available to more fully accomplish the law’s purpose. The Compromise Agreement would also follow House language requiring that to be qualified, centers would need to develop an arrangement under which nursing, social work, counseling, or allied health personnel would receive training and education from the centers, in addition to other provisions shared with the Senate.

Sections 7325(d) and (e) of title 38, United States Code, would adopt the House language on research activities and dissemination of research products. Section 7325(f) would follow the Senate language requiring that research be coordinated with departments, agencies, and working groups charged with responding to weapons of mass destruction.

Proposed section 7325(i) of title 38, United States Code, in the Compromise Agreement, would supersede the Senate’s language by authorizing and providing for the authorization of appropriations to support the efforts of these centers.

**EDUCATION AND TRAINING PROGRAMS ON MEDICAL, EPIDEMIOLOGICAL CONSEQUENCES OF TERRORIST ACTIVITIES**

**HOUSE BILL**—Section 3(a) of the House bill would amend chapter 73 of title 38, United States Code, by adding a new section 7326.

Section 7326(a), of title 38, United States Code, would require the Secretary of Veterans Affairs to develop and disseminate programs to educate health-care professionals to respond to the consequences of terrorist activities.

Proposed section 7326(b), of title 38, United States Code, would designate the Under Secretary for Health, in consultation with the assistant secretary responsible for operations, preparedness and security, as the implementing officials or entity.

Under section 7326(c), of title 38, United States Code, the education and training program would include two principal elements. First, the Department of Health and Human Services would develop baseline national curricula and guidelines for training health-care professionals.

Section 7326(d), of title 38, United States Code, would require the education and training programs and materials to include various health-care professionals at every level of learning and in a variety of fields.

Under section 7326(e), of title 38, United States Code, the Secretary would be required to consult with the accrediting, certifying and coordinating bodies representing the organizations which are the fields of health professionals’ education.

Section 3(b), of the House bill would require the Secretaries to implement this section within 90 days of enactment.

**SENATE BILL**—The Senate bill contains no comparable provisions.

**FEDERAL RESPONSE PLAN**—Section 3 of the Compromise Agreement would follow the House language with one amendment requiring that programs be designed for health-care professionals “in Department medical centers.”

**AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES**

**HOUSE BILL**—Proposed section 7326(a), of title 38, United States Code, authorizes VA to serve as a supportive contingency health-care system to the Department of Defense, requiring VA to furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty during and following a period of foreign war. This provision requires the Secretary to request deployment forces following an armed conflict abroad, when active-duty military casualties might quickly overwhelm available military treatment facilities. In Section 1784 of title 38, United States Code, the Secretary is authorized to “furnish hospital care or medical services to members of the Armed Forces, and to the families of such members, when the Secretary shall charge for such care and services at rates prescribed by the Secretary.” The authority of section 1784 addresses humanitarian care provided by the Department to non-veterans.

Neither provision authorizes VA to care for active-duty military casualties following a domestic disaster or conflict, a possibility that must be acknowledged following the terrorist attacks in New York and Washington on September 11, 2001. In addition, current law does not recognize VA’s already considerable commitment to providing emergency care during disasters as part of the Federal Response Plan established under Executive Orders 12148 and 12356.

**HOUSE BILL**—The House bill contains no comparable provisions.

Section 301(a) of the Senate bill would add a new section 785 to title 38, United States Code, to authorize the Secretary to furnish hospital care and medical services to individuals, directly or indirectly affected by natural disasters, to individuals who have been involved in, or otherwise affected by a declared major disaster or emergency, or following activation of the NDMS. Proposed section 1785(c) of title 38, United States Code, would allow VA to care for veterans during such a disaster without regard to enrollment requirements under section 1705 of title 38, United States Code. Proposed section 1785(d) of title 38, United States Code, would authorize the Secretary to give higher priority to furnishing services to individuals involved in, or otherwise affected by a declared major disaster or emergency, or following activation of the NDMS. Proposed section 1785(e)(1) of title 38, United States Code, would authorize VA to be reimbursed for care furnished to an officer or employee of another Federal department or agency, with amounts credited in the Medical Care Collections Fund to the facility providing care. Under proposed section 1785(f) of title 38, United States Code, the Secretary would be required to report to the House and Senate Committees on Veterans’ Affairs the volume of care furnished by VA under these provisions.

Section 301(b) of the Senate bill would amend title 38 of the United States Code,
section 1784, to provide an exception to the requirement that VA charge individuals for emergency care during a covered disaster or emergency.

Finally, the Senate bill would amend section 8111A of title 38, United States Code, to authorize the Secretary to furnish hospital care or medical services to members of the Armed Forces in any case in which the Secretary determines that the services are required by reason of a covered disaster or national emergency.

COMPROMISE AGREEMENT—Section 4 of the compromise Agreement would follow the Senate language, but would amend it by striking references to priorities for furnishing personal protection equipment. The compromise Agreement would delete language that would have suspended VA charges for emergency care under section 1784 of title 38, United States Code, during disasters.

INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS

CURRENT LAW—Section 308 of title 38, United States Code, currently authorizes six assistant secretaries of the Department of Veterans Affairs and 18 deputy assistant secretaries.

HOUSE BILL—Section 4 of the House bill would amend section 308 of title 38, United States Code, by increasing the number of authorized assistant secretaries to "seven" and would authorize (b) of that section by adding "operations, preparedness, security, and law enforcement functions" to currently authorized functions.

SENATE BILL—Section 201 of the Senate bill is identical to section 4 of the House bill. Section 202 of the Senate bill would amend section 308(d)(1) of title 38, United States Code, to modify the number of authorized deputy assistant secretaries from 18 to 20.

COMPROMISE AGREEMENT—Sections 6(a) and (b) of the Compromise Agreement would follow language from both bills. Section 6(c) of the Compromise Agreement would increase the number of deputy assistant secretaries from 18 to 19. The Committee urged the Secretary to examine the deployment of existing deputy assistant secretaries to ensure that the Department is properly staffed with deputy assistant secretaries to fulfill its various functions and missions.

CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS


HOUSE BILL—The House bill contains no comparable provisions.

SENATE BILL—The Senate bill contains no comparable provisions.

COMPROMISE AGREEMENT—The compromise Agreement differs from both bills by requiring the Secretary to establish and maintain a training program for VA health-care professionals and their community partners in the NDMS, in accordance with recommendations from the National Association of Medical Care Management the Department is working with a number of stakeholders to establish a working group established in title 42, United States Code, and in consultation with the other NDMS Federal partners.

PROVISIONS OF H.R. 3253

Madam Speaker, I reserve the balance of my time.

Chairman SMITH introduced legislation authorizing an important role for the Department of Veterans Affairs in our Nation’s fight against terrorism. That is the primary purpose of this measure to authorizing the Secretary to provide mental health assistance, including counseling and assistance for post-traumatic stress disorder, following a terrorist attack or other public health emergency. This legislation was developed in consultation with the Secretary of Health and Human Services, the American Red Cross and the bioterrorism preparedness working group established in title 42, United States Code. The Secretary would be responsible for training and coordinating VA providers in the treatment of veterans, emergency responders, active-duty military personnel, or others seeking care at a VA medical center.

Madam Speaker, I reserve the balance of my time.

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

I rise in strong support of the Veterans Affairs Emergency Preparedness Act, as amended. After the tragic events of September 11 last year, our chair, the gentleman from New York (Mr. SMITH), again demonstrated his leadership. Chairman SMITH introduced legislation authorizing an important role for the Department of Veterans Affairs in our Nation’s fight against terrorism. That is the primary purpose of this measure to authorizing the Secretary to provide mental health assistance, counseling and treatment services for veterans.

It provides medical care to millions of veterans each year and conducts groundbreaking health care research, and it also provides educational opportunities to many of our Nation’s health care providers.

The VA is truly an unparalleled national resource. This legislation provides for the structure and the authority for the VA to leverage its expertise to combat terrorism. For the VA to achieve this goal, it must have adequate resources.

Today, the Veterans Affairs does not have enough resources. That is not my judgment, but it is the judgment of the Task Force to Improve Health Care Delivery to Veterans established by President Bush. I call on the President to fully fund the VA. I ask him to provide all funding the VA needs to deliver timely, quality care to our veterans, today and tomorrow; provide the readiness of the VA needed to combat terrorism. And I thank the chairman once again for his leadership.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the distinguished chairman of the Subcommittee on Health.

Mr. MORAN of Kansas. Madam Speaker, since September 11, our Nation has been made to reevaluate every action we undertake. A year after the attacks on New York and Washington and the plane crash in Pennsylvania, we are still at a heightened state of alert. What we once considered merely possible or unlikely has become more real than ever. What we once considered a potential threat has become a reality. And the American people are more concerned about security.

The citizens of America are looking now, more than ever, to Congress and to the President for answers.

This legislation before us, H.R. 3253, would use the assets and expertise of the Department of Veterans Affairs to help protect the people of the United States from terrorists. Our government must be proactive in preparing the American people for the next terrorist attacks. As Vice President CHEWY cautioned earlier this year, “The prospects of a future attack against the United States are almost certain.” We must respond in a timely, effective and comprehensive manner to protect the American people when an attack occurs. This bill would help do just that.

Under this bill, four geographically separated National Medical Emergency Preparedness centers would be established. Each center would study and work toward solutions to health consequences that arise from exposure to chemical, biological, explosive, and nuclear substances used as weapons of mass destruction.

The VA is prepared to handle this new and important mission. In addition to its medical care mission to care for millions of American veterans, the veterans health care system is the Nation’s largest health care provider of graduate medical education and a major contributor to biomedical and other scientific research. Because of this widely dispersed, integrated health care system, the VA can be, and has been in the past, an essential asset in responding to national emergencies.

Not only would the four special centers conduct research and develop methods of detection, diagnosis, prevention, and treatment; but they would also be charged with the dissemination of the latest information to other public and private health care providers, to give the American people those for patients who may be exposed to deadly chemicals, radiation, or other terrorist weapons of mass destruction.
This bill would also require the Secretary of Veterans Affairs to carry out a program to develop and disseminate model education and training programs on the medical responses to terrorist activities. The VA's infrastructure, which includes affiliation with over 107 medical schools and other schools of health professions, would enable current and future medical professionals in this country to be knowledgeable and medically competent in the treatment of casualties from terrorist attacks. The VA also plays the critical role in the national disaster medical system and authorizes the VA to treat first responders, active duty forces, firefighters, police officers and members of the general public that may be victims of terrorism or other mass casualty disasters.

With this bill, the VA health care professionals will be properly armed with information and education on bioterrorism response. Mechanisms will be put in place to hopefully avoid the likely avenues and methods of chemical, biological, and radiological poisoning; and the VA will be part of the rapid response by Federal, State, and local officials in types of emergencies that only a year ago would scarcely imagine.

H.R. 3253 is a bipartisan and bicameral compromise; and, Madam Speaker, I urge my colleagues to support this effort in America's war on terrorism.

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

Mr. SMITH of New Jersey. Madam Speaker, I rise in support of H.R. 4687 to provide for the establishment of investigative teams to assess future bioterrorist attacks. This measure would authorize the VA to become a full partner in our defense efforts through the establishment of four “Medical Emergency Preparedness Centers” at VA hospitals throughout the nation.

These centers would be charged with conducting medical research, and developing health care responses for chemical, biological, radiological, incendiary and explosive threats and materials. These centers would provide education, training, and advice to VA and outside doctors, and other health care professionals on how to diagnose and treat illnesses caused by exposure to chemical, biological and radioactive materials. Especially important is the role the proposed centers would play in providing rapid response assistance and other aid to local health care authorities in the event of a national emergency.

This legislation recognizes the critical role the VA can play in our homeland security efforts. The VA operates the nation's largest integrated health care network with over 20,000 health care professionals, 163 medical centers, 800 outpatient clinics, 115 medical research centers, and has affiliations with more than 100 medical schools. Several VA facilities have already been designated to serve our country in this effort. For example, the Audie Murphy Memorial Hospital in San Antonio, has developed relationships and shared teaching and research arrangements with various medical school sin Texas and the county hospital system. Audie Murphy also works closely with several military medical missions with expertise in chemical, biological and radiological hazards.

The collaborative efforts of veterans health care providers, like Audie Murphy Hospital, not only help veterans, but our nation as a whole. Furthermore, this puts the VA in a critical position to attract high level scientists in fields relevant to biochemical and radiological threats. I believe that through the development of National Emergency Preparedness Centers, the VA can become an important partner in our nation's homeland defense efforts.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. Biggert). The question was taken; and (two-thirds having voted in favor thereof) H.R. 4687 was passed by the following vote: aye 416, nay 0. The SPEAKER pro tempore declared the passage of the bill to be agreed to by the Yeas and Nays. Pursuant to the provisions of H.R. 3253, the Emergency Preparedness Act. As an original co-sponsor of H.R. 3253, I recognize the significant role the Department of Veterans Affairs (VA) can play in our quest as a nation to restore a sense of security following the heroic actions of September 11, 2001 and the subsequent anthrax attacks. This measure would authorize the VA to become a full partner in our defense efforts through the establishment of investigative teams to assess building performance and the 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 for the loss of life.

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the amended version of H.R. 3253, the Emergency Preparedness Act. As an original co-sponsor of H.R. 3253, I recognize the significant role the Department of Veterans Affairs (VA) can play in our quest as a nation to restore a sense of security following the heroic actions of September 11, 2001 and the subsequent anthrax attacks. This measure would authorize the VA to become a full partner in our defense efforts through the establishment of investigative teams to assess building performance and the 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 for the loss of life.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:
SECTION 1. SHORT TITLE.
This Act may be cited as the “National Construction Safety Team Act”.

SEC. 2. NATIONAL CONSTRUCTION SAFETY TEAM.
(a) ESTABLISHMENT.—The Director of the National Institute of Standards and Technology (in this Act referred to as the “Director”) is authorized to establish a National Construction Safety Team (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.
(b) SCOPE.—To the maximum extent practicable, the Director shall establish and deploy a Team within 48 hours after the date of the event.
(c) PROCEDURES.—The Director shall promptly publish in the Federal Register notice of the establishment of each Team.

(b) PURPOSE OF INVESTIGATION.
(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) examine and analyze, or cause to be examined and analyzed, buildings, buildings components, materials, and artifacts with respect to the building failure and, and take action necessary, appropriate, and reasonable in light of the nature of the property to be investigated or that caused the building failure, and
(C) COORDINATION.
(1) DEVELOPMENT.—Not later than 3 months after the date of 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 implement such procedures as appropriate. Such procedures shall include provisions—
(A) regulating 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) prescribing the appropriate size of Teams;
(E) guiding the conduct of investigations under this Act, including any 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 conditional or non-conditional fees that shall be charged by the Director of additional resources and services Team members 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 on a building failure, including research conducted under the Earthquake Hazards Reduction Act of 1977; and
(K) regarding such other issues as the Director considers appropriate.
(2) PUBLIC HEARINGS.—A Team shall hold a public hearing for the purposes of—
(A) informing the public on the progress of the investigation;
(B) informing the public on the progress of the investigation;
(C) informing the public on the progress of the investigation;
(D) informing the public on the progress of the investigation;
(E) informing the public on the progress of the investigation;
(F) informing the public on the progress of the investigation;
(G) informing the public on the progress of the investigation;
(H) informing the public on the progress of the investigation;
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(T) informing the public on the progress of the investigation;
(U) informing the public on the progress of the investigation;
(V) informing the public on the progress of the investigation;
(W) informing the public on the progress of the investigation;
(X) informing the public on the progress of the investigation;
(Y) informing the public on the progress of the investigation;
(Z) informing the public on the progress of the investigation.

SEC. 3. COMPOSITION OF TEAMS.
Each Team shall be composed of individuals selected by the Director and led by an individ
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 any other law of the United States;

(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 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 from a Team or the National Institute of Standards and Technology which includes—

(1) analysis of the likely technical cause or causes of the building failure investigated;

(2) technical recommendations for changes to or the establishment of evacuation and emergency 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. 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 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 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 Secretary of the Treasury a report on its activities during the previous fiscal year under this Act and, working 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.

(c) DURATION OF ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under subsection (b) unless the Director finds that the continuation of that committee might jeopardize public safety.

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 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 ON NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIONS.

(a) ESTABLISHMENT AND FUNCTIONS.—The Director, in consultation with the National Institute of Standards and Technology, shall establish a Team having subpoena power, to the extent authorized by law, and shall provide such personnel and such financial and other support to those people and places that needed it.

(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 any other law of the United States;

(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, shall not disclose voluntarily provided safety-related 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 described in subsection (a) by a Team or the National Institute of Standards and Technology which includes—

(1) an analysis of the likely technical cause or causes of the building failure investigated;

(2) technical recommendations for changes to or the establishment of evacuation and emergency 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. 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.

(a) EXEMPTION.—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.

(b) AUTHORIZATION OF APPROPRIATIONS.—The National Institute of Standards and Technology is authorized to use funds otherwise authorized by law to carry out this Act.

(c) CONSTRUCTION.—The SPEAKER pro tempore. Pursuant to rule 14, Mr. BOEHLERT, the gentleman from New York (Mr. BOEHLERT), each will control 20 minutes.

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

Mr. BOEHLERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4867.

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

There was no objection.

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

Madam Speaker. I am honored to bring this bill back to the House so we can pass it and send it on to the President for his signature. Last week the Members of the House, like citizens throughout our Nation, set aside time to remember the events and heroes and victims of last September 11. We re-experienced the shock and horror of that day, and we gave thanks for our liberties and the way our Nation spontaneously came together to provide emergency, emotional and financial support to those people and places that needed it.

But that is not enough. Our responses to September 11 cannot be limited to that day. We have to learn from what happened that day, and apply those lessons. Most of the lessons, of course, relate to foreign policy and domestic security, and it is often difficult to discern exactly what those lessons ought to be once one goes beyond enhanced vigilance, but there are also lessons related to building safety, and at least the immediate lessons in that area are crystal clear.

The collapse of the Twin Towers, and especially the emergency response and evacuation procedures in response to the attack on the Towers, indicates that we need to know much more about skyscraper safety. The government study that was done after the attack indicated that we need to have better procedures in place to study building failures, from whatever cause, if we are going to save lives in the future.

The attack on the World Trade Center is, we hope, unique. But the collapse of those two seemingly immovable objects has lessons for a wide variety of buildings facing a wide variety of relatively common circumstances.

Mr. BOEHLERT. Madam Speaker, I introduced along with the gentleman from New York (Mr. WEINER), will ensure that we are able to learn and apply those lessons, not only in the case of the World Trade Center, but in future cases as well.

The bill simply and precisely remedies each and every failing that hindered the investigation of the World Trade Center collapse. The bill gives clear responsibility and authority, including subpoena power, to the National Institute of Standards and Technology to use its longstanding expertise, and that of outside experts, to investigate failures of structures and evacuation procedures, and to make specific recommendations to prevent their recurrence. The bill ensures that NIST's response will be swift and thorough.

This bill has already passed the House overwhelmingly, and we expressed clear differences with the Senate. The bill is ready for the President, and it will be a fitting memorial to those who perished last year at this time.

Madam Speaker, I thank the families of those who died at the Trade Center, especially those who have formed the Skyscraper Safety Campaign, for all their hard work in helping to bring this measure to fruition. We are working together to ensure that no other families will ever have to experience their particular pain.

Madam Speaker, I reserve the balance of my time.
Mr. WEINER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to add a couple of points of explanation to what the gentleman from New York (Mr. BOEHLERT) has said.

First of all, it is clear that no one in this body, no one on the Committee on Science, no one could have anticipated that dreadful act, that shameful act of cowardice that led to the collapse of the World Trade Center. In fact, nothing that we do today should negate the fact that the way those buildings were built, with such strength and such great craftsmanship, they stood for over an hour, even after they were hit with the most horrific forces any building has had to withstand. What is the result, today over 25,000 families are together with their surviving member because they were able to get out alive. It was the largest urban rescue in history, and it would not have been possible had it not been for the fortitude of those buildings.

But we also would be remiss if we did not recognize that the investigation that ensued after the September 11 building collapse was a disaster. There was friction and tension between different agencies. There was infighting with agencies. To give Members an idea, 80 percent of the steel from those buildings was taken away and recycled before any expert could take a look at them to try to determine if there were defects assigned to the case. That is what we are trying to address today.

I should point out this is not just idle thought. Perhaps if the gentleman from New York (Mr. BOEHLERT) pointed it out, that this bill would not have happened, simply put, would not have happened had it not been for families of victims and interested Americans coming to us and saying in the midst of all the difficult things that we have to do as a Congress and efforts to secure our homeland, let us not forget that we need to do an investigation about why those buildings came down.

Frankly, it was the impetus of the Skyscraper Safety Campaign that made this bill a reality. It would not have been possible had the gentleman from New York (Mr. BOEHLERT) not taken it up, and not taken it up with such dignity and speed, and his staff had not been so proficient in doing it, including Mike Quear on our side of the aisle, Geoffrey Hockert and Lamar Robertson on my staff. Frankly, the gentleman from New York (Mr. BOEHLERT) has shown us the way to get this stuff done. Many of us are standing here after September 11 and wondering, what are the obvious things are taking longer than we thought. Perhaps if the gentleman from New York (Chairman BOEHLERT) was the chairman of all of the committees, and I am not sure that I would wish that on the gentleman, but perhaps it would move quicker.

Secondly, it is undeniably a fact that if we did not have the NTSB as a model, this would have taken a lot longer. The NTSB has shown us the way to do an effective investigation of some airplane crashes, the way they sequester evidence, and take control of a scene as it were a crime scene. They always get their man. They have virtually 100 percent success rate of coming to conclusions about why planes crash. We use that as a model to help this bill.

Madam Speaker, I strongly urge the President to give this the attention it deserves by having a ceremony when he signs this bill. I thank Senator Schumer and Senator Clyburn for being so expedient in their consideration. This is legislation that hopefully we will never see put into place. There should never again be, God willing, the type of catastrophic building collapse as we saw in New York on the morning of September 11; but if there is, we should learn from it. And, as importantly, we hope with this legislation we give the tools to investigators to learn everything possible to learn about the causes of the September 11 collapse.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the gentleman from New York (Mr. WEINER) points out something very important. We get things done in this institution by working on a bipartisan basis. We get things done in this Congress by working on a bicameral basis. That is why we have succeeded in getting to this point.

Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), someone who has been very instrumental in fashioning this bill and bringing us to the point where we are right now.

Mr. SHAYS. Madam Speaker, I thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from New York (Mr. WEINER) for this legislation, for their perseverance, and for listening to their constituents and the people who suffered from September 11 who helped design this bill.

As others have pointed out, where the location of the stairs were, I have a constituent who spoke to her loved one, her husband, for almost an hour as he went to the top of the building, went down to the fire, tried to find a way to get out, as she spoke with her husband, for almost an hour as she looked at the building on the camcorders, the TV, to see if she saw any opportunity. That was the last time she spoke with her husband, trying to help him deal with this catastrophe. We want to have a good model in the NTSB. We know that we have the ability when there are airplane crashes to look at the NTSB and see what they did. They take control. They have subpoena power. They have the ability to look at every aspect of the disaster, the people who did not do, the materials involved, what happened. With this legislation, NIST has the same authority, with all the
same powers. When there is a major catastrophe, when there is loss of life, they are going to step in. I was particularly intrigued by the fact that not only were we talking about these two incredibly large buildings, we were talking about a 40-story building that caught on fire and there was no way to put that fire out, no water, no ability to put it out, so it was allowed to burn for nearly 7 hours, this 40-story structure. Think of all that had occurred about building material. Think what we will learn in the future and just think of how important it is for those who have lost loved ones to know that there is an organization like NIST that will take charge just like the NTSB takes charge in the disaster of an air flight. We are at war with terrorists. They are going to use conventional, biological, and possibly chemical weapons. Heaven forbid that they will someday have access to nuclear weapons and try to use them, but that we cannot actually prevent a disaster, but when there is one, we need to learn from it. 

Again, I want to just thank both the chairman of the Committee on Science, who has brought science to the discovery of things that happen, and the gentleman from New York (Mr. WEINER) for his incredible help. I appreciate the work of both of them.

Mr. BOEHLERT. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GUTRUCCHI) who has been there right from the beginning, at every hearing, meeting with the skyscraper safety campaign committee, meeting with the professional staff, working very hard to produce the product that we are proud to present to the House today.

Mr. GUTRUCCHI. Madam Speaker, I would first like to take a moment to thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from New York (Mr. WEINER). I want to thank particularly the gentleman from New York (Mr. WEINER) for his incredible help. I appreciate the work of both of them.

This legislation, the National Construction Safety Team Act, will give the National Institute of Standards and Technology and related responsibility as well as the necessary legal tools to investigate building failures. Other Federal agencies, such as the National Transportation Safety Board, have the authority to obtain evidence and investigate transportation calamities. In the collapse at Ground Zero, there was no clear mandate to what Federal agency would lead an investigation into the building’s failure. This confusion can never happen again.

H.R. 4687 clarifies the process and makes certain that NIST has the authority to study building collapses. It is crucial that we extend this authority to building engineers and protect all Americans from future danger or tragedy.

Madam Speaker, I urge my colleagues to join us and place my full support behind the bill. I urge my colleagues to join me once again in supporting final passage of this critical legislation before the close of the 107th Congress.

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

I just want to make one concluding thought. There are things that have been suggested in some quarters, and we are having a great deal of discussion in New York about how to redevelop lower Manhattan is, “Well, maybe we shouldn’t build big buildings anymore.” I think this legislation is a recognition of just the opposite. Big buildings have always been, as E.B. White described it, built out of our desire to reach for the heavens. In New York City, frankly, we do not have big wide open spaces, so we are not going to build out, we are going to be building high-rise.

There is another absolute fact I can say going forward: We are always going to have firefighters who are going to run into those buildings to save people on the high floors. Those are two almost immutable facts of life in New York and probably in the United States of America.

This legislation is a sign that we are not retreatting from that idea. What we are doing is trying to learn from our experiences, to try to make both the people who work in those buildings, firefighters and emergency workers who may someday, God forbid, have to rush into those buildings, make them both safer. But let no one see this legislation being passed and say, well, we are getting a little bit weak in the knees about whether or not we should be living up to our greatest ambitions as Americans and as New Yorkers. Neither one is true. In fact, this is recognition that we should be building big buildings, we are going to be making them safer, we are going to be making them such that emergency workers can get in and out of them with ease and make them, frankly, never terror-proof, they are never going to be earthquake-proof, they are never going to be bomb-proof, but we are going to try to learn the tragic lessons of September 11. That should be the legacy of those 2,800 people that were lost that day.

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

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

Our unending quest must be to fill gaps in our knowledge base. With this legislation, we are doing just that. This is a proud moment for the House. I want to thank particularly the gentleman from New York (Mr. WEINER) but also others who cannot be here today because of conflicts. The gentleman from New York (Mr. ISRAEL) was very helpful. The gentlewoman from Maryland (Mrs. MORELLA) was there right from the beginning and worked very hard.

I want to comment on the high degree of professionalism of the staff on this Committee on Science. I want to thank particularly the staff on this Committee on Science. Cameron Wilson and Diane Jones and Dr. John Mimikakis and our staff director David Goldston. But it was not just a Republican staff and a Republican bill or a Democrat staff and a Democrat bill. This is a bill born in America developed by concerned Americans who want to protect us as much as humanly possible for the future.

Mrs. MORELLA. Madam Speaker, I rise today in strong support of H.R. 4687, The National Construction Safety Team Act of 2002. I want to thank Chairman BOEHLERT for his outstanding leadership on this legislation, and for helping to bring this important issue to our attention. This bill has been strongly supported here in Congress, and also by the Administration.

We are all imminently aware of the tremendous challenges America faced on September 11. In an effort to find answers to some of our questions, the Science Committee heard testimony about the reasons for the catastrophic building failure at the World Trade Center. As a result of that testimony, we have learned that there was no federal agency with clear authority over the investigation. This bill helps remedy that problem by giving the construction safety teams and the National Institute of Standards and Technology comprehensive investigation authorities similar to those of the National Transportation Safety Board. We are firmly establishing who is in charge of future investigations.

Additionally, we are supporting much needed research by NIST into the technical causes
of the World Trade Center collapse, and other fire safety issues, in an attempt to provide the necessary research for future building safety codes. NIST is the premier federal laboratory for research in building design and safety, and is uniquely positioned to fully understand the World Trade Center disaster and thereby prevent future collapses.

While I applaud my colleagues for their efforts on moving this important bill, I also caution them that our work may not be done. As the investigations continue, NIST may uncover more questions about the deficiencies of our building designs. They may also discover gaps in our knowledge. New studies and new facilities may be necessary to fill these voids, and thereby may require a new commitment from us. Passage of H.R. 4687 is a very important step toward greater knowledge and better understanding of the events that changed all our lives. I urge your support of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I strongly support H.R. 4687, The National Construction Safety Team Act of 2002. I am pleased with the outcome of our work on the Committee in addressing a very timely and critical problem highlighted in the wake of the events of last 9/11. In just a year we already have before us a piece of legislation that will greatly enhance the safety of the next generation of buildings, and save many lives.

Every experience, no matter how horrific, presents an opportunity to learn. Many lives were lost last year, the two moments that jets crashed into the World Trade Center Buildings 1 and 2. However, much of the devastation occurred over the next hour, as people became trapped in the building, exposed to fire and smoke, and eventually as the buildings collapsed. Although, our first responders made heroic efforts, and did an excellent job at rising to the challenge of this unprecedented attack—there is always room for improvement. Also, although the World Trade Center was an architectural marvel, perhaps there were design changes that could have been incorporated that would have saved lives.

Even as the healing is taking place, we must work with our building codes, standards and procedures to prevent such tragic events from happening again. The National Construction Safety Team Act gives responsibility to the National Institute of Standards and Technology (NIST) to dispatch teams of experts within 48 hours after major building disasters. The team will determine the likely technical cause of building failures. They will also evaluate procedures used for evacuation and emergency responses. Then, the team will recommend specific changes to building codes, standards and procedures to emergency response and evacuation procedures. The team will make regular briefings to the public during ongoing investigations, to keep the public apprised of developments. Implementation of the final recommendations will make our nation’s buildings safer and people more secure.

The bill strikes an excellent balance between allowing the team to be efficient and effective—to access the site, subpoena evidence, etc.—and the need to stay out of the way of search and rescue attempts that may also be ongoing.

Obviously, the first implementation of this bill would be a comprehensive review of the World Trade Center collapse. NIST has already started its follow-on investigation, with $16 million transferred from FEMA. This bill (H.R. 4687) will provide NIST with the ability to subpoena data, if necessary, to augment its current investigation. The citizens of New York deserve such a deep and thoughtful approach. But this bill is not only a “World Trade Center Bill.” Teams will be organized and prepared to respond within 48 hours of any major building failure that involves significant loss of life, or the dangers of such loss. I hope that such a system could also help us learn from, and better prepare for natural disasters as we saw in Houston during Tropical Storm Allison in 2001. Flooding led to the destruction of thousands of homes and buildings, and the loss of 41 lives nationwide. Hospitals, such as that at Baylor College of Medicine, suffered millions of dollars in damages, setting research back years.

One young woman died in Houston, Kristie Tautenhahn, was in a building that was rapidly flooding. A voice came over the intercom, informing employees that the underground garage was filling up with water, and people should go down and move their cars. Kristie, a 42-year old proofreader in a law firm got trapped in an elevator on her way down to the garage, and drowned soon after.

Tragic events, like the death of Ms. Tautenhahn or the flood damage of Baylor probably would not trigger the kind of investigations that this bill provides for. However, it seems that the work of investigative teams created by this bill, could provide valuable information which may bring about smarter building codes, to prevent such failures, and better strategies of getting the appropriate warnings and evacuation information to potential victims of disaster.

H.R. 4687 is a great strike toward a more comprehensive national strategy for predicting, preventing, and mitigating damage due to disasters of all sorts. It is a proactive, preemptive type strategy that could save lives and money. I am pleased with the Science Committee’s leadership on such issues. It compliments well other legislation emerging from the Science Committee, such as the Inland Flooding Bill that I worked on with my colleague from North Carolina BOB E THERIDGE.

Kristie Tautenhahn, was in a building that was rapidly flooding. A voice came over the intercom, informing employees that the underground garage was filling up with water, and people should go down and move their cars. Kristie, a 42-year old proofreader in a law firm got trapped in an elevator on her way down to the garage, and drowned soon after.

The SPEAKER pro tempore. The Speaker pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 435. The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILL AXS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 435, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 55, as follows:

CANDACE NEWMAKER
RESOLUTION OF 2002

The SPEAKER pro tempore. Pursuant to clause 2 of rule XX, the Speaker pro tempore (Mr. DUNCAN) at 6 o’clock and 30 minutes p.m.
So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ROLLAN D. MELTON POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4102, 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 398, nays 0, not voting 34, as follows:

[Roll No. 389]
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.

### PERSONAL EXPLANATION

Mr. ROEMER. Mr. Speaker, I regret that as a result of an important, previously scheduled personal commitment, I was not able to be present in the House of Representatives to cast two votes on Tuesday, September 17, 2002. Had I been present in the chamber, I would have voted “yea” on rollcall No. 389 on H.R. 4102—the Rollan D. Melton Post Office Designation Act, and “yea” on rollcall No. 390 on H.R. 5333—the Joseph D. Early Post Office Designation Act.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

### MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, SEPTEMBER 18, 2002

Mr. ARMY. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, September 18, 2002, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H. Res. 523 and H. Con. Res. 348.
There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 524, SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT OF 2002, AND HOUSE RESOLUTION 525, SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON LEGISLATION EXTENDING AND STRENGTHENING SUCCESSFUL 1996 WELFARE REFORMS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107-660) on the resolution (H. Res. 527) providing for consideration of the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, the resolutions (H. Res. 524) on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, the resolutions (H. Con. Res. 469, 469) authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.), and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. DUNCAN). Is there objection to the request of the gentlemen from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 469
Resolved by the House of Representatives (the Senate concurring), That the Rotunda of the Capitol is authorized to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.). Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 469) authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.), and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlemen from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 469
Resolved by the House of Representatives (the Senate concurring), That the Rotunda of the Capitol is authorized to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.). Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM STAFF MEMBER, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Kevin Long, Professional Staff Member, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

H. Con. Res. 469


DEAR Mr. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KEVIN LONG, Professional Staff Member.

COMMUNICATION FROM STAFF MEMBER, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Christopher Donesa, Staff Director and Chief Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

H. Con. Res. 469


DEAR Mr. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

CHRISTOPHER DONESA, Staff Director and Chief Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

COMMUNICATION FROM STAFF MEMBER, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Scott Fenney, Professional Staff Member, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

H. Con. Res. 469


DEAR Mr. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

SCOTT FENNEY, Professional Staff Member.
COMMUNICATION FROM MINORITY COUNSEL, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Julian A. Haywood, Minority Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:


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

DEAR Mr. Speaker: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(c)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

JULIAN A. HAYWOOD,
Minority Counsel.

SPECIAL ORDERS

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

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

Mr. DeFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

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

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

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

Mr. TAYLOR addressed the House. He mentioned repeatedly that what this Congress needs is a balanced budget. I agree. I wish he had included one more word in that, what this Congress needs is a balanced budget.

See, Mr. Speaker, last year this Congress passed a budget, so that this generation does not burden the next generation with our bills? After all, no mom or dad would go buy a house and say, “I don’t care what it costs, because I am going to stick my child with that bill when they hit 40 years of age, when they reach the maximum income years.”

None of us would go out and buy a fancy car, and say, “By the way, bill it to my grand children, whether they are born or not.”

That is precisely what this Nation has been doing, particularly for the last 23 years, when it borrowed $5 trillion.

On an aside, Mr. Bush, you made a very compelling case to the UN last Thursday, and I am in agreement; you have now convinced me that our Nation will be at war unless the Iraqis back down. If that is the case, then I must insist as a Member of Congress that the wise thing for our Nation to do would be to call up the Guard and Reserve. One over-half of the force of the United States of America is in the Guard and Reserve.

If there is going to be a war, then I subscribe to former General and now Secretary of State Colin Powell’s theory of the overwhelming use of force, and we cannot have the overwhelming use of force if the Guard and Reserve is not called up.

If we are going to do this, let us do this right. The best way to minimize American casualties is to use overwhelming force, and that has to include the calling up of the Guard and Reserve. If this is going to be a war, then it is going to be everybody’s war, and the way you make it everyone’s war is including the National Guard and the various branches of the Reserve in the effort.

And also, I highly recommend that the Guard and Reserve be called up, because the Iraqis watch
Cable News Network also, and I think as an American people, we should expect attacks on American soil through acts of terror from the minute that that vote is taken, and we should be prepared for that as a Nation. The only way to be prepared for that as a Nation is to have the Guard and Reserve called up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded that their remarks in debate should be addressed to the Chair. It is not in order to direct remarks directly to the President of the United States.

BALANCING THE BUDGET

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

Mr. STENHOLM. Mr. Speaker, I want to continue on the general thesis of the concern that many of us have on this side of the aisle, that we seemingly have four different budgets and unbalanced budgets and we seem to not be willing to talk about the deficits that are now occurring. That is alarming.

As you know, last year this body passed a budget, an economic game plan. There seems to be a great reluctance to change that plan, which means that we are now willingly going to be endorsing deficits as far as the eye can see.

We on this side of the Blue Dog Caucus have repeatedly offered to work in a bipartisan way with our friends on the other side of the aisle and with the administration to come up with a new budget plan. But there seems to be no desire whatsoever to do so.

We are very concerned, because at the end of this month the few remaining budget rules that have worked fairly good over the most recent period of time when we did achieve a balanced budget, pay-go, simply saying if you are going to increase spending you have got to find some cut somewhere else, expire. If you are going to cut taxes, you have got to find somewhere else to pay for it. It has worked pretty good, when the spirit of this body was behind it.

Now, Mr. Speaker, there seems to be no willingness of the leadership of this House to pass these budget enforcement rules so that they might at least be enforced, and some would say so they can be ignored, which is basically what we have been doing in this body all year. The rules we have, we ignore them and we pass a rule over the objection of the minority.

The Committee for a Responsible Federal Budget makes a very compelling case that we should not be blaming the other body for what they are not doing and just us do our job. It would seem that it would make a lot more sense to all of us in this body if we passed all 13 appropriation bills. Then we would have something to be concerned about, whether the Senate does or does not pass a budget.

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But we seemingly are not going to be able to pass the 13 appropriation bills, but some of us seem perfectly willing to find somebody to blame. I was reminded a long time ago when you are pointing the finger of blame at someone else, there are always three pointing back at you; and we need to be reminded and we are going to take to the floor quite often over the next several days and remind everyone of the multitude of budget votes, lockbox votes that we voted in this body almost unanimously that no one was going to touch the Social Security surplus. We are. And as far as the eye can see, we are going to do being what again?

Running up debt, we increased our Nation’s debt by $450 billion in a vote last year. We are going to have to do it again early next year because, as the gentleman from Mississippi (Mr. TAYLOR) pointed out, our public debt outstanding has now gone to $6.210 trillion. That is an increase of $440 billion, and I said increase because seemingly when you read the press and you read the rhetoric of what we are attempting to be told that it is not that bad, it is that bad. It is a serious problem, and it goes far beyond the war on terrorism.

CBO says the impact of September 11 represents only about 11 percent of the total deterioration in the surplus last year, and now we are being told that we are going to possibly be in another war, that the estimated cost now ranges somewhere between 100 and $200 billion. We should spend some time, instead of doing what we seem to be doing here this week, very few votes of substance, very few discussions, no bills being proposed to put the pay-go rules and putting some budget discipline back into the budget, no one talking about a budget, no one talking about a new budget, which means that somebody ought to come on this floor and defend the budget that we are now under.

Come on this floor and honestly talk about the fact that we have borrowed in the last 12 months $440 billion; $440 billion that we have borrowed. We owe the Social Security trust fund $1.3 trillion. We owe Medicare $263 billion, over the Medicare trust fund $164 billion. We owe the civil service retirement and disability fund $535 billion, and we are increasing that. I do not think that is the kind of a budget confidence vote that the markets are looking at or that anyone is looking at today.

I would conclude my remarks by saying Congress and the President need to come up with a new budget and economic game plan to deal with the changes back to the military outlook and deal with the new circumstances facing this country. To do otherwise is fiscally irresponsible.

IMPLEMENTING A LONG-TERM BUDGET PLAN

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

Mr. BOYD. Mr. Speaker, I want to follow up on the theme that has been developed by the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Texas (Mr. STENHOLM).

Mr. Speaker, we are less than 2 weeks away from the end of the fiscal year, and it is rapidly becoming clear that the leadership of the House, this House of Representatives, has painted itself into a corner. How do we implement a responsible long-term budget plan? How do we extend the current budget enforcement rules that help control discretionary spending and require offsets for mandatory spending and new tax cuts? These budget enforcement rules are set to expire on October 1. How do we enact the 13 annual appropriations bills?

All of these questions must be answered by the House leadership if we are going to stem the flow of red ink and put the Federal budget back on the path to balance. Unfortunately, the only solution that the leadership seems to have is to pretend that these deadlines do not exist. This is not a workable solution.

The Blue Dog Coalition has offered to work with the Republican leadership to develop a bipartisan solution to these questions by establishing a viable long-term budget, extending the budget enforcement rules to control both the tax side and the spending side of the Federal budget, and to develop a road map to enact the appropriations bills in a fiscally responsible manner. We have offered in the past to work with the leadership, and we do that again this week.

First, Congress and the President need to make tough choices to address the changes in the budget outlook. The President has an obligation to lead in proposing a game plan to deal with the changed circumstances and to put the budget back on a path to balance without using the Social Security surplus. Right now under the President’s budget, we will be borrowing from the Social Security trust fund until at least 2009. Given that the House of Representatives has voted seven times since I have been in Congress in 5½ years to protect the Social Security trust fund by placing it in a lockbox, it is simply unacceptable to borrow the Social Security trust fund for the next 8 years to operate the general revenue side of the government. This is why we must sit down in a bipartisan manner and develop realistic tax and spending levels that will put us back on the glide path to a balanced budget.

Next, we must extend the budget caps which are set to expire, the provisions of the Budget Enforcement Act of 1990, which were adopted on a bipartisan basis expire, as I said earlier, on October 1. Unless we renew our budget...
Finally, we must work together to develop a bipartisan proposal to finish the 13 appropriations bills.

Mr. Speaker, our fiscal year ends in about 2 weeks. Over the past few years, when Congress and the President have not been able to finish the 13 appropriations bills, spending has far exceeded the levels that were recommended in the budget resolution earlier in the year. This year, we have not sent one of the 13, not one of the 13 appropriations bills to the President for his signature. As a matter of fact, the House, the House of Representatives has passed only three of the 13 regular appropriations bills off of the House floor; and again, the fiscal year ends in 2 weeks. There have been none that have been voted on on this House floor, or none scheduled since Labor Day, since we returned to our work from the August recess.

Mr. Speaker, it is vital, if we are going to put the budget back on the path to a balanced budget, that we work together to control the discretionary spending on these 13 bills. Working together in a bipartisan basis, we can balance the budget, just like we did in the Balanced Budget Act of 1997. This is why I urge and call upon the President and the Republican congressional leadership to work with us to develop bipartisan proposals that will ensure that we have a fiscally responsible government.

SUPPORT H.R. 3612, THE MEDIICAID COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS ACT

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support for H.R. 3612, the Medicaid Community-Based Attendant Services and Supports Act, also known as MICASSA. This bill will enable our older Americans and citizens with disabilities who qualify for long-term care services under the Medicaid program to receive the non-institutional community support services they are entitled to under the Americans With Disabilities Act.

The Americans With Disabilities Act, signed into law by President Bush in 1990, was an era of promise, for a segment of our population whose talents and rights as American citizens have been too long ignored. It promised a new social compact to end the paternalistic patterns of the past that took away our rights if we became disabled. It says that people with disabilities have the right to be active participants integrated into the everyday life of society. This premise, however, cannot become a reality unless we roll up our sleeves and do the work necessary to eliminate the barriers that still hinder its full implementation.

In its 1999 Olmstead ruling, the Supreme Court said that States violate the Americans With Disabilities Act when they deny people the opportunity to live with disabilities in institutions. The problem is that our Federal-State Medicaid program has not been updated and has a built-in bias that results in the unnecessary isolation and segregation of many of our senior citizens and younger adults in institutions.

Too often, decisions relating to the provision of long-term services and supports are influenced by what is reimbursable under Federal and State Medicaid policy rather than by what individuals need and deserve. Research has revealed a significant bias in the Medicaid program towards reimbursing services provided in institutions over services provided in home and community settings. The only option currently guaranteed by Federal law in every State is nursing home care. Other options have existed for decades, but their spread has been fiscally choked off by the fact that 75 percent of our long-term care dollars go into institutional settings. In spite of the fact that studies show that many people do better in home and community settings.

Only 27 States have adopted the benefit option of providing personal care services under the Medicaid program. Although everyone has chosen to provide certain services under home and community-based waivers, these services are unevenly distributed, have long waiting lists, and reach just a small percentage of eligible individuals.

Governor Howard Dean is a physician and Vermont’s Chief Executive. He recently testified on Capitol Hill on behalf of the National Governors Association and asked Congress to give the States the tools they need to grow home and community-based service. In his testimony he said, “We can provide a higher quality of life by avoiding institutional services whenever possible. Some people insist we will need more nursing homes. They are wrong. Baby boomers today are looking for alternatives for their parents. We can’t afford to protect the status quo. We need to listen to people and act boldly to develop those services they want and are, in fact, affordable.”

So I ask, Mr. Speaker, all Members of this honorable body to be in support of this landmark legislation that is both home- and community-based in its design so that they too can realize the assurance of living as they choose and as they see fit. Support MICASSA.

DOMESTIC POLICY AND INTERNATIONAL POLICY

The SPEAKER pro tempore. 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, there are two subjects that I want to address this evening, and both are of critical importance to us. One involves domestic policy, and one of them involves international policy. Obviously, we can discuss what the international policy would be: dealing with Iraq, dealing with our war on terror, dealing with the United Nations resolutions. But before I get into the international discussion that I want to have this evening with my colleagues, I want to discuss the domestic situation involving a subject a long ways away from the al Qaeda or from Afghanistan or from Iraq or from the United Nations resolutions. I want to talk for a few minutes about the national forests, especially the national forests in public lands.

Now, public lands are lands that are owned by the government. It could be a local government, it could be a State government, or it could be Federal Government. The largest owner of land in the United States obviously is the United States Federal Government. They own millions and millions and millions of acres of land in this country.

Now, when this country was first developed, our population was primarily on the east coast, and the government wanted to grow our big country. As our country began to make land acquisitions, for example, the Louisiana Purchase and things like that, they knew that in order to expand the country, we not only had to buy the land, but we had to occupy the land. We had to put people on the land.

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We had to have the people willing to protect the land. The best way to do that was not to give them a deed that said, Here is some land out in the West. Obviously, to grow our country we needed to move it west. We needed to move the population west. West in the early days was West Virginia. People did not have to go very far west to find out that they were in wilderness areas. To do this, the Federal Government knew that they could just write a piece of paper that said someone owned a piece of property out in the State of Kansas or Missouri or up in the Colorado mountains. They knew they could not just do that.

Today, it is a little different. Today, one can actually have a piece of property in Colorado, and one can live in Florida, and their rights as a private property owner are respected. They do not have to worry about squatters or about people taking over their land when they were not there.

But in the early days of the country, that was not true. That is not what the
situation was. In the early days, one had to possess or be on the property; and frankly, they had to have a six-shooter strapped to their sides. That, in fact, is where the saying “possession is nine-tenths of the law,” that is where that saying came from; that is, that to possess the land, they needed to go out there and be on it.

The government wanted to expand. They had to figure out, how do we encourage people to leave the comforts of the East Coast? A how do we encourage our population on the East Coast to move inward, to move west? How do we do this?

They came up with an idea. In the Revolutionary War, our government bribed the soldiers, the British soldiers. We bribed the soldiers in such a way that we offered them free land, free land if they would defect from the British troops and join the American troops in our efforts against the Brits. So we followed that type of philosophy or the same strategy. That strategy is to offer free land to people if they would go out and settle on the new land that the government had acquired. If they would agree to do that, the government would give them the land, where we had the act like the Homestead Act take place, where the government would give people, if they would go out and work the land for a period of time, 3 to 5 years, they would give 160 acres or 320 acres.

People bought into that concept. It really did begin the movement of taking this country to the West, the opportunity of free land. Then we combine that with other things that we began to do in the mid-1860s, for example, the continental railroad, the completion of the continental railroad; and the ability for a merchant to be able to ship merchandise from one store that he or she owned to another store he or she owned; and time zones in the country. There are a lot of things that were changing with the Industrial Revolution. We saw this huge movement to the West. We were able to possess the land that the United States of the West.

They went around to the fertile valleys in the State of California, or they went to other places; or settled out in Nebraska or Kansas or Missouri or Arkansas, places like that where the land was much more fertile, the water was much more plentiful, the climate was more pleasant.

So what was happening was people were moving to the West, going to the West; but as soon as they hit those Rocky Mountain regions, as soon as they hit the arid areas, they went around them. They went around the arid valleys in the State of California, or they went to other places; or settled out in Nebraska or Kansas or Missouri or Arkansas, places like that where the land was much more fertile, the water was much more plentiful, the climate was more pleasant.

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lands. They do not have the water issues that we do in the West, but they like to tell us in the West what is best for us in the West.

That is what happened many years ago in regard to our forests. Keep in mind that beginning of the forests in the eastern United States are privately owned. Whether we go down to the Carolinas, if we go to Florida, places like that, Minnesota, these forests are owned privately, the big majority of them.

In the West, our forests are primarily on public lands; so what we see, what we tend to see, is private forests usually produce better, and private forests generally are managed better. Why is that? Because in the West we have many, many different hands and fingers in the management of it because it is public lands.

Now, I think with public lands we have a pretty high fiduciary duty to manage those lands, and we have to take care of those lands, because they do belong to all of us; although I think some precedent should be given to people who have to survive and live on those lands, that are completely surrounded by those lands, that depend on their highways being able to come across those lands, that depend upon the power lines and the cellular phone towers. I could go on and on about how dependent in the West, even though the West is usually is a forest that is not recognized nor necessitated in the East.

What happened? In the West we began to suffer, and actually not just in the West but throughout this country we have suffered massive forest fires. In the 1930s, society did not really accept fires as a natural course of a forest collapsing itself, so we decided that because the fires were such a threat to the human population and to wildlife populations and to watersheds and so on, that we would begin a very aggressive effort to fight the forest fires. Instead of letting them burn, we began to apply more science to our forests. We had some very wholesome environmental movements that would like to, they like to spin it into lumber. You are helping some big lumber company. You will clear-cut. You will cut all of the big trees out of there.

It is a bunch of hype. It is a bunch of spin. And unfortunately, they are so good with public relations, they spend so much money on advertising and commercials on TV, it is easy for them to convince the public that you should have hands-off on the forest or that the forest is what it is. You will look at the forests is what it is; it cuts out against the home.

They completely ignore watersheds. What are watersheds? In the mountains, for example, the water for a community usually is many, many miles away from that community; and it is up on the top of the mountain or side of the mountain and it is called the watershed, where the waters accumulate from the high snows.

My district is the highest elevation on the continent. So up at high altitudes of 10, 12, 13, 14,000 feet we have accumulation of water, watersheds, and those watersheds make their way down the mountains into the communities, we need to protect those forests. We need to protect those watersheds. And what has happened is over the years, in part, not totally, because the drought was a major contributing factor to the major forest fires we had this year; but in part we had people whose sole intent was to obstruct the process of the science of the forest. And once again today we are seeing it happen over again.

This summer has been a devastating summer in regards to forest fires. Take a look at the State of Oregon. How many hundreds of thousands of acres in the largest fire in that State’s history. Take a look at the State of Arizona, hundreds of thousands of acres of fire in the largest fire in the history of that State. Take a look at my home State, the State of Colorado, the Haymen fire, hundreds of thousands of acres in that State, in the State of Colorado, the largest fire in its history.

We have had massive fires this year. You cannot allow a forest, whether it is right next to what is called the urban interface, which means right next to the communities, whether it is...
right next to the communities or whether it is deep into the forests, you
cannot allow those forests to accumulate the kind of growth that they have accumulated. You have got to manage those forests. And just by common sense, forest fires run and we still have to control fire. Controlled fires are one of the tools that we can help to treat and thin forests, but it is by no means the only tool, and it is by no means a major tool. Because, frankly, one out of every five controlled fires we have we lose control of them. That is what happened down in Mexico. That is what happened in the great Yellowstone fire a few years ago. We lost control of a controlled burn.

We have to go in there and manage these forests. The best people to manage those forests are not the public relations or political strategists for Earth First, the Wilderness Society and the National Sierra Club. Those are not the people that should be managing our forests. Nor should the Congressmen be managing our forests.
The people that ought to manage our forests are the people who are educated about forest science from some of the best universities in the United States and we saw what happened in the great Yellowstone fire a few years ago. We have got to do something about the management of this forest. We have got people like the gentleman from Oregon (Mr. DEFAZIO), a very driven, very focused and very recognized environmentalist in the United States Congress. I have got the gentleman from California (Mr. GEORGE MILLER). He and I have clashed from the entire time I have been up here. He is very ardent on his issues on the environment, a very strong proponent of environmental laws. I have got a gentleman from Oregon (Mr. WALDEN), from the logging areas up in Oregon, who is a very strong proponent of the environment. Lumber is an important industry up in his district. He understands it. I have some other Members, Democrat and Republican, who have come together to try and structure a bill that keeps us within the environmental laws, that gives us the protection of environmental laws, that gives us public input, but allows this process to go forward. It stops paralysis by analysis. It does not allow these decisions to be made simply because you are able to stall it out through litigation, because some wealthy organization can file lawsuit after lawsuit after lawsuit.

And many of the mechanical treatment projects, about half of them were appealed. Half of them get into this paralysis by analysis. Now, not all of them were appealed by environmental organizations, and that is to their credit. And not all environmental organizations are being reasonable in this process that we are trying to do. We have some moderate, good, level-headed people out there that want something done with the forests.

So when I address the group, I am really addressing the most radical segment of an environmental community. And I am begging that segment, we have called them on the phone. We have begged them to come to the table; not to come to the table to fight, not to come to the table carrying protest signs, but come to the table wanting more litigation; to come to the table just like we did with the Great Sand Dunes in my bill in Colorado; like

being able to let the scientists come back in and manage the forests. And in large part it is because of a very aggressive political campaign which involves buying advertising in newspaper, radio ads and so on by different groups. I think Earth First is in there. The Wilderness Society is in there. Of course, the National Sierra Club is in there. Greenpeace, some of these organizations, they are doing everything they can to make sure that we do not bring science into the forests.

That is not what has happened here on the House floor. That is not what is happening here with my colleagues.

My colleagues on both sides of the aisle have finally said, Look, enough is enough. We have got to do something about the management of this forest. I have got people like the gentleman from Oregon (Mr. DEFAZIO), a very driven, very focused and very recognized environmentalist in the United States Congress. I have got the gentleman from California (Mr. GEORGE MILLER). He and I have clashed from the entire time I have been up here. He is very ardent on his issues on the environment, a very strong proponent of environmental laws. I have got a gentleman from Oregon (Mr. WALDEN), from the logging areas up in Oregon, who is a very strong proponent of the environment. Lumber is an important industry up in his district. He understands it. I have some other Members, Democrat and Republican, who have come together to try and structure a bill that keeps us within the environmental laws, that gives us the protection of environmental laws, that gives us public input, but allows this process to go forward. It stops paralysis by analysis. It does not allow these decisions to be made simply because you are able to stall it out through litigation, because some wealthy organization can file lawsuit after lawsuit after lawsuit after lawsuit.

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right next to the communities or whether it is deep into the forests, you
cannot allow those forests to accumulate the kind of growth that they have accumulated. You have got to manage those forests. And just by common sense, forest fires run and we still have to control fire. Controlled fires are one of the tools that we can help to treat and thin forests, but it is by no means the only tool, and it is by no means a major tool. Because, frankly, one out of every five controlled fires we have we lose control of them. That is what happened down in Mexico. That is what happened in the great Yellowstone fire a few years ago. We lost control of a controlled burn.

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The people that ought to manage our forests are the people who are educated about forest science from some of the best universities in the country, Colorado State University, for example. From the people who have their hands in the forest soil every day of the week. From the experts on forest policy, on trees, how to grow trees, what is the proper balance in that ecosystem all around if you just let the fire run wild. We need to move on these forests. And guess what happens? We have not even got off first base. We have just come up with the idea, hey, let us stay within the environmental laws but let us stop this paralysis by analysis. Let us stop these organizations, from Earth First, for example, or the Wilderness Society from being able to litigate this from here as far as time can see, from one court to the next court to the next court. Let us put aside the spin that everyone wants to cut out what there must be some under-the-table deal with some lumber company out there.

What are we attempting to do with our bill to keep the environmental regulations that we have, keep public input, keep the public in on the process and the input of the public is absolutely crucial; but the public input should not go on and on and on. At some point you must make a decision. At some point we need to move on these forests.

Right now we have 175 million acres of forest property; 175 million acres that has not been treated; 75 million acres of that property is ready to explode, especially when we have a summer we just got through with serious droughts in many of these States and we saw what happened. Just a simple cigarette in Durango, Colorado, a simple cigarette that was thrown out a window blew up a fire that burned tens and tens of thousands of acres, destroyed homes. And after it destroyed the homes, it brings the mudslides that destroy more homes.

Some of this can be prevented through proper management of our forests; and not only just the fires, our wildlife needs proper management in the forests. Good wildlife habitat has meadows in it. You have better wildlife habitat on an average piece of land, let alone a state or national forest; you have better wildlife habitat, better plant habitat, better habitat for the entire ecosystem all around if you just have 20 or 30 trees per acre instead of 4, 5, 600 trees per acre, where the sun cannot get in; where if there is a fire it goes from canopy to canopy; where it burns so intense that it sterilizes the soil.

We are not just talking about forest fires. We are talking about wildlife. We are talking about forest fires. We are talking about the plants and the other things that are important for the whole system to balance out there. But we are having a very difficult time
The Wilderness Society were not mere National Sierra Club up until this sum- mer, together and we were able to customize. And that is what this bill does. That allows our local environmental communities to come together with our local timber industries' representatives, for example, or the people that recreate or the wildlife experts. The wildlife people have a big opinion here because, earlier, a healthy forest is very, very important for good healthy wildlife.

This bill will allow decisions to be made with public input, with judicial input. We just do not allow it to go on forever and ever and ever. This bill has been endorsed by newspapers as a reasonable approach.

What are we seeing? We are seeing the national organizations, primarily located in Washington, D.C., or primarily located outside the public lands, pooling large sums of money to run commercials. That is how threatened we are. The fact that science might come back to the forest, to run commercials by full-page newspaper advertising, talking about how bad this bill is; and they have never even seen the bill, to the best of my knowledge.

My right is we have forest lands that are in real trouble. We have got wildlife out there that is in real trouble. We have an environment out there that is in real trouble, and a lot of it is because of the fact that we are not allowing the people who know best, our forest scientists, our wildlife experts, our water and aquatic life experts, we are not allowing them to manage the forest based on science. Instead, we are seeing the forests managed by litigation that stalls and stalls and stalls, and the radical environmental organizations that fund political campaigns as if they are running somebody for office, running public relations campaigns which, by the way, they cannot put as newspaper articles because newspaper articles have to be at least a little bit factually correct. Their newspaper advertisements do not have to be. So they run it as paid advertisements throughout the public lands area.

Our young people, it is amazing, in our schools are not being given the education they need to understand that the science of the forest is a very complicated issue; and we need to let the scientists do it, not the elected office people, although they should have the policy, with input from the people that elect them, with input from the public, and we should not let these forests be run by Earth First.

I do not think Earth First or Greenpeace or the Wilderness Society or the National Sierra Club, and the National Sierra Club up until this summer's firefighting and the same with the Wilderness Society were not pro-

ponents of going in and treating a forest and thinning out. Now all of the sudden they have changed their leaf, and they are in favor of it, but only as it faces the city, as if none of these problems with wildlife, too many trees per acre, too much foliage or other problems. So we have got to deal with some of the problems.

My committee is bound and determines to come up with a fair, common-sense policy. It is not our intent to shortcut anybody from public input. It is not the intent to do anything except allow the forest service experts, the wildlife experts and so on to get their opportunity to come in and manage the forests as they ought to be managed.

These forests are absolutely critical for the health of this country; and they are absolutely, they are eminently important for those of us who live out in the forest country, the country surrounded by the forests, who are completely surrounded by public lands. We want good public land policy; and we want the people who live in those public lands, regardless of what side of the issue they are on, whether they are living within the borders of those public lands to have input as to what goes on with those public lands.

It is my intent to continue to pursue on a bipartisan basis, which I think is very important, would co- in good faith discussions with people such as the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO), the gent- leman from Oregon (Mr. WALDEN), and a number of others out here, the gen- leman from Virginia (Mr. GOODLATTE), to pursue good sound forest health policies. That is our goal and it is our target.

Let me shift gears very quickly and spend more time today, talking about an issue far afield from forest health and forest management. I want to speak this evening about the situa- tion with President Bush and Iraq.

I have a couple of posters I would like to start the conversation out with. This is a quote to my left here, and I would like my colleagues to read along with me. This is from President Bill Clinton. This quote is 4 or 5 years ago. This is what Bill Clinton said about Saddam Hussein, the weapons of mass destruction, whatever it is, or would allow him to develop his program of weapons of mass destruction, and so we have got the release of the sanctions and continue to ignore the solemn commitments that he made. Solem

commitments that he, Saddam Hussein, made and I am going to go through those commitments and so on. Well, he, speaking about Saddam Hus- sein, will conclude that the inter- national community has lost its will. He will then conclude, here in the red, he will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction.

Let us take a look. As my colleagues remember, Iraq is the country that in- vaded, without cause, without cause, without retribution, invaded a smaller country, the country, the country, the country among others, in the early 1990s. In the process of that inva- sion, they caused massive, massive human fatalities. They killed thou- sands and thousands, tens of thousands of Kuwaitis, men, women and children. That was just without cause.

It was only because of the United States of America and the coalition that it built with its European partners, and their partners throughout the world which also included, frankly, some cooperation from Russia and cooperation from China on the U.N. Secu- rity Council and so on. The rest of the world decided through a coalition led by the United States that they would not allow this to stand, that Saddam Hussein would not be allowed to ravagely and savagely go into a small country, devastate its population, de- stroy its economy and occupy its lands. So we did Desert Storm. We led the fight.

We bent back and we liberated Ku-wait. Iraq, by the way, their famous Right Guard or whatever, their fighting force, their supreme fighting force, they ran. This huge powerful war ma- chine of Iraq collapsed within days to the fire power and to the strength of the United States of America and to the world coalition that followed.

Iraq made certain promises. Specifi- cally, Iraq through Saddam Hussein, he made them, he made commitments to continue to ignore the solemn commit- ments to the rest of the world, and he promised to live with those commit- ments as long as his country existed. He has broken the commitments that he made, and the commitments that he made, he made broke 16 times, at least 16 times.

He kicked out the inspectors and then he went out and solicited by say- ing that his people were starving to death. By the way, he diverted money, instead of going to the people, his people, put the money into his palaces. He has 14 massive palaces, like 14 Pepsi centers. That is how big these palaces are. They are great big stadium-types
of homes. He put the money into that and the military, and he allowed his people to starve, and he tried to put a guilt feeling, a guilt complex on the rest of the world, saying that he picked on me and how soon some of the world forgot how savagely he killed those people in Kuwait, and savagely as Hitler killed people in his invasions.

Do not make any mistake about it. This man is crazy. Crazy is almost a complimentary word. He is a sick, destructive killer. He killed in Kuwait. He even attempted to assassinate our President, George Bush, Senior, our former President, George Bush, Senior. He went and gased his own people and some of the Kurds. He gased entire villages, and there is no doubt about that. There is no question. He admitted to it. He took some pride in it.

The United Nations came up with some resolutions; and they said we will stop the invasion of Iraq, the coalition invasion of Iraq if you comply. Will you comply? And Saddam Hussein says, yes, I will comply. He signed the documents. He swore to the documents, and over the last 9 years, he swore to the documents. Year after year he swore to the documents. Year after year he swore to the documents. Year after year he swore to the documents. Year after year he said I do not have weapons of mass destruction; bring in the inspectors. Time after time after time after time he blocked the inspections of his country.

We can actually realize a great victory. President Bush, despite the diplomatic pressure that has been put against him by some in the world, despite some of the pressure, and unfortunately by some of our Democratic leadership within this Congress, despite the pressure that his approach was the wrong approach, he has at least cornered Saddam Hussein; and thanks to President Bush, Saddam Hussein said at this point come back and said I will allow inspections, unconditional inspections in his country. That was not Saddam Hussein’s position when President Clinton was there, and I am not trying to be partisan. I am just telling my colleagues this is a position of noninspection that he has been locked in for some time.

President Bush has forced Saddam to play his hand, and his hand right now is to allow inspections; and the White House and the administration and this Congress ought to take him up on that offer, and we ought to send inspectors in there by the plane-load, and we ought to inspect everything. We ought to look under every street. We ought to look at their nuclear facilities, their power plants; and when we find weapons, we should demand that they be disarmed, and if they are not disarmed, the coalition forces have the right to take them. This man has a history of lying and deception. Let me give my colleagues an example.

U.N. Security Resolution 678, Iraq must comply with the resolution in regards to the illegal invasion of Kuwait. They broke it.

U.N. Resolution 688, Iraq must release prisoners detained during the civil war. They broke it. Same, 689. Iraq must return Kuwaiti property seized during the Gulf War. They did not do it.

U.N. Resolution 687, April 3, 1991, Iraq must not use, develop, construct or acquire any weapons of mass destruction. They broke this; they have acquired the weapons; they are not supposed to acquire. Iraq must not commit or support terrorism or allow terrorist organizations to operate in Iraq. They allow terrorist organizations in Iraq; and by the way, these are the kind of organizations that we are speaking about in Iraq.

Take a look at this poster. If this does not give my colleagues a sobering moment, I do not know what will. Follow me left by looking at the poster: “We are emerging stronger and will hit America’s shopping malls, stadiums and kindergartens. This is our promise.” The al Qaeda. This quote is from last week. This quote to my left, look at that, kindergartens. They fully intend to kill every man, woman and child in America they can get their hands on. Iraq is not supposed to have anything to do with these kind of organizations; but they do, in violation of the U.N. resolutions.

U.N. Resolution 1194, 1204, 1205, and 1284. Iraq must cease attempts to conceal and move weapons of mass destruction and related materials. They broke it. Iraq must make a full and final and complete disclosure of its weapons of mass destruction. They broke that commitment.


U.N. Resolution 949, October 15, 1994, Iraq must not utilize its military and other forces in a hostile manner. They fire at the United States and British and coalition aircraft every day of the week we are in the air. They broke it.

2030

Iraq must fully cooperate with the inspectors. They broke it.

U.N. Resolution 1051, Iraq must fully cooperate with the U.N. and allow immediate, unconditional, unrestricted access. They broke it.

U.N. Resolution 1060, they must cooperate with the weapons inspectors and allow requested access. They broke it.

U.N. Resolution 1115, June 21, they must give further requirements in regards to inspections. They broke that one.

U.N. Resolution 1134, they must give unrestricted access, another access issue. They broke that.

U.N. Resolution 1137 condemns the continued violations of Iraq of previous resolutions, reaffirms their responsibility, reaffirms the responsibility of Iraq to carry out their commitments. They broke it.

They broke 1194, 1204, 1205, and 1284. Resolution after resolution after resolution after resolution, the Iraqi leadership has lied, been deceitful, and broken resolutions one after another.

In fact, I am not sure there is one United Nations resolution out there where Iraq has kept its word, that relates to their invasion of Kuwait or access to their weapons of mass destruction, or that relates to their helping train terrorists.

My congratulations to President Bush. President Bush and his team, Mr. Powell, Mr. Rumsfeld and Ms. Rice, have forced Saddam to at least say he will allow inspections again. And for his own good health, I think it would be beneficial for him this time, instead of lying about it, that he follow through with exactly what he was supposed to do for the last 10 years, and that is to allow full, complete inspection of the facilities anywhere in his country those inspectors intend to visit.

This President has done something that no other government in the world has been able to do with Iraq. In a period of 2 or 3 months, he has made it clear that Iraq will not continue to flagrantly violate the conditions of the United Nations agreements that they agreed to and they knew about and we agreed to and we knew about, and the President has drawn the line in the sand.

Guess what got results? We only get results out of countries like Iraq by forcing it. We have got to use a force play. There is no negotiating with this guy. There is no loving and hugging and telling him let us have some soft talk, some warm, fuzzy discussions, and promise us that you are going to comply and not poison your people any more, not kill innocent men, women and children any more, and have some kind of freedom in your country, have some kind of respect for rights of women in your country.

The only way to get it is for force, and this President has forced. This is just the opening stage, the first step in bringing Iraq back in with the world community, in bringing Iraq back in line with what we hope would be a contribution to peace in this world.

President Bush is exactly where he needed to be. He is right on track. He has, without the firing of a single shot, forced the world’s madman to open his country to inspections.

Now, if this madman fails to do that, I think President Bush will successfully put a condition through United Nations resolution to fire a shot if necessary to force Iraq to come back in with the world community and to stop building weapons of mass destruction, weapons that would make September 11 look small in proportion to the type of devastation that could do.

President Bush, since September 11, has found a more focused purpose and has exercised good leadership. I have to...
tell Members, our colleagues on the other side of the aisle and the Democratic leadership have stalled. They have criticized the President. Look at what has happened in the last few days. The President is accomplishing what we want to accomplish. So in a bipartisan effort to get this job done, I urge this House supporting the President. We should pass a resolution supporting the President in a way that he continues down the path that he is headed, and that is a path that so far just in the past couple of weeks, his strong movements, his very directed comments as to what was going to happen and his directed action, has forced Iraq to play their first hand. They threw down their hand, and they are allowing inspections.

It may not work, but you better not mess around with this country and with the U.N. coalition. This country, under the direction of President Bush, is not going through this exercise in futility. President Bush does not consider this an exercise. He considers this, and this Nation considers this, and the United Nations Security Council should consider this and do consider it, a very serious matter which will be followed through.

We intend to follow through and disarm Iraq from weapons of mass destruction. We will accomplish that goal, and we will accomplish that goal under the leadership of President Bush. To this point we have done pretty well so far. It is just the beginning. But so far the President has had tremendous success.

Mr. Speaker, I urge the Democratic leadership, I am begging the Democratic leadership, put aside your partisan and your objections on the Sunday talk shows and help our President help our effort here. Just in the opening stage, we are going to be able to get inspectors into Iraq. If the going gets tough, stick with us. It is time.

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The President is accomplishing what we expect him to accomplish. The President has done a lot. This matter is much too serious. We need to get inspectors into Iraq. If the going gets tough, stick with us. It is time.

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September 17, 2002

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be paid for 100 percent, modeled after what we do now for doctor bills.

It makes sense. It is very simple. Medicare has been a very successful program. Given that more and more seniors do not have access or have problems paying for prescription drugs, this would seem to be a logical solution. It is certainly logical, certainly reasonable; but the problem is that the Republican leadership in the House, because they are so much in the pockets of the brand-name drug companies, would not even consider something like that. When the Democrats tried to bring it up as a substitute to the Republican bill, they ruled it out of order. They would not let it come up.

What have the Republicans proposed instead of a simple expansion of Medicare to include prescription drugs? They have talked about the need for privatization. In the same way that President Bush has talked for privatizing Medicare as a whole, the Republican leadership in the House has moved a bill and passed a bill, because they have the majority, they have the votes, to simply provide private health insurance or try to encourage seniors to seek out private health insurance that would provide the coverage. And so I would venture to say to my colleagues that what is really going on here is that the Republicans are doing the bidding of the brand-name drug companies. The brand-name drug companies do not want a Medicare benefit, and they do not want anything that would interfere in the rising price and cost and profits that they make from selling prescription drugs. Even if it means selling it to fewer and fewer people, they are making more and more of these drugs.

In case anyone doubts what I say, I just wanted to point out very briefly this evening, and I have done this before, some of the things that are going on with the brand-name drug companies. They are actually seeking to prevent a real prescription drug benefit that would be meaningful to seniors. On the day when the Republican bill that I talked about, the privatization bill, was brought up and considered in the Committee on Commerce, which has jurisdiction over prescription drugs and that I am a member of, there was a fundraiser for the Republican National Committee the same night; and because the drug companies were so involved in the fundraiser for the Republican National Committee, the committee actually broke at 5 o’clock and carried over its business to the next day because all the Republicans had to go to this fundraiser where they would get money from the prescription drug business. This is an article from The Washington Post on that day in June, and the headline says: “Drug Firms Among Big Donors at GOP Event.”

“Pharmaceutical companies are among 21 donors paying $250,000 each for red-carpet treatment at tonight’s GOP fundraising gala starring President Bush, two days after Republicans unveiled a prescription drug plan the industry is backing, according to GOP officials and people familiar with the fundraiser. It is unlikely to advance the idea now is that there are going to be 30 or 40 million seniors in the Medicare program who now have this prescription drug coverage. They do not operate with the private sector. It simply expands Medicare to include a prescription drug benefit. We do the opposite with regard to the cost issue. In the Democratic bill we say that the Secretary of Health and Human Services must, is mandated, to negotiate and reduce prices, because the idea now is that there are going to be 30 or 40 million seniors in the Medicare program who now have this prescription drug benefit. They negotiate for them, he can bring down prices maybe 30, 40 percent because he has the power to negotiate for all these 30, 40 million senior citizens. What they did with this noninterference clause in their bill, and I know it is a little bureaucratic there, but the bottom line is that they cannot interfere in anything that would deal with pricing, with price structure. Remember, I mentioned before that the Democratic bill expands Medicare to include prescription drugs. The military does this, the Army, Navy. They all negotiate on behalf of the military because they get a really good price for their prescription drugs. That is what the Democrats do in their bill.
The Republicans say, You cannot do that. We do not want you to do that. Not only did the drug companies give all this money to the Republicans, not only did they write the bill to make sure that they were protected in the sense that there would be no effort to reduce price, but also they started running ads almost immediately after the Republican bill passed the House of Representatives touting the fact that certain Republicans who were running in tough races this November to be re-elected, that those Republicans had voted for the Republican bill and how wonderful they were and how wonderful they were to their senior constituents because they voted for this bill. Amazingly, if you think about it, you give money to prevent the good bill from coming up, you make sure that your bill is the one that is written, and then you go out on the airwaves and you pay for advertisers who tell the American public that the person who voted for the Republican bill is basically nothing but a front group for the drug industry.

Drug companies gave that organization that runs these ads and pretends to be some way is some sort of a hero. But this is exactly what was done. There is a report that I have, and this was actually done by Public Citizen, another group. They dug into the report issued in July of this year that United Seniors Association, which is the group that is running these ads telling you how wonderful the Congressmen are that voted for the Republican bill; it is basically nothing but a front group for the drug industry.

In fact, the information I have, which is really new information, this week, says that not only has this alleged senior that is being underwritten or financed by PhRMA, by the drug companies get a patent for a particular drug, a prescription drug when they develop it, when they do the research and they try to get the patent, by renewing it, or playing some kind of games or gimmicks, if you will, to try to get the patent extended or get a new patent that is similar to the old one so you cannot bring generics to market.

I do not want to get into all the details of this, but I want to give one example. Under current law, when a generic drug seeks FDA approval and a brand company’s drug is patented, the brand company can sue the generic company for patent infringement. But under the current law, which is called Hatch-Waxman, it forbids the FDA from approving the generic application for 30 months.

Basically what they are saying is if the patent has expired and a generic wants to come in and produce the same drug, but the company that has the patent feels that somehow the patent is going to be infringed, the FDA basically gives a stay for 30 months, if you will, before the generic can come to market. What the brand companies have done is they have used this provision by dragging out lawsuits and by obtaining a series of 30-month delays through the last-minute filing of new and sometimes frivolous lawsuits.

I do not want to get into all the details of this, but the bottom line is they can keep running the period when the patent is exclusive, essentially, and force the situation where the generic drug does not come to market. There are all kinds of examples like this. Some of my colleagues, on a bipartisan basis, the gentleman from Ohio (Mr. BROWN), a Democrat, and the gentleman from Missouri (Mrs. EMERSON), a Republican, introduced a bill called the Prescription Drug Fair Competition Act, H.R. 5272, that seeks to basically get rid of a lot of these loopholes so that the generics can easily come to market, and these patent abuses cannot continue.

This bill actually passed in the Senate, I am sorry, Mr. Speaker, by the other body, but so far our efforts, primarily by the Democrats, to bring this bill up in this House and have it passed here so it can go to the President and be signed into law have achieved nothing. The Republican leadership refuses...
to have a hearing in committee, refuses to allow a vote to bring it out of committee, refuses to let it come to the floor of the House.

Now, this is only one way of trying to reduce costs, but a very effective way. Essentially, we have been, as I mentioned before, underwritten by the taxpayers. They have this non-interference clause that says you cannot negotiate price reduction. The Democrats mandate in their bill that prices are reduced. The Democrats in the other body, they actually passed a bill that would plug up these generic loopholes. The Republicans in the House refused to bring it up.

There are many other examples. We have bills that would allow reimportation from Canada. As I think many of my colleagues know, if you compare the United States and the price of drugs in the United States to almost every other developed country, you take like the top 5 or 6 countries by gross national product, Britain, France, or even smaller countries like Canada or Italy, wherever, Western Europe, other developed countries, you will find that prescription drug prices are significantly less, sometimes 30 or 40 percent of the cost of what you would pay in the United States. So one of my colleagues, the gentleman from Maine (Mr. ALLEN), proposed a bill that said that the cost that companies charge for prescription drugs in the United States has to be comparable to what citizens in these other countries pay.

Well, of course, we cannot get that bill posted by the Republicans. They will not allow that to be posted.

As I said before, pass a bill that would allow you to reimport a drug. In other words, you could apply to a drugstore in Canada, for example, over the Internet, or even physically go to Canada and bring the drugs back into the United States. Legislation has been introduced by my colleague, the gentleman from Vermont (Mr. SANDERS), that would allow reimportation from Canada. Republicans will not let that bill come up. That has not come to the floor.

The list goes on and on. Probably one of the worst examples is that right now, when the brand name drug companies advertise for certain drugs on TV and on the radio, they use a brand name, as opposed to a generic for a particular drug, the advertising costs are actually underwritten by the taxpayers. They get a tax credit or deduction for that kind of advertising. That actually encourages you as the consumer to pay higher prices for the brand name drug.

So all of these things, we have legislation on the Democratic side that would eliminate the tax subsidy or the deduction for tax credit for that kind of advertising by the pharmaceutical companies. We cannot bring that up either. They will not allow it.

The Republican leadership does not want us in any way to address the issue of cost and trying to reduce costs for prescription drugs, because basically the drug industry is behind the Republican efforts, paying for the Republican efforts, paying for the ads for their candidates, and they are basically taking advantage of the bill to try to basically keep the pockets of the brand name drug industry.

I do not mention this because I am trying to be evil or trying to say that all Republicans are bad or anything of that nature, but the problem is that the leadership very much does whatever the brand name drug industry wants, and that is the main reason why we are not able to get any kind of effort to reduce prices, and it is another reason why we cannot get any kind of expansion of Medicare to include prescription drugs.

Mr. Speaker, I just would like to take a little more time, and then I am going to wrap it up this evening, to talk about the benefit.

My constituents in New Jersey over the last 2 or 3 years since the Medicare+Choice, the HMO programs effectively tried to sign up seniors under Medicare on the theory that if you signed up for an HMO you would get your prescription drug coverage, because Medicare does not normally cover it, but some of the HMOs that were origination in New Jersey were offering a prescription drug plan as part of their HMO Medicare policy.

But what we found is that more and more of the HMOs after 6 months or a year would pull out of the Medicare program and would not give seniors the option, if you will, of joining an HMO and getting their prescription drug benefits.

There was an article just last week in the New York Times dated September 10 entitled “HMOs for 200,000 Pulling Out of Medicare” by Robert Pear. It says, “Health maintenance organizations serving 200,000 elderly and disabled people said they will pull out of Medicare next year, raising to 2.4 million the number of beneficiaries that have been dropped by HMOs since 1998.”

Again, if you talk about a privatization plan for prescription drugs, we already have the example with HMOs which were offering prescription drugs to seniors and increasingly have dropped them because they cannot afford to provide the benefit. It seems to me a little bit clear to explain why a privatization program for seniors to provide seniors with a prescription drug will not work, and that is why you have to simply expand Medicare along the lines of what the Democrats have talked about in order to provide a decent benefit.

Mr. Speaker, I will conclude with that, but I want to say that I am going to be here many times, many nights, over the next 3, 4, 5 weeks before we adjourn, and I know I am going to be joined by a lot of my colleagues on the Democratic side, saying that before we adjourn we need a Medicare prescription drug benefit that covers all seniors, no exceptions, and that is affordable, and, secondly, that we need to address the issue of price and rising costs for prescription drugs, pass the generic bill, provide some kind of reimportation, provide some sort of pricing whereby the agency that administers the Medicare program can negotiate cheaper drug prices. All these things have to be done.

If any of my colleagues on either side of the aisle doubt that this is an important issue for the average American, whether they are a senior or not, they just should spend a couple of days at a forum or talking to their constituents on the street, and they will find that they are crying out for this Congress to address this prescription drug issue in an effective way.

ENSURING FREEDOM OF SPEECH IN AMERICA

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker’s announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes.

Mr. Speaker, I am pleased to have a few minutes of this hour to talk about an issue that I think, as my friend from New Jersey feels that the issue he is talking about, prescription drugs, is important, and I would agree it is important, but I want to talk about freedom of speech.

I think that there is nothing except the Bible that is more sacred to the American people than the Constitution. It is second only, again, to the Bible.

Tonight I want to talk a little bit about H.R. 2307. This is a bill that I introduced about 2 years ago. I actually have 130 sponsors, and I believe you, Mr. Speaker tonight in the Chair, are a cosponsor of this also.

In this country we have our men and women in uniform that right now are overseas in Afghanistan fighting and they could be called on to be in other parts of the world to defend the national security of this country, and the national security of this country includes our constitutional rights and our freedoms, the things that we cherish. We really appreciate those who have given their life for this country in the past and what they have done to ensure that we would have the freedoms that we enjoy in this great, great Nation, blessed by God Almighty.

I would like to give a little bit of the history of this bill that I put in. If this was 1953, Mr. Speaker, I would not even be on the floor, because there would be
no issue. In 1953, the churches, synagogues and other houses of worship had no restriction on what they might say in their church. But in 1954, Lyndon Baines Johnson, the United States Senator from Texas and the majority leader, would later in that 501(c)3 group that was opposed to his reelection by the name of the H.L. Hunt family. These were not churches. These were think tanks, as we know them today, and they were opposed to his reelection.

So what Lyndon Johnson did, he put an amendment on a revenue bill going through the Senate in 1954 that was never debated. There was no debate at all. The Republican minority accepted what they called in UC, a unanimous consent, so therefore it became the law. It gave the authority to the Internal Revenue Service that the Internal Revenue service would be able to, if you will, evaluate what could and could not be said in a church. And a church could not be a church if the people who went into those churches were not to talk about the political issues of the day.

Mr. Speaker, I am of the firm belief that those men who came to this country along with their wives years and years ago to this country from Europe had the freedom of the day. They came here to build a new nation, a nation that would be and still is blessed by God Almighty.

Mr. Speaker, my problem is, and the reason I introduced H.R. 2357, that I believe that spiritual leaders of this country must have the freedom to talk about the issues of the day, whether they be about political issues of the day or whether they be about the moral issues of the day, and sometimes those spiritual leaders of the churches cannot touch on the political issues of the day.

I will give an example of that, because it happened in my district. A very dear friend of mine who happens to be a Catholic down in New Bern, North Carolina, whose name is Jerry Shields, Jerry asked his priest, Father Rudy at St. Paul’s Catholic Church in New Bern, in the year 2000 to just make one thing public about his church. He said, ‘Father, how about just saying that George Bush, who is a candidate for President of the United States, is pro-life?’

Believe this or not, Mr. Speaker, the priest said, ‘Jerry, I cannot say that. If I do, I will violate the 501(c)3 status of this church and we might lose that status.’

Mr. Speaker, I am going to tell you that they offended that any clergy in this country, our spiritual leaders that talk about morality, that talk about the political issues of the day as they see fit to talk about those issues, that they should have any restriction at all on them.

What I wanted to do tonight, I was on the floor last week and I talked about a few of the national leaders who are supportive. Again I want to say we have 130 cosponsors of this bill. I am pleased to tell you that in the last couple of weeks we have picked up three additional Democrats. I want to pick up more.

I am reaching out to my friends on both sides of the aisle to ask them to please look at this as nothing more. It is not a political issue, it is not a party issue, it is just an issue of freedom of speech, because, again, I cannot say it too much, that if this was 1953, I would not be on the floor right now.

There was no restriction. I have researched this issue and when the churches qualified by the law to become 501(c) status, there is no, no restriction of what they could or could not say.

I want tonight to just mention a few of the spiritual leaders of this country who support this legislation.

They are: Dr. David Andrus of the National Council of Churches; Bishops. I want to mention the Bishop of New York, William Flanary; the Bishop of San Francisco, James Galen Johnson; the Bishop of the Episcopal Church, the Reverend John Hines; the Bishop of the United Methodist Church, the Rev. Dr. C. Charles Hines; Bishop Melvin Dargen of the African Methodist Episcopal Church.

I want to mention the Bishop of the African Methodist Episcopal Church, the Rev. Dr. C. Charles Hines; Bishop Melvin Dargen of the African Methodist Episcopal Church.

Mr. Speaker, in addition to that, I am very proud to tell my colleagues tonight that a former Member of the United States House of Representatives, a man that was there my first session in the United States Congress, I had great respect for. I did not get to know him, I wish I had. But he was a real leader on the Democratic side. His name is Floyd Flake. Dr. Flake is a minister, a former Member of Congress, and he is the pastor of the Greater Allen Cathedral in New York; and he wrote a very strong letter of support for this legislation.

Mr. Speaker, in addition to that, they held a hearing on this issue on May 14, and I am very pleased to tell my colleagues that Dr. D. James Kennedy came up from Florida to testify on behalf of this legislation. In addition, I am pleased to tell my colleagues that another former Member of the House, a Democrat, Walter Fauntroy, Pastor Walter Fauntroy came to testify on behalf of this legislation. Let me read the last paragraph of Dr. Flake’s letter.

It says: ‘I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation.’ That is the key: liberating legislation. Our men and women of faith who are spiritual leaders should have every right they choose to talk about the issues of the day. I know that if Dr. Flake was running for the Presidency in the year 2000, he was in Dr. Flake’s church and after Mr. Gore spoke, the minister said, Dr. Flake said, ‘I think this is the right man to lead this Nation.’ Well, Mr. Speaker, I got a letter of support from the IRS. Well, Mr. Speaker, if that is what Dr. Flake felt and wanted to say that to his congregation, there should not have been any Federal Government overseeing what he said in that church.

Then I gave the example earlier of my friend, Jerry Shield, down in New Bern to ask the priest just to say that George Bush is pro-life, let us support George Bush. These are the things that if this was 1953, they would be able to do it without any reservation at all. But Lyndon Johnson, an arrogant Member of the Senate at the time, and later became a President that I do not have much respect for his Presidency, quite frankly; but anyway, he put in an amendment without any debate, as I said earlier, that pretty much stifled the churches and synagogues of this country. They did hold a hearing on this legislation, and I want to thank the gentleman from New York (Mr. HOUGHTON), the chairman of this committee, for holding that hearing, because what it did, it gave us a chance to talk about this issue.

I want to read just a couple of comments, Mr. Speaker, because they had two representatives of the IRS to come talk about their authority given again by Lyndon Johnson to stifle the speech of the churches and synagogues in this country. I am not going to read all of the testimony, but I am going to read just a couple of minutes for the record. If I could give an example that one of the comments was of the gentleman from Georgia (Mr. LEWIS), who asked Mr. Miller, who represents the Internal Revenue Service at the hearing, and Mr. Lewis said, ‘As a rule, again, to the IRS, who do you monitor the activities of churches during the political season?’ The IRS representative, Mr. Miller says, ‘We do monitor churches. We are limited in how we do that by reason of section 7611 and because of the lack of information in the area, because there is no annual filing.’

But, Mr. Speaker, this is the point I want to make. He additionally said, ‘So our monitoring is mostly receipt of information from third parties who are cooking.’

Well, I think that is a sad commentary on this great Nation that we have to have our churches and synagogues having a third party to look in to see what they are saying, because then that third party, if they believe they have violated the Johnson amendment, can report them to the Internal Revenue Service. Mr. Speaker, that is...
not what this great Nation is about. That is not what these great men and women in uniform are willing to give their life for. They are willing to give their life for the national security of this country and the freedom of this Nation. That is what Mr. Miller said: we are dependent on a third party to report the church for violating the Johnson amendment for speaking freely on the political and moral issues of the day.

Then there is another question that Mr. Lewis asked and I want to read this for the RECORD: “Do you have the ability or the capacity as an agency to monitor the activities of churches and other religious institutions?” Mr. Miller with the Internal Revenue Service says: “The only thing we can rely upon again is who would be in that audience to report it.”

Mr. Speaker, I think that is so tragic. We have a law in the land of this country that restricts freedom of speech in our churches and synagogues, and we have to depend on a third party to be there to report that to the Internal Revenue Service. That again is not what should be in this country. The spiritual leaders of this great Nation should have the right to choose whatever they feel that they must say from their heart and their God to their members who are in that congregation. But again, Mr. Miller has been very honest, he is on the Oversight Committee on HI.R. 2375, and he acknowledged we are dependent on a third party to report churches and synagogues who might violate the law of the land. Well, my point there is that how in the world, with all of the churches and synagogues and mosques in this country, can we enforce this law? The law is unjustified, it is unneeded, and should never have been adopted. It was done in 1954 at night without any debate. We should pass H.R. 2375 and return the freedom of speech to our churches and synagogues.

Just one more point on this, Mr. Speaker, and then I am going to work toward a close. Let me read this letter, and this is what really bothers me more than anything. This might better explain to the Congress what we are trying to say. The gentleman from Illinois (Mr. WELLER) was also on that committee that I mentioned that the gentleman from Georgia (Mr. LEWIS) served on, the oversight committee chairman that restricts freedom of speech in our churches and synagogues. Mr. WELLER asked a question to the gentleman from New York (Mr. HOUGHTON). The gentleman from Illinois (Mr. WELLER) asked this question: “So just to follow up on that, say you have a candidate who is a guest speaker, was in a church speaking from the pulpit, concludes his or her remarks, and the minister walks up, puts his hands or arms around the particular candidate and says, this is the right candidate; I urge you to support this candidate. Is that allowable under current law?” That is the gentleman from Illinois (Mr. WELLER) asked Mr. Hopkins, who represents the Internal Revenue Service, and he says, “No, that would not be allowable under law.

That would clearly be political campaign activity. It would be protected, however, under the two bills that are specifically the subject of this hearing,” a bill introduced by the gentleman from Illinois (Mr. CRANE) and another one I mentioned earlier, Mr. Chairman, Mr. Speaker. I came to this floor last week, and I am going to come a couple of times this week and a couple of times next week, because I hope that the leadership of the House will bring this to the floor to have a chance to vote on. I believe sincerely that if this country is going to have a great future, and we are a Nation who cannot forget that this Nation has been blessed by God; if we are going to have a strong Nation, the Ministers, our preachers, our priests, and our rabbis must have a right to talk about the issues of the day. And sometimes those moral issues of the day become political issues. I think that our ministers must have the right to talk about those issues of the day if this country is going to remain morally strong.

Let me start closing by reading a letter; it will not take but just a couple of minutes. This is a minister who is an African American minister down in Raleigh, North Carolina. I knew him. I have talked to him by phone; and I have a great deal of respect for him. He is a strong man of God. I had read an article in a Raleigh paper; all the liberal press, Mr. Speaker, they just cannot understand this legislation. The liberals just cannot understand it. I guess they forget that they are protected by the Constitution and so should the ministers and priests and rabbis, as far as I am concerned.

Let me read this. It is from Marian B. Robinson, minister of the St. Matthew AME Church in Raleigh, North Carolina, and it will not take but a moment.

‘Dear Congressman Jones: I read with a great deal of interest an article in Raleigh News and Observer as it pertained to H.R. 2157, the Houses of Worship Political Speech Protection Act. Thank you for introducing a bill that will give free speech to houses of worship on issues of moral and political significance without the fear of losing their tax exempt status. If the churches cannot do it, then who can?’

Second paragraph: ‘Secondly, the black church has always been a platform for giving the message out to our people since we have no other institution or places to go or turn to. The church continues to be the mouthpiece for informing and directing our people on most things. Part of our job consists of trying to keep families together by instilling morals and values and the teachings of Christ. We need freedom of speech from the pulpit without fear of reprisals. This will help us carry out our tasks in a manner pleasing to God and meaningful to the people. I support this legislation because it is a law among the board. It is from people of faith, whether they be African American, whether they be Muslim, whether they be Catholic, Jew, or Protestant. They support this legislation because they fully understand, as I understand, that the strength of this country is the spiritual leaders of this country so that they do not support it. But I will tell my colleagues that I never saw in 1953, and I have had my staff to do a lot of research, I never saw any editorial or any news article that took the churches to task for what they might have said of a political nature in 1953. None.

So, Mr. Speaker, tonight as I close, I do want to mention this. The IRS also has what they call code words. They do not have to say what is anti-succession, they can do it by saying that just because you say that you want to support myself, Congressman JONES, or as the minister mentioned earlier, another candidate, that that would be a violation. That would be a violation was the answer to the gentleman from Illinois (Mr. WELLER). But this is what I want to start closing with tonight, Mr. Speaker, is that they print a publication that is called ‘Selection Year Issues’ and they give an example of code words, C-O-D-E, code words. And these code words can, if used, can bring the IRS into looking into that church’s activity.

Let me just give an example of code words: liberal, pro-life, pro-choice, anti-choice, Republican, Democrat, and there are others.

These are code words that the IRS can use if they think that there is a violation. They do not mention the candidate; but they might mention a code word, and the IRS can come in and threaten a church.

Mr. Speaker, tonight as I close, and again, I am like many Members of Congress on both sides of this aisle, I have great faith in God. This is the greatest Nation in the world because we are a Nation that understands that we are blessed by God almighty.

I just think and I hope that in the next couple of weeks that the leadership will give the Congress a chance to debate this issue, to vote on this legislation; and I hope the majority of the Members of this House will vote to pass this legislation.

Close by reminding the House that in 1953, and up to 1953, there were no restrictions on the churches and synagogues in this country. So let see us return the freedom of speech to the spiritual leaders of this country so that they do not support it.

Mr. Speaker, I close this way because I have three military bases in my district: Cherry Point Marine Air Station,
Camp Lejeune Marine Base, and Seymour Johnson Air Force Base. Every time I speak, and I spoke Monday night at the Christian Coalition banquet down in my district, and I was pleased to say that the Republican candidate for the United States Senate from the state of North Carolina, Mr. John Edwards, was there and did a fantastic job of giving her testimony. I close this way, and I have ever since September 11.

I first ask God to please bless our men and women in uniform, I ask God to please bless the families of our men and women in uniform, and I ask God to please bless the President of the United States as he leads this Nation. I ask God to please bless the men and women who serve in the House and Senate.

I ask God, and I say it three times, please God, please God, please God, continue to bless America.

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:
Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.
Mr. GEORGE MILLER of California (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.
Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.
Mrs. ROUKEMA (at the request of Mr. ARMED) 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. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)
Mr. GEORGE MILLER of California, for 5 minutes, today.
Mr. NORTON, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mr. PHELPS, for 5 minutes, today.
Mr. TAYLOR of Mississippi, for 5 minutes, today.
Mr. STENHOLM, for 5 minutes, today.
Mr. BOYD, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. DAVIS of Illinois, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT
Jeff Trandahl, Clerk of the House reports that on September 12, 2002 he presented to the President of the United States, for his approval, the following bills:
H.R. 3287. To redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the ‘‘Joseph Curnen, Jr. and Thomas Morris, Jr. Processing and Distribution Center’’.
H.R. 3917. To authorize a national memorial to commemorate the passengers and crew of Flight 93 which crashed on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation’s Capital, and for other purposes.
H.R. 5207. To designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the ‘‘Thomas E. Burnett, Jr. Post Office Building’’.

ADJOURNMENT
Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 18, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:
9175. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Thiophanate-methyl; Pesticide Tolerances for Emergency Exemptions [OPP-2002-00263; FRL-7195-6] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
9176. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Objections to Tolerances Established for the Pesticide Thiophanate-methyl; Additional Extension of Comment Period [OPP-2002-00262; FRL-7195-5] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
9177. A communication from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Departments of Agriculture, Energy, Interior, and Transportation; International Assistance Programs; and the National Capital Planning Commission; (H. Doc. No. 107-197—262); to the Committee on Appropriations and ordered to be printed.
9178. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 99-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.
9179. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 00-02, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.
9180. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 99-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.
9181. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

H6301
9192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Approval of the Clean Air Act, Section 129(b)(1)(A), Authority for Nonattainment Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; Commonwealth of Massachusetts Department of Environmental Protection [FRL-7271-1] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

9193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Proclamation of Implementation Plans North Carolina: Approval of Miscellaneous Revisions To The Mecklenburg County Local Implementation Plan [NO 96-200372a; FRL-7377-8] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

9194. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Reel on Waiver of Restrictions on Assistance to Russia under the Cooperative Threat Reduction Act of 1993 and Title V of the FREEDOM Support Act, pursuant to 22 U.S.C. 2156(b); to the Committee on International Relations.

9195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department’s 2001 report on U.S. Representation in UN agencies and efforts made to employ U.S. citizens, pursuant to 22 U.S.C. 276c— to the Committee on International Relations.

9196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report for 2001 on International Atomic Energy Agency Activities in Countries Described in Section 307 (a) of the Foreign Assistance Act, to the Committee on International Relations.

9197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a Drawdown under section 506(a)(1) of the Foreign Assistance Act of 1961, as amended to support the Philippines; to the Committee on International Relations.

9198. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department’s “Major” final rule — Migration Bird Hunting: Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-A130) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

9199. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department’s “Major” final rule — Migration Bird Hunting: Late Seasons and Bag Possession Limits for Certain Migratory Game Birds (RIN: 1018-A130) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

9200. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department’s “Major” final rule — Regulations Certain Federal Indian Reservations and Ceded Lands for the 2002-03 Late Season (RIN: 1018-A130) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

9201. A letter from the Secretary, Department of Health and Human Services, transmitting the Department’s report on “Prospective Payment System for Inpatient Services in Psychiatric Hospitals and Exempt Units” to the Committee on Ways and Means.


9203. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2002 funds appropriated for International Organization for the Child Survival and Health Programs Funds, pursuant to 22 U.S.C. 5952 nt; jointly to the Committees on International Relations and Appropriations.

9204. A letter from the Board Members, Railroad Retirement Board, transmitting the Board’s budget request for fiscal year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

9205. A letter from the Board Members, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation, Ways and Means, and Transportation and Infrastructure.

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. OXLEY: Committee on Financial Services. H.R. 3995. A bill to amend and extend certain laws authorizing and encouraging trade and community opportunity, and for other purposes; with an amendment (Rept. 107-640 Pt. 2), referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBERN BRENNER: Committee on the Judiciary. H.R. 4884. A bill to combat terrorism and defend the Nation against terrorist and other atrocities committed in violation of an amendment (Rept. 107-650). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBERN BRENNER: Committee on the Judiciary. S. 2690. An act to reaffirm the reference to one Nation under God in the Pledge of Allegiance; with an amendment (Rept. 107-659). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 527. Resolution providing for consideration of the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and the concurrent resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms (Rept. 107-660). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 528. Resolution providing for consideration of the bill (H.R. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of retail and commercial real estate transactions, 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.

Mr. JOHNSON of Kansas: H.R. 5386. A bill to prohibit the discharge of a firearm within 1,000 feet of any Federal land or facility; to the Committee on the Judiciary.

Mr. CONYERS (for himself, Mr. FRANK, Mr. BERMAN, Mr. JACKSON- LER of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. MURR, Mr. KUCINICH, Mr. BLUMENTAER, Mr. DAVIS of Illinois, Mr. EVANS, and Ms. SCHAAKOWSKY): H.R. 3837. A bill to make needed reforms in the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, 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.

Mr. LAMPSON (for himself and Mr. FOLEY): H.R. 4863. A bill to amend title 18, United States Code, to provide forensic and investigatory support of missing and exploited children; to the Committee on the Judiciary.

Mr. MOORE of Kansas: H.R. 5390. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for certain oilseeds; to the Committee on Agriculture.

Mrs. MORELLA (for herself, Mr. EMHILICH, Mr. GILCHREST, and Ms. NORTON): H.R. 5391. A bill to provide for the establishment of the National Institutes of Health Public Private Partnership Board; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, 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.

Mr. SMITH of New Jersey (for himself and Mr. EVANS): H.R. 3932. A bill to amend title 38, United States Code, to enable the Department of

COMMITTEE DISCHARGE AND TIME LIMITATION PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on September 13, 2002]

H.R. 5399. The Committee on the Budget discharged. Referral to the Committees on Ways and Means, Rules, and Government Reform extended for a period ending not later than October 4, 2002.
Veterans Affairs to recover costs of medical care from third parties in the same manner as if the health care system of the Department were a preferred provider organization; to the Committee on Veterans' Affairs.

By Mr. STUPAK:
H.R. 5393. A bill to extend the time period prior to which the Department may contract for workers for the filing of applications for temporary labor certification in the processing of alien labor certification applications; to the Committee on the Judiciary.

By Mr. WEINER (for himself, Mr. CONyers, and Mrs. MALONEY of New York):
H.R. 5392. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

By Mr. ETHERIDGE:
H. Con. Res. 499. Concurrent resolution authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.); to the Committee on Government Reform.

By Mr. NUSSLE (for himself, Mr. ROGERS of South Carolina, Mr. BONILLA, Mr. SCHAEFFER, Mr. BALLINGER, Mr. WATTS of Oklahoma, Mrs. BONO, Mr. TOM DAVIS of Virginia, Mr. BAER of Georgia, Mr. LA TOURETTE, Mr. JENKINS, Mr. HAYES, Mr. DAN MILLER of Florida, Mr. AYIN, Mr. GEKA, Mr. ISSA, Mr. ROBINSON, Mr. SHUMKIN, Mr. KERNs, Mr. POSSELLA, Mr. SCHROCK, Mr. ROYCE, Mr. FREELINGHUYSEN, Mr. ENGLISH, Mr. CHAMBLISS, Mr. PERRY, Mr. RYAN of Wisconsin, Mr. HASTINGS of Washington, Mr. BOEHLERT, Mr. TURNE, Mr. HART, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. SOUDER, Mr. GRAVES, Mr. LATNUM, Mr. HASTERT, Mr. SHAw, Mr. PITTS, Mr. CONDELL, Mr. JEFF MILLER of Florida, Mr. PUTNAM, Mr. KINGSTON, Mr. HAYWORTH, Mr. TAUZIN, Mr. PEYCH of Ohio, Mr. FLETCHER, Mr. MCINNES, Mr. SIMMONS, Mrs. BIGGERT, Mr. DUNN, Mr. EVERETT, Mr. ROGERS of Michigan, Mr. OTTER, Mr. CUNNINGHAM, Mr. CANTOR, Mr. BESCHIERI, Mrs. NORTHUP, Mr. WATKINS, Mr. BAKER, Mr. VITTER, Mr. FOLEY, Mr. SUNUNU, Mr. ROGERS of Kentucky, Mr. FinCH, Mr. DUNCAN, Mrs. ROUKEMA, Mr. SESSIONS, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mrs. DIAZ-BALART, Mr. NORWOOD, Mr. GBLECK, Mr. GUTENRECHT, and Mr. WOLF):
H. Res. 524. A resolution expressing the sense of the House that Congress should consider the President's Tax Relief Act of 2002; to the Committee on Ways and Means.

By Mrs. NORTHPUR (for herself, Mrs. JOHNSON of Connecticut, Mr. HASTERT, Mr. SHAw, Mr. PITTS, Mr. GIBBONS, Mr. FORNES, Mr. JEFF MILLER of Florida, Mr. PUTNAM, Mr. KEEL of Oklahoma, Mr. FLITCHEr, Mr. HAYWORTH, Mr. TAUZIN, Mr. MCINNIS, Mr. CAMP, Mr. KENNEDY of Minnesota, Mr. ENGLISH, Mr. PREVIT of Pennsylvania, Mr. PENCE of Indiana, Mrs. ROUKEMA, Mr. BOREN, Mr. SESSIONS, Mrs. DUNN, Mr. ROGERS of Michigan, Mr. CUNNINGHAM, Mr. CANTOR, Mr. MCKRON, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mr. NORWOOD, Mr. GRUCCI, Mr. WATKINS, Mr. GUTENRECHT, Mr. WOLF, Mr. GREENWOOD, Mr. BAKER, Mr. VITTER, Mr. FOLEY, Mr. BALLINGER, Mr. WATTS of Oklahoma, Mr. BROWN of South Carolina, Mr. BONNETON, Mrs. BONO, Mr. LA TOURETTE, Mr. TOM DAVIS of Virginia, Mr. BAHR of Georgia, Mr. DJILLI of Florida, Mr. AYIN, Mr. JENKINS, Mr. HORSO, Mr. BOODMAN, Mr. SHADECK, Mr. GEKA, Mr. ISSA, Mr. EVERETT, Mr. SCHROCK, Mr. PETRI, Mr. FREELINGHUYSEN, Mr. ROYCE, Mr. SHUMKIN, Mr. CHAMBLISS, Mr. RYAN of Wisconsin, Mr. HASTINGS of Washington, Mr. TURNE, Mr. UPTON, Mr. HART, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. SOUDER, Mr. LEWIS of Kentucky, Mr. SHAYS, Mr. HAYES, Mr. GRAVES, Mr. WILSON of South Carolina, Mr. DILAY, and Mr. REYNOLDS):
H. Res. 525. A resolution expressing the sense of the House of Representatives that the 107th Congress should complete action on the Supplemental Appropriations Act, 2002; to the Committee on Rules.

By Mr. SMITH of New Jersey:
H. Res. 526. A resolution providing for the concurrence of the House with an amendment in the amendments to the Senate in the same manner that they may characterize action in the Senate; to the Committee on House Administration. considered and agreed to.

By Mr. ROGERS of Michigan:

H. Con. Res. 471. Concurrent resolution authorizing the 2002 Women National Basketball Association championship; to the Committee on Government Reform.

MEMORIALS
Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. PUTNAM.
H.R. 257: Mr. WOLF and Mr. HEFLEY.
H.R. 267: Ms. WOOLSLY, Mr. KINGSTON, and Mrs. HOOLEY of Oregon, Mr. JEFFERSON, and Mr. Cramer.
H.R. 268: Mr. HONDA.
H.R. 397: Mr. GRUCCI.
H.R. 415: Mr. EVANS.
H.R. 438: Mr. TAYLOR of Mississippi.
H.R. 638: Mr. PAYNE.
H.R. 792: Ms. NORTON and Mr. EVANS.
H.R. 848: Mr. MANZULLO.
H.R. 854: Mr. RANDEL, Mr. SERRANO, and Mrs. MALONEY of New York.
H.R. 914: Ms. DUNN.
H.R. 969: Mr. POMO.
H.R. 1111: Mr. CLEMENT.
H.R. 1192: Mr. THRENY.
H.R. 1239: Mr. EVANS.
H.R. 1306: Mr. RAMSTAD and Mr. GRUCCI.
H.R. 1310: Ms. WOOLSLY.
H.R. 1398: Ms. SHAYS and Mr. SESSIONS.
H.R. 1323: Mr. SCHIFF.
H.R. 1786: Mr. KLECKZA and Mr. SANDLIN.
H.R. 1911: Mr. STUPAK.
H.R. 1918: Mr. BERCHE.
H.R. 1957: Ms. JOAN DAyV of Virginia.
H.R. 2397: Mr. TIBERI and Mr. LARSEN of Washington.
H.R. 2399: Mr. CLEMENT and Ms. BERKLEY.
H.R. 2414: Mr. WU.
H.R. 2611: Mr. SPRATT.
H.R. 2220: Mr. TURNER and Ms. SANCHEZ.
H.R. 2290: Mr. GONZALEZ.
H.R. 2532: Mr. ANDREWS.
H.R. 2638: Mr. MCHUGH, Mr. ROYCE, Ms. HOOLEY of Oregon, and Mr. MANZULLO.
H.R. 2674: Mr. THOMPSON of California and Mr. NEAL of Massachusetts.
H.R. 2602: Mr. COX.
H.R. 3110: Mr. ENGEL.
H.R. 3278: Mr. YOUNG of Alaska.
H.R. 3280: Mr. BROWN of California.
H.R. 3388: Mrs. MCCARTHY of New York.
H.R. 3414: Mr. MASCARA, Mr. POMEROY, and Mr. SCOTT.
H.R. 3422: Ms. SLAUGHTER.
H.R. 3612: Mr. EVANS.
H.R. 3624: Mr. NORWOOD.
H.R. 3741: Mr. PLATT.
H.R. 3831: Mr. ACEVEDO-VILA.
H.R. 3992: Mr. LBONDIO.
H.R. 3995: Mr. GOOLDLATT, Mr. BERRY, Mr. HONDA, Mr. PLATTS, and Mr. MCINTYRE.
H.R. 4011: Mr. STRICKLAND.
H.R. 4032: Mr. HINCHRY.
H.R. 4483: Mr. GRAHAM.
H.R. 5024: Mr. CLAY.
H.R. 4531: Mr. ABERCREMBIE, Mr. ACKERMAN, Mr. ARKEY, Mr. BACA, Ms. BALDWIN, Mr. BECHERE, Mr. BEERUTER, Mr. BERKLEY, Mr. BERNSTEIN, Mrs. BIGGERT, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mrs. BONO, Mr. BOYD, Mrs. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAMP, Mrs. CAPPs, Mrs. CARSON of Indiana, Mr. CARSON of Oklahoma, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. CONDIT, Mr. CONYERS, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Mrs. CUMMINGS, Mr. DAVIS of California, Mrs. DAVIS of Florida, Ms. DEGETTE, Ms. DELAURE, Mr. DENTZ, Mr. DINGELL, Mr. DOGGETT, Mr. DUNN, Mr. EDWARDS, Mr. ENGLISH, Mr. ETHERIDGE, Mr. FATTAR, Mr. FRANK, Mr. FROST, Mr. FRIED, Mr. GHERARDT, Mr. GORDON, Mr. GREEN of Texas, Mr.

ADDITIONAL SPONSORS
Gutknecht, Ms. Hart, Mr. Hastings of Florida, Mr. Hefley, Mr. Hilliard, Mr. Holden, Ms. Hooley of Oregon, Mr. Hoyzer, Mr. Hyde, Mr. Inslee, Mr. Jefferson, Ms. Kaptur, Ms. Kilpatrick, Mr. Lantos, Ms. Lee, Mr. Lewis of Georgia, Mr. Lewis of California, Mrs. Maloney of New York, Mr. Matheson, Mr. Matsui, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Ms. McKinney, Mr. Meeks of New York, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moore, Mrs. Morella, Mrs. Napolitano, Mr. Oliver, Mr. Owens, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Petri, Mr. Phelps, Mr. Rangel, Mr. Rhyes, Ms. Rivers, Mr. Rogers of Michigan, Mr. Rohrabacher, Mr. Roybal-Allard, Mr. Royce, Mr. Rush, Ms. Sanchez, Mr. Sanders, Mr. Sandlin, Ms. Schaakowsky, Mr. Scott, Mr. Sherman, Ms. Slaughter, Mr. Smith of Washington, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Towns, Mr. Turner, Ms. Velázquez, Mr. Walden of Oregon, Ms. Waters, Mr. Watt of North Carolina, Mr. Weiner, Mr. Weldon of Pennsylvania, Mr. Wexler, Mr. Wexler, Mr. Wilson of South Carolina, Ms. Woolsey, Mr. Wu, Mr. Baldacci, Mr. Bonior, Mr. Borsi, Mr. Boswell, Mr. Brady of Pennsylvania, Mrs. Captto, Mrs. Christensen, Mr. Davis of Illinois, Mr. DeFazio, Mrs. Emerson, Ms. Eshoo, Mr. Hall of Texas, Mr. Hinchey, Mr. Hoeftel, Mr. Holt, Ms. Honda, Mr. Issa, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of North Carolina, Ms. Pascrell, Mr. Jackson of Illinois, Mr. Ford, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. Kucinich, Mr. Larson of Connecticut, Ms. Jackson-Lee of Texas, Ms. Ros-Lehtinen, Mr. Levin, Mr. Lipinski, Mr. Lynch, Ms. Millender-McDonald, Mr. McGovern, Mr. McNulty, Mrs. Meek of Florida, Mr. Mollohan, Mr. Moran of Virginia, Ms. Norton, Mr. Oberstar, Mr. Price of North Carolina, Mr. Rothman, Mr. Schiff, Ms. Solis, Mr. Stenholm, Mrs. Thurman, Mr. Watts of Oklahoma, Mr. Waxman, and Mr. Wynn.

H.R. 4572: Mr. Ballenger.
H.R. 4672: Mr. Ballenger.

H.R. 4916: Mr. Towns, Mr. Hinchey, and Mr. Lynch.
H.R. 4903: Mr. Bono.
H.R. 4948: Ms. Harnan and Ms. Waters.
H.R. 4967: Ms. Schakowsky and Mr. Bono.
H.R. 5301: Mr. Ross, Mr. Feingluhuisen, Mr. Schrock, and Mr. Ryers.
H.R. 5352: Mr. Turner and Mr. Goodlatte.
H.R. 5357: Mr. Frank.
H.R. 5606: Mr. Clement, Mr. Harman, Ms. Berkley, Mr. Gutierrez, Ms. Sanchez, Mr. Putnam, and Mr. Platts.
H.R. 5703: Mr. Crowley.
H.R. 5085: Mr. Strickland and Mr. Walsh.
H.R. 5069: Mr. McIntyre.
H.R. 5118: Mr. Beringer.
H.R. 5119: Mr. Putnam and Ms. DeLauro.
H.R. 5113: Mr. Green of Wisconsin.
H.R. 5196: Mr. Platts and Mr. Saxton.
H.R. 5197: Mrs. Cuzin and Mr. Turner.
H.R. 5213: Mr. Petri, Ms. Watson, Mr. Frank, Mrs. Morella, Mr. George Miller of California, and Mr. Stark.

H.R. 5267: Mr. Gilman, Mr. Towns and Mr. McDermott.
H.R. 5282: Mr. Kilday, Mr. Wexler, Ms. Woolsey, Mr. Price of North Carolina, Mr. Sweeney, Mr. Udall of Colorado, Mr. Neal of Massachusetts, Mr. Bonior, Mr. Delauro, Mr. G Bucco, and Ms. Lee.
H.R. 5272: Mr. Oliver, Mr. Ross, and Mr. Wexler.
H.R. 5280: Mr. Sherwood, Mr. Shuster, and Ms. English.
H.R. 5289: Mr. English and Ms. Schakowsky.

H.R. 5285: Ms. Schakowsky, Mr. Klciezka, Mr. Lantos, Mr. Dooley of California, Mr. Levin, and Mr. Oliver.
H.R. 5286: Mr. Schakowsky.
H.R. 5311: Mr. Bartlett of Maryland, Mrs. Bono, Mr. Ross, and Mr. LaTourette.
H.R. 5316: Mr. Cooksey.
H.R. 5317: Mr. Simons, Mrs. Morella, Mr. Gutierrez, Mr. Platts, Mr. Gordon, Mr. Baker, Mr. Isakson, Mr. Hyde, and Mr. LaTourette.
H.R. 5322: Mr. Schrock, Mr. Ballenger, Mr. English, Mr. Goodlatte, Mr. Kingston, and Mrs. Cubin.
H.R. 5326: Mr. Maserca, Mr. Hall of Texas, Mr. Bartoon of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Inslee, Ms. Schakowsky, Mr. McIntyre, Mr. Cannon, Mr. Kucinich, Mr. Riley, Mr. Watkins, and Ms. Norton.
H.R. 5394: Mr. Hart and Mr. Wolf.
H.R. 5344: Mr. Wexler, Ms. Roybal-Alard, and Mr. Nadler.
H.R. 5346: Mr. Scott, Mr. Kucinich, Mr. Kanjorski, Mr. Holt, Mr. Holden, Ms. Sanchez, Mr. Pastor, Mr. McGovern, Mr. Mascara, Mr. Serrano, Mr. Farr of California, Mr. Olver, Mr. Price of North Carolina, Mrs. Jones of Ohio, and Mr. Hinchey.
H.R. 5438: Mr. Nopton and Ms. Millender-McDonald.

H.R. 5538: Mr. Brown of Ohio, Mr. Baldwin, Mr. Rangel, Mr. Kildee, Ms. DeLauro, and Mr. Udall of Colorado.
H.R. 5539: Mr. Sanders, Mr. Shows, Mr. Ballenger, Ms. Norton, Ms. Rangel, Mr. Murtha, and Ms. Millender-McDonald.
H.R. 5568: Mr. Frank.

H.R. 5585: Mr. Thune and Mr. Pomeroy.
H.J. Res. 93: Mr. Pence and Mr. Wamp.
H.J. Res. 106: Mr. Frank.
H.J. Res. 108: Mr. Souder, Mr. Phelps, Mr. McNulty, and Mr. Issakson.
H.J. Res. 109: Mr. Payne and Mr. Bonior.
H.Con. Res. 164: Mr. Sessions.
H.Con. Res. 236: Mr. Crowley and Ms. Schakowsky.

H.Con. Res. 345: Mr. Young of Florida.
H.Con. Res. 351: Mr. Wexler, Mr. Berkle, Mr. Inslee, and Mr. Frost.
H.Con. Res. 382: Mr. Thirney and Mr. Sanders.
H.Con. Res. 445: Mr. Shows, Mr. Forbes, Mr. Wilson of South Carolina, Mr. Kerins, Mr. Goode, Mr. Shadegg, Mr. Foley, Mr. Gutknecht, Mr. Boozman, Mr. Graham, Mr. Platts, Mr. Riley, Mr. Shimkus, and Mr. Tangleo.
H.Con. Res. 458: Mr. Goodlatte, Mr. Tom Davis of Virginia, Mr. Drezir, and Mr. Shays.
H.Con. Res. 462: Mr. Kildee, Mr. Sanders, Mr. Gekas, Mr. Otter, Mr. McInnis, Mr. LaHood, and Mr. Cubin.
H.Con. Res. 468: Mr. Frost, Mr. Nadler, and Mr. Lewis of Georgia.
H.Con. Res. 253: Mr. Towns.
H.Con. Res. 454: Mr. Doyle.
H.Con. Res. 484: Mr. Pastor.
H.Con. Res. 499: Mr. Ackerman, Mr. Deutsch, Ms. Schakowsky, and Mr. Schiff.
H.Con. Res. 518: Mr. Skelton and Mr. Riley.
H.Con. Res. 532: Mr. Hoekstra, Mr. Ehrlich, Mr. McKeon, Mr. Holt, Mr. Andrews, Mr. Scott, Mr. Bohnen, Mr. Graham, Mr. Kildee, Mr. Hinojosa, Mr. George Miller of California, Mr. Tierney, Mr. Wilson of South Carolina, and Mr. Riley.
The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

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

Gracious, loving God, who taught us to give thanks for all things, to dread nothing but the loss of closeness with You, and to cast all our cares on You, set us free from timidity when it comes to living the absolutes of Your commandments and speaking with the authority of Your truth. We are living in a time of moral confusion. There is a great deal of talk about values, but our society often loses its grip on Your standards. We affirm the basics of honesty, integrity, and trustworthiness. We want to be authentic people rather than professional caricatures of character. Free us from capricious dissimulations, covered duality, and covert duplicity. Instead of manipulating with power games, help us to motivate with patriotism. Grant us the passion we knew when we first heard Your call to political leadership, the idealism we had when Your Spirit was our only source of strength. May this be a day to recapture our first love for You and our first priority of glorifying You by serving our Nation. You are our Lord and Saviour. Amen.

The PLEDGE OF ALLEGIANCE

The Honorable HARRY 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 APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Ms. STABENOW), The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD). The legislative clerk read the following letter:

U.S. Senate, President pro tempore, Washington, DC, September 17, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD, President pro tempore.

Ms. STABENOW thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, there will be a period of morning business until 10:30 a.m. The first half of the time will be under the control of Senator DASCHLE or his designee. The second half of the time will be under the control of Senator LOTT or his designee.

We will resume consideration of the Interior appropriations bill at 10:30 a.m. The Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences. At 2:15 p.m., the Senate will resume consideration of the homeland security bill. At 4:15 p.m. today, the Senate will resume consideration of the Interior appropriations bill, with 60 minutes of debate, equally divided, between the chairman and ranking member of the Subcommittee on Interior of the Appropriations Committee, Senator BYRD and Senator BURNS. The cloture vote on the Byrd amendment to the Interior appropriations bill will occur at approximately 5:15 p.m. today. Senators have until 1 p.m. today to file first-degree amendments and until 4:15 p.m. today to file second-degree amendments to the Interior appropriations bill.

Madam President, I suggest the absence of a quorum.

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

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes. Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from North Dakota.

LET’S HAVE AN ECONOMIC SUMMIT

Mr. DORGAN. Madam President, several weeks ago I wrote to President Bush and suggested it is time—perhaps past the time—to have an economic summit in this country to talk about the challenges we are facing with this American economy.

It is interesting, if you look at what has happened. We had gone through a
period of almost unprecedented growth and opportunity. The 1990s was a period in which people were working. We had increases in the number of jobs available, home ownership, personal income, and the stock market was moving up. The economy was growing.

It solves a lot of problems in a country when you have an economy that is growing. There is no social program that is as good as a good job that pays well, and people who are trained and skilled and able to assume those jobs.

But in the last 8 years—last year and a half, 2 years—we have hit some rough water here, and the economy is not doing well. We have a series of things that have happened. Early in the President’s term, he proposed a fiscal policy with a $1.7 trillion tax cut, the bulk of which goes to the upper income folks in the country. And he said: Well, we are going to have surpluses for 10 straight years. I warned him and said—I am the conservative on this—I don’t think you ought to predict, with any precision, what is going to happen 10 years from now. We don’t know what is going to happen 3 months from now or 3 years from now, let alone 10 years from now. The administration, the President, and others here, insisted: No. We are going to have all these surpluses, and this money belongs to the American people. Let’s give it back. Let’s lock it in, and do it now.

In a matter of months, we had a war on terrorism, the terrible and tragic attack on this country of September 11. We have a recession that occurs shortly after this new fiscal policy is developed, which probably was occurring even as it was being developed. And then we have a series of corporate scandals, scandals unlike any we have seen in our lifetime, certainly, and perhaps in a century or so. In addition to that, we see a stock market that begins to collapse.

So all of these things, coming together, have dramatically changed what is happening in Government. Big budget surpluses have now turned to big budget deficits. And it is as if nothing has happened. We have the administration, the President, and others acting as if: Well, nothing has really changed. There is no need to be talking about these things.

I urge the President to respond to these requests for an economic summit, to sit down with us and talk about what is wrong with the economy and how you put this back together to work an economy and a future of economic growth and opportunity once again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

NATIONAL AND DOMESTIC SECURITY

Mr. DURBIN. Madam President, I thank my colleague from North Dakota for raising what I think is an important and timely issue; that is, what are we going to focus on, what will be our interest, what will be the real objective and issue we will make the centerpiece for our discussion over the next 7 weeks before the election on November 5.

It is very clear what the President wants to focus on. He wants to focus, it appears, exclusively on the issue of Iraq. Of course, we all concede that national security is our top priority. I happen to believe, as most do, that Democrats and Republicans have stood together since September 11 of 2001. We have provided the President the resources with the authority, and we have told him we will stand shoulder to shoulder with him in fighting a war on terrorism.

There is little disagreement on Sad- dam Hussein and Iraq. I haven’t heard a single Member of Congress from either party in either party stand to defend Saddam Hussein. This man is a thug. He has been a threat to his own people, to the region, and certainly, if he is developing weapons of mass destruction, then they could be a threat well beyond that region of the world.

We have to take it very seriously, as we have. I thought we made real progress last week. There was a time in early August when voices from the White House were telling us: We are just going to have to go it alone. The United States will have to fight Saddam Hussein by itself. Incidentally, we don’t need congressional approval. We have father Bush’s war approval which
The Presiding Officer, the Senator from Michigan, has been a leader on the issue of prescription drugs. As I go about the State of Illinois, people are interested in Iraq, but I still run into people, senior citizens in particular but ordinary families as well, who talk about how they cannot afford to buy the prescriptions they need to keep themselves and their children healthy. I don’t see the kind of fervor and desire coming out of the Republican side when it comes to health care security as there is for national security.

When it comes to health care security, the cost of health insurance, I went yesterday to speak to the Illinois State Chamber of Commerce. The members who were gathered there said the major corporations in Illinois agree with the major unions in Illinois that the cost of health insurance is bankrupting our system. Businesses cannot afford to buy insurance for the owners of the corporations and the employees. The premiums go up 25, 35 percent a year. Labor unions are seeing every increasing dollar amount on an hourly basis eaten up completely by the cost of health insurance increases.

Have we heard a word from this administration about health care security, about the cost of health insurance? Of course not. Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield. Mr. REID. I also heard the Senator from North Dakota speak this morning. It appears that I am hearing the fact that we can talk about Iraq and, at the same time, we can deal with some of these economic issues with this staggering economy. Is that what the President is saying?

Mr. DURBIN. That is exactly right. I say this to the people at the White House who make up the schedule: Can you give us 11 hours of the economy? Pick the 4 hours and let’s talk about it in realistic terms. Let’s talk about health security 1 hour a week. Can we do that? Can the White House find time in the busy schedule of dealing with national security and making campaign trips to raise money for candidates to give us 1 hour a week to talk about health care? I don’t think that is too much to ask. And I think Congress ought to reciprocate. We ought to be answering in terms of what we can do to try to lift the burden, whether it is the cost of prescription drugs or the cost of health insurance for businesses and families across America.

Mr. REID. Will the Senator yield for another question?

Mr. DURBIN. I am happy to yield. Mr. REID. The Senator served in the House of Representatives. Is the Senator aware that this administration—a Republican administration—has significant control and direction that it can have over the House of Representatives, which is led by the Republicans? Mr. DURBIN. Absolutely. The Speaker of the House almost has unilateral power to set the business for the House, now controlled by the President’s party.

Mr. REID. Would the Senator acknowledge that the House basically has been doing nothing? We have appropriately bills that are waiting for them to do. I have not heard the President say one word about the inaction of the House. Has the Senator?

Mr. DURBIN. I have not. The Senator is aware of the fact that we have the Patients’ Bill of Rights that has gone nowhere in conference with the House and Senate, and there are issues we have tried to raise time and again—energy, for example—and all of these things have died in conference.

Mr. REID. Would the Senator also acknowledge that this bill, which is very important to constituencies all over America, on terrorism insurance—and the President went to Pennsylvania a couple weeks ago and said: I am for hard hats, not for trial lawyers. Does the Senator realize that the House of Representatives will not let us even hold a meeting on this bill?

Mr. DURBIN. I am aware of that. I say to the Senator from Nevada that I heard from not only businesses and developers and unions but from ordinary people about terrorism insurance. There is a fear—let’s face it—if we don’t pass something soon, it is going to have a dramatic negative impact on employment. We are already losing jobs. That is another issue the White House won’t discuss. I have talked about national security and health care security. There is an income security thing, as well—not only the loss of jobs in this country but terrorism insurance plays right into this. What is the President doing? What is Congress doing? Can the President give us 1 hour a week on the economy, 1 hour a week on income security, to talk about what we can do to increase the number of jobs? Let’s have a meeting in Waco, TX, in August for a day is not enough. It takes a bipartisan, honest effort and to engage the Congress in doing something. Let’s pass the terrorism bill. Let’s have the President call on Democrats and Republicans to get it done this week. We should do it this week. If we do not, we are not meeting our responsibility.

Mr. REID. If the Senator will further yield, the Senator is aware that the newspapers in Washington indicate that the President has been in Iowa, over the period of a year, I think 11 times. The Senator is aware that Iowa is where the first primary is held. The Senator from Illinois is aware that Iowa is where there are close elections. I would like the Senator to respond, isn’t it necessary that the President be more engaged in what is going on in domestic issues rather than politicking around the country?

Mr. DURBIN. That is the very point I am making. We are waiting for the President to respond. I concede that the President is the leader of his party, and every President has spent time trying to help his party and its candidates.
The Senator is aware we not only need to focus on Iraq—the military aspects of it—but also what it does to the domestic policy, which the President is ignoring. Is the Senator aware we need to also consider that?

Mr. DURBIN. That is a very important point, not to mention the most basic concern, of course. If we go to war, lives of Americans will be lost. Innocent people will die. War should be the last decision we make, the last option. From the beginning, we now have movement through the United Nations. I am asking that the President and the White House, now that progress is being made, spend some small portion of their time focusing on the economic issues the Senator from Nevada raises. I have talked about health care security, income security, pension security. I will add a fourth one—Social Security.

We realize the President's tax package of last year is going to take $2 trillion out of the Social Security trust fund over the next 10 years—$2 trillion—with no promise to repay any of it at a time when the baby boomers, by the millions, will start arriving and asking for Social Security. Social Security is our real contract—the one that comes from the heart. We have had it since the days of Franklin Roosevelt. Is it too much to ask this administration to give us an hour a week to focus on Social Security and Medicare, talk about the reimbursement for health care for senior citizens and hospitals and providers across America? These are real issues. I certainly have hospitals in rural areas and hospitals in the inner city struggling to survive at this point in time.

When you talk about the issues on which we should be focusing, national security is important, and I think it ought to be No. 1 on the agenda; but, for goodness' sake, don't ignore the rest of America and the lives we have to lead and the impact that our failure to act is going to have. That is why I look at 7 weeks before the next election and say to the President and the White House: Give us an hour a week at least to talk about the economy in this country, about the need to breathe life back into this economy. It is only 2 years ago we were doing so well. We had all of this accumulation of wealth. People saw their retirement plans coming up in the future, and Medicare, talk about the reimbursement for health care for senior citizens and hospitals and providers across America?

People were seeing their stock portfolios improving to the point where they were considering their options. They knew they had money to send their kids to college. Now look what we are up against, and not a word from the White House. One little meeting in Waco, TX, does not make economic policy for this country.

Where is this administration? Where is this President? Where is the economic leadership this country needs?
price of health care for businesses, for our farmers, for everybody is also very much a part of what we passed to lower prices by getting more competition with generic drugs, opening the border to Canada to bring lower prices, giving States more flexibility.

I wonder if the Senator will comment on the fact that the Senate has passed this very important bill, sent it to the House, and it has received no action this fall. We have nothing yet in committee. We have not seen the President speak on the fact we passed a bill that will actually lower prices, bring more competition, address the fact that our seniors and our families are having to struggle right now—in fact, right now, as we are here, there are people who are watching C-SPAN 2 saying: Do I eat today or buy my medicine?

We had a bill which passed the Senate. We would greatly appreciate the President's leadership in encouraging the House of Representatives to pass this bill this fall. We could dramatically lower prices immediately with the passage of that bill.

Mr. DURBIN. I say to the Senator from Michigan, first, let me acknowledge and thank my colleagues as well—Senator STABENOW has been a leader on the issue of prescription drugs. She has been tenacious. Thank goodness she has been. She took a bus trip to Canada.

The PRESIDING OFFICER. The time of the majority leader has expired. Twenty-eight minutes remain on the other side.

Mr. REID. Mr. President, I ask unanimous consent that until someone comes from the other side, we be allowed to use that time. The minute someone's head pops in that door, we will quit. In the meantime, there seems to be no need to have the Senate voiceless.

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

Mr. DURBIN. I thank the Chair. I thank the Senator from Nevada.

The point the Senator from Michigan makes is an important one. We did pass a prescription drug bill. It was not what we wanted. We wanted a voluntary program under Medicare which would be universal and available for all Americans so they could get the benefits of Medicare when it came to prescription drugs. She has been tenacious. Thank goodness she has been. She took a bus trip to Canada.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DOING THE SENATE'S WORK

Mr. DASCHLE. Mr. President, I know Senators are just getting back into town from the Jewish holiday yesterday. And I hope we can make the most of this week. We have a lot to do, on the Interior appropriations bill as well as on the issue of homeland security.
As our colleagues are aware, this afternoon we will have a cloture vote on the Byrd amendment. I reluctantly filed that cloture vote last week because we are now in the third week of debate on the Interior appropriations bill and homeland security. With all of the work that must be done and with all of the issues we must address, we simply cannot prolong this debate indefinitely.

Seventy-nine Senators a couple of weeks ago voted for an amendment offered by the distinguished Senator from Montana, myself, and others responding to the crisis we now face in drought-stricken parts of the country. The regions of the country which are experiencing drought are growing—the Southeast, the Midwest, and the far West—areas throughout the country that have experienced drought conditions, and in some cases it is unprecedented.

We also have a very serious situation with regard to firefighting, so serious that this administration changed its position from one which said we will not provide any new resources for firefighting—that all firefighting moneys that ought to be dedicated to firefighting will be taken from the Forest Service budget. They changed from that position to say, we now recognize how serious this situation is, and we will commit $850 million and ask the Congress to support it.

You have two very important priorities in dealing with disaster and crisis: One with the Forest Service and firefighting needs. This is urgent. This is extraordinarily important to the ongoing effort to fight fires throughout the country, especially again in the West. And, second, as I noted, the drought.

We have voted for this legislation. We have gone on record on a bipartisan basis in support of this legislation. I know there are those who still would like to complicate the debate relating to other issues, and if that can be done, I certainly will welcome it.

But we simply cannot go on week after week after week without more notable progress, without more of a tangible way with which to address these needs, and, secondly, without a way to recognize that we have a lot of work to do in a very short period of time. We have what amounts to about 15 legislative days left prior to the time we adjourn for the year. I am troubled to say the least, by the extraordinary list of items that have to be addressed and the very minimal amount of time legislatively we have to address them.

I come to the floor this morning urging colleagues on both sides of the aisle to recognize the need, to recognize the urgency, to recognize the shortness of legislative time available, and to recognize how important it is that we move on to accomplish as much as we possibly can in a very short period of time.

I can only hope we will get a good vote this afternoon—I would like it to be unanimous—on cloture, so at least on this particular amendment we have the opportunity to move on to other issues, and hopefully to a time for final passage on the Interior appropriations bill.

I will have more to say about homeland security later on in the day, but I must say, this is something that just begs our support, recognizing the prioritization it deserves as we consider the schedule and the need that is so clearly a recognition around the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, the majority leader makes a very good point. I am struck by what we are debating off the floor, which is timber health. At the heart of that is how we deal with judicial appeals, which has brought a new dynamic to that debate on forest health and how we manage our public lands; that is, not a denial of judicial appeals, but also in the area of timber restraining orders.

People can file appeals—we do not want to deny that—but also how we deal with the decision-rendering process, which does cause some concern with folks using timber restraining orders as a tool in the process to get their way. Basically, that is what we have here.

We are on a time line, if we go off this. Those who do not want to see anything move press us into a time line, and then we go on home knowing there is a timeframe on that debate.

Given the time we have and the leader's decision to double-track these two issues in order to facilitate and deal with these issues in a short time line, we have to take a look at that. I know the leader is right; we have to move on this and make it a reality. But so far, it hasn't come to be and does not get us to where I think we want to be before we go home in October. We want to move forward as fast as we can.

But also there is lingering debate out there that a lot of folks are concerned about—especially on our forests. I want to bolster the leader's contention that drought relief and disaster relief in farm and ranch country are still with us. Just last Sunday—here we are in the middle of September with football in the air—it was 92 degrees in Billings, MT. The Yellowstone River is as low as I have ever seen it. Above the Bighorn River where it spills into the Yellowstone, you can walk across that river with your jeans and not get your knees wet. We still have that concern.

The leader is right. It passed this body overwhelmingly. It should be allowed to move forward with the apparatus in place in which to get that relief out to our people who are suffering at this time. I appreciate his leadership on that.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:
Byrd amendment No. 4472, in the nature of a substitute.
Byrd amendment No. 4480 (to amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.
Dodd amendment No. 4518 (to amendment No. 4480), to reduce hazardous fuels on our national forests.
Dodd amendment No. 4522 (to amendment No. 4472), to prohibit the use of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.
Byrd/Stevens amendment No. 4532 (to amendment No. 4472), to provide for critical emergency supplemental appropriations.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to speak directly to the issues raised by both the majority leader and the Senator from Montana; specifically, with respect to how we are going to resolve issues related to the health of our forests.

I know the discussion has greatly focused on fires and the catastrophic results of fires this year. I am going to talk about that to a great extent. But I would like to make a point at the very beginning which I hope we don't lose sight of; that is, fire is merely one component of the problem we have to deal with. What we are really talking about is the health of our forests, both for the protection of people from catastrophic wildfires and also for the ecological benefits that a healthy forest provides. It provides wonderful recreation for our citizens. It provides habitat for all of the flora and fauna we not only like to visit and like to see but to understand that it is very important for the ecological balance in our country. It protects endangered species. It provides a home for all of the other fish, insects, birds, mammals, and reptiles we would like to protect, whether they are endangered or not.

In order to have this kind of healthy forest, we have come to a conclusion, I think pretty much unanimously in this country, that we are going to have to manage the forest differently than we have in the past.

What the debate is all about is how the Congress is going to respond to this emergency, not just from the catastrophic wildfires but from the other
devastation of our forests that has created such an unhealthy condition that it literally threatens the health of probably somewhere between 30 and 70 million acres of forest land in the United States.

The administration has come forth with a far-reaching proposal that will begin to enable us to treat these forests in a sensible way. We have legislation pending before us—an amendment by the Senator from Idaho—that was put in pretty much in terms of being able to discuss this. And we have been crying, over the course of the last week or so, to negotiate among ourselves in the Senate to be able to come to some conclusion about what amendment it might be possible to adopt as part of the Interior appropriations bill so that it will be easier for us to go in and manage these forests.

I am sad to say that so far our efforts at negotiation have not borne fruit. I think, therefore, it is necessary today to begin to realize that unless we are able to reach agreement pretty soon, we are going to have to press forward with the kind of management approach that I believe will enable us to create healthy forests again.

Let me show you what it looks like talking about my own State of Arizona. Some people may not think of the State of Arizona as containing forests. They may think of it as a desert State. The reality is, a great deal of my State is covered with some of the most beautiful forests in the entire United States—the entire world, for that matter. We have the largest ponderosa pine forest in the United States. Ponderosa pines are enormous, beautiful trees, with yellowing bark. It is not uncommon at all for them to have a girth of 24 inches and above in a healthy forest. They are a bit like if you want to think of the sequoia trees in California—not quite as big but coming close to that kind of magnificent tree.

One hundred years ago, the ponderosa pine forests in Arizona were healthy. These trees were huge. They were beautiful. There were not very many per acre; and that, frankly, was what enabled them to grow so well. They were not competing with a lot of small underbrush or small trees for the nutrients in the soil, the Sun, the water, which is relatively scarce in Arizona, and they grew to magnificent heights.

Several things happened to begin to change the circumstances. First of all, loggers came in and, seeing an opportunity, cut a lot of these magnificent trees. Secondly, grazing came in, and then came the fires because these little trees were so prone to burning. It is a dry climate. They are crowded together. Instead of having maybe 200 trees per acre, for example, you might have 2,000 trees per acre. But they are all little, tiny diameter trees that are very susceptible to fire. And the big trees that are left, of course, are susceptible to fire as well because when the lightning strikes, it sets the whole area on fire. It quickly crowns up to the larger trees, creating a ladder effect, going right on up to the top of the very biggest trees. It explodes in fire, as you have seen on television. That kind of environment is what we are faced with today.

The old growth has come back. We have some magnificent, big trees, but they are being crowded out by all of these very small-diameter trees and other brush and other fuel that has accumulated on the forest floor. So what happens when there is a fire—whether man set or lightning created—is that the fuel begins to burn. It burns quickly just like a Christmas tree, if you can imagine. If you have ever seen a Christmas tree burn, it quickly burns the smaller trees and underbrush, and then catches the branches, the lower branches of the bigger trees, and then crowns out, and then you have a big fire.

What is the result of the big fires in Arizona this year?

First of all, we can talk about the size of the fires. We can talk about the size of the Rodeo-Chediski fire in Arizona. It was about 60 percent the size of Rhode Island. This is simply one fire. You can see from this map the size of the Rodeo-Chediski fire. Here is the size of the State of Rhode Island. If you add in other fires that have occurred in Arizona this year, you have a size that exceeds Rhode Island. That is in my State. That is how much has burned in my State—about 622,000 acres in this fire alone.

Let me show you what it looks like after that burn. And I have been there. I have walked it. I have driven through it. I have seen it from the air by helicopter. It is a devastating sight. Here it is, as shown in this photograph.

The ground is gray. It burned so hot that it created a silicone-like glaze over the soil. And, of course, it just absolutely takes all the pine needles and branches off the trees, so all you have are these sticks left standing. Some of these, by the way, are pretty good size trees. And there is salvageable timber in here if we are permitted to go in and do that salvaging.

But because of the glaze over the soil, the report from the experts in the field is that when the rains finally began to come, it did not soak into the soil; it ran off. And what you now find throughout the central and eastern part of Arizona is massive mud flow into the streams. It kills the fish. It makes the water unpalatable. It devastes the free flow of the water, so it creates new channels and erodes the soil. It goes around bridges, and there is one bridge that was very much in danger.

It flows into the largest lake in the State, Lake Roosevelt. And Roosevelt Lake, that big source of water for the city of Phoenix and the other valley cities. There has been great concern that mud flow will affect the water quality and the water taste, as well as damaging the environment and the aquatic life in the lake and in the other streams.

There are some other sad things about this fire. Just to mention some of the devastation, the total of this fire was about 468,000 acres burned. The total in Arizona is about 622,000 acres. The structures burned in Arizona were about 423, the majority of which were homes and some commercial structures.

In the United States, this year alone, we have lost 21 lives as a result of the wildfires, and over 3,000 structures. The impacts on our forests in Arizona, the old growth trees will take 300 to 400 years to regenerate—300 to 400 years. To have a tree of any good size takes at least 100, 150 years.

We have endangered species in our forests, the Mexican spotted owl, for example. The fire burned through 20 of their protected active centers. So I think those who claim to be environmentalists, who want to protect a forest by keeping everybody out of it, and rendering it subject to this kind of wildfire have a lot of explaining to do when 20 of these protected centers for the Mexican spotted owls were ruined, devastated, burned up in this fire. The recovery time for this habitat is 300 to 400 years as well.

Twenty-five goshawk areas—this is another one of our protected species—and postfledging areas were impacted or destroyed. Wildlife mortalities—and these are just those that were actually documented—46 elks, 2 bears, and 1 bear cub, and, of course, countless other small critters.

I think it is interesting that air quality is something that is frequently overlooked when you think of these fires. I was up there. I know because I had to breathe it. But just one interesting statistic is that the greenhouse gases from the Rodeo fire emitted during 1 day—just 1 day of the fire; and this thing burned for 2 to 3 weeks in a big way, and then longer than that in a smaller way—but 1 day’s emissions of greenhouse gases from the Rodeo fire surpassed all of the carbon dioxide emissions of all passenger cars operating in the United States on that same day.

So if we are really concerned about greenhouse gases, just stop and think, all of the emissions from all of the cars in United States. It is equal to a day’s worth of emissions from this one fire. Of course, there were a lot of other fires burning in the country as well.
Let me try to put this in perspective in terms of the amount of area of Arizona that is subject to this kind of fire.

We have about 4 million acres of forest in Arizona that is classified as condition 3. That is about one-third of all the forest in Arizona. Condition 3 is the area that is in the most danger of catastrophic wildfire. Here is a State map of Arizona. And the area in yellow is pretty much the forested area of our State, with the area depicted in red the class 3 area.

So you can see that a great deal of our ponderosa pine forest here is in very dire condition and needs to be treated as soon as possible.

The Grand Canyon is right here. You can see on the north rim, there are significant areas that need to be treated. Over here, near the Navaho Indian Reservation, there are areas that need to be treated. Flagstaff is here; you can see the mountains that rise over 12,000 feet just north of Flagstaff. Those areas are in danger, and you have the Prescott National Forest, Coconino National Forest, the Tonto National Forest. The Apache Indian Reservation is probably the largest. This area is the watershed for Phoenix, the Gila River. This tributary of the Gila provides a great deal of the surface water for the city of Phoenix and surrounding areas.

These are beautiful mountain areas with a base elevation of over 7,000 feet. This area here is 9,000 feet. The mountains rise over 11,000 feet, covered with ponderosa pines, spruce, fir, aspen, and other trees. All of this area is in grave danger of beetle kill disease, mistletoe, wildfire, and being weakened and dying from insufficient nutrients and water because of the condition of the forest.

It is a very matted, tightly packed forest with all of the little diameter trees literally squeezing out the big trees that we all want to save. It is called a dog hair thicket. It is so thick that a dog can't even run through it without leaving some of his hair behind.

Let me show you an example of what the forest used to look like and how it looks today. On the top you see a photograph of 1909. You can see these beautiful big ponderosa pine trees. There are some smaller ones back here. You have different age growths, and that is the way we like to have a forest so as the big ones grow older and die, there are others to take their place. You see a great deal of grass, sunshine, open space. You can imagine this is a very healthy forest because you don't have too much competition for what the trees need to grow. It is also a wonderful environment for elk and deer and butterflies and birds. It is open. You have plenty of grass for forage and so on.

This is the same area in the year 1992. This is the way much of our forests look today—absolutely dense, crowded. I am not sure if the chart is observable here, but you can see that the forest is now very crowded. Here you have beautiful, large ponderosa pines, a couple more back here, but they are being squeezed out by all of the smaller diameter trees.

What we are talking about in management is not cutting the big trees, not logging the forest. We are talking about taking out the bulk of these smaller diameter trees that are not doing anybody or anything any good and to prevent the forest from becoming so dense that it is destroying the environment. Preventing the grass from growing. They are ruining the habitat for other animals and creating conditions for insects, disease, and catastrophic wildfire.

For those who say we don't want to go back to logging, nobody is talking about that. We are talking about saving these big trees, not cutting them down.

The problem is, a lot of the environmental community is in total concert with this general management. But you have a very loud, activist, radical minority that is so afraid commercial businesses will want to cut large trees, that they want to destroy any commercial industry. In the State of Arizona, there is essentially no logging industry left. We have two very small mills, and the Apache Indian Reservation has two mills. The Apache Reservation I will get to in a moment because that is where the Rodeo-Chediski fire occurred.

What we are talking about here is having well-designed projects, after consultation with the so-called stakeholders, with the Forest Service having gone through all of the environmental planning and designating projects, stewardship projects with enhanced value so that they can go to these commercial businesses and say: Can you go into this forest and clean all of this out and make it look like this? Whatever you take out of here that we mark for you to be able to take out, you can sell that. You can turn it into chipboard, fiberboard. You can make enough of a profit to do this for us because there is not enough money for us to appropriate to treat 30 or 40 or 50 million acres.

We are talking about a lot of money we simply don't have. You have to rely upon the commercial businesses to do that. Some of the radicals are so concerned that when they are doing this job for us, they will say: We don't have anything more to do; we want to take the big trees. And they are concerned that we won't have the ability to tell them no. Therefore, they are going to prevent us from cleaning up the forest for making it healthy again. They will create a condition that results in the catastrophic wildfires I was talking about; in effect, cutting off our nose to spite our face.

We are not going to do what everybody recognizes needs to be done because maybe when that is all done, 40 years from now, somebody will say: We want to go after the big trees.

Does anybody believe the political environment in that setting is going to permit us to do that? None of us are going to agree to that. I don't agree to it today.

Let me tell you a story. Former Secretary of Interior Bruce Babbitt is a very strong supporter of what we are talking about. An area he used to hike in when he was young, called Mt. Trumbull area on the north rim of the Grand Canyon north of Flagstaff. As Secretary of Interior, being BLM land under the jurisdiction of the Department of Interior, he was able to do the rules and regulations that enabled us to go in and do the clearing. So they hired a couple of brothers that had a small business. They brought some pieces of equipment down from Oregon. One of them was a very small caterpillar thing that could snip all these small diameter trees out, it produced out a fairly good size area. They made enough money to be in business, and isn't that fine. That they left what a forest that looked more like this.

I remember one tree that a BLM person said he had saved this. Here was a tree that looked like a big California sequoia. It was a big ponderosa pine. The boughs came all the way down to the ground. And all around it were these small dog hair trees. He said: We have to get them to clean this out because this tree is very much in danger of burning. If any spark comes within a mile or so, it will just climb up this ladder. That beautiful tree, that was maybe 200 or 300, 400 years old, is going to go up in flames. That is the kind of tree we are trying to protect. For those who say we want to somehow do logging and so on, I simply say they are wrong; that is what we are trying to create, not this.

Let's go on to talk about some of the other aspects. In Arizona, there were about 4 million acres classified as condition 3, meaning most subject to catastrophic wildfire. Nationally, there are just under 75 million such class 3 acres. Out of this, the Forest Service identifies about 24 million as the highest risk of catastrophic fires. And this definition means they are so degraded that they require mechanical thinning before they can be safely burned.

According to the General Accounting Office, we have a very short period of time in which to treat these acres. According to a 1999 study, the GAO says we have 10 to 25 years to treat this 30 percent of our forests and if we are to prevent unstoppable fires.

This shows you what can be done when you treat the acres. This is full restoration, meaning we have gone in and cut out quite a few of the small diameter trees leaving relatively few, mostly larger trees per acre. This is exactly what this particular acre had on it when the cutting and thinning had
be done, going in and cutting out the small diameter trees.

In Arizona you can introduce fire in prescribed burns during the month of October and November because it is cooler. It is moist, and the fires are not going to get out of control. First, you have to introduce fire into this area in October, the wet month, and you can see that it is burning along the ground, burning the fuel that has accumulated on the ground. It is not going to go through this, these trees here. It may burn some of the smaller trees, but what is going to be left is a nice environment in which you have grasses that can crop up the next spring and reintroduce a lot of species and habitat and protect, as well, from fire.

If lightning were to strike one of these trees and start a fire, it would return along the ground like this. In the hot summer months, once it has been treated, it is likely, with all of the fuel having burned off the previous winter, the fire will go around the trees and it will not crown out to a higher degree of fire.

The reason you cannot treat these forests with fire alone, and you have to mechanically thin and cut out some of the smaller trees, is demonstrated by the next chart. This shows you what happened when we left this many trees per acre. This shows you when you do minimal thinning. They didn’t do very much thinning, and they reintroduced fire. This fire thick enough to try to climb the trunks of these trees and is going to crown out. You see it coming up along the top of this tree. It is going to catch the crowns of a lot of these larger trees. They are at great risk of burning and a fire starting. This is during the wet month of October when you have a lot of moisture. If you don’t take out very many trees, a la this particular treatment here, minimal thinning, and you introduce fire, you are going to have a risk of fire in the hot months. It is going to be a very grave risk.

Let’s turn to the third chart, which shows what happens when you don’t do anything at all, you only burn. This demonstrates why you have to do thinning first. No thinning was done on this particular acre. This is during the cool, wet month of October in Arizona. They introduced fire, and look at what happened. It got out of control and created a crown fire. This is the beginning of what the Rodeo-Chediski fire looked like.

So it is too late in much of our forest to introduce prescribed burning. It will go out of control. You have to go in, as I said, and thin it out first and then, that fall, you set a fire in the burn and you burn all of the fuel on the ground. Thereafter, the grasses grow and everything regenerates and you have a very nice environment.

Then I turned to another aspect that I talked about cutting old-growth trees. When people talk about saving old growth, we need to be careful because the reality is that a lot of old-growth trees, particularly in Arizona, are not big trees at all. They are not the ones you necessarily want to save. If you have been on the California coast, perhaps you have seen trees over a thousand years old. Some of the oldest ones are gnarled.

Which tree here is the oldest? Interestingly, this smaller tree is 60 years old and this bigger one is 55 years old. This is the younger tree—the big one. This tree was in an area that wasn’t competing for a lot of nutrients, water, and surface area. It grew as you would expect it to—very well, very quickly, and very big. Obviously, this is a tree we are going to want to preserve. It will get bigger and bigger. But if you have that area in which the trees are crowded together in these very dense thickets, you can have a tree no bigger than this small one after 60 years. In fact, I have another one about the same size that is 88 years old.

Old growth would be something over 120 to 150 years. We have trees not much bigger than this that are designated old growth. We desire to create an environment in which you get these big beautiful trees that grow old and big. This fire here is burning all of the underbrush, and it is doing a demonstration of what I discussed before for which we are trying to preserve the forests. This is an illustration of why you don’t want to have arbitrary limits on cutting old-growth trees. The tree you want to save is this big one, not that one, the small one. That makes a much nicer environment and one that is better for the wildlife.

(Mrs. CLINTON assumed the Chair.)

Mr. KYL. Let me now discuss one of the concerns that has cropped up during the discussions about the kind of legislation we want.

There are those organizations in the environmental movement that understand there is too much public opinion pressure on the small areas that have been treated. They understand they have to make some concessions. They have concluded that the best thing to be for is what they call urban/wild interface management. What that is supposed to mean is that you can go in and thin the areas right around communities and right around people’s expensive million-dollar summer homes, and the like, but you cannot go out into the forests themselves.

We will put up the chart that shows the class 3 lands. The problem is, first of all, it treats very few acres. This will illustrate the point. We don’t have very many communities in these forests. There are five or six little towns in this whole area. To do urban/wild interface management alone, by going out a half mile around the city limits of those little towns, is going to do nothing to enhance the environment of the rest of the forest. It will do nothing to protect the habitat of the endangered species out here. Actually, it does very little to protect the communities themselves.

The Rodeo-Chediski fire—and I will show you the chart later—burned with such ferocity and intensity that the small areas that had been treated provided little or no protection. It was only the areas where there had been a larger area of treatment that were protected as a result of the fire.

I can tell you, while the fire was still burning in the eastern area, we helicoptered up to the Rodeo-Chediski lookout and we drove about another 2 miles on a road that divided between an area that had been treated—that is to say, there had been thinning, and I believe prescribed burning in the area as well, and on the other side of the road it was not treated. The side that was not treated looked like a moonscape. There was no living thing. Every tree had all of the branches and pine needles burned off—nothing but ghostly, ghastly sticks. On the side that was treated, you could see that a fire had gone through there. It laid on the ground, and it burned itself out. It was in a large enough area that it didn’t burn in that area.

Unfortunately, where you had just a third of a mile, little strip of a quarter mile or half mile, the fire jumped right over it. I saw that as well in different areas.

Part of the problem is a phenomenon that exists particularly in the West, where you have dry, hot conditions on the ground. The fire crowns out, as you have seen on television, and these massive spires of flame go 100, 150 feet in the air, which creates a plume of high, hot air, smoke, ashes, cinders, carried upward, and it looks like a mushroom cloud from an atomic kind of explosion because the column of hot air rises like this and it creates a mushroom effect. It gets up into the cooler atmosphere, 15,000, 20,000 feet, and it cannot rise any more because the heat doesn’t sustain the hot air, and the plume begins to create condensation. Eventually, the weight of the plume that has risen is greater than the capacity of the hot air to sustain it and it collapses. The firefighters call it a phenomenon of a collapsing plume. What happens then is the whole thing comes crashing down, creating a huge rush of air down on the ground, which pushes out all of the hot cinders, sparks, smoke, and ash out, like this, for 2 or 3 miles.

That happened many times in the Rodeo-Chediski fire. I witnessed the creation of one such plume in an area of Canyon Creek, where I have been hiking and camping. It was devastated by this fire. So it doesn’t do you any good to try to create a burnout zone as a firebreak, or a quarter of a mile or half mile of thinning, if the fire can spread with such ferocity. That is what happened over and over in this particular fire.

Let me explain that, notwithstanding the fact that there had been some treatment around some of our communities. Just stop and think about this
for a moment. About 30,000 Arizonans had to pick up everything they had within about a 6-hour—I forget exactly how many hours of warning it was, but it was very few hours. They had to pick up what they could in their pickup trucks and cars and find somewhere else to live. At the end of the fire, Show Low, AZ, is a town of over 20,000, 25,000 people, and in Pinetop and Lakeside and McNary, a few smaller towns, they had all had to leave. They could not go back in for anything. A few people tried to go back in for a few hours and cattle and cats alive, but a lot was lost when these people had to go for 2 weeks.

Just think of having to leave your home and not knowing whether it was going to burn or not. Some did burn, but the towns were saved.

Interestingly, one of the reasons Show Low was saved was that a canyon to the southwest had been treated. It had been thinned, and there had been prescribed burns in that area. I believe 2 or 3 years before; I have forgotten exactly how long before.

When the fire hit that area, the combination of that plus the backfire they lit in this particular canyon prevented the fire from reaching the outskirts but prevented the fire from burning the town of Show Low.

Think about that. What we need to do is to have quarter-mile or half-mile or even more long strips of property around fancy summer homes or small communities but, rather, treat the forest itself—as much as we can treat, as quickly as we can treat it. Only in that way will we get the environment back to the healthy state it was.

Only by treating large areas of the forest will we be able to return it to the status shown on this chart, where the small mammals will have a place to grow, really small animals will have a place to hide from the hawks, which will have a place to get the small mammals. We will have the birds, the butterflies, and more introduced as a result of this kind of treatment.

I mentioned before the issue of salvaged timber. There is objection even to going in and cutting down the trees. I will show a chart of these trees. This is a huge amount of timber that could be salvaged as a result of the fire. In this kind of escape, we need to cut some of the trees to lay it down and stop some of the erosion which inevitably occurs because of this kind of fire. It will enhance the regrowth of that area. Even seeding and planting does not do any good because the water washes all that material into the streambeds and it does not take.

This is timber that has a huge amount of value if it is able to be removed quickly, but disease will set in and deterioration will occur within a few months if it is not removed in a 12-to-18 month period, it is lost. This is one way to help pay for what we are trying to do. Rabid, radical environmentalists do not want to even salvage that timber. Why? Again, because it will actually provide some jobs for the commercial timber industry and the mills that would mill the trees into lumber. They do not want them to be in existence because they then pose a threat to the timber industry. That is their logic. It is amazing logic.

Most of the Rodeo-Chediski fire was not on Forest Service land. Sixty-some percent was on the White Mountain Apache Indian Reservation. One can see on this chart the area of the fire. The green area is the Apache-Sitgreaves National Forest, and the yellow area is the Fort Apache Indian Reservation.

The White Mountain Apache Tribe relies a great deal on the revenues of its timber operations to sustain its tribal operations. In fact, it is the tribe’s biggest source of revenue. Also significant to the tribe is the revenue generated by the hunting of deer and elk that permits on its land. The White Mountain Apache Tribe for decades has been very smart about how they have managed their forests. They understand that if you are going to have wild turkeys, if you are going to have bear, if you are going to have that, you ought to have a large elk that people are willing to pay $10,000 to hunt, if you are going to have that kind of wildlife that will bring in these kinds of trophy hunters who will pay the tribe a lot of money to hunt on the reservation. There is a couple of things. First, you can only take out the number of animals necessary to keep healthy herds, a healthy group of bear or lion, or whatever it might be. So they take out very few of those animals, just enough to keep the forest ecosystem in balance.

Second, you have to have a healthy forest. You have to have a forest that is not all grown over in this dog-hair forest that it permits on its land. The White Mountain Apache Tribe for decades has been very smart about how they have managed their forests. They understand that if you are going to have wild turkeys, if you are going to have bear, if you are going to have that kind of wildlife that will bring in these kinds of trophy hunters who will pay the tribe a lot of money to hunt on the reservation. There is a couple of things. First, you can only take out the number of animals necessary to keep healthy herds, a healthy group of bear or lion, or whatever it might be. So they take out very few of those animals, just enough to keep the forest ecosystem in balance.

The White Mountain Apache Tribe has been very smart about the way they have managed the forests. They have not had the restrictions as has the Forest Service. They have been able to do more prescribed burns. They have been able to do thinning and utilize that small-diameter timber in their mills, and they have taken out modest amounts of medium- and a little bit of larger-diameter timber as well.

Some environmentalists say: You cannot do that; there has to be a diameter cap of 20 inches, 16 inches, or some number. The tribe has not been asked the question—it is the type of question experts, such as Wally Covington from Northern Arizona University, ask: Not to define old growth or diameter cap, but take a look at the area and determine its carrying capacity. What will this particular area carry? What did it carry 100 years ago in terms of the kinds of trees, and other growth, and the number of trees?

When one determines that, then one knows what kind of treatment is called for. In some areas, you are going to cut all but 150 trees, leaving mostly large trees with a few more intermediate-size trees. In other areas, you may cut less. It may be that an area is so full of medium-size growth trees, let’s say 20-inch diameter trees—you may be taking several of those out or maybe a few of those out. It does not mean you are harming the environment. It means you are reducing the number of stems to the carrying capacity of the land so it can rejuvenate, so it can grow back, and the trees left will be room for the cases we are trying to preserve. We will have grass and all the rest that is necessary for healthy flora and fauna.

That is the idea of this treatment. Over the years, the Apache Tribe has done a good job managing its forests. As a result, they have had less of a problem with fire. There are several different areas that have been treated, and in the bear report that followed the devastating fire, there is quite a bit of discussion about the kinds of timber that was lost, the areas that were not as heavily damaged, and a discussion of the areas preserved, by and large, because they had been treated in the past.

I find it interesting, by the way, and I am going to digress here—let me make this point. We need to help the Fort Apache Tribe salvage the timber that is salvageable in this area. They do not have the capital with their mills to do it, but they can mill some of it and then sell some of it to others. They have to get to it right away. They are making plans to do that. They need about $6.7 million to complete this project. I hope we will be able to provide that to them and it will help sustain the reservation.

As to the Forest Service, there are objections already to salvaging the timber. We do not where this boundary is when we are on the ground. It is all the same. Why the Apache area can be salvaged but not the Forest Service area I cannot explain. Nobody can rationally explain it. We need to salvage there as well. Yet, there are those who object to any opportunity to salvage this timber.

One of the ideas for legislation was to have an opportunity to complete some stewardship projects or enhanced value stands that would be a temporary way—maybe over a 3-year-period of time, for example—treat areas of the forest that have not burned to see how well this kind of management worked. This has been tried in the past. One of the cases is the so-called Baca timber sale. When we talk about timber sales, some of the more radical environmentalists get all upset because we
are actually going to sell some timber to a mill that can mill it into lumber and build homes and lower the price of homes, by the way, so we do not have to buy all the timber from Canada at higher prices.

This Baca timber sale was proposed in 1994 to reduce hazardous fuels both in the interface and to improve forest health. It followed 5 years of planning and public participation. All the stakeholders were involved. But environmentalists appealed and litigated the case for 3 years.

The Baca timber sale was in this area. When the Rodeo fire went through that area, it burned about 90 percent of the proposed area. An area that could have been treated, that could have been made healthy, that the fire would largely have skipped around, was left to be ravaged by this catastrophic fire. The same environmental groups currently threaten lawsuits that would prevent the restoration of this area. I will mention that.

I ask my colleagues, when are we going to say we are no longer going to be jerked around by the radical environmentalists’ agenda to destroy the commercial timber industry so they never have to work about any big trees being cut, in the process permitting the forests to burn, destroying the habitat, endangering lives, burning homes, and burning up the same trees that they want to save, as well as the environment for the species?

I mentioned before some of the species. The goshawk is an example. In 1996, the Forest Service proposed a project to thin near the nest of the goshawk, partly to reduce the fire hazards that were presented to the goshawk. These radical environmentalists appealed. That year the fire burned through the forests, including the goshawk nest. That is what happens when irresponsible environmentalists have control.

What does the control result from? It results from the fact we have a legal system that was designed to provide the maximum environmental input into decisions about abuse by some of the radical environmental groups. Let me cite some statistics from a report released in July by the Forest Service that covered the appeal and litigation activities on the mechanical treatment projects during the last 2-year period. Out of 920 Forest Service decisions during this study period, 150 were appealed, more than half; 21 decisions that were administratively appealed ultimately led to Federal lawsuits.

What happens with the lawsuits? You get an injunction which prevents you from proceeding with the project. In many cases either it burns while the project is pending or the Forest Service decided to move on rather than fight the appeal. The appeal, therefore, goes away, the work never having been done.

In the southwestern region of Arizona and New Mexico, 73 percent of all treatment decisions were appealed. Nationally it was almost half—48 percent of the project decisions in fiscal year 2001 and 2002. Again, 73 percent in our area were appealed.

We cannot operate that way. The Forest Service is spending half of its budget trying to litigate the appeals that are fighting them and doing the work in litigation and on appeals to respond to the environmental community activity. About half of their budget is spent directly fighting the appeals, dealing with the injunctions, or preparing the project in such a way as to be immune from this kind of litigation, which almost inevitably appears anyway.

On administrative appeals alone in 1999 through 2001, in Arizona—just one State—environmental groups filed 287 administrative appeals; 75 of these were filed by two groups that are very active. In litigation in the last 5 years, the Sierra Club and the Center for Biological Diversity litigated 11 projects in Arizona and in 10 years litigated 17 projects in another. The Baca timber sale which was 90 percent burned while on appeal because of the litigation that ensued.

This is what has to stop. The administration, President Bush, has visited these areas and has concluded that the best way to try to deal with this problem is to keep the environmental laws in place so there is never any question about the application of the proper standards for the projects that are developed but to make it more difficult for those who are appealing for the sake of delay, to delay projects to the point they are no longer worth proceeding. In other words, move the process along.

The President’s idea is you still have to have sales or projects that comply with the NEPA process where there is environmental review by the State holders, but you cannot get a temporary restraining order or preliminary permanent injunction in court unless the court decided the case and imposed a permanent injunction to the sale, but you could not go in advance and get that injunction, which is frequently what happens today.

In addition to that, the administrative appeals would be reduced or eliminated for certain sales. If you want to file suit, you can file suit and go directly to the judge. The hope would be that the judge would decide the case quickly and either the project moves forward or it doesn’t, but everyone knows they can move forward with alternative plans if the project cannot move forward. It seems to me on a trial basis, a limited basis, that would make sense.

What we proposed was we limit this proposal to class 3 areas—in my State of Arizona it would be only the red areas—that we limit it in time to maybe a 3-year authorization so we see how it works. If people do not think it works, we could go on the process to continue it. And that we limit the amount of acres that would be treated—maybe 5, 7, or 10 million acres per year, something like that. That, obviously, could be negotiated. And you would limit the way in which the appeals could be brought and have no temporary restraining order or preliminary injunction to be able to stop a particular sale. There would also be no limitation on the salvage project I mentioned earlier.

Now, would these projects be logging? Would they be clearcut, et cetera? Of course not. First, they would have to be pursuant to the plans that have been developed by the Forest Service, and the regional plans have long ago discarded any kind of clearcut cutting. They have basically adopted the management theory of reducing the small diameter underbrush and small diameter trees, leaving, by and large, the larger older trees that we want to preserve.

Those are the plans in place now. They are the plans that would be proposed. If there is any plan that is not consistent with that, obviously, people could file a lawsuit and they could go to court and say, judge, this is not consistent with what we had in mind. And the court, of course, could say, that is right. If the proper environmental analysis had not been done or was inconsistent with the plan, the project could be stopped. That is what we are proposing.

As I said before, we have been in negotiations with our friends on the other side of the aisle. I mention in particular Senator Feinstein from California has been very helpful in trying to find some middle ground, to craft a plan to permit us, over a very short period of time, to be able to treat a small amount of acreage and see how well it works. If it works well, perhaps we could go on from there. We got to the point of having a 1-year authorization, 5 or 7 million acres maximum to be treated. It would be limited to this class 3 area. And a high priority would be given to urban wildland interface and to municipal watershed areas. Even that has not been accepted.

The question is whether or not we are going to be able to reach an agreement that permits us to fairly quickly pass an amendment, have it adopted and sent to the other body so we can begin negotiation for a conference report that enables us to send something to the President and begin treating these forests or whether we are basically going to be in a stalemate or gridlock with the two different camps in the Senate, neither one having the votes to prevail, with the result that nothing comes out of this legislative session and we will be left with an opportunity missed, and a heightened risk for the forests that we want to preserve.

That is the choice before the Senate. I call upon my colleagues who have been working on this to try to find a way to enable us to be able to treat the acres in good faith, and see how it works, and if it does work well, as we predict it will, to enable us to expand that to the roughly 30 million
acres that the General Accounting Office said we need to treat or else see burned.

Those are the stakes. I call upon my environmental friends, who are mostly concerned about protecting these areas of the forests, to think about the priorities.

Do we want to protect the habitat for those endangered species that we all would like to preserve? Do we want to protect the habitat for all the other flora and fauna? Do we want to have a healthy forest or do we want, in effect, to let it go to seed, risking catastrophic fire, disease, and insect devastation which will not protect the environment but will destroy it for all the purposes I mentioned before?

That is the choice before us. It seems to me there is no better time to act and, in fact, this may be the last opportunity to act this year in order to achieve this result. I urge my colleagues to find this compromise; if not, to support the kind of effort I propose that is a limited project with very tight constraints—in effect, a pilot or demonstration project to see if we can make this kind of forest management work.

I thank my colleagues for their indulgence.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, administration budget requests and congressional appropriations bills are a clear reflection of our priorities as a nation. As was discussed on the floor earlier today, it seems we had, from the administration, a focus on Iraq and nothing else.

I am happy to see a bill just came from the House. I would like very much to see other things coming from the House, not the least of which is the terrorism insurance bill. We need to have other things coming from the House. I would like very much to see other things coming from this administration as the reflection of our priorities as a nation.

In an economic downturn, and that is what we are in now, it is more important to put people first, ahead of—instead of handouts to—corporations.

Unfortunately, I am sorry to say, the Bush administration's so-called healthy forest initiative would add to its already impressive list of corporate giveaways. This proposal is anti-community and anti-environment, plain and simple.

My friend is in a neighboring State, Arizona, and I know they have suffered these devastating fires. We have watched them and feel for them. But the answer is not to bash on radical environmentalists. That is not the cause of these fires. We have a number of people in America who feel very strongly that the proposals made by my friend from Arizona where you basically take away judicial review of decisions made, is wrong. I do not think there are many who would put the League of Conservation Voters in the camp of radical environmentalists. In fact, I think they are very moderate. They see things the way the American people see things—a way to protect the environment. The League of Conservation Voters will grade all of us, all 100 Senators, on this amendment and on this vote.

I think it would be a shame if, because of the pending Craig amendment, that the minority would vote not to invoke cloture on this important piece of legislation. We need to move forward with this bill. If cloture is invoked, the Craig amendment falls—no question about that. But we have tried to work something out and we have been unable to work it out.

My good friend from Oregon, Senator Wyden, who is a serious builder, who is a longtime legislator—understands the art of legislation is the art of compromise. He has worked for weeks trying to come up with a compromise. If Wyden can't do it, it cannot be done because it is someone who understands legislation and how to work out a so-called deal.

The League of Conservation Voters will grade us on this amendment in its annual scorecard. Whoever votes to agree to this amendment will fail, in their eyes, to protect the environment. That is what this vote is all about today.

Like the Bush plan, the Republican amendment is championed as a way to address the real fear and suffering of those who live in danger of wildfires. Sadly, this is simply a smoke screen for another corporate handout. This is exactly what we have seen burned over 100,000 acres in Nevada and more than 6.3 million acres nationwide this year. The fire season is already one of the worst in the record. In Nevada, it is past. That doesn't mean we can't still have devastating fires but this fire season has been bad. The one before it was bad. By December of this year we may have the grim distinction of it being the worst year for wildfires in American history.

From Arizona, what is the administration's plan? It proposes to suspend environmental reviews of timber projects, making it easier for timber companies to harvest large, healthy, fire-resistant and, of course, profitable trees. The Republican plan will suspend the main environmental law applicable to our forest, NEPA, the National Environmental Policy Act. That is the law that forces the Forest Service to ensure its timber sales don't hurt the environment. It is the avenue through which local people and governments review these sales.

It would also prevent any meaningful judicial review of timber company and Forest Service decisions. That is what this pending amendment would do. That is because in the Republican plan the issuance of temporary restraining orders and preliminary injunctions is prohibited. That is what restraining orders are all about. If you do not have a restraining order, by the time you get to court the trees are gone. What is the point of judicial review if the trees have already been cut by the time you walk through the courthouse door? The Republican amendment fails to target funding to the places where forests meet our communities, where people and property are at greatest risk. This is not a situation where there will not be areas outside of municipalities, places where people live. But we are saying let's re- rubberize things. Instead of spending 70 percent of the money where there are no people, let's spend 70 percent of the money where there are people.

The Republican amendment does not require that a certain percentage of funds be spent on wildlife/urban interface. Instead, it gives the Forest Service discretion to carve out big tree timber sales and cast aside community concerns, as they have been doing for such a long time.

There is no hard target to protect our communities because that is not what the Republican plan is about. It is about making it easier for the Administration to sell our forests to their favorite timber companies.

We already have a stack of GAO reports detailing the myriad of ways that our forests are mismanaged by our agencies.

For example, we know that government agencies do not target funding to
Mr. BURNS. Madam President, I can't add that at least the President completed a budget. Seventy percent of this money would go to wildland urban interface, and 30 percent goes to the less populated areas, not the other way around as the Senator from Nevada suggested.

In this amendment, we change no environmental law. We deny no one the appeal process. Both administratively and judicially, those things don’t change.

I am asking Senators and this country to consider are environmental laws, NEPA, clean water, clean air, and the Forest Management Act, which has been in effect for some 25 years. We have been operating and managing under those laws for that long without any problem, turned over a public resource to corporations. We need oversight.

Think about that. The Forest Service has a record of spending most funding out in the forests, away from people. That is not an acceptable record. They support logging of large, profitable—and it is about trees. They place lower value on hazardous fuel reduction projects on forests and rangeland around communities.

Don’t just take my word for it. In response to GAO requests, Forest Service officials themselves stated that they tend to ‘‘(1) focus on areas with high value commercial timber rather than on areas with high fire hazards or (2) include more large, commercially valuable trees in a timber sale than are necessary to reduce accumulated fuels.’’

How does the President reward agency mismanagement? By repealing public oversight. The record of agencies in managing our forests demonstrates just how important it is to have that oversight.

When my colleagues vote on the Republican plan, they should ask ‘‘Would it truly help communities threatened by fire?’’ The answer is no. I hope the minority will vote to invoke cloture on this amendment. An amendment go down. The Craig amendment should fall.

The big trees that would fall as a result of this amendment aren’t the main cause of the wildfires now scorching many states—including mine, the State of Nevada, and of course, all over the West.

The real personal and economic danger facing Americans in the areas where our wildlands meet our communities is being used as the disguise for this latest giveaway to big corporations.

The Administration and the Republican amendment don’t focus resources on these areas—a principle embraced in the National Fire Plan and the Western Governors’ Association. I don’t think they are radical environmentalists.

Instead, they make it easier to squander fire money on projects that are far from communities and that threaten to women future fires.

I am sorry that it appears that it is the modus operandi of the Bush Administration—roll back environmental laws, cut the public out of the process, keep people in the dark and turn over a public resource to corporations.

Corporations can handle anything; any problem in America, turned over to corporations. We need oversight of these corporations.

In this case, that choice puts people in harm’s way—it diverts taxpayer dollars from public safety and, in many instances, to private plundering. We should instead spend fire money on projects that reduce the risk to communities in forests and rangeland at high risk of wildfire.

Mr. President, Nevada has relatively little commercial timber but we do have a terrible hazardous fuels problem that threatens Nevadans from Caliente to Reno—all across the State. Past practice proves that Congress needs to directly spend these funds to protect communities rather than accepting the President’s new proposal.

Protecting people should be our priority. We should remove great trees from our public lands.

There could still be work done, and there will be work done in areas that the Senator from Arizona says there should be. What are we saying is all the money shouldn’t be spent there. We are also asking: Why not have judicial review? Why not have the ability to look at what is being done by these agencies?

No one wants these fires to occur. They are devastating. But you have to recognize what appeared in, I believe, today’s Washington Post—it could have been in yesterday’s Washington Post—and what happened in Montana 2 years after the devastating fires. They reviewed in depth what happened. We know fires have been burning for centuries—forever. You need to have these fires occur on occasion. That is why we have prescribed burning in all of the country. It is too bad we had the serious problems the Forest Service experienced there. We know fires have been burning for centuries—forever. You need to have these fires occur on occasion. That is why we have prescribed burning in all of the country. It is too bad we had the serious problems the Forest Service experienced there.

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The real personal and economic danger facing Americans in the areas where our wildlands meet our communities is being used as the disguise for this latest giveaway to big corporations.

The Administration and the Republican amendment don’t focus resources on these areas—a principle embraced in the National Fire Plan and the Western Governors’ Association. I don’t think they are radical environmentalists.

Instead, they make it easier to squander fire money on projects that are far from communities and that threaten to women future fires.

I am sorry that it appears that it is the modus operandi of the Bush Administration—roll back environmental laws, cut the public out of the process, keep people in the dark and turn over a public resource to corporations.

Corporations can handle anything; any problem in America, turned over to corporations. We need oversight of these corporations.

In this case, that choice puts people in harm’s way—it diverts taxpayer dollars from public safety and, in many instances, to private plundering. We should instead spend fire money on projects that reduce the risk to communities in forests and rangeland at high risk of wildfire.
Yes, there will always be fires. They even slash and burn after harvest is over. Do you know what? They grow back. They are wonderful. They are beautiful. But what I fear is that the way this system is now, people who have never had any dirt under their fingernails are making the management decisions on a resource that should be used for generations to come. It just does not make a lot of sense to me.

Compare the track records. No money goes to corporations. No law is changed. All rights are preserved. We are saying let's put the football at the 50-yard line. Nobody likes to start on their own 20. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, we are attempting to make a very important policy determination on the management of our public lands. Many of us have been on the floor over the last good number of years to talk with some concern about the changing character of our public lands and the implications that might occur to the normal climate cycles across the United States as a result of catastrophic wildfires on our forested public lands.

Truly enough, many of the alarms we were talking about were based on studies done over several decades, that inactive management of our public lands, in the absence of fire, was allowing a fuel buildup that ultimately could be a catastrophic wildfire. We are now at that point where it has become obvious to the American public, from watching television this summer, and seeing the fires that have raged across the western forests, that something is wrong with the way this was not a normal environment; that this was something they were not used to: Why were these beautiful forests now burning?

These were burning, they are burning—they are still burning—and have been since mid-June because of public policy that had largely taken fire out of the ecosystem but had not allowed a comparable activity in the ecosystem of our forested lands that would remove the underbrush and the small trees and maintain the kind of environmental balance that was there prior to European man coming upon the scene a couple hundred years ago, and especially in the last 65 to 70 years when we began to micromanage from the floor of the Senate. Every Senator influenced by some of his or her environmental friends decided they were the forest experts. They would legislate the particulars or they would deny certain actions that should be happening on the public lands.

As a result, over the last number of years, we have seen the average number of fires and total number of acres destroyed per year begin to rapidly increase on our public forested lands.

What was once an average burn of 1 million, 1.5 million to 2 million acres a year is now up into the 6 to 7 to 8 million acres a year. And it seems now, if you were to graph it, to be progressively climbing.

This year we have now burned about 6.5 million acres of forested land—not just burned it but destroyed it. There are not trees there, there are no watersheds destroyed, land hydrophobic, wildlife habitat gone. Mother Nature will not come in there and replace herself for a decade. In the meantime, watersheds will slip and slide off the face of these mountains in landslides, riparian areas destroyed and urban areas at risk.

We are, therefore, going to sit here, as a Congress, and say: This is OK. This is the right thing to do.

So radicalism or extremism or a position so locked into a single position that they can find no flexibility in accomplishing this. Tragically, some interest groups have some of our colleagues so locked into a single position that they can find no flexibility in their vote.

My colleague from Arizona was on the floor talking in great detail about the wildfires that swept across his State this summer—the white forests of southwestern Arizona, and the phenomenal damage that occurred there. It nearly wiped out an entire community. It clearly destroyed many valuable ecosystems and watersheds and wildlife habitat at a point of ultimate devastation.

It, in fact, has created such an environment that it denies Mother Nature, once she has done this damage, the ability to come back and to create a resilient forest in a reasonably short period of time. By that I mean several decades.

These fires are now so intense, based on the fuel loading on these lands, that it is equivalent to literally tens of thousands of gallons of gasoline per acre in Bat’s. The fire burns deep into the soil, soil loaded with organic materials that absorb and hold water and allow plants to flourish, creating what are known as hydrophobic soils. In other words, it caramelizes them; it fuses them; it ultimately destroys the ability of these lands to reproduce for decades.

Of course, because you have denied the ability of the land to absorb water, when the rains come in the fall, massive landslides, erosion, and watershed damage occurs. Right now, in Colorado, with the current rainfall, landslides so active are occurring as we speak. They are not making the national news that the fires swept across those lands a couple of months ago did, but they are making the local news because the rains are blocked, people cannot traverse the area, watersheds are being damaged, and, of course, the quality of the water that now flows into the reservoirs that supply the urban areas of Denver and other places is in question because of policy and a perception that has prevailed in public policy for the last several decades that inactive management, no management, man’s hand not present in the forest, was, by far, the better way to go. I am not even questioning the fact that several of the industries that were prevalent in our forests over the last century have lost credibility in the eyes of the American people. I am not even going to argue that forest policy of 30 years ago knew that in the Black Hills of South Dakota it wasn’t the right thing to do, and he was able to work with groups and accomplish for South Dakota some of what we would like to accomplish for the rest of the forested States of our country: an active form of management that brings groups together, creates local public interest, understands the dynamics of good stewardship, and allows some degree of active management.

So for the last several weeks we have worked very closely with a variety of Senators from both sides of the aisle to see if there was not a bipartisan way of accomplishing this. Tragically, some interest groups have some of our colleagues so locked into a single position that they can find no flexibility in their vote.

My colleague from Oregon, Ron Wyden, and Senator Dianne Feinstein of California have worked closely with us to try to make some of these changes. They have come a long way. I, too, have come a long way in trying to craft a middle ground that will allow active management on a select number of acres of land to prove to the American public that what we can do can be done right not only in improving forest health but, at the same time, not damaging the environment and, in a very short time, allowing that land to rapidly improve as wildlife habitat and watershed quality land and also be productive for additional tree production.
for the housing industry and for the American consumer that would like to own a stick-built home.

Last week, Senator Domenici of New Mexico and I offered an amendment that we thought was a comprehensive effort. We were in the middle of the amendment and the position that both sides could support. We took the advice of the western Governors who met with the Secretary of the Interior and the Secretary of Agriculture some months ago to express the very concern I had. Other Western colleagues have expressed about the state of at least the western forests and to try to arrive at a collaborative process that would allow both sides to come together.

In our amendment, what we have offered is basically allowing a collaborative process to go forward at the State levels to select those lands most critically in need of active management for the kind of thinning and cleaning that would be most desirable under all and, at the same time, to recognize the clear protection that would come as a result of existing forest plans, to not override forest plans that most of our States have on a forest-by-forest basis, but to recognize where there are appropriate planning processes, that the efforts we would recommend to improve forest health would be consistent with the resource management plans and other applicable agency plans.

We recognized the limited priority of action, and that limited priority would be in the wildland/urban interface areas. This year, we have lost over 2,100 human dwellings while we have lost 6.5 million acres of wildlife dwellings. So the human, in this instance, is experiencing phenomenal damage to his or her dwelling, just as is wildlife. As a result of that, we recognize the most critical need of trying to resolve the wildland/urban interface areas.

I see my colleague from West Virginia on the floor at the moment. He was very willing to put additional money into firefighting this year. It is part of this amendment on the floor now.

Why? Not only do we need it, but now the Forest Service spends most of its time protecting houses instead of protecting trees and wildlife habitat and watershed. Why? Because over the last 25 years in the West, every piece of non-belonging land that is in the timbered areas has found it to be a place where people like to live. They have built beautiful homes out there. As a result, we now have a conflict that we did not have 25 years or 30 years ago when fire became an issue on our public lands. So when one is dealing with the wildland/urban interface areas.

The other area I mentioned, now very critical in the West, is the municipal watershed area. These are the water-sheds that provide the water and the impoundment, or where water is collected for our growing urban areas. Many of those were devastated this year. I was on one in Denver, Colorado; now devastated, water that will now flow into the reservoirs that will feed the city of Denver. Much of that water will have the result of an acid base produced by the ashes of the forest fires that destroyed the watersheds of that area.

We also recognize that forested or range land areas affected by disease, insect activity, and what we call wind throw or wind blowdown, those are the areas that are now dead or dying. As a result of that, those are most susceptible to wildfire that we recognized the need to get into some of those areas. That would be important to do.

Lastly, areas susceptible to what we call reburn, where the fire flashes across it, largely kills the trees, and then causes those trees to die, making them more susceptible to fire.

We have also said that this approach, while extraordinary, will include only 10 million acres. When I say only 10 million acres, I am talking about over 300 million acres in our Nation under the direction and management of the U.S. Forest Service. These forested public lands encompass a very small amount. This would be showcased over a limited period of time for a limited number of conditions. So that would be very important, and the process would have some limitations as it relates to current law: That we would not allow appeals or injunctions, but that there would be a judicial review process on a project-by-project basis. It would allow the filing in a Federal district court for which the Federal lands are located within 7 days after legal notice when a decision to conduct a project under the section is made. In other words, we do provide a legal remedy for those who openly object to any of this activity.

As I and others have said, and the President said over a month ago, we will not lock the courthouse door. While it is critically important that we begin to deal with forest health, we should not deny the fundamental process in the end. And we would not deny locking the courthouse door so that there could be a review as these actions proceeded.

These are the fundamentals of what we are proposing to do—a limited nature, 10 million acres, to allow the groups to come together on a State-by-State basis to meet with the Forest Service and examine those areas, the most critical need of action, and to recommend to the Forest Service those areas, to allow a limited environmental review to go forward and, through that recommendation, then move to expedite the process in a way that is commensurate with forest health.

(Mr. JOHNSON assumed the Chair.)

Mr. CRAIG. If we could treat 5, or 6, or 7 million acres a year, and by that, I mean thinning and cleaning, leaving the old growth; our legislation talks about leaving no less than 10 trees per acre of the oldest trees, and more if it fits the landscape, or the species, or the watershed in which this activity would be going on.

But even if we do all of that—if the public would allow us, and this Senate were to vote to become active managers of our lands once again—with all the resources used in the past several decades, now in such disrepair from a health, fuel-loading, big-kill standpoint, that in the years to come we are still going to lose 4, 5, 6, 7 million acres a year to wildfire. It is simply a situation of human creation by public policy that has demonstrated and reasonable management on these lands for several decades now. As a result of that, we have a tragedy in the making.

But if we act, in the course of the next decade we can save 700, 800, or a million acres of old growth and watershed and wildlife habitat, by these actions, that might otherwise be burned by wildfire. That is the scenario and the issue as I see it. It is also the issue that some of our top forest scientists see.

Is it a political issue today? Tragically enough, it has been politicized. There seems to be a loud chorus of people out there who say: Do nothing. The tragedy today is that a do-nothing scenario is being decided with no destructive to the environment than a do-something scenario could ever be, because it would be total destruction instead of limited damage in some areas that we treat, as we move to protect the old trees and guard against entry into the roadless areas at this moment in time, but still allow the thinning, cleaning, and fuel removal to come out of these acres, as proposed by the Craig-Domenici amendment that is now pending.

So I hope my colleagues will support us and join with us. While the fires have dominantly been in the West this year, this is not just a western issue. We are fortunate to have forested public lands all over our country. Here in the East, similar problems are now happening: Overpopulation of our forests, even in the hard woods, bug kill, fuel loading; and now we are beginning to see more of our forests in the East, along the Allegheny and the Blue Ridge and down into the South, become ripe for burn during certain seasons of the year.

So it is a situation that is now beginning to repeat itself in the East as much as it has since the late 1990s out in the West. So I believe it is a national issue of substantial importance and one that we ought to spend time debating and understanding.

I encourage my colleagues to visit with me, Senator DOMENICI, or others who have offered this amendment, trying to seek a balanced approach to allow the U.S. Forest Service to begin the program of selective, active management of thinning and cleaning, using a comprehensive, collaborative approach with interest groups from those areas, in a way that will begin to restore the forest health of this Nation.
We may have a cloture vote at about 5:15. I hope my colleagues will not vote for cloture but will give us an opportunity to vote up or down on this amendment, as I think we are entitled, because we believe it is not only good policy but it is a critical and necessary vote for our country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. How much time does the Senator from New Mexico want for his speech?

Mr. DOMENICI. I didn’t know whether we had any time left on our side.

Mr. BYRD. I believe we have until 12:30 overall.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I would ask for 5 minutes at this point.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I ask unanimous consent that I may yield to the distinguished Senator from New Mexico, Mr. Domenici, for not to exceed 5 minutes, without interrupting the Senator from West Virginia.

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

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from West Virginia. I have heard most of the statement on the floor by my distinguished friend and colleague, Senator Craig, with whom I am a cosponsor of a very important amendment. We have a number of Democrats and Republicans who have joined us on this amendment. All I want to do is suggest that if we are going to have cloture this afternoon, I hope that, with reference to a cloture that will take this amendment down, Senators will not do that.

We have not had very much time. It is a very important and easy-to-understand issue. It will be confronted with an opposition amendment, which we have not seen yet, that will be forthcoming by the majority leader and, perhaps, Senator Bingaman. Both of them are moving in a direction of modifying the existing environmental laws that don’t let us remove certain kinds of trees from our forests that are, by most people, determined to be the kind of trees you should remove. They either result in a burndown, or have the result of what is called a blowdown where whole portions of a forest are blown over, or they have just accumulated and are not growing because there is so much rubbish left over that you cannot get the Sun to do any good. When the fires come, they go from one place to another, right over the top of trees.

We want to set the timeframe within which objection can be made to going in and cleaning up that kind of forest, that it be moved in a very short period of time and not be subject to lengthy court hearings but, rather, that it move expeditiously.

We got our idea from an amendment the distinguished majority leader attached to a previous appropriation bill. The majority leader did this modification of the environmental laws that restrained removal of thin kinds of forests that were no longer needed and that could be used if you took them out of there rather quickly. The majority leader did that in an amendment and made it apply to a certain forest in his State and, thus, in the State of the occupant of the chair.

I don’t have any objection to that amendment today. If the majority leader and his fellow Senator who occupies the chair want to do that, that is their business. It is about their State. I didn’t come down to talk about changing environmental laws. I waited a couple weeks and suggested that maybe we ought to do the same thing—that we ought to get some movement in our forest rather than leave these kinds of trees there.

There are many other things wrong with the forests that we are going to have to fix. Essentially, over 6 million acres of our forests have burned—more than twice average—in the current fire season. Twenty-one people have been killed and 3,000 structures have burned.

It will be more like an experiment. We will take a piece of these forests, thin them out, clear them out within a reasonable timeframe, rather than the unreasonable timeframe that has become the procedure heretofore which, by using the courts and various actions of the courts, imposing NEPA and all of its requirements, whenever groups do not want any of this clearance, they win, just by delay.

I thought there would be a unification of purpose and we might get all the Senators to understand this was not an effort on the part of the environmentalists. We did not think they ought to necessarily take sides in opposition to this issue. It is a very realistic, commonsense approach. We will have more time to discuss it in more detail, and we will get to discuss it at our respective policy luncheons. I thank the Senator for yielding me the 5 minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is there a procedure for the Senate to send the 377 rollcall votes: 13 bills, not a single nay vote. That is true bipartisan cooperation. In fact, if one adds up the rollcall votes for the 13 bills, one would have a tally of 577 aye votes to zero nay votes. That is a record for which committee members should be proud.

As all Senators are aware, the appropriations bills are stuck. They are stuck, in other words, in the House Appropriations Committee has not acted on five appropriations bills, and the full House has yet to pass eight of the bills, leaving the next fiscal year in a dangerous position of starting with Congress having completed action on the funding legislation.

Why are we in this predicament? While it would be easy to point the finger at the House of Representatives, the blame basically, truly belongs down the avenue—the other end of the avenue.

The White House’s Office of Management and Budget remains wedded to an arbitrary budget figure that undercuts the Congress’ ability to complete its work in a responsible fashion. The Senate has passed appropriations bills that total $768 billion. Every Senator on the Appropriations Committee voted for that funding level. Every Senator on the Appropriations Committee voted for the funding level of $768 billion. Every Senator on the Appropriations Committee, Democrat and Republican, recognizes that level of $768 billion is a responsible level that provides for the largest Defense spending bill ever, that provides for a significant increase in homeland security funding, and that accommodates just enough to cover the cost of inflation for domestic priorities—priorities such as veterans health care, education. These are not boondoggle bills. These are responsible pieces of legislation.

The House appropriators would be able to complete work on their bills if like this, but I yield 3 minutes. I yield to him without losing my right to the floor for a statement only for not to exceed 3 minutes.

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

Mr. CRAPO. I thank the Chair. (The remarks of Mr. CRAPO pertaining to the introduction of S. 2942 are printed in today’s Record under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, over the course of the last 18 months, the Senate Appropriations Committee has endeavored to craft 13—13—bipartisan, responsible pieces of legislation which fund every aspect of the Federal Government. The Appropriations Committee has overcome Congress’ having completed action on the funding legislation.

Why are we in this predicament? While it would be easy to point the finger at the House of Representatives, the blame basically, truly belongs down the avenue—the other end of the avenue.
they were able to utilize the same over-all figure. I want to say the fault is not with the House Appropriations Committee chairman. That committee would be able to finish its job. But the White House has insisted that the House allocate no more than $768 billion. So the House is stuck $9 billion below the Senate and weeks behind the calendar for completing its work.

The House needs to get its work done, but more importantly, the administration needs to provide some flexibility to us to finish their bills. We do not need political games. We need to complete action on 13 individual appropriations bills.

I know: I worked closely with the chairman on the other side, Chairman Young, and with the ranking member on the Democrat side, Dave Obey. I worked closely with them. Their heart is in the right place. They know the Senate and the House ought to go to the higher, top-line figure, $768 billion. But it is the White House that has its feet in concrete and its head in the sand. No, it wants to stay right on the $759 billion. That is why these appropriations bills are stuck.

Just yesterday—listen to this—in an article in the Wall Street Journal, Mr. Lawrence Lindsey, head of the White House's National Economic Council, projected that the military costs for this so-called war in Iraq will be $100 billion to $200 billion. They were talking about $100 billion to $200 billion this year alone. I will say that again: Just yesterday, in an article in the Wall Street Journal, Mr. Lindsey, head of the White House National Economic Council, projected that the military costs for this so-called war in Iraq will be $100 billion to $200 billion this year alone. I consider $100 billion to be quite a substantial figure, and I would consider $200 billion to be doubly substantial.

Mr. Lindsey, when asked about that level, said: That's nothing. That's nothing—$100 billion to $200 billion, that's nothing? If $100 billion is nothing, Mr. Lindsey, what is $9 billion? How can $100 billion be nothing if the White House is willing to put the entire Government on autopilot over $9 billion? Those numbers are not getting the appropriations bills done. The administration, through its Office of Management and Budget, says no more than $759 billion, because he has the authority of the President behind him. I have heard some strange economic plans in my day, but this one takes the cake. How can $100 billion be nothing, as Mr. Lindsey is quoted as saying, if the White House is willing to put the entire Government on autopilot over $9 billion?

The growth of the fiscal year 2003 appropriations bills is not for the domestic program. The additional $9 billion in the Senate bills will fund the President's requested increases in the Department of Defense and homeland security. For the rest of the Government, that $9 billion is the difference between a hard freeze and a 3-percent adjustment for inflation. But those facts do not seem to matter to this administration.

Obviously, the Office of Management and Budget has adopted a strategy that places the administration's political goals and rhetoric above the needs of the Nation. The political goals come first, apparently, with this administration. What a shame. What a shame. The Office of Management and Budget has signaled that this year politics wins out over principle, rhetoric wins out over reality.

So much for the new tone the President was going to bring to Washington. All this administration wants to do, apparently, is to play the same old games. The administration seems to believe that the Federal Government is not subject to the same rules as the rest of the country. The President has a right to live on Park Place, but the rest of the country is relegated to Mediterranean Avenue. The administration has asserted that $768 billion is excessive spending for the coming fiscal year. Obviously, that is in light of the significant increases within that total are to fund the President's proposal to significantly increase defense spending and homeland security funding.

I am not against doing whatever is needed to meet the Nation's requirements for defense, and the same is true with respect to homeland security. But the Nation should not be forced to cut the budgets for health care, on education, on veterans programs, and other priorities. But the President alone to meet some political goal of the administration. The clock is ticking. We do not have time to play these political games.

There is more at stake than a simple roll of the dice.

I ask unanimous consent to have printed in the RECORD the article from the Wall Street Journal published on Monday, September 16, 2002. The title of the article is: "Bush Economic Aide Says Costs of Iraq War May Top $100 Billion."

"The being no objection, the material was ordered to be printed in the RECORD, as follows:

"BUSH ECONOMIC AIDE SAYS COST OF IRAQ WAR MAY TOP $100 BILLION"

(by Bob Davis)

WASHINGTON—President Bush's chief economic advisor estimates that the U.S. may have to spend between $100 billion and $200 billion to wage a war in Iraq, but doubts that the effort will substantially reduce the deficits in the face of economic recession or a sustained period of inflation.

Lawrence Lindsey, head of the White House's National Economic Council, projected that the military costs for defense, and the same is true with respect to homeland security. For the rest of the Government, that $9 billion is the difference between a hard freeze and a 3-percent adjustment for inflation. But those facts do not seem to matter. The Office of Management and Budget has adopted a strategy that places the administration's political goals and rhetoric above the needs of the Nation. The political goals come first, apparently, with this administration. What a shame. What a shame. The Office of Management and Budget has signaled that the year politics wins out over principle, rhetoric wins out over reality.

"So much for the new tone the President was going to bring to Washington. All this administration wants to do, apparently, is to play the same old games. The administration seems to believe that the Federal Government is not subject to the same rules as the rest of the country. The President has a right to live on Park Place, but the rest of the country is relegated to Mediterranean Avenue. The administration has asserted that $768 billion is excessive spending for the coming fiscal year. Obviously, that is in light of the significant increases within that total are to fund the President's proposal to significantly increase defense spending and homeland security funding."

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(by Bob Davis)
The PRESIDING OFFICER. Under the previous order, the hour of 12:40 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The assistant 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.

Thompson/Warner amendment No. 4513 (to amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and Homeland Security Response for detection, prevention, protection, response, and recovery to counter terrorist threats.

Lieberman amendment No. 4534 (to amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under an order previously entered, it is my understanding the Senator from West Virginia has the floor; is that right?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair and I thank the distinguished Democratic whip.

Mr. President, I want to be sure that Senators understand the parliamentary situation in the Senate at this point.

Last Thursday, the Senate voted on a motion to table the Thompson amendment to strike Titles II and III of the Lieberman substitute title II would establish a new National Office for Combating Terrorism within the Executive Office of the President whose Director would be confirmed by the Senate and made accountable to the Congress.

That is incredibly important. The National Office for Combating Terrorism was viewed by our good colleague, Senator LIEBERMAN as a central part of his homeland security bill. Title II was carried over from his original bill that was introduced last May, before the White House endorsed the idea of creating a new Department of Homeland Security.

But the motion to table the Thompson amendment to strike Title II failed by a vote of 41–55 last Thursday. Senator LIEBERMAN conceded the victory to Senator THOMPSON, and urged the Senate to accept the “the next best idea.” Senator LIEBERMAN offered a scaled down version of Titles II and III as a second degree amendment to the Thompson amendment—too little, too late, but at least it gained the floor and have held it until today.

So I find myself in a position that I had not intended—and not an easy position. I have often felt, in recent days, as if this 84-year-old man—soon to be 85; within a few days—is the only thing standing between a White House hungry for power and the safeguards in the Constitution. That is not braging, that is lamenting.

This is not the way it ought to be. This will not go down as one of the Senate’s shining moments. Historians will not look back at this debate and say that we fulfilled the role that was envisioned by the Framers.

This Senate should have the wisdom to stand for this institution and the Constitution. It is not our duty to protect the White House. It is our duty to protect the people—those people out there looking through their electronic lenses, the people who come here from day to day, these silent individuals who sit up here in the galleries. They do not have anything to say. They are not allowed to speak under the Senate rules, but they sit and watch us. They are looking over our shoulders, as it were, and expect us to do our work for them. They will help to ensure that the interests and the rights of the American people are protected. That is what these people want. They want us to assure that their interests—the people’s interests—and the rights of the American people are protected.

I have been joined by a few voices on this floor in recent days, and I thank them. I feel that at least some Members are beginning to view this legislation as doing much more than merely setting up a new Department of Homeland Security.

I have also heard from citizens across the country who have urged me never to give up. Well, I can assure them that as long as I am privileged to serve in this body I will never give up defending the Constitution.

I heard Condoleezza Rice last Sunday, and I heard Dr. Rice the Sunday before.

I heard Secretary of State Powell last Sunday on television, and I heard him the Sunday before.

I have listened to Secretary Rumsfeld, and I have listened to Vice President CHENEY on television.

I have listened to various and sundry Senators on television. I have listened to various and sundry other spokespersons on television.

I read the op-ed piece of former Secretary of State Shultz in the newspaper Sunday a week ago.
I read the op-ed piece of former Secretary of State James Baker in the paper this past Sunday. And I hear many persons in the media—not everybody but some in the media—who seem to be intent upon galvanizing this and making this country ready for war. Not one of these people says anything about the Constitution. I take an oath, and so does every other Senator, to support and defend the Constitution of the United States against all enemies, foreign and domestic. Nobody says anything about the Constitution in this debate that is raging over the country.

There is a great fervor, and there is a great wave of opinion being created. And some in the media are doing it, or helping to create it. They have their minds made up. We are off to war. I can hear the bugles, and I can see the flag. I can see the sunlight tingeing on the bugles as they pass, and the flag I see going already. I can hear the guns of that fervor here, and I hear the war drums being beaten. It is as though we have our minds made up. It is as though the President is already ready to go. And there is a developing hysteria in this country saying: Let us go to war. And there is a developing hysteria to create and be swept up in this going to war.

The Constitution is front and center. The Constitution is a barrier—this Constitution which I hold in my hand. This Constitution says Congress shall have the power to declare war. It doesn’t say the President shall have power to declare war. Congress shall have power to declare war. And who is concerned about this bill, but I don’t hear anybody—I don’t hear anybody in the United Nations has been recreant in its duty and recreant in its responsibility to enforce its resolutions. I think he laid down an excellent case in making that point.

And some in the media are doing it, or helping to create it. They have their minds made up. We are off to war. And there is a developing hysteria in this country saying: let us go to war. And there is a developing hysteria to create and be swept up in this going to war.

The Constitution is front and center.

Why, there are some who will get on the national television programs—they do not invite me; I don’t expect them to mention the Constitution. Why is it? Why is that?

Here is the Vice President, the President of this body right here under the Constitution, who can’t address the Senate except by unanimous consent, but when he is on national television on these programs, why doesn’t he mention the Constitution? Is this Constitution irrelevant? They take for granted, I suppose, that the United Nations is the only authorizer of America marching off to war.

I am for what the President did the other day. He went to the United Nations. He has pointed the finger, as it were, at these resolutions, and said the United Nations has been recreant in its duty and recreant in its responsibility to enforce its resolutions. I think he laid down an excellent case in making that point.

But we also have a duty here. We have a duty to uphold this Constitution and what it says about declaration of war and what it says about Congress. Why, it is as though the Constitution is something that went away with the winds of yesteryear. I can assure the people I will never give up defending this Constitution. It is my sworn duty. At some point, however, I will have to relinquish the floor. And when I do, the Lieberman amendment presumably will be withdrawn and the Senate will vote on the Thompson amendment. That amendment, I presume, would pass, and titles II and III of the Lieberman substitute will be stricken from the bill.

Senator LEIBERMAN may be right that we don’t have the votes to defeat the Thompson amendment. But what disturbs me most of all is that such an important element of the Lieberman substitute could be stricken from the bill so easily.

I am talking about the need to confirm the Director of the National Office for Combating Terrorism. So I just refer to that title as the Director. Now, I don’t know what we should accept that verdict so easily.

It is unbelievable to me that people are not fighting harder for these proposals, not only in title II and title III, but throughout the entire bill. The issues raised by this legislation are too important to languish without more debate in the Senate. I know I am not the only Senator who is concerned about this bill, but I have not heard enough voices speaking out on these important matters. There are many, many unanswered questions which Senators need to focus on and explore.

Of course, I can’t fight this battle alone. Meanwhile, the President and the House Republican leadership are already turning up the heat on the Senate to pass this bill quickly. The President even suggests that delaying this bill will endanger the lives of the American people.

That is nice rhetoric, Mr. President, but I doubt whether anyone believes that argument. The people are not endangered by our thorough consideration of this legislation. The mistakes we avoid now are just as important as getting the Department in place quickly. What is not done well, generally, must be done over, and unintended consequences can have tragic consequences.

Nevertheless, pressures are building to expedite consideration of this bill. But in taking the floor, I hope to draw attention not only to the fallibility of passing this bill without a confirmable nominee as Homeland Security Director, but to other portions of this bill that should make Senators question the rush to enact this legislation so quickly.

My hope is that Senators will consider the gravity of this legislation before they simply jump on board somehow. This homeland security legislation will have important consequences not only for the lives of all Americans, but for the American way of life as we know it.

Mr. President, the security of the American people, on American soil, is, and has always been, our Government’s most solemn responsibility. September 11 added a new dimension and urgency to that duty.

The bill before the Senate seeks to enhance our Government’s ability to protect the American people from the devastation of another terrorist attack by creating a new Department of Homeland Security.

I have been for that. I was for that before President Bush was for it.

That is a very ambitious goal. It is a worthy and honorable goal born of commendable intentions. But if we do not move with great caution—if we do not slow down just a little bit—move with great caution—and deliberation in our work, we will risk undermining the very purpose to which we are dedicated.

My concerns about the proposed legislation are many. They are legion. While we can all embrace the concept of a new Department of Homeland Security, there are many, many pitfalls ahead for such an endeavor in the complicated new atmosphere of what has been called a “war” on terrorism.

I have made several comments about the threat that this new Department poses to the civil liberties—hear me now—to the civil liberties of the American people. And that is not just hyperbole.

Twenty-six leaders of conservative organizations across this country released a statement this month urging the Senate to exercise “restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy.”

So, you see, that was not just Robert Byrd talking. That was not just an 84-year-old man, soon to be 85, talking.

Let me say that again. Twenty-six leaders of conservative organizations across America released a statement this month urging the Senate to exercise—and I quote—
"restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy."

They wrote that:

[T]he popular enthusiasm for such a centralization and bureaucratization in the name of homeland security may prove unwise. Proposed legislation not only increases the growth of the federal bureaucracy but establishes inestimable infrastructure, legal and institutional, which, if abused, could lead to serious restrictions on the personal freedoms and civil liberties of all Americans.

In case there are any latecomers to hearing this Senate, just now. I am talking to the leaders of conservative organizations across America who released a statement this month urging the Senate to slow down. They wrote—and I quote again:

[T]he popular enthusiasm for such a centralization and bureaucratization in the name of homeland security may prove unwise. Proposed legislation not only increases the growth of the federal bureaucracy but establishes inestimable infrastructure, legal and institutional, which, if abused, could lead to serious restrictions on the personal freedoms and civil liberties of all Americans.

"All Americans."

September 11 was a shock to this Nation, and the fear, anger, and alarm it engendered have not, as yet, vanished. My concern is that in our zeal to see to it that terrorists never again defile our homeland, we will unwittingly cede some of our precious freedoms and blur the constitutional safeguards that have been the basis for our liberties and the check against an overwhelming executive for 215 years, or thereabouts.

Let me make it clear that I am not accusing anyone of deliberately trying to exploit our national tragedy. Rather, I believe that in our shock and revulsion, our collective determination to prevent further horrific attacks may change our Nation in fundamental ways that will eventually surprise and dismay all of us. How terribly ironic it would be if it were our response to the treachery of al-Qaida which dealt our constitutionally guaranteed freedoms the most devastating blow of them all.

I believe that all of those in Government, those of us in Government who are challenged with confronting the horrible reality of what happened on September 11, have not, even yet, come to grips with certain fundamental realities that must all begin to face certain truths.

Terrorism is a worldwide force, and our ability to prevent it at home or contain it abroad is limited—limited—at best.

An act of terrorism in the shadows, living among us and using our own openness and freedoms to attack our infrastructure, and to cripple and kill our citizens, is unlike any enemy we have ever known.

No Government Department can ever guarantee complete safety from this kind of threat in a world increasingly connected by trade, travel, electronic communication, migrating populations and open borders. But, we can do our best to anticipate vulnerabilities, protect critical infrastructure, and respond to possible devastation or deliberately spread disease.

Yet, we can never be perfectly safe from another attack. That is reality. And handing over our precious liberties and hard-won principles on such topics as worker rights, openness in government, the right to privacy and civil liberties—that is what is involved, and that is an unfortunate and troubling reality.

Such a course, blindly followed in the name of fighting terrorism, would be disastrous. Hear me. It is understandable that this administration, or any administration so consumed with the need to prevent another such horrific attack, might become so zealous and so focused on that mission that important freedoms could be trampled or relegated to a secondary position in our national life. If we are not vigilant, our institutions have also fundamentally changed before we realize it, in ways which we would all come to deeply regret.

Let me illustrate what I mean. Recent headlines have provided examples of the Administration’s strong penchant for secrecy, and its refusal to be confined by the law and the Constitution in its attempts to shield its actions from public scrutiny.

Last month, a Federal appeals court in Cincinnati rejected the Justice Department’s strong penchant for secrecy, and its refusal to be confined by the law and the Constitution—there is that magic word—by conducting deportation hearings in secret, whenever the government asserts that the object of the hearings might be linked to terrorism.

Writing for the three-judge panel of the 6th Circuit Court of Appeals, Judge Damon J. Keith wrote, "A government operating in the shadow of secrecy stands in complete opposition to the principles enunciated by the framers of our Constitution."

The Justice Department has already conducted hundreds of these hearings out of sight of the press and the public. In doing so, the administration has been able to decide the fate of each of these individuals without recrimination.

It may be that all of these hearings were conducted properly and fairly, but there is just no way for us to know. Likewise, in Cincinnati, the Justice Department has taken on behalf of our safety, we have no way of knowing whether what they have done was the right thing to do. Nobody in this administration or anywhere else is all-wise. We have no way of knowing whether the steps they have taken have really helped to secure our safety. And we have no way of knowing whether the actions they took may have threatened our own liberties.

The administration argued that secrecy is necessary for these hearings because subjecting them to public scrutiny would compromise its fight against terrorism.

The court’s concurring opinion addressed the merits of the government’s position, but it pointed out that a reasonable solution to the administration’s concerns could be achieved by requiring the Government to demonstrate the need for secrecy in each hearing on a case-by-case basis.

Ultimately, the Court of Appeals saw the Government’s argument for what it is; namely, a danger to our liberty. The court took the clear-eyed position that excessive secrecy in matters such as these compromises the very principles of free and open government that the fight against terror is meant to protect.

Even with the best of intentions to justify the Government’s actions, our freedoms are easily trampled when officials are allowed to exercise the power of the Government without exposing their actions to the light of day.

As Judge Keith wrote, “Democracies die behind closed doors.”

We also see evidence in the news of what the executive branch is capable of when it is allowed to operate behind closed doors. On August 23, just last month, the front page of the Washington Post brought news of serious abuses of the laws that allow the Justice Department to conduct certain law enforcement activities in secret. Thank providence, thank heaven for a free press. That is what we want to keep. That is what we want to maintain.

The Washington Post article revealed that on May 17, a secret court that was created to oversee the Government’s foreign intelligence activities rejected new rules proposed by the Department of Justice that would have expanded the ability of Federal investigators and prosecutors to operate in secret.

There you have it again—secret.

The Attorney General, John Ashcroft, wanted to tear down the walls between intelligence and law enforcement officials in the Department of Justice, allowing broad sharing of secret intelligence information among offices throughout the Department.

Mr. Ashcroft wanted to tear down these walls for a reason. The walls make it harder for his Department to circumvent the constitutional obstacles faced by his investigators in trying to hunt down terrorists. And other officials in the administration. Mr. Ashcroft has little patience or concern for the Constitution now that he is a general in the President’s “war on terror.”

I voted for Mr. Ashcroft. I am not one of those who case-bycase his nomination. I was one of the few on this side of the aisle who voted for Mr. Ashcroft’s nomination. I have to say, I am disappointed. But Mr. Ashcroft is not alone. Take a look at this administration.

Haven’t you heard of the shadow government? That came to light a while back. All of a sudden, like the prophet’s gourd, it just grew overnight.
Here is this shadow government. I had not been told about it. After all, I am chairman of the Appropriations Commit-

tee in the Senate. I am not the top Democrat in the Senate, but I am the senior Democrat in the Senate. I hadn’t told anything about it. I am the President pro tempore of the Senate; in other words, the President, for the time being. If the Vice President is not in the chair, I am the Presi-

dent of the Senate. I hadn’t been told anything about this shadow government.

Of course, I said time and time again how this great idea about a Homeland Security Department, at least the ad-

ministration’s great plans, suddenly sprang into existence, like Aphrodite, who sprang from the ocean foam, or like Minerva, who sprang from the forehead of Jove fully armed and fully clothed.

All of this was a secret. We didn’t know anything about this thing hatched out of the bosom of the White House—this great plan hatched out by four individuals in the bowels of the White House. So this White House, this administration, has a penchant for se-

crecy.

I am not going to point the finger just at Mr. Ashcroft. I voted for him. On this side of the aisle, I voted for him. He used to serve in this body. But Mr. Ashcroft wanted to tear down these walls for a reason. I say again, the walls make it harder, as all walls do, to get wherever you are going. The walls make it harder for his Depart-

ment, Mr. Ashcroft’s Department, to circumvent the constitutional obstacles faced by his investiga-
tors in trying to hunt down terrorists.

He and others in this administration apparently have little patience and concern for the Constitution—here it is—now that he is a general in the President’s war on terror. Today is September 17, 2002, in the year of Our Lord; this is the day, 215 years ago, when our forefathers signed their names, the framers of the Constitution signed on the Constitu-
tion. They had completed their work, which had begun back in May 1787, and they signed their names on this Con-

stitution. This is the day. I will have more to say about that shortly.

But this secret court, which was cre-

ated by Congress under the Foreign In-
telligence Surveillance Act, recognized the danger of tearing down these pro-
ette walls. The act made it easier for FISA to obtain evidence through wiretaps or physical searches when the evidence will be used for foreign intelligence purposes. Tra-
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 Sheridan, from the WJO Reformed Church, and John Bailey and others were present. They had come prepared to start the meeting. Mrs. Fothergill, who was seated near the front of the room, raised her hand and began speaking. She described the work of the committee in the previous year. Mrs. Fothergill's speech was well received by the audience, and it was clear that the committee had made progress in its efforts to improve the lives of the residents. The committee had focused on several key issues, including education, health care, and local government. Mrs. Fothergill highlighted the progress that had been made in these areas and emphasized the importance of continuing the work to ensure that the community remained strong and vibrant. The audience was attentive, and many members of the community expressed their appreciation for the committee's efforts. The meeting concluded with a closing prayer, as is customary for such gatherings. The attendees felt a sense of community and shared purpose, knowing that the work of the committee would continue to make a positive difference in their lives.
on terror. We must exercise great caution. We must operate with the clear knowledge that once such powers are granted, they will reside in the White House with future Presidents—Republican and Democrat—and they will not be easily relinquished or given up. So once such powers are granted, they will not be easily retrieved. They will reside in the White House. And everyone who knows anything about the Constitution and about our experience in the political system knows that that knowledge will require a two-thirds vote. It will not make a difference whether the President is Democrat, Republican, or Independent; He will want to keep those powers. So be careful about granting them now.

Both the House-passed bill and the Lieberman bill substitute broad new authority to the administration to create this new Department, but neither bill ensures that Congress remain involved throughout the implementation of the legislation. Senator LIEBERMAN’s bill takes steps to ensure that Congress is informed as the Department assumes its duties, but under his bill this information comes to us only after the fact. It is not enough just to be told how the administration intends to use these statutory powers. Congress needs to retain some prerogatives, so Congress can temper and shape the administration’s exercise of these new authorities and so Congress can temper and shape the new Department’s exercise of the new authority.

So Congress has the responsibility to make sure we do not grant broad statutory powers to the President and then simply walk away from the new Department, trusting that the administration will exercise restraint. Congress must remain involved to ensure that any orderly implementation of the Department does not flounder and that important worker rights and civil liberties do not fall into the breach.

Government reorganization is nothing novel. We have had Government reorganizations before. And we have from the time to time found new agencies created in the spotlight of political pressure and then left to languish and go awry in the twilight of mundane and practical purpose. This could be a mistake.

This administration, since the September 11 attacks, has announced at least three major governmental reorganizations prior to the President’s proposal to create a new Homeland Security Department.

Last December, in response to numerous media reports criticizing the Nation’s porous borders, the administration proposed the consolidation of the Customs Service and the Immigration and Naturalization Service within the Justice Department.

Last March, following the mailing of two student visas by the Immigration and Naturalization Service to two of the September 11 hijackers 6 months after they crashed planes into the World Trade Center Towers, the administration announced the INS would be reorganized, split into a services bureau on the one hand and a separate enforcement bureau on the other.

Last May, following reports about intelligence failures by the FBI, the administration announced a reorganization of the FBI. These reorganizations have either produced very little or they have been replaced by subsequent additional reorganization proposals. It is as if we are spinning around in circles with little left of the energy expended but dizziness.

To avoid a similar fate to this new Department, I have an amendment to the Lieberman substitute that would ensure that the Congress continues to play a role. The Byrd amendment would create the superstructure of the new Department as outlined in the Lieberman bill, but would require Congress to pass separate, more detailed legislation to transfer the agencies, functions, and authorities.

The Byrd amendment would not change the intent of the Lieberman bill. Let me say this, Senator LIEBERMAN is near the floor, I don’t necessarily have to keep the floor for the next hour. I can fulfill the order that had been entered. I get first recognition. But there is still an hour in this 2-hour period before the Senate goes back to the Interior appropriations bill. I have a question, a question for the Acting Chairman, Acting Senator LIEBERMAN, I am happy to discuss my amendments with him if he so desires before I give up the floor.

My amendment would immediately create a new Homeland Security Department. There it is. My amendment would create immediately a new Homeland Security Department. My amendment would immediately establish the superstructure of the six directorates outlined by the Governmental Affairs Committee. The Byrd amendment is not designed as an alternative to the Lieberman bill. I refer to it as the Lieberman bill. It is a bill that has been reported by the committee which Senator LIEBERMAN so ably chairs. So I refer to that as the Lieberman bill.” Its purpose is to strengthen. The purpose of my amendment is to strengthen the Lieberman bill. Its purpose is to ensure a strong Department capable of protecting our people. But the commitment to ensure that the guiding hand of Congress would be there to help steer the course and stay the course.

What is more, any legislation submitted pursuant to this act would be referred to the Governmental Affairs Committee in the Senate so that my amendment, the Byrd amendment, would not deprive Senator LIEBERMAN or any other Senator of their expertise as we go about implementing this new Department which will have been created by the Lieberman bill. And, as I say, my amendment also creates that Department. My amendment allows the Department of Homeland Security to be established just as Senator LIEBERMAN envisioned. But the Byrd amendment would give Congress additional opportunities to sift through details concerning worker rights, civil liberties, secrecy, and various duties and functions. Equally important, it would ensure that the agencies and the offices to be transferred into the Department can continue to perform their important work of protecting the homeland while the groundwork is being laid for their move to the new Department.

Just recently we have all noted in the media that—I believe six persons were arrested in New York, in Buffalo, NY. Six persons are being held. We didn’t have any new Department of Homeland Security. There is no Department of Homeland Security that has been established. Yet the work of securing our homeland goes forward by these persons who man—man or woman, I use the word “man” to mean both women and men—the persons who are on the borders, who are guarding the ports of entry, who are looking at the huge containers that come into our ports of entry, who are looking at the women and men—the persons who are securing our homeland goes forward by these persons who have expertise. They have experience. So nobody is holding up the work of proceeding with the security of our country. The people who will secure this Nation under a Homeland Security Department, if and when one is established, are the same people who are right now, right this day, securing the homeland. These people have been on the job last night, 6 months ago, and they continue to do this work. They have expertise. They have experience. They are trained, and so on. So nobody is holding up the security of the country. Nobody is holding that up. That is going forward, as was seen when the FBI arrested the six persons.

So this is vital. Ongoing reorganizations can foster chaos and destroy worker morale. Orderliness and careful thought while we transition can avoid overlooked vulnerabilities and missed opportunities which could signal another disaster.

With the Byrd amendment, the Lieberman bill would transfer agencies...
and functions to the Department, one and two directorates at a time, beginning on February 3 of next year. This would then give Congress the opportunity to gauge and to monitor how the new Department is dealing with transition and what additional changes might be needed. It would provide a means to quickly address the problems that will undoubtedly arise in the early phases of the Department’s implementation and to guard against mistakes and missteps.

The Byrd amendment would not delay the implementation of the new Department one whit. It would actually expedite the implementation of the new Department by providing Congress with additional means to solve the quandaries that traditionally plague and delay and disrupt massive reorganizations.

Here we are talking about 170,000 employees. We are talking about 28 agencies and offices—some have said 30. So this is a major reorganization. This is a major reorganization.

Moreover, the Congress could act to transfer agencies before the end of next year, roughly the same time period outlined by the Lieberman plan. When I say the Lieberman plan, I am talking about the bill that was adopted by the committee, which Mr. LIEBERMAN ably chaired. And that is the same time period outlined by the House bill. So who is holding up anything? Why shouldn’t we start to move this thing forward in an orderly way? Do it right. Not necessarily do it now, do it here, but do it right. The Lieberman plan provides the President with a 1-year transition period, beginning 30 days after the date of enactment, effectively allowing up to 13 months before any agencies are transferred.

By then forcing the administration to come back to us—which the Byrd amendment would do—we can insist on knowing about the plans of the administration with its penchant for secrecy—plans which are now only hazy outlines. If Congress passes the Lieberman proposal or if Congress passes the House proposal, Congress will just be turning the thing over to the administration, lock, stock and barrel, and saying: Here it is, Mr. President. You take it. You have 13 months in which to do this, but it is all yours. Congress will just go off to the sidelines. Congress will have hobbled itself.

Whereas in the Byrd plan, the Byrd plan would also transfer these agencies. It would create a Homeland Security Department, and it would provide for the transaction, the movement of these various agencies, their personnel and their assets, into the new Department over the same period, 13 months, but it would do it in an orderly process in an orderly way, phased in, with Congress staying front and center and continuing to conduct oversight in this massive reorganization.

We must insist on assurances that in granting more powers to this administration and to future administrations to investigate terrorism, we are not also granting powers to jeopardize the rights, privacy, or privileges of law-abiding citizens.

We must insist on assurances that the constitutional rights of Americans remain protected. We must insist that the constitutional control of the purse by the Congress is not compromised. We must insist on assurances that Government reorganization will not be used as a convenient device to dismantle time-honored worker protections.

We must insist on the preservation of our Government’s constitutional system of checks and balances and separation of powers. We have a responsibility to do our very best as a nation to get this thing right. If we are going to create a new Department, let’s get it right.

We have a responsibility to ourselves and to future generations to ensure that, in our zeal to build a fortress against terrorism, we are not dismantling the fortress of our organic law—our Constitution—our liberties, and our American way of life.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Madam President, as I stated earlier, today is September 17, the 215th anniversary of the signing of the Constitution. It is also contained in this little book which I hold in my hand—with its ringing phrases, may have been a turning point in history, having laid out the case for breaking our ties with the Crown and setting us on the path to rebellion and liberty. There is no question in my mind but that it was a turning point.

But the Constitution is the foundation upon which our subsequent history was built. In its plain speech, it forms the blueprint for an entirely new form of government never before seen in history and, to my mind, not yet matched by any other.

I am happy to call attention to this day—to the anniversary of the signing of the Constitution.

As the Senate has been debating the homeland security bill, I have several times raised constitutional concerns about the homeland security bill. In doing so, I have often felt like a voice crying out in the wilderness. Like a tree falling with no one to hear it. I have wondered if I was in fact making any progress and wondered if I was making any sound while I was talking. Was I making any sound?

I hope my colleagues and the American people will look at the Constitution, and I hope they will read it and they will study it. It is not long. It is not a huge volume. It doesn’t contain many pages, and it isn’t difficult to understand. But each time I read it, it seems I always find something new. It is like my reading of the Bible. It is like my reading of Shakespeare. I always find what seems to be something new.

The Constitution is not written in fancy, lawyerlike phrases, or flowery 18th century language. Every citizen was meant to understand it and to participate in the exercise of government—that being the surest defense against tyranny.

It is much like the Magna Carta, which was signed by the people of England on June 15, 1215. That was simple, but it was easily understood. It was written for ordinary people to understand, and it has been read and reread by millions through the centuries.

So read the Constitution. Look to history. I believe my concerns will be shared.

Article I of the Constitution outlines the powers of the legislature. It vests with the Congress the power to make laws. There it is. The first section of the first article says that all legislative powers herein are vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives. There it is—the power to make laws, the powers of the legislature.

Also, article I of the Constitution sets forth the qualifications and means of selecting representatives and the basic requirements for congressional operations.

Therein one will find in section 2 where the Constitution sets forth the creation of the House of Representatives, and then section 3 of the Constitution lays down the precepts and terms and the basis for the creation of the Senate.

The Constitution is a user manual for Congress, the operating software of the legislative branch. Article I, section 8, is the critical list of congressional powers, including subsection 18 which grants to Congress the power:

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

You heard it here. Powers may be vested by the Constitution in the Government and its Departments or officers. But the Congress must pass the
necessary laws for those powers to be exercised. It is meant to be a cooperative affair, with Congress playing a critical role.

Further, in section 9, subsection 7, of article I, the Constitution states that:

No money shall be drawn from the Treasury, without an appropriation made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Congress again plays a critical role in providing funds for Government operations, and requires that the public be kept informed about how those funds are spent.

One can trace our Nation’s history going back into the centuries and can trace these powers in the colonial governments, in the representative assemblies of the Colonies. The people in the Colonies had faith in their representative assemblies. Going back to the history of England, this has often been referred to as the “motherland.”

Of course, we all know that the Spanish populated various areas in the South and Southwest, St. Augustine, and New Mexico, and other areas. But the two wise men who wrote the Constitution, who met in Philadelphia, were British subjects. Some of them were born in the British Isles. They were English-speaking individuals. They knew about the history of England, how the English had struggled to secure the rights of the people, the power of the purse, to secure the control of the public purse for Parliament.

They knew that Parliament was created in the early 1300s during the reigns of Edward the First, Second, and Third. And they knew that the power of the purse had been lodged over a long period of centuries in Commons. That was made very clear by the English Bill of Rights which was enacted by Parliament in 1689.

So there was the power of the purse, lodged in the hands of the people’s elected Representatives in Commons and now in Congress.

So Congress, as I say, plays a critical role in providing funds for Government operations, and the public must be kept informed about how those funds are spent.

Part of that process, as I have indicated, by long tradition, has occurred during the testimony of Government officials. The Congress regarding their budget requests and the manner in which previous appropriations have been spent. In the case of the proposed Department of Homeland Security, with its 170,000 employees and its enormous budget, such openness is entitled to be expected, and should be demanded, by the taxpaying public.

Article II of the Constitution concerns the establishment of the Chief Executive, concerns the powers of the President, his qualifications and means of selection, the Chief Executive, and his oath of office being required. Article II, section 2, subsection 2 notes that the President:

shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law. . .

Well, Madam President, that would seem clearly to include the proposed Director of Homeland Security will be certainly one to whom the provision in the Constitution is addressing, except that the subsection continues: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

If the Congress does not wish to provide for accountability or wish to have any voice in the selection of important Government officials, the Congress must take deliberate action to divest itself of its constitutional role in the operations of Government.

The authors of the Constitution clearly foresaw the growth of Government and recognized that the Congress could consume itself in processing the appointments of hundreds of minor officials. They understood that these wise men would expect that a cabinet level official heading up an enormous department with a mission of grave importance to the Nation would receive less scrutiny and less oversight than so many other Government officials whose positions do not involve the defense of our vital domestic security. That does not make sense. It is not logical. It is ludicrous. The Senate would not provide its advice and consent in the selection of the Director of Homeland Security, while Assistant Secretaries and Deputy Assistant Secretaries in other Departments are subject to confirmation? I cannot believe that the Senate cares less for the Department of Homeland Security and its Director than it does for any other Government officials with smaller budgets and more narrow portfolios.

No, Madam President, I can only surmise that any willingness on the part of the Senate to abrogate its constitutional responsibilities and powers comes from a lack of attention to the deceptively plain language of the Constitution itself. Perhaps we should gussie it up, wrap it legalistic bells and whistles, enshroud it in “wheras-es” and “whereas-es” clauses, so that it receives the respect that it deserves. But, in fact, even Article III, concerning the judicial power of the United States, has no highflying lawyer words. Article IV, concerning the executive powers of the States; Article V, the process by which the Constitution may be amended; Article VI, making the Constitution the supreme law of the land, and Article VII, regarding ratification—none of these short Articles contains any obscure, confusing language. Really, considering how many lawyers were involved in the drafting of the Constitution—a little more than half of the delegates to the Constitutional Convention were lawyers—it is a model of clarity and clean writing.

Indeed, the men who drafted the Constitution were as much heroes as those who signed the Declaration of Independence, making them known as traitors and wanted men in England, traitors to the Crown. They were treasonous. They committed treason. And they could have been hunted down and sent off to England and been executed. The framers of the Constitution undertook a mighty task. They had to preserve the Nation’s hard-won freedom by correcting the flaws in the Articles of Confederation that made the Nation weak and vulnerable to attack from without and rebellion from within. Drawing upon the lessons of history and the ideals of the Enlightenment, they set themselves the job of devising a novel form of government that could encompass the great diversity of the new Nation—from the mercantile North to the slaveholding South, from the settled East to the frontier West, with citizens from cultures around the globe.

In Philadelphia, in the hot summer of 1789, after lengthy and contentious debate, after considering and rejecting proposal after proposal, and after nearly 600 separate votes, they produced the miracle that is our Constitution. And so there you have it. In over 200 years, it has been amended 27 times, and 10 of the 27 amendments were ratified early on, by 1791.

In today’s computer-minded lexicon, the Constitution is the mother board, which our thinking, evolving machine of Government could not function. It is the enduring standard operating system, running the complex interactive software of national life. It is our embedded code, and when we overwrite it with our legislation, we may well be planting the worms of our own destruction.

When the Executive acquires too much power and freedom of action unchecked by the balancing powers and oversight of the legislative branch, our careful system of checks and balances is in danger of being corrupted.

So on this anniversary of the signing of the Constitution, we would do well to revisit this mirror of compromise and foresight. We would do well to marvel at the abilities of the men who drafted this document. We would do well to reedit our base to its careful preservation that it might see us through another two centuries and more.

Our fathers in a wondrous age, Ere yet the Earth was small, Ensured to us an heritage, And doubted not at all. That we, the children of their heart, Whose voice, then did beat so high, In later time should play like part For our posterity. Then fretful murmur not they gave A charge to keep. Nor dream that awestruck time shall save Their labour while we sleep. Dear-bought and clear, a thousand year.
Our fathers’ title runs. Make we likewise their sacrifice. Defrauding not our sons.

I ask unanimous consent that the article from the Washington Post titled “Secret Court Rebuffs Ashcroft,” to which the committee referred, and the New York Times op-ed titled “Secrecy Is Our Enemy,” be printed in the RECORD.

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

(From the Washington Post, Aug. 23, 2002) SRachel Court REBFUSS ASHCROFT (By Dan Egen and Susan Schmidt)
The secretive federal court that approves spying on terror suspects in the United States has refused to give the Justice Department broad new powers, saying the government had misused the law and misled the court dozens of times, according to an extraordinary legal ruling released yesterday. A May 17 opinion by the court that oversees the Foreign Intelligence Surveillance Act (FISA) alleges that Justice Department and FBI officials supplied erroneous information to the court dozens of times, including one signed by then-FBI Director Louis J. Freeh.

Authorities also improperly shared intelligence information with agents and prosecutors handling criminal cases in New York on at least four occasions, the judges said.

Given the court found that new procedures proposed by Attorney General John D. Ashcroft in March would have given prosecutors too much control over counterterrorism investigations and would have effectively allowed the government to misuse intelligence information for criminal cases, according to the ruling.

The dispute between the Justice Department and the FISA court, which has raged behind closed doors until yesterday, strikes at the heart of Ashcroft’s attempts since Sept. 11 to allow investigators in terrorism and espionage to share more information with criminal investigators.

Given that the Justice Department must seek the FISA court’s permission to give prosecutors of criminal cases any information gathered by the FBI in an intelligence investigation, the new procedures that had proposed that criminal-case prosecutors be given routine access to such intelligence information, and that they be allowed to direct intelligence investigation as well as criminal investigation.

The FISA court agreed with other proposed rule changes. But Ashcroft filed an appeal yesterday over the rejected procedures that would constitute the first formal challenge, according to the ruling and government officials involved in the debate.

The documents released yesterday also provide a rare glimpse into the workings of the almost entirely secret FISA court, composed of a rotating panel of federal judges from around the United States and, until yesterday, had never jointly approved the release of one of its opinions. Ironically, the Justice Department itself had opposed the release.

Stewart Baker, former general counsel of the National Security Agency, called the opinion a “pamphlet.”

“You want an American hero? A real hero? I nominate Judge Damon J. Keith of the United States Court of Appeals for the Sixth Circuit,” Judge Keith wrote an opinion, handed down last Monday by a three-judge panel in Cincinnati, that clarified and reaffirmed some crucially important democratic principles that have been largely discarded since the terrorist attacks last Sept. 11.

The opinion was a reflection of true patriotism, a 21st-century echo of a pair of comments made by John Adams nearly two centuries ago. “Liberty,” said Adams, “cannot be preserved without a general knowledge among the people.”

And in a letter to Thomas Jefferson in 1816, Adams said, “Power must never be trusted without a check.”

Last Monday’s opinion declared that it was unlawful for the Bush administration to conduct deportation hearings in secret whenever the government asserted people involved might be linked to terrorism.

The Justice Department has conducted hundreds of such hearings, out of sight of the press and the public. In some instances the fact that the hearings were held was kept secret.

The administration argued that opening up the hearings would compromise its fight against terrorism. Judge Keith, and the two concurring judges in the unanimous ruling, took the position that excessive secrecy undermined the very principles of free and open government that the fight against terror is meant to protect.

The opinion was forceful and frequently eloquent.

“Democracies die behind closed doors,” wrote Judge Keith.
He said the First Amendment and a free press protect the “people’s right to know” that their government is acting fairly and lawfully. When government begins closing doors, he said, “it selectively controls information rightfully belonging to the people. Selective information is misinformation.”

He pointed out that the shadow of secrecy stands in complete opposition to the society envisioned by the framers of our Constitution.

The concurred judges were Martha Craig Daughtrey and James G. Carr. The panel acknowledged—and said it even shared—“the government’s fear that dangerous information might be disclosed in some of these hearings.” But the judges said when that possibility arises, the proper procedure for the government to be able to explain “case-by-case” why the hearing should be closed.

“Using this stricter standard,” wrote Judge Keith, “does not mean that information helpful to terrorists will be disclosed, only that the government must be more targeted and precise in its approach.”

A blanket policy of secrecy, the court said, is unconstitutional.

The case that led to the panel’s ruling involved Muslim clergyman in Ann Arbor, Mich., Rabih Haddad, who overstayed his tourist visa. The ruling is binding on courts in Kentucky, Ohio and Indiana and may serve as a precedent in other jurisdictions.

The attorneys who argued the case against the government represented four Michigan newspapers and Representative John Conyers Jr., a Michigan Democrat. They took no position on whether Mr. Haddad should be deported.

“Secrecy is the evil here,” said Herschel P. Fink, a lawyer who represented The Detroit Free Press and argued the government absolutely had an obligation to “vigorously” fight terrorism. But excessive secrecy, he said, was inexcusable.

“We just want to watch,” said Mr. Fink.

Judge Keith specifically addressed that issue. The people, he said, had deputized the press “as the guardians of their liberty.”

The essence of the ruling was the reaffirmation of the importance of our nation’s system of checks and balances. While the executive branch has tremendous power and authority with regard to immigration issues and the national defense, it does not have carte blanche.

Lee Gelernt, a lawyer with the American Civil Liberties Union who represented some of the plaintiffs in the case, noted that the administration was arguing at such a high level that it needs much more authority to act unilaterally and without scrutiny by the public and the courts.

He said last week’s ruling was the most recent in that, thus far, the most important to assert, “That’s not the way it’s done in our system.”

HOMELAND SECURITY ACT OF 2002—Continued

THE PRESIDING OFFICER (Ms. CARNAHAN). The majority leader.

Mr. DASCHLE. Madam President, I will be brief. The President again today admonished the Senate for moving slowly on homeland security. He again told us that he was very concerned that we are moving slowly on an issue of great import in terms of his design on homeland security and the need for a recognition of national security in homeland security legislation.

Let me simply say to the President and to anybody else who has question: There is no desire to slow down this legislation. There are Senators who have very significant concerns about various provisions, but there ought to be no question about our desire to continue to work to complete the deliberation of this legislation and send it to conference as quickly as possible.

We have only had an opportunity to debate one amendment and bring it to closure. It would be my hope we could take up Senator BYRD’s amendment sometime very soon and we could take up other amendments to the legislation as soon as possible. We have now been on this bill for 3 weeks, and I understand why some would be concerned about the pace with which the Senate is dealing with this legislation.

I discussed the matter with Senator LOTRR, and I think he shares my view that we have to move the bill along. I note that if the President had supported homeland security legislation when the Democrats first offered it last summer, we probably would have completed it by now. It took them about 2 months to respond to the actions taken by the Governmental Affairs Committee. That is an amendment that has been done. They have responded, and we have worked with them to come up with a plan of which we are very proud and a product that can be addressed.

Senator BYRD has a good amendment. There are others who have amendments as well, but the time has come to move on. I had originally hoped we could get an agreement that only relevant amendments would be offered. We have a case of nonrelevant amendments. We have had a case of no amendments in this process. It is very important for us to demonstrate to the American people, it is very important for us to make as clear as we can that we want to come to closure on this legislation—take up amendments and deal with them effectively, but the amendments ought to be germane and we ought to work within a timeframe.

Mr. DASCHLE. Madam President, with respect to the Lieberman substitute amendment to the homeland security bill, I send a cloture motion to the desk.

Mr. BYRD. Madam President, I ask the leader if he will add my name to that cloture motion.

Mr. DASCHLE. I will be happy to add the Senator’s name.

Mr. BYRD. Madam President, I give the distinguished majority leader my power of attorney to sign this for me. Everybody in the country knows about my trembling hands. So I hope the majority will sign this for me.

Mr. DASCHLE. Madam President, I ask unanimous consent that I have that right, and we will accommodate the Senator’s request. I appreciate very much his support of the cloture motion.

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

The cloture motion having been presented to and agreed to by the Senate, the clerk directed the assistant legislative clerk to read the motion as follows:

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman substitute amendment No. 4771 for H.R. 5005, Homeland Security legislation.

Jean Carnahan, Herb Kohl, Jack Reed (RI), Richard J. Durbin, Kent Conrad, Paul Wellstone, Jim Jeffords, Max Baucus, Tom Harkin, Harry Reid (NV), Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Robert Torricelli, Mary Landrieu, Joseph Lieberman, Robert C. Byrd.

Mr. DASCHLE. Madam President, we note the two cloture motions before the Senate. The first one ripens this afternoon at 5:15. That is on the amendment offered by Senator BYRD to the Interior appropriations bill.

We do not get to the rest of the business before us unless that cloture motion is agreed to. There can be no excise, there can be no reason, after all this debate, after all the meetings, that we cannot at least bring closure to that amendment.

Senators still have a right to offer amendments to the bill, but we have to move on. I cannot imagine that there would be a Senator who would want to interject debate because we have now debated Interior and the Byrd amendment. The same could be said of homeland security. If we want to respond to the President, who again today said the time for the Senate to act is now, let’s move on a bipartisan basis and let’s vote for cloture on the Lieberman substitute and let’s move this legislation along.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. SPECTER. Madam President, I have sought recognition to comment briefly about the upcoming cloture vote and also about the status of our progress on the homeland security bill and the progress of the Senate on its fundamental responsibility to have a budget or make appropriations.

I would have thought that on September 17, the day the Constitution was ratified, there would be more regard for the constitutional responsibility of the Senate. We have the power of appropriation, but we are not handling our duties. Much as I dislike saying so, I believe the Senate is a dysfunctional, harsh, perhaps, but true, certainly, we are simply not getting the job done.

I am a little surprised to see a cloture motion filed on an amendment to appropriations bill. If there were protracted debate, if there were an effort to stall, if there were some attempt made to delay the proceedings of
the Senate, perhaps so. But there are Senators who want to vote on an important issue relating to the forests, especially in the West, and the dangers of fire. They have been seeking a vote but have not been able to get one.

I am against cloture, to give Senators a chance to present their amendment. That is not to say I will support the amendment, but I believe the Senators ought to have an opportunity to present their amendment.

Cloture has been filed on the homeland security bill. We are now in our third week after returning from the August recess, and the Senate has done virtually nothing during that period. We have had perfunctory speeches on generalizations which have, in fact, impeded the progress of the homeland security bill. We were in a position to vote on the amendment by the distinguished Senator from Connecticut last Thursday, but it could not get a vote because the time was consumed with speechmaking. Now, I like speechmaking as much as the next Senator, but there has to be some balance as to what is being done. And again, time is at a premium—I had not expected unanimous consent was granted—more lengthy speeches, without really getting to the substance of what the Senate ought to be doing.

We have not passed any appropriations bills among the 13 we are charged with passing. Now, this is September 17, 13 days away from the end of the fiscal year, with only a few working days left. The Department of Defense appropriations bill lies dormant. It has been passed by both bodies, but there hasn't been a conference. The military construction appropriations bill lies dormant. Again, it has been passed by both bodies but there hasn't been a conference.

We are fighting a war at the present time. We are cleaning up the remnants of other wars, in Kosovo and in Bosnia, and our troops are in Afghanistan. We will be called upon soon to vote on a resolution which may send us to war against Iraq.

Now, what are we doing for the Department of Defense? We have a very substantial increase in defense funding, but the way it looks now, we are going to be having a continuing resolution. What the House has said ought to be adopted and what the Senate has said ought to be adopted will be curtailed very drastically if we have a continuing resolution. So we are simply not doing our job.

Then we have 11 other appropriations bills. I have the responsibility, as ranking member of the Subcommittee on Labor, Health and Human Services, and Education Appropriations, to prepare a bill which funds the Department of Education, the major capital investment of America, the Department of Health and Human Services, which is very important, and the Department of Labor on worker safety. But we are not moving to pass the bill.

The National Institutes of Health, probably the best investment this Congress makes, the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government—has an increase of $3.5 billion in this year's appropriations bill. But as of this reading, it is unlikely to comment on its operation because we are not going to pass the bill.

We are told that the Department of Defense appropriations bill is being held up because we have not established the allocations. Why haven't we established allocations? We haven't established allocations because there is no budget. The Budget Act was passed in 1974, and this is the first year there hasn't been a budget passed.

As I am approaching the end of my 22nd year in this body, I am not so inconsiderable a period of time, I have not seen the Senate in such disarray as we are at the present time.

We had a vote several weeks ago on what was the equivalent of deeming. That is legal jargon, Senate jargon, for making out as if we had passed a budget to establish a figure. It required 60 votes to have this amendment passed—I was sorely tempted to vote for it. Then, the legislation, the Senate budget $9 billion above the House budget. I do believe we need a budget, because if we do not, we are going to be passing appropriations bills which far exceed the purported allocations.

It is customary, on the attractive education proposals and the attractive health proposals, to get into the high fifties. With a 60-vote requirement, those amendments are not passed, but they are very tempting amendments. We are fighting a war at the present time, with passing. Now, this is September 17, 13 days away from the end of the fiscal year, with only a few working days left.

The previous chairman of the Budget Committee told me—the distinguished senior Senator from New Mexico is sitting in front of me—that he will be chairman next year and he was sure of that, I would have voted for deeming. But I am not sure of much of anything on the current posture.

So it is my hope that we will move ahead and have votes and let there be the analysis of all the agencies—FBI, CIA, NSA—under one umbrella.

Had that been done prior to September 11, 2001, I think that catastrophe might have been avoided. There were lots of danger signals. There were lots of dots on the board.

There was the July FBI Phoenix memorandum about a man taking flight training and two al-Qaida men in Kosovo and one man in Bosnia, who later turned out to be pilots on the hijacked planes. The CIA didn't bother to tell the FBI or INS.

You had the NSA warning on September 10 that something was going to happen the next day. But nobody bothered to translate it until September 12.

Then you had the matter of Zacarias Moussaoui, a much celebrated personality today with the litigation in the Federal court. But had the FBI obtained a warrant under the Foreign Intelligence Surveillance Act, there was a treasure trove of information linking Moussaoui to al-Qaeda. And there was a virtual blueprint, had all the dots been put together.

After September 11, I opposed the creation of an independent commission because it seemed to me the Intelligence Committees could do the job. I understood that they couldn't move ahead immediately with hearings in closed session and then in open session in order to give the intelligence community an opportunity to regroup. But that time has long passed, and now we find the Intelligence Committees are embroiled in another investigation; that is, an investigation by the FBI against the Intelligence Committees.

It is very difficult to understand how the Intelligence Committees can be investigating the FBI and the CIA and other intelligence agencies, and then, having a leak of classified material, to have the FBI investigate the Intelligence committees. I wrote to the chairmen and vice chairman of both the House and Senate, strongly urging them not to do that—that you simply can't have investigators being investigated by those who are under investigation.

Then you have the issue of separation of powers. If the FBI is going to be able to investigate the Congress, what independence does the Congress have in its oversight function?

So the Intelligence Committees have not moved ahead for that job. The only alternative now is an independent commission. I worked as one of the young lawyers on the Warren Commission many years ago, I say “younger lawyer” because I am still a young lawyer. And, while the Warren Commission has received a fair amount of critical analysis over the years, the essential conclusions have held up—that Oswald was the sole assassin, or the single bullet. The Intelligence Committee had the President and Governor Connolly and the President was struck by a later bullet which killed him. So I have now come to conclude that we need an independent commission.

But most of all we need a Senate which will move ahead in its duties and obligations. This is a good day, September 17, 1787, was the
day the Constitution was signed. So, 215 years later, that ought to be a hallmark for us to move ahead and discharge our duties.

I yield the floor.

Mr. DOMENICI. Madam President, I was about to make my point here and was watching and saw the Senator from Pennsylvania speaking. I got here as fast as I could because I was wondering when somebody would say what he has said. Frankly, I am sorry the distinguished President pro tem is not here. If I would ask him the same question: When do we intend? When would he let us vote on this very important, new Cabinet position and the Cabinet organization that goes with it?

I heard much of what he wants to say. I know he wants to win. But I believe it is important that when we are at war, we proceed with some dispatch to give the President what he wants. If the distinguished Senator is going to lose, we all lose sometimes. If he is going to lose, it is not my fault than he thinks. But it is taking a long time and getting nowhere. And I think we know the issues on that new piece, that new Department of our Federal Government. I think he ought to let us proceed with it.

My further observation has to do with appropriations. You know, we are all tied in knots because we didn't get a budget resolution, and every time we say it, somebody should be here on our side of the fence. It is not our fault. It is not me as ranking member. It is not my fault. And it is not my fault in any other capacity. I have been on that committee for 25 years, and never did I not get a budget resolution when I was chairman. One way or another, we got a budget resolution.

Now we don't know which appropriations numbers to follow, the bigger number in the House or the Senate or vice versa. At least that much would be resolved in a budget resolution. I hope we learn from it and we get on to our business today.

Mr. SARBANES. Madam President, my amendment, No. 4554, would establish an Office of National Capital Region Coordination within a newly-created Department of Homeland Security. Joining me in offering this amendment are Senators WARNER, MUKULski, and ALLEN.

The Senate's ability to respond to the terrorist attack on the Pentagon underscored the unique challenges the National Capital Region faces in emergency preparedness. A recent editorial in the Washington Post perhaps described the problem best:

Sept. 11 laid bare the truth about the national capital region's preparedness for a major terrorist attack. That fateful day revealed that the area's 5 million residents, the federal government's far-flung operations, state and local jurisdictions were ill-prepared for the kind of emergencies that could result from bioterrorism or other murderous terrorist strikes. September 11th was a wake-up call, converting the region containing three branches of the federal government, two states, and the District of Columbia, each with separate police forces and emergency plans—but all using the same roads and bridges—into a well-coordinated governmental operating complex...

In no other area of the country must vital decisions be coordinated to occur between an independent city, two States, seventeen distinct local and regional authorities, including more than a dozen local police and Federal protective forces, and numerous Federal agencies.

In hearings before the Senate Appropriations Subcommittee on the District of Columbia, Senator MARY LANDRIEU, the Distinguished Chair of the Subcommittee, and virtually every witness highlighted the region's high risk for terrorism and the critical need for coordinated and timely communication between the Federal Government and the surrounding State and local jurisdictions. I want to commend Senator LANDRIEU for her leadership on this very important work to addressing the emergency preparedness funding needs of the District of Columbia and the Washington Metro system.

Over the past year, significant progress has been made on the State and local levels in emergency response protocols. The Metropolitan Washington Council of Governments, COG, the association representing the 17 major cities and counties in the region, should be commended for the strong and innovative steps they have taken over the past twelve months, including the creation of the COG Ad Hoc Task Force on Homeland Security and the development of a Regional Emergency Response Plan. Similarly, at a summit meeting convened last month, the mayor of the District of Columbia and the Governors of Maryland and Virginia took a major step forward with the signing of an eight-point "Commitments to Action" to improve regional planning and preparedness. Unfortunately, the Office of Homeland Security, which helped convene the summit, is not a party to the agreement.

What is still lacking, however, is the integration of the Federal Government's many and diverse protocols in the region with those of State and local authorities. This past August, a plan known as the Federal Emergency Decision and Notification Protocol was announced by the Administration, giving the Office of Personnel Management, the Federal Emergency Management Agency, and the General Services Administration the authority to release Federal employees in the area and around the country. However, as an August 17, 2002 article in the Washington Post notes, "left unclear by the plan is how Federal agencies execute the evacuation. Congress and the courts are independent of the President. Even Cabinet secretaries and senior agency directors have autonomy over their employees and buildings..."

I commend to my colleagues the September 10, 2002 edition of the Washington Post which featured a story detailing the status of emergency planning in the area, noting the work yet to be done by the Federal Government.

The unique and dominant Federal presence in this region obligates the Federal Government to fully cooperate in the region's efforts at emergency planning and preparedness.

One of the key goals of a new Department of Homeland Security is to coordinate and create Federal agencies playing an integral role in the protection of the homeland, both existing and yet-to-be-created, into one single entity whose purpose is to coordinate these components and facilitate their individual missions.

In the National Capital Region, the many branches and agencies of the Federal Government similarly must work together in a single Federal point of contact within a new Department of Homeland Security. This office would not only coordinate the activities of the Department affecting the Nation's Capital, but also act as a focal point for State, local, and regional authorities. Federal agencies can look for meaningful access to the plans and preparedness activities of the numerous other Federal agencies and entities in the region. Likewise, this new office would become the vehicle used by the multitude of Federal entities in the area to receive vital information and input from the State, local, and regional authorities.

The need for such an office has been expressed and supported by many of the most important participants and stakeholders in the area's terrorism preparedness activities, including COG, WAMATA, the Greater Washington Board of Trade, and the Potomac Electric Power Company, PEPCO. I ask that letters of support from these groups be printed in the RECORD immediately following my remarks.

The PRESTOP shop through which the Federal Government takes a place at the table as this region makes unprecedented efforts to coordinate the work of its many State, local, and regional authorities.

The time has come for the Federal Government to fulfill its obligations to the National Capital Region...
Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

Dear Chairman Lieberman: As Chief Executive Officer of Pepco Holdings Inc., I am writing to express my strong and unequivocal support for Senator Paul Sarbanes’ amendment to the National Homeland Security Act of 2002. The proposed amendment would create within the Department of Homeland Security a National Capital Region Coordination Office. This office would have the responsibility of coordinating the response activities of the Federal, State, and local governments with that of the general public and the private sector.

The District of Columbia is truly in a unique situation when it comes to Homeland Security. As our Nation’s Capital, the District is home to more than 370,000 Federal workers and draws over 18 million visitors annually. At the same time, given the multi-jurisdictional nature of the Greater Washington Metropolitan area and the enormous Federal presence, there are distinct challenges facing this region’s efforts to have a comprehensive and coordinated response to terrorism.

For example, there are over a dozen separate local police departments in the greater Washington area. Overlapping this, there are another dozen Federal law enforcement agencies, each with their own jurisdiction and mandate. These departments have their own procedures and are developing their own contingency plans. Coordinating these efforts will not be an easy task and will require a dedicated office within the Department of Homeland Security.

Unfortunately on September 11 we saw what can happen if the region fails to coordinate its response. On the afternoon of the attack, the Federal government sent home its entire workforce early without notifying anyone on the local level. At the same time the Federal government was releasing hundreds of thousands of Federal employees and contractors to already grid-locked roads and packed Metro stations. Federal agencies were erecting security zones and blocking off streets around their facilities making the evacuation of the District even more difficult.

Thankfully, there was no secondary attack after the Pentagon. But had there been one, this lack of coordination could have had disastrous consequences. It is critically important that the Federal government is afforded the need for a dedicated office within the Department of Homeland Security.

As the major provider of electricity to the District of Columbia as well as Prince George’s and Montgomery counties in Maryland, Pepco has spent a significant amount of time and money on security issues since September 11. The more I look at the unique challenges we face in this new environment, both as Chief Executive and a Washingtonian, the more I believe in the need for Senator Sarbanes’ proposal.

Thank you for your leadership on homeland security and I trust that you will give the National Capital Region Coordination Office provision every consideration.

Sincerely,

JOHN M. DERRICK,
Chairman, Chief Executive Officer.

WASHINGTON AREA TRANSIT AUTHORITY,

Hon. JOSEPH LIEBERMAN.
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

Dear Chairman Lieberman: On behalf of the Washington Metropolitan Area Transit Authority, I would like to express our great appreciation and strong support for your efforts to enhance security in the national capital region. We urge you to offer an amendment to the National Homeland Security and Combating Terrorism Act of 2002 in order to address the specific needs of the National Capital Region, perhaps the area of greatest potential risk in the country.

Importantly, there is not central point of coordination for Federal agencies in the region, including various executive branch agencies, the Office of Homeland Security, the Department of the District of Columbia, the U.S. Congress, and the judicial branch. Effective coordination within the Federal government is absolutely critical in the National Capital Region. The fact that the Federal government is the region’s largest employer. The recent Regional Summit on Security, convened by Governor Ridge, also pointed out the continuing need for effective coordination among all levels of government in the National Capital Region.

The other matter of concern is the enormous challenge this region faces in working constructively with the Administration as it formulates security budget proposals. While the Congress, through the appropriations process, has generally been quite receptive to funding requirements for security measures, it has been extremely difficult and cumbersome to secure those needed resources to the Administration for the resources needed to carry out the national strategy for combating terrorism and homeland security activities, due to the highly decentralized nature of the Executive Branch budget development process. The proposed amendment provides for the establishment of a National Capital Region Coordination Office, which will be such a contact point, allowing us to coordinate the funding of the resources required for the region to implement the national strategy for combating terrorism.

We greatly appreciate your attention and diligence in assisting the region in addressing these important issues. We are all facing challenges that previously seemed unthinkably large. We owe you a great debt of gratitude for your leadership in assisting the National Capital Region in preparing to meet these challenges.

Sincerely,

CHRISTOPHER ZIMMERMAN,
Chairman, Board of Directors.

GREATER WASHINGTON BOARD OF TRADE,

Hon. JOSEPH LIEBERMAN
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: The Metropolitan Washington Council of Governments (COG) is completing a year-long effort involving hundreds of public officials and private sector leaders, as well as public and private experts in the development of coordination and communications protocols between sub-federal entities and local governments, private and non-profit agencies, and other "stakeholders" concerned about preparedness and management of terrorist and other emergencies in the National Capital Region.

As you are aware, COG is completing a year-long effort involving hundreds of public officials and public and private experts in the development of coordination and communications protocols between sub-federal entities and local governments, private and non-profit agencies, and other "stakeholders" concerned about preparedness and management of terrorist and other emergencies in the National Capital Region.

The area is unique in that it has dozens of federal agencies that have been mandated to have their own emergency preparedness plans. Many of these agencies have not coordinated their plans with local governments or private sector concerns that own and operate critical infrastructure like power, telecommunications and transportation, which the agencies are dependent. The region also has more than a dozen separate and distinct jurisdictional boundaries, which make coordination more difficult, due to jurisdictional and political issues.

The proposed amendment creates a function within the Department of Homeland Security which will be such a contact point, allowing full communication among the Federal and sub-federal leaders needed to protect this region and its citizens and coordination of their potentially supportive but disparate functions without impeding the planning or actions of either group.

Additionally, the creation of such a function recognizes the unique status of this region, with its strong presence of the Federal government as employer, policy-initiator, and potential target of specific future Federal support.

The COG Ad Hoc Task Force on Homeland Security has considered the concepts and processes contained in this proposed amendment and supports its enactment.

On behalf of my colleagues on the Task Force, I am pleased to endorse this proposed amendment to S. 2452 that will create a single point of contact within the Department of Homeland Security for coordination in the National Capital Region. As you are aware, COG has spent a year-long effort involving hundreds of public officials and private sector leaders, as well as public and private experts in the development of coordination and communications protocols between sub-federal entities and local governments, private and non-profit agencies, and other "stakeholders" concerned about preparedness and management of terrorist and other emergencies in the National Capital Region.

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amendment and urge you to support its passage.
Sincerely,
CAROL SCHWARTZ, Chairman.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now continue with the consideration of H.R. 5093, which the clerk will report.

The assistant legislative clerk reads as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The Senate from Nevada.

Mr. REID. Madam President, Senator Byrd and Senator Burns are not here. The chair has already decreed that we will divide the time. But there have been a number of people waiting: Senator CRAPO, Senator DOMENICI, Senator CRAIG. Just for expedition purposes, if they would like to speak now, that is fine. We would wait until they finish. I do not know in what order they wish to go, so why don't we announce that so people aren't waiting around.

Mr. DOMENICI. How much time are we going to have?
Mr. REID. Half of 40 minutes, 20 minutes.

The PRESIDING OFFICER. Twenty minutes.

Mr. DOMENICI. If you want to let Senator CRAPO go first?
Mr. CRAIG. That will be fine.

Mr. REID. May we have an order?
You are going to use your time probably, now, and then a little over here or what do you want to do?

Mr. CRAIG. Madam President, I assume we would retain the last 5 minutes for closing purposes.
Mr. REID. Because it is your amendment.

Mr. CRAIG. Yes, because it is our amendment. We would want that.

Mr. REID. That is really no problem. It is your closure motion, but if you want the last 5 minutes, that is fine. So we ask that consent. In the meantime, you use whatever time you need. So you have 15 minutes now.

Mr. CRAIG. I yield the Senator from Idaho 5 minutes.

Mr. CRAPO. Madam President, I rise in support of the efforts to address the serious and devastating impacts of fires that are currently raging throughout the West and to impress upon my colleagues the need for immediate action to reduce this threat in the future.

I thank my colleague from Idaho, Senator Craig, for his tireless efforts to try to find a path forward on a collaborative basis and to build the consensus necessary to address this difficult issue. The Senator from New Mexico has been well very closely involved in developing these proposals. I commend him for their work.

As I offer my gratitude to the brave men and women who are fighting these fires. Wildland firefighting is a dangerous and exhausting job, and I can't thank them enough for their efforts. Already this year, 6.3 million acres have been burned, and this level of destruction puts us on pace to meet the catastrophic fire season of 2000, when 8.4 million acres burned, with more than a million of those acres in Idaho.

Idaho has been relatively lucky this year. However, with outbreaks of Douglas fir beetles and mountain pine beetles throughout Idaho, it is clear we are poised for another dangerous fire season.

Not all fire is bad. In fact, fire can be beneficial. However, many of the fires we face today are fueled by unnatural fuels and burn with an intensity and size that makes them undesirable in our natural ecology. Additionally, increased awareness of the risks posed by naturally occurring agents of change, yet some outbreaks are enhanced by our past actions and inactions and occur in scarps that are damaging and unnatural.

As a result of the previous fire seasons, Congress acted with an immediate and bipartisan response.

We came forward with funding and direction for a national fire plan. Yet, to date, this plan has not been implemented effectively enough to address the risks facing our communities.

I do not think we should be pointing fingers or making excuses about why or how these fires occurred. We need to look forward and address the problem. We need to do so quickly. I do not want to see another million acres burning in Idaho next year.

In his Healthy Forests Initiative, the President outlined actions that will effectively address the risk of catastrophic wildfires. In the Fiscal Year 2002 supplemental appropriations bill, our majority leader identified a way to effectively reduce the risks in the Black Hills National Forest. Clearly, we all want to protect our forests.

Our forests are an important part of our heritage and have great impacts on local economies and recreational opportunities for local residents and visitors alike. They provide our drinking water and wildlife habitat. In short, healthy forests are vital to all Americans.

The Forest Service has identified 70 million acres of Condition Class III lands. These lands are at catastrophic risk of wildfire and subject to insect and disease infestations, windthrow, and other health risks. It is important to address risks on these lands, but it must be noted that today we are not debating action in all of these areas.

As I said, many of these threats are natural and we must choose to let them occur naturally. However, we must act—and act quickly—to protect our high value forest areas. We must act to protect homes, property, and livelihood, maintain the quality of our water, and sustain the wildlife and other health risks. It is important to address risks on these lands, but it must be noted that today we are not debating action in all of these areas.

Mr. CRAIG. Madam President, I thank my colleague from Idaho for his very thoughtful presentation and his true expression of the real conditions on our forest lands.

I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I thank my colleague, Senator Craig, who has spoken to the broader issue of preventing the point where active management is a necessity. I hope my colleagues recognize that and will support the efforts of member's whose goal is to protect their communities and environment.

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Mr. CRAIG. Madam President, I thank my colleague from Idaho for his tireless efforts throughout the West and to impress upon my colleagues the need for immediate action to reduce this threat in the future.

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there. In fact, during the Missionary Ridge fire, we watched it with great anticipation from our porch at our ranch.

Durango is a very scenic town in Colorado, home of one of only 13 gold mining towns in the whole country, and has some of the finest mountain biking areas in the West.

Two months ago, there was a fire called the Missionary Ridge fire, declared under control on July 28, but only after the loss of 70,000 acres of forest, 56 homes, 27 adjoining buildings, and the collective cost of $10.6 million to fight that fire. More importantly, large areas around the Lemon and Vallecito Reservoirs burned so intensely that the soil had become hydrophobic and unable to keep water back. Downstream, the La Plata, Aimas, Los Pinos, and Florida Rivers were now all at risk.

When I was home this past weekend, I was reading in the local newspaper about several homes that were washed off their foundations by the mud slides as a result of that loose soil caused by the fire and the burning of all of the underbrush and trees.

There $40.6 million lost, to put it in context, is more than double the amount of funding allocated for recreation for all of the 11 forests in Region II, which is Colorado, Wyoming, South Dakota, and Nebraska. It is four times the amount of funding for wildlife for all 11 forests in Region II for fiscal year 2002. It is nearly double the amount of money allocated to the region for hazardous fuels reduction work for fiscal year 2002. So in a little over 1½ months, we spent more allowing that area to be destroyed by fire than we would have spent on wildlife habitat management on all 11 forests over 4 years.

Speaking of wildlife, when the Missionary Ridge fire was at its highest level and we happened to live a chance to talk to one of the firefighters who had been on the front line. He told me he estimated the fire to be moving as much as 2 miles an hour created mud and water flows that cover Florida Road, County Road 501, and County Road 245. About 700 customers at the Bar D Chuckwagon restaurant were trapped until about 10 p.m.

SEPTEMBER 10, 2002

The City of Durango’s turbidity went from 2 NTU’s (a measure of the number of small particles that are suspended in a water sample) or practically colorless, on Friday, to 440 NTU’s, a chocolate milkshake Monday. A waive of ash, mud and debris cascaded down from Missionary Ridge burn area late Wednesday, flooding fields and roads and temporarily stranded some residents north and east of Durango.

SEPTEMBER 13, 2002

Only about a quarter-inch of rain fell, but it was enough to close roads, flood houses and clog culverts. LaPlata County has spend about $100,000 keeping roads and drainage structures clear of mudslides.

"There are homes out there that never expected to be influenced by flooding that are getting a hell of a surprise," said Doyle Villier La Plata County director of road maintenance.

Dead fish are littering the banks of the Animas River after recent mudslides in the Animas Valley, and there could be hundreds more beneath the murky water.

Mr. Domenici amendment. I just want to add my voice to the Craig-Domenici amendment. I just want to point out from a local point of view the catastrophic results.

The town of Durango in fact relies heavily on tourism. An old train takes tourists through the mountains. They had 28,000 cancellations in just 2 weeks because of that fire. Those cancellations, of course, result in money lost to the local community. The estimated loss of revenue during the month after that fire in the town of Durango was estimated to be about 40 percent from the normal resources they would have been able to rely on from tourists who stay in motels and who eat in the restaurants.

The facts are clear: unnaturally dense forests result in unnaturally hot burning and fast moving fires, like we experienced in Colorado.

Our proposal would address the problem with a balanced approach—creating greater review of projects than the majority leader’s plan that takes care of his own state that he managed to attach to the emergency supplemental bill.

We know what needs to be done, but now opponents are opposing our bill and offering counterproposals that will do absolutely nothing to help forest managers thin these forests to reduce the risk of these catastrophic fires, nor allow for any salvage operations to help pay for the rehabilitation of these areas.

What does the counterproposal do? Their proposal does nothing more than sell the public a false bag of goods—it does nothing but create false expectations in the public.

My state of Colorado has experienced enough from prior bad policies. I am offended that some would now suggest new ones.

In fact, my friends on the other side know what needs to be done, why are they proposing such ineffective policy?

Because we are in an election year and some politically-active environmental groups are drafting the policy. It is not a secret. They say there is a lot of campaign money at stake—television and radio ads that could be poured into your State if you oppose doing the right thing.

It is time to do the right thing. It is time for these environmental groups to start looking at policies that benefit the environment rather than maintaining the political hammerlock they have on the Forest Service and BLM.

I yield the floor.
Senator on our side, and then I will be glad to offer the remainder to Senator BYRD.

Mr. REID. Madam President, that wouldn't give the Senator the last 5 minutes.

Mr. DOMENICI. Madam President, fellow Senators, I come today to the floor because there is a very important amendment that is attached to the Interior appropriations bill, and it is a second-degree amendment attached to the Byrd amendment.

The only thing I would like to say today, since cloture has been called for on the Byrd amendment, is that if in fact cloture is invoked, our amendment will be disposed of. We believe our amendment is a good amendment and it deserves an up-or-down vote.

We have not been delaying things. We have been waiting for an opportunity to have a vote. We would like an up-or-down vote on our amendment, which is an effort by a number of Senators on both sides of the aisle to permit the Forest Service and the BLM of the United States to go into our forests and, finally, need to clean up and to look at just four types of properties that belong to our Federal Government. Those that have been blown over and are there, and where they are unable to do anything—the trees are, in fact, dormant—forests that have been bitten, eaten so that the bugs are infested them, so they are useless, but we leave them there instead of removing them, and removing all of the substance that is there with them. And there are two other kinds similar to that, and we address them.

All we try to do is say: Can't we expedite the removal of that substance I have just described which causes fires? Because once any of that starts, you cannot stop it, and it goes like wildfire. And once those forests are not maintained properly, it burns thousands and, in some instances—like this year—millions of acres.

As I see it, it is time we do something practical. Our amendment is commonsense cleanup for the forests that are being destroyed. I do not believe the amendment—that will be offered later on, if we lose—does that in a proper manner. I believe it makes it just as difficult, if not more difficult, to remove this kindling, this buildup that is permitting our forests to burn.

We are not delaying any bill. We are asking for a chance to vote. Whenever it is possible in the Senate, we want a vote. That is all we ask. We will have more time then to explain it in detail.

It is common sense. It is not anti-environment. It is a rational, reasonable way to clean four kinds of forests that none of us want to leave in our current situation so that they will become the essence of the next firestorms of the West.

If I have not used all my time, I yield the remainder of it to Senator CRAIG for his allocation or use. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Madam President, how much time remains?

The PRESIDING OFFICER. Nineteen minutes.

Mr. BYRD. How much of that time?

The PRESIDING OFFICER. I am sorry, 19 minutes remain for the Senator from West Virginia.

Mr. BYRD. I thank the Chair. Madam President, the underlying first-degree amendment, which is the subject of the cloture vote this afternoon, provides $265 million in emergency funds to the Forest Service and the Bureau of Land Management. That money will be used to repay the extraordinary fire suppression costs incurred by those agencies over the past several months.

As many of our colleagues know, particularly those who represent Western States, 2002 is turning out to be one of the most devastating fire seasons on record. Over the past 10 years, the average number of acres burned by fire between January 1 and September 16 has been 3.4 million acres. This year, however, the comparable number of acres burned is 6.4 million; almost twice the 10-year average.

But this problem is much more than just the numbers of acres burned. The devastation and destruction resulting from these fires is almost too much to comprehend. Fire suppression costs will exceed $1.5 billion. Nearly 3,000 structures have been destroyed, including 1,313 homes. And, most tragic of all, 21 citizens have lost their lives fighting these treacherous fires.

Clearly, Madam President, this situation amounts to a domestic emergency of historic proportions.

That is why Senator BURNS and I proposed this amendment and why so many of our colleagues have joined us in this endeavor. Indeed, even the President has come to appreciate the need for this assistance, as evidenced by his August 28 funding request to Congress.

Madam President, it is of the utmost importance that we move forward on this matter, and that we do so in a timely manner. In fact, I would remind my colleagues that the authority to designate such funds as an emergency expires on September 30. Consequently, if this bill is not signed into law by the end of the month, there is a very real possibility that these funds will not be made available to agencies to support the cloture motion, and help us in our effort to help our firefighters.

Madam President, I yield the floor.

How much time does the distinguished Senator from North Dakota wish to take?
the tax cut, but it is the second biggest reason.

The third biggest reason is the increased costs because of the attack on the United States.

I am talking now about, over the 10 years of the budget plan, what are the contributing factors to the disappearance of the surplus. The biggest reason—over a third—is the tax cut, 34 percent. The second biggest reason: revenue not meeting expectations, apart from the tax cut: that is 29 percent. Forty-two percent is increased costs associated with the attack on the country. And the last, and smallest, part of the problem is the economic slowdown, representing 14 or 15 percent of the disappearance of the surplus.

That is the reality. The appropriations process not moving forward has nothing to do with the budget resolution being passed or not passed. The simple fact is, the appropriators agreed to the amount that was in the budget proposal that passed the Budget Committee. They did so on a unanimous basis, and they proceeded to stay within that amount. That is the reality.

The bigger truth, the larger reality is that we have fiscal problems because of the base that was left last year put us on a course that does not add up, never has added up, and will require serious work in the future, if we are going to get back on track.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I have the 5 remaining minutes prior to the vote reserved. We have no more time to allocate on our side. The assistant leader said we could use time if there were no speakers from the other side. Senator BYRD is here.

Mr. BYRD. How much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. Mr. President, does the Senator want more than 5 minutes? Do you need more?

Mr. CRAIG. I think our colleague from Oklahoma would like to speak for 5, and then if I could use 5 to close it out, then we could advance the vote.

Mr. BYRD. It is fine with me if the Senator closes. The Senator wants 5 minutes over there. How much time does the Senator need?

Mr. BYRD. Two. That is all I need.

Mr. BYRD. I yield 2 minutes to the ranking member and I will yield 5 minutes to the distinguished Senator. I am always very accommodating, most always, to Senators from the other side of the aisle. Then will I have any more time left?

The PRESIDING OFFICER. If the Senator yields 10 minutes, that would exhaust his time.

Mr. BYRD. I thank the Chair. I won't need it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague and friend from West Virginia for his yielding a couple minutes. I will be brief.

I urge my colleagues to vote no on cloture. I say that knowing my friend and colleague from West Virginia, I guess, is going to support it. But he is chairman of the Appropriations Committee. I have been on the Appropriations Committee. I have been in the Senate for a long time. It is a very bad idea to start filling cloture on any amendment that you don't like on appropriations bills. It is a bad idea for a couple reasons. I am not going to be able to take a cloture vote and say, 'We will have a fire amendment and it is going to spend several hundred million dollars on fire, but we will not have any other amendment dealing with this issue,' because it won't work.

The Senator from Idaho is entitled to his amendment. Even if cloture is invoked, we can still get a vote on the Senator's amendment, or some other Senator can offer a similar amendment.

I will, first, tell my colleague from West Virginia, I don't like cloture. To me, it should be used very sparingly. It is becoming far too prevalent in the Senate where somebody says: We will just fill cloture.

Someone told me: We will file cloture on homeland security. We will wrap that up.

Of course, that would deny us the opportunity to offer the President's bill on homeland security. They may file it, but they will not get cloture. The President is entitled to have a vote on his homeland security proposal, and we are going to get it, just as the Senator from Idaho is entitled to have his vote on fire control. Other Senators have ideas.

My point is, you can waste days on cloture. We wasted 3 days. No one on this side of the aisle was filibustering the Interior bill or filibustering homeland security, nor should they, in my opinion. I hope we don't have filibusters ever, frankly, on appropriations bills. We need to decide how much we are going to spend and how we will do it.

Maybe if somebody came up with an amendment that is so offensive, so intrusive, so anti an individual State, that they would filibuster, that might be unique, but I haven't found that yet in my Senate career on an appropriation bill. I was on some of the rulings of the Senate. And I think I would be remiss as ranking member on this committee and a comanager on this bill if I did not fight for the rights of the rest of the Members in this body to have a vote. I think it is what it is all about. This side is going to find a way to get some votes on this bill. We can spend weeks doing it or we can spend days.

We can spend an hour. I heard my colleague from Idaho said he is willing to have a time limit. He is willing to have a side by side. I know the Senator from New Mexico has a fire amendment. Great, Senator BINGAMAN, I think, that is a different fire amendment, and I think that is fine. Let's vote on those amendments.

I appreciate my colleague from West Virginia yielding. I urge my colleagues to vote no on cloture.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair. I thank my chairman of the Appropriations Committee.

Mr. REID. Mr. President, how much time does he have? How much time is left on the other side?

The PRESIDING OFFICER. The Senator from Montana has 4 minutes 20 seconds; the Senator from Idaho, 4 minutes 10 seconds.

Mr. BURNS. I will take the first 4 minutes. I thank my good friend from West Virginia also for allocating the time.

As he believes very much in the Constitution of the United States, I also believe very much in some of the rulings of the Senate. And I think I would be remiss as ranking member on this committee and a comanager on this bill if I did not fight for the rights of the rest of the Members in this body to have a vote. I think it is what it is all about.

I haven't heard anybody come down here and talk against the merits of this second-degree amendment. It will not go away. And silence tells me that my friend from Idaho has already been made aware and hard to defend of what we are trying to do as far as forest health is concerned. Twenty years, 25 years is a track record, a known track record.
And now we see the culmination of those management practices over that many years in the growth of the forest and what it can lead to if we allow folks who probably don’t have all the experience in the world, on the ground management of a renewable resource, what it can lead to.

So I would hope that we would support cloture or deny cloture so this issue can be talked out because it will not go away. I am not real sure it is not the shortest way to arrive at a vote and settlement of the issue.

I thank my good friend from West Virginia.

Mr. BYRD. Mr. President, why do we want to vote down cloture? There are other appropriations bills coming to the floor. I am supporting the Senator’s amendment. I never said a word against his amendment. I would be very supportive of it. I am not filibustering it, and I haven’t filibusted anything else. I haven’t filibustered the security bill. And I am not against this amendment. Why would we want to vote against this cloture?

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Correct me if I am wrong. If cloture is invoked, the amendment of our friend from Idaho would no longer be germane and it would fall. We would like our colleague to have the right to offer his amendment on this.

Mr. BYRD. Mr. President, there are other appropriations bills coming. Why not vote for this bill and do some of the good things that are being done with this bill, and the Senator can come back another day with his amendment? I am not opposed to his amendment. Why do we want to penalize other parts of the country and other Senators for good things that are in the bill because some Senators don’t want to vote for cloture on this?

This is an appropriations bill. Those advocating voting against cloture, in many instances, are Senators who are on the Appropriations Committee. Why? We need to get on with this. Let’s vote cloture on this and the Senator will have another day, another opportunity on another appropriations bill. I am for his amendment. I think he has made a good statement in support of it. I cannot understand why we want to cut off our nose to spite our face on this bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to make a couple of final remarks before I leave the floor for another event I need to attend.

The Senator from West Virginia just now said it all. There is an ongoing filibuster on this amendment, but not on this side. It is not on this side. There is no question that, on controversial issues, this Senate must acquire 60 votes to pass an amendment. The Senator from Idaho has offered an amendment that does not have the requisite 60 votes. The Senator from New Mexico has offered an alternative that we acknowledge does not have 60 votes. Over the course of the last several weeks, we have attempted to find common ground and, at least to date, have failed. In fact, on our side of the floor the Senator from Idaho indicated they were going to make another effort yesterday to attempt to reach that common ground. That has not happened.

So it is fair to say that both sides have failed to reach the Senate requisite for controversial amendments, which is 60 votes. We had offered a procedural compromise since we could not find a substantive one. That compromise would be to have side-by-side votes, to indicate that there is support, but not the level of support required under Senate rules. That, too, failed.

So the bottom line is that we have an amendment pending that 1 week ago—today generated 79 votes; 79 people went on record—Republican and Democrat—supporting drought assistance on an amendment that supports firefighting assistance. The President and others have said the firefighting money is urgent. I can like to reread the speeches made last week about the urgency of getting something done on drought assistance, about how important it is to get out there and provide this help now.

Well, in the next 5 minutes we will have a chance to provide this help now. The Senator from Idaho is not precluded from reoffering this amendment to the Interior appropriations bill. He can do that. So to say it is now or never is not correct. There is nothing to preclude them from going back and offering this amendment to the underlying bill—nothing. So if they vote against cloture, they are voting against firefighting assistance, against drought assistance, and there can be no other conclusion.

Don’t tell me you have to do it on this amendment or you cannot do it at all. That is not right. So let’s get real and be honest here. There is a game being played here that I think ought to be shown for what it is—a game that, for whatever reason, is denying this amendment passage today, even though the debate and consultation and the continued cooperative effort to see if common ground can be achieved. I just talked, moments ago, to Senator BINGAMAN. He said he has another meeting scheduled—I think it is this afternoon—with Senators on both sides of the aisle to see if they can reach common ground. If they can, it can be offered to the bill.

For the life of me, I don’t understand why anybody can say, on one hand, how urgent it is to get firefighter assistance, drought assistance—by the way, I ask unanimous consent that the votes of those Senators who supported that amendment a week ago be printed in the Record at this time.

There being no objection, the material was ordered to be printed in the Record, as follows:


Vote Number: 212

Vote Date: September 10, 2002, 10:45 a.m.

Question: On the Motion (Motion to Wave cloture)

Required for Majority: 51

Vote Result: Motion Agreed to.

Amendment Number: S. Amdt. 4481

Purpose: To provide emergency disaster assistance to agricultural producers.

Vote Counts: Yeas 79; Nays 16; Not Voting 5.

ALPHABETICAL BY SENATOR NAME

Akaka (D-HI), Nay
Allard (R-CO), Yea
Allen (R-VA), Yea
Baucus (D-MT), Yea
Bayh (D-IN), Yea
Bennett (R-UT), Yea
Biden (D-DE), Yea
Bingaman (D-NM), Yea
Bond (R-MO), Yea
Boxer (D-CA), Yea
Breaux (D-LA), Yea
Brownback (R-KS), Yea
Bunning (R-KY), Yea
Burns (R-MT), Yea
Byrd (D-WV), Yea
Campbell (R-CO), Yea
Cantwell (D-WA), Yea
Carnahan (D-MO), Yea
Carper (D-DE), Yea
Chafee (R-RI), Nay
Cleland (D-GA), Yea
Clinton (D-NY), Yea
Cochran (R-MS), Yea
Collins (R-ME), Yea
Conrad (D-ND), Yea
Corzine (D-NJ), Yea
Craig (R-ID), Yea
Crape (R-ID), Yea
Daschle (D-SD), Yea
Dayton (D-MN), Yea
DeWine (R-OH), Yea
Dodd (D-CT), Yea
Domenici (R-NM), Yea
Dorgan (D-ND), Yea
Durbin (D-IL), Yea
Edwards (D-NC), Yea
Ensign (R-NV), Nay
Enzi (R-WY), Yea
Feingold (D-WI), Nay
Feinstein (D-CA), Nay
Fitzgerald (R-IL), Nay
Frist (R-TN), Nay
Graham (D-FL), Yea
Gramm (R-TX), Nay
Grassley (R-IA), Yea
Gregg (R-NH), Not Voting
Hagel (R-NE), Yea
Harkin (D-IA), Yea
Hatch (R-UT), Yea
Helms (R-NC), Not Voting
Hollings (D-SC), Yea
Hutchinson (R-AR), Yea
Hutchison (R-TX), Nay
Inhofe (R-OK), Yea
Inouye (D-HI), Yea
Jeffords (L-VT), Yea
Johnson (D-SD), Yea
Kennedy (D-MA), Yea

CONGRESSIONAL RECORD — SENATE September 17, 2002
If we don’t deal with his amendment and deal with my amendment in concept as a new public policy for this country, he as chairman, or another chairman, will be coming to the floor every year and asking for $1.5 billion to $2 billion of taxpayer money to fight the wildfires that started the Al- leghenies, and down to the Blue Ridge. That is the reality of a misguided public policy that has put our national treasures at risk, the U.S. forests.

This year, we burned over 6.5 million acres; the chairman spoke to that. We lost 2,100 homes; the chairman spoke to that. We lost 21 lives; the chairman spoke to that, too. This is a tactic to stall? Not at all. No, the majority leader, in my opinion, mis-spoke. There has been no filibuster. I have kept him and the assistant leader in full consultation as we have tried to resolve and bring, in a bipartisan way, a clear new adjustment in public policy. We cannot arrive at that. It is my amendment that is now as a second degree, and appropriately so.

I ask for a vote on it, an up-or-down vote, as it is entitled to. I would accept a side-by-side debate with Senator BINGAMAN’s alternative but not a 60- vote, not 51. Majority rules here, except under the rules that require a 60- vote. In this instance, it is not required.

I hope my colleagues will join with us this afternoon and say no to cloture, that we can move expeditiously because we have lost days when this could have been resolved very quickly.

I don’t blame the Senator from West Virginia for being frustrated. He is chairman of the Interior Subcommittee. He brought a bill to the floor that most of us want. The majority leader knows I supported the aid to West Virginia. We lost 21 lives; the chairman spoke to that. We cannot have everything. It is relevant. And put it where? Where would we put it? The Senator said put it on the bill. We cannot get it on one bill, you try on another. Where? It is a very important subject matter. It is just as important as the burning amendment.

Mr. BYRD. Why does the Senator referring to, our amendment or the big bill?

Mr. BYRD. Why vote down cloture on this amendment? What is wrong with it?

Mr. DOMENICI. It is an amendment properly to the Interior bill. Why would we knock it down? It is germane. It is relevant. And put it where? Where would we put it? The Senator said put it on another bill. Where? It is a very important subject matter. It is just as important as the burning amendment.

Mr. BYRD. If they intend to bring it up later, why not vote for cloture here? Senators can always bring up something later.

Mr. DOMENICI. I say to the Senator from West Virginia, this is the most appropriate bill for it to be on.

Mr. BYRD. Of course it is, but if you cannot get it on one bill, you try on another.

Mr. DOMENICI. Why does the Senator want us to vote to take it off the bill? Those who have worked hard on this issue want it on the bill.

Mr. BYRD. I have not opposed that. I tried to be very understanding with the Senator. We cannot have everything the way we want it. I have lost a few amendments in my time that were of interest to my part of the country, too.

Mr. DOMENICI. The majority leader is even wrong in saying this amend- ment needs 60 votes. It does not need 60 votes, even with a budget resolution. It is just an authorization bill. It is im- plementing what you put in the bill, the $3.25 million. It is not subject to 60 votes, which means why not have cloture; they both needed votes anyway. That is not so. Our bill does not need 60 votes, nor does Senator BINGAMAN’s amendment need 60 votes. Pure and
simple: 51 votes on a bill on which they belong. So why would we, who have struggled with it, vote to kill it? We want it alive. We want it to go to conference with the Senator when we all go to conference.

Mr. BYRD. Why don’t Senators help me get this bill to conference? That is what I am asking. Why don’t Senators help me get this bill to conference?

Mr. DOMENICI. We are going to help with the Interior bill—both bills.

Mr. BYRD. I hope so.

Mr. DOMENICI. This is the only measure in which we are interested. We have gotten together for hours in the offices of five different Senators because it is important. And then somebody comes along and says: Let’s have a cloture vote and kill the bill.

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk reads as follows:

CLERK: The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate a cloture vote and kill the bill.

Mr. BYRD. I enter a motion to reconsider the vote by which cloture was not invoked on amendment No. 4480. The PRESIDING OFFICER. The motion is entered. Mr. DASCHLE. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Senator Byrd’s amendment No. 4480.


The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Byrd amendment No. 4480 to H.R. 5093, the Department of Interior and Related Agencies Appropriations Act, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. Schumer) is absent because of a death in the family.

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—50

Alaska—Dodd, Levin

Alaska—Dorgan, Lieberman

Baucus—Durbin, Lincoln

Bayh—Edwards, Mikulski

Biden—Feingold, Miller

Bingaman—Feinstein, Murray

Boxer—Graham, Nelson (FL)

Breaux—Hollings, Nelson (NE)

Byrd—Inouye, Reid

Carnahan—Jeffords, Reid

Carper—Johnson, Rockefeller

Cleland—Kennedy, Sarbanes

Clinton—Kohl, Stabenow

Conrad—Kohl, Torricelli

Corinne—McCain, Wellstone

Dayton—Leahy, Wyden

NOT VOTING—1

Conrad

THE PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized. Mr. DASCHLE. I enter a motion to reconsider the vote by which cloture was not invoked on amendment No. 4480.

The PRESIDING OFFICER. The motion is entered. Mr. DASCHLE. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Mr. DASCHLE. Mr. President, shortly we will dispose of the Lieberman and Thompson amendments.

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order. Mr. DASCHLE. If I could just restate: We will dispose of the Lieberman and Thompson amendments. It is my understanding, once that has occurred, Senator BYRD will offer his amendment No. 4480.

The PRESIDING OFFICER. Without objection, it is so ordered. Mr. DASCHLE. Mr. President, shortly we will dispose of the Lieberman and Thompson amendments.

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order. Mr. DASCHLE. If I could just restate: We will dispose of the Lieberman and Thompson amendments. It is my understanding, once that has occurred, Senator BYRD will offer his amendment No. 4480.

I yield the floor.

Mr. SPECTER. Mr. President, I seek recognition first to thank Senator BYRD, the Chairman of the Senate Appropriations Committee and its Interior Subcommittee and the Subcommittee Ranking Republican, Senator BURNS, for their efforts in drafting the fiscal year 2003 spending plan for the agencies under their jurisdiction. Also, I want to call attention in particular to two competitively awarded initiatives that, unfortunately, the annual Department of Energy, DOE, budget submission routinely underfunds and expects Congress to correct.

First, Air Products and Chemicals, Inc. and its partners, DOE, Ceramatec, ChevronTexaco, Eltron Research, Frood, and partially oxidize methane to produce synthesis gas in a single step. Development of this technology will lead to numerous applications including clean transportation fuels, hydrogen for fuel cell applications, and chemical feedstocks. A critical application is gas-to-liquids, GTL, conversion where ITM Syngas technology will significantly improve the overall economics of GTL and permit the economical recovery of more than 97 trillion cubic feet of stranded Alaska North Slope gas.

Air Products and Chemicals, Inc. is leading a research team comprising Pacific Northwest National Laboratories, McDermott Technology, Carbonex, Chevron Texaco, Elton Research, Norsk Hydro, the University of Alaska Fairbanks, the University of Pennsylvania, and Pennsylvania State University.

The DOE fiscal year 2003 cost share requirement is $5.5 million from the Fossil Energy Research and Development, Coal and Other Power Systems, President’s Coal Research Initiative, Advanced Systems budget under DOE’s Vision 21. Unfortunately, DOE requested only $3.5 million for the ITM Syngas project. Underfunding ITM Oxygen in fiscal year 2003 by $3 million would result in a delay of the program, by McDermott one year. It is advised it would add approximately $10 million to the program’s costs.

Second, DOE’s ITM Syngas program is developing a ceramic membrane reactor to separate oxygen from air and partially oxidize methane to produce synthesis gas in a single step. Development of this technology will lead to numerous applications including clean transportation fuels, hydrogen for fuel cell applications, and chemical feedstocks. A critical application is gas-to-liquids, GTL, conversion where ITM Syngas technology will significantly improve the overall economics of GTL and permit the economical recovery of more than 97 trillion cubic feet of stranded Alaska North Slope gas.

I want to thank the Senators from West Virginia and Montana for having supported in the past both the ITM Oxygen and Syngas programs. Because of their attention, both development efforts have remained on cost, on schedule and promise to be true success stories. Now I want to thank them again,
for adding $6 million to the DOE’s request for IGCC programs and $15 million for transportation fuels and chemicals programs. This additional funding will ensure that ongoing programs like the ITM Oxygen and ITM Syngas are fully funded in fiscal year 2003. I look forward to working with both the Senator from West Virginia and the Senator from Montana as they conference with our colleagues in the House of Representative to ensure that $6.5 million is provided for ITM Oxygen and ITM Syngas is funded at $3.5 million.

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4344 WITHDRAWN

Mr. LIEBERMAN. Mr. President, on behalf of the Senator from Florida and myself, I withdraw the pending amendment to the Thompson amendment.

The PRESIDING OFFICER. The Senator from West Virginia has the right. The amendment is withdrawn.

The Senator from Tennessee is recognized.

AMENDMENT NO. 4513 WITHDRAWN

Mr. THOMPSON. I urge the adoption of the pending Thompson amendment, No. 4513.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4513) was agreed to.

Mr. THOMPSON. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. It is my understanding, under the order previously entered, the Senator from West Virginia is now in order to offer an amendment; is that the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask the Senator from West Virginia if he intends to do that tonight or tomorrow.

Mr. BYRD. Mr. President, I would rather not do it tonight.

Mr. REID. I say to the two managers of the bill, Senator Byrd, who has been involved in the Interior bill all day, indicated he would rather that he lay it down in the morning, when we get back on the bill tomorrow.

I ask the two managers, is that appropriate?

Mr. LIEBERMAN. Mr. President, I have no objection whatsoever. We will look forward to a good, hearty debate on Senator Byrd’s amendment tomorrow.

Mr. THOMPSON. I have no objection, Mr. President.

Mr. REID. Mr. President, I suggest the absence of a quorum—I withhold that request.

Mr. BYRD. Mr. President, I thank both Senators for their understanding and consideration.

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

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business until 7 o’clock with Senators allowed to speak therein for up to 5 minutes each.

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

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

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

Mr. REID. Mr. President, we are in morning business until 7 o’clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO VICE ADMIRAL NORBERT ROBERT RYAN, JR.

Mr. LOTT. Mr. President, I rise today to honor Vice Admiral Norbert Robert Ryan, Jr., United States Navy, who will retire on Sunday, December 1, 2002, after 35-years of faithful service to our Nation.

Hailing from Mountainhome, PA, Vice Admiral Ryan graduated from the U.S. Naval Academy in 1967. Following graduation he attended flight training and was designated a Naval Aviator in 1968. After completing additional technical training, he spent three years with Patrol Squadron EIGHT conducting antisubmarine warfare patrols during the height of the Cold War. Returning to the Naval Academy from 1972 to 1975, Vice Admiral Ryan helped shape future Navy leaders while serving as a Company Officer and Midshipman Personnel Officer. While at the Academy he concurrently attended graduate school, earning a Master of Science degree in Personnel Administration from George Washington University.

In 1975, Vice Admiral Ryan returned to the fleet as Commander Patrol Wings Pacific/Commander Task Force 12 and then to the Pentagon where he performed superbly as the Navy’s Chief of Legislative Affairs, serving in that important post from 1996 to 1999.

In November 1999, Vice Admiral Ryan assumed duties as Chief of Naval Personnel/Deputy Chief of Naval Operations, Manpower and Personnel. In this position, he distinguished himself through exceptionally meritorious service and directed the historic revitalization of the military’s personnel systems, including manpower allocations and many carefully crafted quality of life initiatives. His relentless efforts directly provided an unprecedented level of personnel readiness throughout the Navy.

A leader by example, Vice Admiral Ryan fostered creative concepts for taking care of personnel by applying focused mentoring and one-on-one leadership with the individual Sailor foremost in mind. He was the driving force that positioned the Navy’s human resource organization for optimum support of the Service’s needs. A true visionary, he supported manpower reform, new Fleet personnel requirements, and innovation in personnel management and manpower preparation for new operational platforms and weapons systems.

During his tenure as Chief of Naval Personnel, Vice Admiral Ryan oversaw unprecedented success in quality of life enhancements for all Navy men and...
JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last week, the Senate confirmed the 74th, 75th, 76th, and 77th judicial nominations from President George W. Bush. We have confirmed more of President Bush’s nominees in less than 15 months than were confirmed in the last 30 months that a Republican majority controlled the Senate and the pace of judicial confirmations. We have done more in half the time. We have also already confirmed more of President George W. Bush’s judicial nominations since July 2001, than were confirmed in the four years of the last Congress under his father President George H.W. Bush.

We are recognizing Hispanic Heritage Month and this week I understand that the Congressional Hispanic Caucus has a number of meetings and events planned. It seems a good time to take stock of where we are with regard to judicial nominees who are Hispanic.

I am informed that out of all of President George W. Bush’s judicial nominations less than 10 are Hispanic or Latino; indeed, the percentage of nominees who are Hispanic is approximately 6 percent, which is, or course, less than half of the percentage of Hispanics in the population of the United States. Earlier this year the Puerto Rican Legal Defense and Education Fund issued a report “Opening the Courthouse Doors: The Need for More Hispanic-American Judges.” The report urged the President to take action to address the persistent problem of Hispanic under-representation in Federal judicial nominations. Specifically, the report identified Hispanic candidates who have also had a demonstrated interest and a meaningful involvement in the work and activities of the Hispanic community.” I regret that the President has not heeded this recommendation.

President Clinton nominated more than 30 Hispanic candidates for judicial vacancies. Unfortunately, some of them were denied hearings and votes during the years in which a Republican majority controlled the Senate process. Qualified, mainstream Hispanic nominees such as Christine Arguello of Colúmbia, Enriqueta Texeiro, and Jorge Rangel also of Texas, who were nominated to circuit courts and Anabelle Rodríguez of Puerto Rico and Ricardo Morado of Texas, who were nominated to district courts, were defeated without a hearing or vote. Others, such as Judges Rosemary Barkett of Florida, Sonia Sotomayor of New York, Carlos Lucero of Colorado, Jose Cabranes of Connecticut, Kim Wardlaw of California, Fortunado Benavides of Texas, and Richard Paez of California who were nominated to the circuit courts were eventually confirmed, many after lengthy delays by Republicans and Republicans’ efforts to vote them down.

For example, three of President Clinton’s first 14 judicial nominees were Hispanic. One of them, Judge Barkett of Florida, who was nominated to the Eleventh Circuit, was targeted by Republicans and based on their claims about her judicial philosophy or ideology. Despite numerous procedural efforts by Republicans, then in the minority, to delay and defeat her nomination, Judge Barkett was eventually confirmed. And she had received a unanimous “Well Qualified” rating from the ABA. 36 Republicans voted against her confirmation.

Once Republicans took over the Senate in 1995, they slowed the confirmation process dramatically, especially for circuit court nominees. They delayed the confirmation of Judge Sotomayor to the Second Circuit and tried to defeat her nomination because they could not elevate her to the Supreme Court. Even though Judge Sotomayor, like Judge Barkett, received a unanimous “Well Qualified” rating from the ABA, 29 Republicans voted against her confirmation on grounds of judicial philosophy or ideology. Republicans also delayed the confirmation of Judge Richard Paez for over 1,500 days, and after numerous procedural efforts to defeat his nomination through delay, Republicans defeated 39 votes against his confirmation.

Others Hispanic nominees, like Judge Fuentes who was nominated to the Third Circuit, had to wait a year to be confirmed. This was not because Republican senators opposed him, but because Republicans did not issue a vote on him.

In the 15 months after he was nominated, Republicans allowed only seven circuit court nominees to be confirmed. In contrast, the President has confirmed 13 of this President’s circuit court nominees in less than 15 months, and two others are awaiting a vote on the floor.

President Clinton has chosen only 8 Hispanic candidates to serve in 128 judicial nominations he has made. That is most regrettable.

Since the change in majority, we have moved quickly on the few Hispanic nominees who have been forwarded by this White House. Judge Christina Armijo was confirmed in May, 2001. Judge Phillip Martinez was confirmed last September. Judge Randy Crane was confirmed in March. Judge Jose Martinez was confirmed last week. Magistrate Judge Alia Ludlum, who was nominated in July and whose ABA peer review was recently received, is participating in a confirmation hearing this week. Unfortunately, because House Republicans nominated Judge James Otero and Jose Linares in July and August and has changed the 50-year tradition regarding ABA peer reviews, the ABA peer reviews on these recent nominees have not been received or they, too, would have had hearings. Each of the other Hispanic nominees to federal trial courts participated in a confirmation hearing within 60 days of having a completed file. In addition, I am planning another confirmation hearing to include Miguel Estrella.

Thus, Democrats will have held hearings on every Hispanic judicial nominee submitted by the President who has a completed file. The Democratic majority has proceeded to vote to confirm every Hispanic district court nominee who has had a hearing. However, we have proceeded without the years of delay that used to accompany consideration of minority judicial nominees.

In “Justice Held Hostage,” the bipartisan Task Force of Federal Judicial Selection of the Citizens for Independent Courts, co-chaired by Mickey
Edwards and Lloyd Cutler, reported that during the period of Republican control of the Senate judicial nominees who were ethnic minorities or women took longer to get considered by the Senate, were less likely to be voted on and less likely to be confirmed—if they were considered at all by the Republican-controlled Senate Judiciary Committee.

I recall all too well the months and years it took for the Republican-controlled Senate to confirm Hispanic judicial nominees like Judge Sotomayor, Judge Paez, and Judge Tagle, in addition to other women or minorities like Judge Margaret Morrow, Judge Marsha Berzon, Judge Nancy Anne Aiken, Judge Margaret McKeown, and Judge Susan Oki Mollway. I also recall the numerous women and people of color who were nominated to the federal bench by President Clinton but who were neither given hearings by the Republicans, like Judge Roger Gregory, Judge Helene White, Jorge Rangel, Enrique Moreno, and Kathleen McCree Lewis. Judge White of the Michigan Court of Appeals waited over 1,500 days but was never given a hearing or a vote. Still others, like Bonnie Campbell, were given a hearing but never given a vote on their nominations. These are just a few of the women and minorities whose confirmations were delayed or defeated through delay.

President Clinton worked hard to increase the diversity of the federal bench and 12 percent of his appointments to circuit court were Latino. It would have been closer to 16 percent if all of his Hispanic nominees to the circuit courts had been accorded hearings and votes. By contrast, President Bush has nominated only one Hispanic to the dozens of circuit court vacancies that have existed during his term. Thus, as of today, 3 percent of this President’s circuit court nominees are Hispanic. Between the circuit vacancies that were blocked by Republicans and the new ones that have arisen during the past 15 months, President Bush has had the opportunity to choose nominees for 41 vacancies on the circuit courts—13 of these have already been confirmed. This President has chosen only one Hispanic to fill any of these 41 vacancies, and none to any of the following vacancies: the four vacancies in the Tenth Circuit, which includes Colorado and New Mexico, among other States; the three vacancies on the Fifth Circuit, which includes Texas; the six vacancies on the Ninth Circuit, which includes California and Arizona, among other States; none to the three vacancies in the Second Circuit, which includes New York; and none to the three vacancies on the Third Circuit, which includes New Jersey and Pennsylvania.

If this White House had looked a little harder and were not so focused on packing the circuit court bench with a narrow ideology, it could have found many qualified nominees, like Enrique Moreno, Jorge Rangel, Christina Arguello and others to fill these vacancies. Instead, President Bush did not choose to re-nominate these individuals who had been unfairly blocked by members of his party, and he also withdrew the nomination of Enrique Moreno to the Fifth Circuit, a nomination that the ABA had rated "Well Qualified."

So when Republicans try to take credit for President Clinton’s Hispanic nominees and try to blame Democrats for the President’s lack of help in nominating Hispanic and African American judicial nominees, they should be confronted with the facts and asked why they opposed so many of President Clinton’s qualified Hispanic nominees and why so many of them voted against Judge Sotomayor and Judge Paez and Judge Sotomayor and Judge Barkett, and why so many Hispanic nominees were delayed for years and why so many were never given hearings or votes. Of course the facts have not prevented unfounded accusations by circuit court nominees of the Democratic majority. The Republican press conference accusing Senate Democrats of being anti-Hispanic was an example of such inflammatory and baseless accusations.

As the Congressional Hispanic Caucus meets this week with Hispanic leaders from across the country, I welcome their views on the few Hispanic judicial nominees sent to the Senate by the President and their help in encouraging this White House to work more closely with Senators from both political parties to nominate qualified, mainstream Hispanic nominees to the federal bench.

Our diversity is one of the great strengths of our Nation, and that diversity of background should be reflected in our federal courts. Race or ethnicity and gender are, of course, not substitutes for the wisdom, experience, fairness and impartiality that qualify someone to be a federal judge entrusted with lifetime appointments to the federal bench. White men should get no presumption of competence or entitlement. Hispanic and African American men and women should not be presumed to be incompetent. All nominees should be treated fairly, but no one is entitled to a lifetime appointment to preside over the claims of American citizens and immigrants in our federal courts. We must, of course, carefully examine the records of all nominees to such high offices, but we know well the benefits of diversity and how it contributes to achieving and improving justice in America.
Basis of estimate
This estimate assumes that S. 1971 will be enacted around October 1, 2002.

Revenues
All estimates of the revenue proposals of the bill were provided by JCT. The provisions relating to executive compensation would tax without deferral certain compensation provided through offshore trusts, and imposed withholding at the top marginal tax rate for certain supplemental wage payments in excess of $1 million. Those provisions would increase revenues by $182 million in 2003, by $462 million over the 2003–2007 period, and by $196 million over the 2003–2012 period. The pension-related provision with the largest revenue effect would alter the allowable interest rates used to calculate pension funding requirements (see discussion below). That provision would increase revenues by $62 million over the 2003–2007 period and reduce revenues by $199 million over the 2003–2012 period. Other pension provisions would reduce revenues by $1 million in 2003, by $32 million over the 2003–2007 period, and by $82 million over the 2003–2012 period.

Direct spending
Reduced Flat-Rate Premiums Paid to PBGC—Under current law, defined benefit pension plans operated by a single employer pay two types of annual premiums to the Pension Benefit Guaranty Corporation. All covered plans are subject to a flat-rate premium of $19 per participant. In addition, underfunded plans must also pay a variable-rate premium that depends on the amount by which the plan’s liabilities exceed its assets.

The bill would reduce the flat-rate premium from $19 to $5 per participant for plans established by employers with 100 or fewer employees during the first five years of the plans’ operations. According to information obtained from the PBGC, approximately 7,500 plans would eventually qualify for this reduction. Those plans cover an average of 10 participants each. CBO estimates that the change would reduce the PBGC’s premium income by less than $500,000 in 2003 and by $8 million over the 2003–2012 period. Since PBGC premiums are offsetting collections to a mandatory spending account, reductions in premium receipts are reflected as increases in direct spending.

Changes in Variable Premiums Paid to the PBGC.—S. 1971 would make several changes affecting the variable-rate premium paid by underfunded plans. CBO estimates, in total, this section would decrease receipts from those premiums by $9 million in 2003 and $51 million over the 2003–2012 period. First, for all new plans that are underfunded, the bill would phase in the variable-rate premium. In the first year, the plans would pay nothing. In the succeeding four years, they would pay 20 percent, 40 percent, 60 percent, and 80 percent, respectively, of the full amount. In the fifth and later years, they would pay the full variable-rate premium determined by their funding status. On the basis of information from the PBGC, CBO estimates that this change would affect the premiums of approximately 250 plans each year. It would reduce the PBGC’s total premium receipts by about $2 million in 2003 and $41 million from 2004 through 2012.

Second, the bill would reduce the variable-rate premium paid by all underfunded plans (not just new plans) established by employers with 25 or fewer employees. Under the bill, the variable-rate premium per participant paid by those plans would not exceed $5 multiplied by the number of participants in the plan. CBO estimates that approximately 2,500 plans would have their premium payments reduced by this provision beginning in 2004. As a result, premium receipts would decline by $1 million in 2003 and by $10 million over the 2004–2012 period.

Finally, the bill would alter the allowable interest rates used to calculate pension funding requirements contained in ERISA and the Internal Revenue Code, which would allow plans to become more underfunded in plan year 2001 without subjecting them to tax and other penalties. Even though most plan-year 2001 accounts will be finalized in September 2002, the new interest rate requirements would give some plans credits that may be used in plan-year 2002, which would affect premiums paid in fiscal year 2003. JCT estimates that this provision initially would cause employers to reduce pension plan contributions, but later increase these contributions until fund returns to baseline levels. Some plans subsequently would have to pay higher premiums because their reduced contributions would further increase their level of underfunding. Other plans, however, would qualify for a special exemption and not be required to pay the variable premium for plan-year 2001. Based on information from the PBGC, CBO estimates the net effect would be a decrease of $9 million in premium receipts in 2003. From 2004 through 2007, premium income would then increase, resulting in a net change in receipts of less than $500,000 over the 2003–2007 period.

Authorization for the PBGC to Pay Interest on Refunds of Premiums.—The legislation would authorize the PBGC to pay interest to plan sponsors on premium overpayments. Interest paid on overpayments would be calculated at the same rate as interest charged on premium underpayments. On average, the PBGC receives $19 million per year in premium overpayments, charges an interest rate of 8 percent on underpayments, and experiences a two-year lag between the receipt of payments and the issuance of refunds. Based on this information, CBO estimates that direct spending would increase by $3 million annually.

Substantial Owner Benefits in Terminated Plans.—S. 1971 would simplify the rules by which the PBGC pays benefits to substantial owners (those with an ownership interest of at least 10 percent) of terminated pensions plans. Only about one-third of the plans taken over by the PBGC involve substantial owners, and the change in benefits paid to owners-employees under this provision would be less than $500,000 annually.

Discretionary spending
Studies. S. 1971 would direct the PBGC, the Department of Labor, and the Department of the Treasury to undertake four studies: one regarding establishing an insurance system for individual retirement plans, one on the fees charged by individual retirement plans, one on ways to revitalize defined benefits pension plans, and one on floor-offset employee stock ownership plans. Based on the costs of studies with comparable requirements, CBO estimates these studies would cost about $4 million over the 2003-2012 period, assuming the availability of appropriated funds.
Title III also would require administrators of private defined-benefit pension plans to provide vested participants currently employed by the sponsor with a benefit statement on an annual basis. CBO estimates that the cost of this provision would be less than $5 million annually.

In addition, Title III would require plans to provide participants with basic investment guidelines and information on option forms of benefits, as well as information that plan sponsors must provide to other investors under securities laws. Plans also would have to make available any market value and disclosures required of officers and directors of the plan’s sponsor by the Securities and Exchange Commission. CBO estimates that the cost of these provisions would exceed $52 million annually.

Previous CBO estimates: CBO has prepared cost estimates for three other bills that contain provisions similar to those in S. 1971. These are:

H.R. 3669, the Employee Retirement Savings Bill of Rights, as reported by the House Committee on Ways and Means on March 14, 2002 (CBO estimate dated March 20, 2002). H.R. 3762, the Pension Security Act of 2002, as ordered reported by the Senate Committee on Education, Labor, and Pensions on March 21, 2002 (CBO estimate dated May 2, 2002). The major budgetary effects of H.R. 3669, like S. 1971, pertain to revenue provisions that relate to pension plan funding. (H.R. 3669 also includes excising certain stock options from wages.) H.R. 3669’s provisions affecting pension would produce an estimated revenue loss of $1.2 billion over the 2003-2012 period, compared with the $277 million revenue loss projected for the pension provisions of S. 1971 over the 2003-2012 period.

Like S. 1971, both H.R. 3669 and H.R. 3762 would make several changes to ERISA affecting premiums collected by the PBGC. CBO estimated that H.R. 3669 would increase premiums by $78 million over the 2003-2012 period, compared with the $277 million revenue loss projected for the pension provisions of S. 1971 over the 2003-2012 period. Like S. 1971, both H.R. 3669 and H.R. 3762 would first apply to plan-year 2002, while that provision in S. 1971 would start with plan-year 2003. Both bills also contained somewhat different language than S. 1971 affecting the interest rates used to calculate variable-rate premiums in the plan-year 2003. Also, one of the changes made by H.R. 3762 would first apply to plan-year 2002, while that provision in S. 1971 would start with plan-year 2003. Both bills also contained somewhat different language than S. 1971 affecting the interest rates used to calculate variable-rate premiums in the plan-year 2003. Also, one of the changes made by H.R. 3762 would first apply to plan-year 2002, while that provision in S. 1971 would start with plan-year 2003. Both bills also contained somewhat different language than S. 1971 affecting the interest rates used to calculate variable-rate premiums in the plan-year 2003.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I 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.

CHALLENGES IN RURAL HEALTH CARE

Mr. DORGAN. Mr. President, I wanted to take a few minutes to describe some of the challenges facing rural America. It is critical for the Senate to act now to reduce the inequities in Medicare funding between rural and urban providers.

Rural America depends on its small town hospitals, physicians and nurses, nursing homes, those who provide emergency, ambulance, and other services. And because of past and proposed cuts in Medicare reimbursement, plus historical unfairness in Medicare payments, these vital services are in jeopardy.

Like most of my Senate colleagues, I supported the Balanced Budget Act, BBA, of 1997 when it was enacted by Congress with strong bipartisan support. Prior to the passage of this law, Medicare was projected to be insolvent by 2001, so it was imperative that we took action to extend Medicare’s financial health and to constrain its rate of growth to a more sustainable level.

We later found that the Balanced Budget Act worked to reduce Medicare program costs, but many health care providers were adversely affected by payment reductions that were larger than intended. To address these concerns, Congress in 1999 made adjustments in the Balanced Budget Refinement Act, BBRA, followed in 2000 by the Medicare Beneficiary Improvement and Protection Act, BIPA. Without these needed changes, frankly, as many as a dozen of North Dakota’s hospitals might be closed today. But, additional legislation is still needed to improve Medicare reimbursement for health care providers in order to stabilize the Medicare program and ensure that beneficiaries, especially in rural areas, will continue to have access to their local hospitals, physicians, nursing homes, home health, and other services. Many small rural hospitals in particular serve as the anchor...
for the full range of health care services in their communities, from ambulatory to long-term care. Medicare is the single most significant payer for services at these hospitals, and as such, it has an impact on the whole community.

Part of the problem in North Dakota is simply demographics: North Dakota's population is the second oldest in the Nation, and our population is shrinking daily. In fact, in 13 of North Dakota's 53 counties, 20 percent fewer births for the entire county last year. Admissions to rural hospitals have dropped by a drastic 60 percent in the last two decades, and those patients who do remain tend to be older, poorer, and sicker. This means that rural hospitals tend to be disproportionately dependent upon Medicare reimbursement, to the extent that Medicare accounts for 85 percent of their revenue. Obviously, given this reality, changes in Medicare reimbursement payment formulae have a major impact on the financial health of rural hospitals.

Another part of the problem is that Medicare has historically reimbursed urban health care providers at much higher rates than their rural counterparts. Of course, some of this difference can be explained by regional differences in the cost of health care and variations in the health status of older Americans. But this is not the whole explanation. Even after adjusting for these factors, a recent report by health care economists found that, for example, Medicare's per beneficiary spending was about $8,000 in Miami, but only $3,500 in Minneapolis. When average Medicare payments for the same procedure are compared, the disparities in payment in different areas of the country are dramatic. The table below compares payments for two of the most common procedures in North Dakota: hospitalization for heart failure and shock, and hospitalization for treatment of pneumonia.

<table>
<thead>
<tr>
<th>Location in U.S.</th>
<th>Heart Failure and Shock</th>
<th>Simple Pneumonia</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Dakota</td>
<td>$3,079</td>
<td>$3,383</td>
</tr>
<tr>
<td>California</td>
<td>4,774</td>
<td>5,153</td>
</tr>
<tr>
<td>New York</td>
<td>4,471</td>
<td>5,237</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>6,168</td>
<td>6,588</td>
</tr>
</tbody>
</table>

As you can see, the average payment for these same hospital procedures, in larger and more urbanized States like New York and California, is 150 percent of the Medicare payment for the same procedure in North Dakota. The average Medicare payment for these same procedures is twice as high in the District of Columbia. In my opinion, the disparity is largely explained by a Medicare reimbursement system that is skewed in favor of urban area, and past legislation has done little to address that concern, despite efforts by some of us to do so.

I have cosponsored legislation in the Senate, the Area Wage and Base Payment Improvement Act, S. 885, that would address the rural inequity in Medicare reimbursement in two ways.

First, this bill would equalize the "standardized payment" which forms the basis for Medicare's reimbursement to hospitals. You would think something called the "standardized payment" would already be standard, but the fact is that hospitals in rural and small urban areas, including all of North Dakota, receive a smaller standardized payment than large urban hospitals. This bill would raise all hospitals up to the same standardized payment.

Second, S. 885 would increase the wage index for most of North Dakota's hospitals. This is a major area of concern that I hear about from North Dakota hospital administrators. The current wage index, which is an important factor in a hospital's total Medicare reimbursement, is based on an antiquated theory that it costs more to hire hospital staff in urban areas than it does in rural areas. That may have been true once, but it is no longer true today. In fact, today North Dakota is competing with hospitals in Minnesota, Chicago and elsewhere for the same doctors and nurses, and they have to pay competitive wages in order to recruit staff.

I am also a cosponsor of the Rural Health Care Improvement Act of 2001, S. 1030. This legislation introduced by Senator Conrad would, among other things, provide for a new "low volume" adjustment payment for hospitals with a smaller number of patients and establish a revolving loan fund to help rural health care facilities make much-needed capital improvements.

I also want to mention a positive impact of the Balanced Budget Act of 1997. That legislation created the Critical Access Hospital program, which has proven to be critically important to the survival of North Dakota's smallest and most rural hospitals. Twenty-eight of North Dakota's rural hospitals serving about 181,000 North Dakotans, have now converted to Critical Access Hospital status, which allows them to receive cost-based reimbursement from Medicare. I strongly support continuing this program and making some modest changes to strengthen the program. We also need to reauthorize the Rural Hospital Flexibility program, which provides grants to states to assist small rural hospitals in making the switch to Critical Access Hospital status.

In addition, Congress also must make some other changes to Medicare reimbursement to head off some upcoming reductions in payments. For instance, Medicare reimbursement to physicians and allied health providers is scheduled to be reduced by 12 percent over the next three years because of problems with the payment formula. In addition, reimbursement to home health agencies is scheduled to be cut by 15 percent on October 1, and a 10 percent payment boost for rural health agencies that expires at the end of this year. And skilled nursing homes will be facing a 10 percent reduction in their Medicare payment rates in 2003 and a 19 percent cut in 2004 unless Congress acts to avert this "cliff" in funding. I support making changes in all of these areas to help address these concerns.

In closing, I think we as a Nation need to acknowledge that a strong health care system is an important part of our rural infrastructure. Over the years, we have determined that rural electric service, rural telephone service, an interstate highway system through rural areas, and rural mail delivery, to name a few services, make us a better, more unified Nation. We need to make the same determination in support of our rural health care system, and I will be fighting for policies that reflect rural health care as a strong national priority.

ON CONSTITUTION DAY, THE WORK OF THE SENATE, AND BALANCING THE BUDGET

Mr. CRAIG. Mr. President, I rise to note an interesting coincidence of things that are happening, and not happening, today.

Americans are celebrating today as Constitution Day. At 4 p.m. eastern time, on September 17, 1787, the Framers of the U.S. Constitution adjourned the Constitutional Convention in Philadelphia. The Constitution they proposed, after deep debates and tortured compromise, was then submitted to the several States for ratification, and for the judgment of history.

According to the nonpartisan, nonprofit organization, Constitution Day, Inc., at 4 p.m. today, "schools across America will be led in the recitation of the Preamble to the US Constitution on a national teleconferencing call conducted by Sprint . . . churches across America will be led in the ringing of their bells to honor the First Amendment, Freedom of Religion . . . " and there will be commemorations from Valley Forge, PA, to a replica of Independence Hall at Knott's Berry Farm, CA.

Little can be said, that has not been said before, about the profound wisdom, foresight, and faith that the Framers of our Constitution brought to constructing the foundational documents of our Nation's system of government and laws.

President Coolidge said of the Constitution, in 1929, "The more I study it, therefore I have come to admire it, realizing that no other document devised by the hand of man ever brought so much progress and happiness to humanity."

I rise to acknowledge this special day of celebrating our Constitution and I join all Americans in paying tribute to the patriots who produced it.

For many Americans, one of the signs of our deep respect for the Constitution is our acknowledgment that, in exceptional cases, a problem rises to such a level that it can be adequately addressed only in the Constitution, by way of a Constitutional amendment.
Yesterday, President Bush spoke forcefully about the Senate's failure to pass a budget resolution for the fiscal year that starts in just 14 days. He called upon us to do what was needed, urgent, and responsible, and to do it promptly, by sending him this year's defense authorization and homeland security bill. In all this, the need to maintain fiscal discipline becomes evident, as we see a return to deficit spending.

For 4 years in a row, a modern record that last time since the 1920s, Republican Congresses balanced the Federal Budget. The first Republican Congresses in 40 years made balancing the budget their top priority, and did what was necessary to run the kind of surpluses we need to pay down the national debt and safeguard the future of Social Security.

Today, the Federal budget is again written in red ink. The Congressional Budget Office's recently released budget update projects a $157 billion deficit for fiscal year 2002, the year about to end. If you don't count the Social Security surplus, the rest of the government will run a $317 billion deficit.

Under current policies, CBO says the deficit will be the same next year, in fiscal year 2003. But we don't know today what war against terrorism will demand next year. And, unfortunately, we do know that too many in Congress and too many interest groups are demanding large increases in spending for other purposes.

This year's budget deficit was caused by an economic recession and a war begun by a terrorist attack. Even before taking office, President Bush correctly foresaw the coming recession and prescribed the right medicine, the bipartisan Tax Relief Act of 2001, that has bolstered the economy and prevented a far worse recession.

We will rebound from the recent economic slowdown and the war, but we must do whatever it takes to win the war, that's a matter of survival and of protecting the safety and security of the American people. Beyond that, we must keep all other federal spending under control, so that we return, as soon as possible, to balancing the budget.

Even in the heady days of budget surpluses, I always maintained the only way to guarantee that the Federal Government would stay fiscally responsible was to add a Balanced Budget Amendment to the Constitution. Before we balanced the budget in 1998, the government was deficit spending for 28 years in a row and for 59 out of 67 years. The bipartisan law of politics, to just say "yes" to any demand for more spending had what some have called one of the most heinous war crimes in history. Over 15,000 Polish soldiers, officers, intellectuals, leaders, prisoners of war and other Polish citizens were executed. Between four and five thousand Polish bodies were buried in a mass grave in the Katyn Forest. There were no trials, no justice for these innocent victims.

While the Soviet government denied complicity, on February 19, 1989 it finally released documents confirming their role in this massacre. However, an admission of complicity does not erase the pain of a nation whose entire population was affected by this horrible event.

I am hopeful that as more people learn of the Katyn Forest Massacre, we will be able to come to terms with this tragedy and the pain that it has caused so many. We must continue to honor the memories of those who were lost that day, so that we will not be destined to repeat this century the horrors which so often affected the last.

That is why, on Constitution Day, it is important to me to be a cosponsor of S.J. Res. 2, and to call again for Congress to adopt a Balanced Budget Amendment to the Constitution and send it to the states for ratification. I also stress that this amendment would not affect Social Security surplus in its calculation of a balanced budget. Those annual surpluses would be set aside exclusively to meet the future needs of Social Security beneficiaries.

On Constitution Day, I call on the Senate to safeguard the future, by again taking up a balanced budget amendment to the Constitution.

ADDITIONAL STATEMENTS

HONORING FREEDOM SERVICE DOGS

Mr. ALLARD. Mr. President, I wish to honor the Freedom Service Dogs on the occasion of its 15th anniversary of serving people with mobility impairments by providing them with service dogs.

Freedom Service Dogs was founded by Mike Rose, eventual Coloradan, and P.J. Roche, a dog trainer. They started the service to help Colorado citizens be more mobile by training dogs to open doors, turn on lights, pull wheelchairs, pick up dropped items, tug clothing on and off, and alert for help when needed.

Not only does Freedom Service Dogs provide people with increased confidence and social acceptance, it also saves the lives of hundreds of good dogs abandoned in animal shelters by training them to be those impaired.

Freedom Service Dogs is a charitable organization that relies on the support of the community to provide free services to those in need.

I congratulate Freedom Service Dogs for 15 years of service and commend this group and the communities that support them for creating a model organization that serves the needs of mobility impaired Coloradans.

TRIBUTE TO TIM MONTGOMERY

Mr. HOLLINGS, Mr. President, the people of South Carolina could not have been more proud of Gaffney, SC, native Tim Montgomery this past week. He set a world record in the 100 meters at the IAAF Grand Prix Final in Paris with a time of 9.78 seconds, one-hundredth of a second faster than the old record.

It may surprise some of my colleagues in this body that South Carolina could produce the fastest runner in the world. They look at the races for Senator Thurmond and I have been involved with, and have probably concluded our state produces only marathoners.

But the new generation of South Carolinians excel in speed. Mr. Montgomery has demonstrated great talent as a sprinter, as the 2001 USA Outdoor champion and a gold medalist in the 2000 Olympic 4x100 relay. No question, his hard work culminated in his perfect run this past week, making him the best of the world's best.

Every track and field in our nation joins those of us in South Carolina in congratulating Mr. Montgomery and wishing him continued success in the future.

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

Mr. TORRICEILLI. Mr. President, I rise today to honor the memory of the victims of the Katyn Forest Massacre in 1940.

On September 17, 1939, Soviet troops invaded Poland in accordance with the German-Soviet agreement. While Polish troops fought bravely, they ultimately were overwhelmed by the Soviet forces.

In an effort to eliminate potential threats to Soviet control of Poland, Soviet troops, under Stalin's orders, committed what some have called one of the most heinous war crimes in history. Over 15,000 Polish soldiers, officers, intellectuals, leaders, prisoners of war and other Polish citizens were executed. Between four and five thousand Polish bodies were buried in a mass grave in the Katyn Forest. There were no trials, no justice for these innocent victims.

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I am hopeful that as more people learn of the Katyn Forest Massacre, we will be able to come to terms with this tragedy and the pain that it has caused so many. We must continue to honor the memories of those who were lost that day, so that we will not be destined to repeat this century the horrors which so often affected the last.

TRIBUTE TO STORAGETEK

Mr. ALLARD. Mr. President, I wish to recognize the outstanding achievements of StorageTek, A Colorado technology firm recently named "Company of the Year" by ColoradoBiz Magazine. StorageTek, headquartered in Louisville, CO, is an innovator and frontrunner in virtual storage solutions for tape automation, disk storage systems, and storage networking. With 22,000 customer locations in forty countries, StorageTek employs more than 7800 people worldwide. Their customers include finance, insurance, and telecommunications leaders, as well as
government agencies such as the Department of Defense, Central Intelligence Agency, and Congress.

ColoradoBiz magazine rewards companies demonstrating exceptional achievement in financial performance, community involvement, marketing innovation, operational efficiency and research and development. StorageTek is specifically cited for its reduction of customer order processing time by twenty five percent, reducing inventory by $100 million, and reducing facility space by fifty percent.

Additionally, the company is lauded for contributing more than nine million dollars to charitable causes, with emphasis on education, arts, health, and human services. Through a program called Volunteers in Partnership with the Community, VIP.COM, StorageTek also rewards and encourages employee volunteers with a monetary gift to an employee's chosen organization when that employee volunteers 20 hours or more.

I congratulate StorageTek for receiving “Company of the Year,” and commend them for setting the standard in business and the community.

HONORING RICHARD H. JETT

• Mr. BUNNING. Mr. President, today I wish to recognize Mr. Richard H. Jett of Campton, KY. This weekend, Mr. Jett will be honored as Kentucky’s Outstanding Older Worker for 2002 at an awards ceremony hosted by Experience Works.

Mr. Jett’s life is an example of selfless devotion to community improvement. He was an educator, high school principal and superintendent of schools in Kentucky until his retirement in 1982. However, Mr. Jett’s idea of retirement is certainly not traditional.

Currently, the city of Campton, KY, has the privilege of calling Mr. Jett its mayor. As the community developed, the improvement and beautification of Campton is always in the forefront of his mind. One will often find Mr. Jett sweeping sidewalks or tending to the landscape, showing his pride for Campton and Kentucky. As in all areas of his life, Mr. Jett leads by example, never resting on his laurels.

Aside from his service in the public sector, Mr. Jett operates a tour company, he organized the East Kentucky Talent Project to help young musicians, and he has taught square dancing, western dancing and clogging for the past 40 years at the Natural Bridge State Park. His active lifestyle does not show signs of slowing, even after being diagnosed with cancer in 1998, and undergoing knee replacement surgery.

At a time when civic pride is not only desirable, but essential, Mr. Jett’s life is an example of how we should treat our city, state, nation and fellow citizens with the utmost respect, compassion and dedication. He is truly an American Hero to the lives he touches daily. Please join me in honoring the distinguished career of Mr. Richard H. Jett.

Tribute to Johnny Unitas

• Mr. MCCONNELL. Mr. President, today I pay tribute to a legend in the world of professional football, the late Johnny “Golden Arm” Unitas. I would also like to extend my most heartfelt condolences to his wife Sandy, his daughters Suzanne Ann, and his sons John, Kenneth, Robert, Christopher, Joe and Chad. I know my colleagues join me in expressing our gratitude for Johnny’s many contributions.

Revered as the greatest quarterback of all time, Johnny was a man of incredible integrity and a hero to many, both on and off the field. After graduating from St. Justin’s High School in Pittsburgh, PA, where he got his start playing football as a sophomore, he honed his skills at the University of Louisville. As quarterback for the university’s football team, Johnny’s skills and leadership demanded the attention of national recruiters. Signed by the Baltimore Colts in 1956, and proved to be one of the team’s greatest assets for 17 seasons.

His impressive accomplishments include throwing touchdown passes in record 47 consecutive games and being the first quarterback in the NFL to pass a total of 40,000 yards. During his celebrated career in the NFL, Johnny received many of the game’s highest awards. He was player of the Year in 1959, 1964 and 1967, was named Player of the Decade for the 1960s. On July 28, 1979, Johnny was enshrined into the Pro Football Hall of Fame. He was also named the Greatest Player in the First 50 years of Pro Football, was named to the NFLs 75th Anniversary Team, and had his number, 19, retired by the Baltimore Colts.

Indeed, Johnny Unitas will forever be considered one of the greatest football players of all time, but his legacy doesn’t end there. He was a down-to-earth role model who cherished interaction with teammates and younger players. In 1967, the Johnny Unitas Golden Arm Award was established in his name to honor the top senior quarterback in college football each year. Additionally, after completing his reign in the NFL, Unitas continued to visit Louisville to help his alma mater with anything he could.

I am certain that the legacy of excellence that Johnny Unitas has left will continue on, and will inspire others. On behalf of myself and my colleagues in the Senate, I offer my deepest condolences to his family, friends and loved ones, and express my gratitude for all he contributed to the University of Louisville, the National Football League and to our great Nation.

Messages from the President

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

Executive Messages Referred

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

Periodic Report on Telecommunications Payments Made to Cuba Pursuant to Treasury Department Specific Licenses—FM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by section 170(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH

The WHITE HOUSE, September 17, 2002.

Message from the House

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), the Minority Leader reappoints the following individual to the Ticket to Work and Incentives Advisory Panel: Ms. Frances Gracechild of California to a 4-year term.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, and agrees to the conference asked by the Senate to the conference report; which was referred to the Appropriations Committee.
ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on September 12, 2002, by the President pro tempore (Mr. BYRD): H.R. 3267. An act to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the “Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.” H.R. 3017. An act to authorize a national memorial to commemorate the passengers and crew of Flight 93 who died on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation’s Capital, and for other purposes. H.R. 3517. An act to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the “Thomas E. Burnett, Jr. Post Office Building.”

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–9008. A communication from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting, pursuant to law, a special notification under Section 520 of the Kenneth M. Ludden Post Office Building.”

EC–9009. A communication from the Assistant Secretary of the Navy, Installations and Environment, pursuant to law, a notification to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

EC–9010. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Controller, Office of Federal Financial Management, received on September 10, 2002; to the Committee on Appropriations.

EC–9011. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Outer Continental Shelf Oil and Gas Leasing—Clarifying Amendments” (RIN1010–EC04) received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9012. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Outer Continental Shelf Oil and Gas Leasing—Clarifying Amendments” (RIN1010–AC04) received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9013. 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 “Training and Employment Guidance Letter 18–01—On Community-Based Adult Education” received on July 23, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–9014. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual reports for Fiscal Year 1998 and 1999 describing the activities and findings of the states and programs operated under the authority of the Act; to the Committee on Health, Education, Labor, and Pensions.

EC–9015. A communication from the Chief of the Regular and Non-Regulatory Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice Permitting Earlier Use of EFTPS” received on September 10, 2002; to the Committee on Finance.

EC–9016. A communication from the Chief of the Policy Unit, Office of the Secretary, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2002 National Poll” (Rev. Proc. 2002–56) received on September 10, 2002; to the Committee on Finance.

EC–9017. 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 “Designated IRS Officer or Employee Under Section 7662(a)(2) of the Internal Revenue Code” (RIN1545–R148) received on September 10, 2002; to the Committee on Finance.

EC–9018. A communication from the Assistant Secretary of the Navy, Installations and Environment, pursuant to law, a notification to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

EC–9019. A communication from the Assistant Secretary of Defense, International Security and Strategy, transmitting, pursuant to law, the report on options for assisting Russia in the development of alternative energy sources for Seversk and Zheleznogorsk to facilitate cessa-to-conversion of heavy-water nuclear production; to the Committee on Armed Services.

EC–9020. A communication from the Director, Defense Finance and Accounting Service, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Performance of Security Functions” (DFARS Case 2001–D018) received on September 10, 2002; to the Committee on Armed Services.

EC–9021. A communication from the Deputy Secretary, Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Applicability of CPTC and SEC Customer Protection, Recordkeeping, Reporting, and Bankruptcy Rules and the Army National Guard Act of 1970 to Accounts Holding Security Futures Products” (RIN1233–A132) received on September 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9022. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Confirmation Requirements for Transactions of Security Futures Products Effected in Futures Accounts” (RIN1233–A132) received on September 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

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. 198: A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible water management entities to control or eradicate harmful, nonnative weeds on public and private land. (Rept. No. 107–281).


By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5065: A bill 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 or disability payments to members of the uniformed services. (Rept. No. 107–283).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1883: A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the St. Lawrence and Welland Canal system in the State of New York. (Rept. No. 107–284).

S. 2018: A bill to establish the T’u’u Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the T’u’u Shur Bien Mountain, and for other purposes. (Rept. No. 107–285).


By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 706: A bill to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico. (Rept. No. 107–287).

H. R. 2115: A bill to amend the Reclamation Water and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington. (Rept. No. 107–288).

H. R. 2328: To authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project’s transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes. (Rept. No. 107–289).

By Mr. KENNEDY, from the Committee on Homeland Security, Commerce, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 2338: A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of

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pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality in pregnancy.

Under the authority of the order of the Senate of July 29, 2002, the following reports of committees were submitted on September 17, 2002:

By Mr. SARBANS, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1216: A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANS for the Committee on Banking, Housing, and Urban Affairs.

*N*Wayne Abernathy, of Virginia, to be an Assistant Secretary of the Treasury.

By Mr. LEVIN for the Committee on Armed Services.


Army nomination of Colonel James A. Hasbargen.

Army nomination of Brig. Gen. Timothy M. Haake.

Marine Corps nominations beginning Col. George J. Flynn and ending Col. Richard T. Tryon.

Army nominations were received by the Senate and appeared in the Congressional Record on December 18, 2001.

Marine Corps nominations beginning Brig. Gen. N. Gardner, Jr. and ending Brig. Gen. Joseph F. Weber, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 2001.

Navy nominations beginning Rear Adm. (lh) Duret S. Smith and ending Rear Adm. (lh) Jerry D. West, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Navy nominations beginning Rear Adm. (lh) Robert M. Clark and ending Rear Adm. (lh) James M. Zortman, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Navy nomination of Capt. William D. Masters, Jr.

Navy nomination of Capt. David L. Maserang.

Navy nominations beginning Capt. Mark D. Harinetchek and ending Capt. Michael S. Roeuner, which nominations were received by the Senate and appeared in the Congressional Record on April 9, 2002.

Navy nominations beginning Captain Robert J. Cox and ending Captain James A. Wimberly, which nominations were received by the Senate and appeared in the Congressional Record on April 9, 2002.

Navy nomination of Rear Adm. Kevin P. Green.

Navy nomination of Capt. James E. McPherson.


Army nominations beginning Colonel Clinton T. Anderson and ending Colonel Scott G. West, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2002.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Joseph J. Balas and ending Mark C. Wrobel, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Rear Adm. B. Armour and ending Rear Adm. B. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Air Force nominations beginning Rear Adm. B. Baron and ending Rear Adm. B. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Air Force nominations beginning Rear Adm. B. Knowles.

Air Force nominations beginning Rear Adm. B. Foreman II.

Air Force nominations beginning Rear Adm. B. Baker and ending Rear Adm. B. Westen III, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nominations beginning Brig. Gen. C. Bellhardt and ending Maj. Gen. L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nomination of Rear Adm. B. Abel and ending Rear Adm. B. Zeger, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Navy nominations beginning Rear Adm. B. Ambers and ending Rear Adm. B. Zander, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Navy nominations beginning Rear Adm. B. Akaya and ending Rear Adm. B. Zwolski, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Air Force nominations beginning Debra A. * Adams and ending Julie F. * Zwies, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Air Force nominations beginning Nicola S. * Adams and ending Tambra L. * Yates, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Army nomination of Rear Adm. A. Arauco and ending Rear Adm. A. Wheatley, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Navy nominations beginning Rear Adm. A. Marder.

Navy nominations of Rear Adm. A. Casey.

Navy nominations beginning Rear Adm. A. Vannucchi.

Navy nominations beginning Rear Adm. A. Weinberg.

Navy nominations beginning Rear Adm. A. Stovall.

Navy nominations beginning Rear Adm. A. DeLong.

Navy nominations beginning Rear Adm. A. Morgan.

Navy nominations beginning Rear Adm. A. Mosher.

Navy nominations beginning Rear Adm. A. Musgrove.

Navy nominations beginning Rear Adm. A. Mader.

Navy nominations beginning Rear Adm. A. McKee.

Navy nominations beginning Rear Adm. A. Moore.

Navy nominations beginning Rear Adm. A. McDonald.

Navy nominations beginning Rear Adm. A. McCullough.

Navy nominations beginning Rear Adm. A. Marder.

Navy nominations beginning Rear Adm. A. Ohberg.

Navy nominations beginning Rear Adm. A. O'Keefe.

Navy nominations beginning Rear Adm. A. Ormsby.

Navy nominations beginning Rear Adm. A. Overstreet.

Navy nominations beginning Rear Adm. A. Ormsby.

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Navy nominations beginning Rear Adm. A. Ormsby.
Navy nominations beginning Phillip M Adriano and ending Neil A Zlatanski, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Kristin Acquavella and ending William Z Zabiicki, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Sue A Adamsson and ending George A Zangaro, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Christopher G Adams and ending Renee Yoon, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Michael L Blount and ending Robert P Walden, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify by the Committee on Commerce, Science, and Transportation.
(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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 Ms. SNOWE:
S. 2938. A bill to require the entry of information on visa denials into the electronic data system to determine State residency for higher education purposes and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself and Mr. ROBERTS):
S. 2939. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday; to the Committee on Commerce, Science, and Transportation.

By Mr. SNOWE:
S. 2940. A bill to establish a system of Interagency Homeland Security Fusion Centers, to require that budget requests for the Coast Guard for non-homeland security missions are not reduced, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL:
S. 2941. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mrs. BAYH, Mr. SPECTER, Mr. MILLER, Mr. McCAIN, and Mr. Bunning):
S. 2942. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. LEAHY, and Mr. KENNEDY):
S. 2943. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mr. BAUCUS:
S. 2944. A bill to amend the Internal Revenue Code of 1986 to extend Superfund, oil spill liability, and leaking underground storage tank taxes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. BAYH, Ms. LANDRICH, and Mrs. CLINTON):
S. 2945. To authorize appropriations for nanoscience, nanotechnology, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself and Mr. HOLLINGS):

By Ms. LANDRIEU (for herself, Mrs. HUTCHISON, Mr. MILLER, Mr. RUSS, Mr. CLELAND, Mr. BREAUX, Mr. SHERIDAN, Mrs. LINCOLN, and Mr. CONRAD):
S. 2947. 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; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON:
S. 2948. A bill to authorize the President to agree to certain amendments to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, and Mrs. BOXER):
S. 2949. A bill to provide for enhanced aviation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. BREAUX, and Mr. SMITH of Oregon):
S. 2950. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mrs. LANDRICH, Mr. HOLLINGS, and Mr. MCCAIN):
S. 2951. A bill to authorize appropriations for the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):
S.J. Res. 44. A joint resolution to consent to a treaty between the United States and the Kingdom of Hawaii concerning Technical Assistance, 1920; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICEILLI:
S. Con. Res. 139. A concurrent resolution expressing the sense of the Senate that there should be established a National Minority Health and Health Disparities Month, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 155
At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) 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.

At the request of Mr. WARNER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pre-tax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1112
At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1112, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 1278
At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1291
At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1523
At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1678
At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a
member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

At the request of Mr. Grassley, the name of the Senator from New Mexico (Mr. Doménici) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstates class actions to assure fairer outcomes for class members and defendants, and for other purposes.

At the request of Mrs. Carnahan, the names of the Senator from Louisiana (Ms. Landrieu), the Senator from New Mexico (Mr. Bingaman) and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

At the request of Mrs. Carnahan, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 2181, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

At the request of Mrs. Carnahan, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

At the request of Mr. Biden, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

At the request of Mrs. Clinton, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 2569, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

At the request of Mr. Chafee, his name was added as a cosponsor of S. 2663, a bill to permit the designation of Israeli-Turkish qualifying industrial zones.

At the request of Mr. Breaux, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 2663, supra.

At the request of Mr. Hutchison, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 2683, a bill to amend the Internal Revenue Code of 1986 to clarify that church employees are eligible for the exclusion for qualified tuition reduction programs of charitable educational organizations.

At the request of Mr. Burns, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 2718, a bill to redesignate the position of the Secretary of the Navy as (Mr. Bayh), the Senator from Nevada Marine Corps, and for other purposes.

At the request of Mr. Dodd, the name of the Senator from Delaware (Mr. Carper) was added as a cosponsor of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to authorize the adjustment of basic pay allowable to Federal law enforcement officers in certain high-cost areas.

At the request of Ms. Cantwell, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

At the request of Mr. Kerry, the names of the Senator from Indiana (Mr. Bayh), the Senator from Nevada Marine Corps, and for other purposes.

At the request of Mr. Burns, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to authorize the adjustment of basic pay allowable to Federal law enforcement officers in certain high-cost areas.

At the request of Ms. Landrieu, the names of the Senator from Louisiana (Mr. Breaux), the Senator from New Mexico (Mr. Bingaman) and the Senator from Arkansas (Mr. Hutchinson) were added as cosponsors of S. 2935, a bill to amend the Public Safety Officer's Survival Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases.

At the request of Mr. Craig, his name was added as a cosponsor of S.J.Res. 2, A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surplus to achieve compliance.

AMENDMENT NO. 4098
At the request of Mr. Feingold, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 4508 intended to be proposed to H.R. 5095, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4099
At the request of Mr. Feingold, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 4509 intended to be proposed to H.R. 5095, a bill to establish the Department of Homeland Security, and for other purposes.

At the request of Mr. Craig, the names of the Senator from Wyoming (Mr. Thomas) and the Senator from Wyoming (Mr. Enzi) were added as cosponsors of amendment No. 4518 proposed to H.R. 5095, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. Campbell:
S. 2941. A bill to authorize grants for the establishment of quasi-judicial
campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I introduce the “Campus Classmate Offenders in Rehabilitation and Treatment Act.”

The Campus Classmate Offenders in Rehabilitation and Treatment Act, which can also be referred to as the “Campus CORT Act” directs the Department of Justice to establish a demonstration program to provide grants and training to help our Nation’s universities and colleges establish new quasi-judicial systems. These systems aim at countering the serious drug and substance abuse related problems that are taking such a heavy toll on our institutions of higher learning and the students who attend them. The demonstration program, which would be administered by the Department of Justice’s Office of Justice Programs, would build on the valuable lessons and successes we have garnered from our Nation’s innovative and expanding drug court system.

Specifically, this demonstration program legislation would authorize the establishment of up to five Campus CORTs each year for Fiscal Years 2003 through 2006. The bill authorizes the Office of Justice Programs to provide $2,000,000 in Federal funding during each of those years to help get five Campus CORTs off the ground established and up and running. This new program’s approach should be similar to how the Office of Justice Programs currently runs the ongoing drug court grant-making program, including providing an Internet-based application process.

There are plenty of good reasons to take the next step and establish a Campus CORTs program based on the drug court model. Since they first appeared in 1989, drug courts have rapidly spread across the United States. This in includes 483 Adult Drug Courts, 167 Juvenile Drug Courts, and 37 Family Drug Courts. An additional 400-plus new Drug Courts are in the planning process. The report goes on to state that approximately 220,000 adults and 9,000 juveniles have been enrolled in the drug court system and of those, 73,000 adults and 1,500 juveniles have graduated.

The merits of the drug court system are well documented. Nationwide, the drug courts have helped more than 1,000 to be born drug free, more than 3,500 parents to regain custody of their children, and 4,500 parents to resume making their child-support payments. The retention rate is over 70 percent, with 73 percent of the participants managing to keep their jobs or successfully find new work. These are encouraging successes, and not just for the individuals involved, but for society as a whole.

These are the kind of successes we should be able to see once the drug court model is custom tailored and applied through Campus CORTs as we work together to respond to the alcohol, drug and other substance abuse challenges facing our Nation’s colleges and universities.

Our Nation’s drug courts use a carrot and stick approach where offenders can either live at home and remain free to work under court supervised treatment or face the very real threat of hard jail time. Similarly, Campus CORTs will give troubled students the chance to get supervised treatment and stay clean or get kicked out of school and watch their futures get squandered away.

Instead of simply booting students with substance abuse problems directly out of school, as is currently happening at many universities and colleges across the country, I believe we should instead help provide institutions of higher learning with new tools they can use to help students get and stay clean. Of course, just like it is with the existing drug courts, there will be some students who simply do not respond to Campus CORTs. While those students will have to face that they may well be expelled from school, at least we will have been able to give them the opportunity to clean-up their act.

Since the new Campus CORTs would be established at colleges and universities, the legislation calls on the Office of Justice Programs, or OJP, to establish new “quasi-judicial standards and procedures for disciplinary cases” for institutions of higher learning that wish to participate in the new Federal program.

Today, I am pleased to highlight that one of the leading institutions of higher learning in my home State, Colorado State University, has already broken new ground as the Nation’s first university to apply the drug court concept in a campus setting. The “Day IV” program, as it is known at CSU, has racked-up a successful record in helping keep students clean and in school.

Under the pioneering leadership of Cheryl Asmus, the drug court inspired program helped 26 out of 30 students who would have otherwise been kicked out of school stay there during the last spring semester alone. As I understand it, two of the four were dismissed from school for not meeting the Day IV program’s treatment requirements and the other two left school for other reasons.

In any case, a success rate approaching 90 percent is a wonderful accomplishment, both for the university and especially for the 26 students who have managed to pull themselves back from potential disaster.

Our drug court system is making a difference all across our Nation. In fact, a 2002 report issued by Columbia University’s prestigious National Center on Addiction and Substance Abuse states that “drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision.” The report points out that “drug use and criminal behavior are substantially reduced while offenders are participating in drug court” and that “criminal behavior is lower after participation, especially for graduates.”

Far too many of our Nation’s college students are falling by the wayside as they get sidetracked by crippling drug and alcohol abuse problems. Not only are academic careers being impacted and ended, entire lives are being thrown into limbo.

Our Nation’s drug court system is a good example of a viable and productive partnership between the Federal Government, our State governments and local jurisdictions. Their collaboration is making a positive impact all across our country. I want to take this moment to thank the people of the OJP, the experts at the National Association of Drug Court Professionals and the State and local judges, prosecutors, law enforcement officers and other officials who have done so much to establish, build upon and continually improve our Nation’s drug court system.

I want to extend an especial thank you to Judge Karen Freeman Wilson, Chief Executive Officer of the National Association of Drug Court Professionals, Stuart VanMeveren, District Attorney for Colorado’s Eighth Judicial District, and Colorado State University’s President Albert Yates for their letters of support for the Campus CORT legislation I am introducing today. Their support for this bill is appreciated.

I ask unanimous consent that the three letters of support and the text of the bill be printed in the RECORD.

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Campus Classmate Offenders in Rehabilitation and Treatment Act” or the “Campus CORT Act.”
standards required by this Act.

other experts in establishing quasi-judicial

tinational Drug Court Institute, universities and

shall consult with the National Association

technical assistance in support of the pro-

and colleges, the National Association of

shall make grants to qualified universities

grants to accredited universities and col-

grams, is authorized to make demonstration

States; and

should—

awarding grants to qualified colleges or uni-

(1) endeavor to include colleges and univer-

sity of different sizes across the United

due to the very strong impetus for students

representative of the National Association

DEAR SENATOR CAMPBELL: As the rep-

Colorado State University.

Federal legislation that creates funding to

are substantial.

The availability of federal funds to assist

in the proposed "Campus CORT Act."" As

To you for introducing the

Again, thank you for introducing the

OFFICE OF THE DISTRICT ATTORNEY,

UGTH JUDICIAL DISTRICT, STATE

of Colorado,

Fort Collins, CO, August 28, 2002.

HON. BEN NIGHTHORSE CAMPBELL,

U.S. Senate,

Fort Collins, CO.

DEAR SENATOR CAMPBELL: I wholeheartedly

support your proposed "Campus CORT Act."

As you know, Colorado State University,

through the work of Dr. Cheryl Asmus and

others, has developed a Campus Drug Court

that is now in full operation. Prior to the

implementation of the CSU Campus Drug

Court, many bright, promising college stu-

dents lose the opportunity to obtain their

college degree because of being dismissed

from school as a result of a drug or alcohol

addiction. This new pilot program provides

students who have drug or alcohol problems

a process in which they can address their

usage problem while staying in school. Colo-

rado State University's project has proven

very successful. Very few students in the

program have failed to abide by the program

requirements. Most participants have been

able to abstain from usage. This success is

due to the very strong impetus for students to

"stay clean" by allowing them to con-

continue to have access to grants and loans, as

well as remain at the university so long as

they abide by the requirements.

Federal legislation that creates funding to

expand the campus drug court program is an

excellent proposal. This program helps pro-

mote the quality of education and to im-

prove their lives through a college edu-

cation, succeed when alcohol and drugs may

be the one obstacle that stands in their way.

They are given the opportunity to stay in

school, graduate, and become contributing

members of society. That success is insured

by addressing a drug or alcohol addiction

problem that has a negative impact on their

families and their ability to succeed profession-

ally.

The availability of federal funds to assist

in starting these programs across the coun-

try has the promise of saving very suc-

cessful drug and alcohol programs nation-

wide. The traditional Drug Court concept

has been very successful. The Campus CORT

Act can provide the resources that will re-

sult in the same success opportunity for stu-

dents at our colleges and universities.

We wish to continue our efforts to pass this legislation. If there is anything

I can do to assist, please do not hesitate to

contact me.

Sincerely,

STUART A. VANMEEREN,
District Attorney,

COLORADO STATE UNIVERSITY,

HON. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: This letter

serves as strong support for the bill you are

proposing to introduce to the United States

Senate that will authorize the appropriation

of funds to establish 200 new drug courts at

other colleges and universities. These drug courts

will be modeled after the Drug Courts Pro-

gram, and the Colorado State University

(CSU) campus drug court that the

Chief Executive Officer.

Grant Making Considerations.—In

awarding grants to qualified colleges or uni-

versities, the Office of Justice Programs

should—

(1) endeavor to include colleges and univer-

sity of different sizes across the United

States; and

(2) enable colleges and universities to

apply for grants through the Internet site of

the Office of Justice Programs.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated

$2,000,000 for each of the fiscal years 2003

through 2006 to carry out this Act.

August 23, 2002.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: As the rep-

resentative of the National Association of

Drug Court Professionals (NADCP) and of

the drug court professionals throughout the

country I applaud this letter of support for

your bill for the "Campus Classmate Off-

fenders in Rehabilitation and Treatment

Act" or the "Campus CORT Act." Modeled

after the "campus drug court" at Colorado

State University, campus drug courts na-

tionwide are the exciting next step in the
drug court arena. I truly appreciate your

commitment to making them a reality.

All of the drug court professionals across

America laud the depth of your knowledge

about substance abuse and its concomitant

crime. Your unwavering commitment to

stopping the revolving door of drug addic-
tion and crime in our criminal justice sys-

tem. With the alarming news about drug use

and binge drinking on college campuses,

the Campus CORT Act will face the campus drug

and alcohol use and abuse problem head on,

preventing accidents and crimes at colleges

and universities throughout the nation.

Taking the drug court concept to this next

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bia University's prestigious National Center

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Alarming news about drug use and binge drinking on college campuses.

DEAR SENATOR CAMPBELL: As the representative of the National Association of Drug Court Professionals (NADCP) and of the drug court professionals throughout the country I applaud this letter of support for your bill for the “Campus Classmate Offenders in Rehabilitation and Treatment Act” or the “Campus CORT Act.” Modeled after the “campus drug court” at Colorado State University, campus drug courts nationwide are the exciting next step in the drug court arena. I truly appreciate your commitment to making them a reality.

All of the drug court professionals across America laud the depth of your knowledge about substance abuse and its concomitant crime. Your unwavering commitment to stopping the revolving door of drug addiction and crime in our criminal justice system. With the alarming news about drug use and binge drinking on college campuses, the Campus CORT Act will face the campus drug and alcohol use and abuse problem head on, preventing accidents and crimes at colleges and universities throughout the nation.

Taking the drug court concept to this next level, to college campuses, is the logical way to further the fight against substance abuse and criminal behavior. As you know, Columbia University’s prestigious National Center on Addiction and Substance Abuse (CASA) has been very successful. The Campus CORT Act will face the campus drug court issue.

Alarming news about drug use and binge drinking on college campuses.
By Mr. CRAPO (for himself, Mr. BAYH, Mr. SPECTER, Mr. MILLER, Mr. MCCAIN, and Mr. BUNNING).

S. 2942. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability program, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce important legislation that will correct a serious flaw in the Social Security Disability Insurance program, which currently forces many Americans who are diagnosed with a terminal illness to live out their final days in poverty.

Under current law, any eligible individual applying for SSDI benefits must wait 5 full months before he or she can begin receiving benefits. I appreciate the support of Senator BAYH, Senator SPECTER, Senator McCain, and Senator MILLER for this bill that will eliminate the waiting period for those individuals with terminal illnesses.

Far too often, I have had terminally ill constituents contact me through my State offices with horror stories about their personal experiences. These people are healthy working members of our society. Suddenly, they are told by their doctor that they have a terminal illness and that it would be best if they stop working and go on disability as quickly as possible to maintain their strength. However, because of the waiting period, before they know it, these people are several months behind in their bills. Others, unfortunately, do not even live through the full waiting period.

I am sure that if any of my colleagues were to contact their State offices and speak to their staff that handle these disability cases, they would find that their constituents have faced similar difficulties with this waiting period that puts the farm workers in our State or other hard-working American, these terminally ill individuals have all paid into the Social Security system throughout their working lives, with the expectation that future benefits would be there to supplement lost income should a disability or serious illness ensue.

I am pleased that this legislation has the support of the National Association for the Terminally Ill. This organization’s primary mission is to assist individuals with a terminal illness, whose life expectancy is two years or less. They have told me of the many individuals that have come to them for assistance, faced with no income, while waiting through those 5 months before receiving disability benefits. Frequently, the association is contacted by people who are forced to sell furniture, cars, family heirlooms, and even their homes, just to pay expenses for daily living.

Two years ago, the Senate and House cooperated in having the 24-month waiting period for Medicare coverage for individuals diagnosed with Lou Gehrig’s Disease. The time has now come for Congress to take the appropriate action to relieve part of what is already an unthinkable burden on all terminally ill individuals.

I invite my colleagues to join us in this effort and I hope the Senate will proceed expeditiously with this important legislation that will provide relief for tens of thousands of working Americans. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2942

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 “Social Security Act Improvements for the Terminally Ill Act”.

SEC. 2. ELIMINATION OF TITLE II WAITING PERIOD FOR TERMINALLY ILL INDIVIDUALS.
Section 223 of the Social Security Act (42 U.S.C. 423(a)) is amended—

(1) in paragraph (1), by inserting “he meets the requirements of paragraph (3), or” after “but only if”; and

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

(3)(A) For purposes of paragraph (1), an individual meets the requirements of this paragraph if—

(i) the impairment underlying a finding that the individual is under a disability results in his death prior to the end of the applicable period described in subparagraph (B), or

(ii)(I) in the case where such finding is made before the end of the applicable period, the Commissioner determines that, at the time such finding is made, such impairment is expected to result in the individual’s death prior to the end of such period, or

(II) in the case where such finding is made after the end of the applicable period, the Commissioner determines that, at any time during such period, such impairment was expected to result in the individual’s death prior to the end of such period.

(B) For purposes of subparagraph (A), the applicable period of the applicable period described in subsection (c)(2)(B).

SEC. 3. EFFECTIVE DATE.
The amendments made by this Act shall take effect with respect to applications filed after the date of the enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. LEAHY, and Mr. DUKAS).

S. 2943. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today with my friend from Iowa to introduce legislation to give farmers options in identifying a forum to resolve disputes with agribusinesses. This legislation is based on our amendment to the Senate-passed Farm Bill that was unfortunately stripped in the conference committee. Our amendment passed by a vote of 64–31, yet it was ultimately taken out due to objections by large agribusiness companies in the backroom negotiations.

While our effort then was not successful, I am hopeful that we will be able to pass this legislation and begin to give farmers a fair shot in the marketplace.

I am deeply concerned that the concentration of power in the hands of a few large agribusiness firms, companies that can raise millions of dollars on Wall Street at the drop of a hat, is forcing farmers and ranchers to be placed at a competitive disadvantage in the marketplace.

These large corporations are using their market power to force independent producers into a position of weakness through unfair contracts and other uses of market leverage.

In some cases, the domestic marketplace has become almost noncompetitive for the family farmer. Farmers have faced fewer buyers than ever before. One indication of this dominance is one-sided contracts that favor agribusinesses at the expense of farmers and ranchers.

It is of paramount importance that we help restore competition in rural America. One way to promote competition is to ensure that farmers have a choice of forums to resolve disputes with agribusinesses.

While alternative methods of dispute resolution, such as arbitration, can serve a useful purpose in resolving disputes between parties, I am extremely concerned about the increasing trend of stronger parties to a contract forcing weaker parties to waive their legal rights and agree to arbitrate any future disputes that may arise.

It recently came to my attention that large agribusiness companies often present producers with “take it or leave it” contracts, which increasingly include mandatory and binding arbitration clauses. This practice forces farmers to submit their disputes with packers and processors to arbitration.

As a result, farmers are required to waive access to judicial or administrative forums, substantive contract rights, and statutorily provided protections. In short, this practice violates the farmers’ fundamental due process rights and runs directly counter to basic principles of fairness.

Arbitration is billed as an inexpensive alternative to civil lawsuits. The opposite, however, is often the case. Filing fees and other expenses in arbitration result in much higher costs for the parties than civil actions. Attorney fees, whether hourly or contingent, are similar regardless of forum.

For example, in a recent Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were $150 to $250, far more than the $150 to $250 cost of filing in civil court. It makes no sense for a farmer to seek payment for wrongdoing when he or she has lost $10,000, when it costs...
\$11,000 just to get the case before an arbitrator.

The practical result of these mandatory arbitration clauses is that farmers have no forum in which to bring their dispute against the company. Arbitration clauses require farmers to waive their right to a jury trial and bring disputes only in a forum that may be cost-prohibitive. Farmers, who likely have substantial debts due to low prices and large mortgages on their farms, are often left without any recourse even in a case where the agricultural business has plainly acted illegally.

With the litigation option taken away by contract and the arbitration forum taken away by economics, the grower has no forum in which to bring his or her dispute against the company. The net result of these mandatory arbitration clauses is that the farmer always loses.

If poultry farmers lose their farms as a result of a mis-weighed animal, they should not be left to hold the company accountable. When farmers are hurt because they have received bad feed, we must ensure that they are able to choose the forum through which they can resolve their concerns.

If farmers believe they have been provided diseased animals from an agribusiness, they should at least have a forum in which to voice their concerns.

In short, we must give farmers a fair choice that both parties to an agricultural contract may willingly and knowingly select. This legislation, therefore does not prohibit arbitration. It simply ensures that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

I urge my colleagues to join me in this legislation and give farmers options to resolve disputes in the agriculture marketplace.

The Senate version of the bill, the bill was ordered printed in the RECORD, as follows:

S 2943

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 "Fair Contracts for Growers Act of 2002".

SECTION 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"§ 17. Livestock and poultry contracts

"(a) Definitions.—In this section:

"(1) LIVESTOCK.—The term 'livestock' means the animal of which the livestock or poultry grower raises and cares for including the livestock or poultry contract.

"(2) LIVESTOCK CONTRACT.—The term 'livestock contract' means an arrangement which the livestock or poultry grower raises and cares for livestock or poultry in accordance with a livestock or poultry contract,

whether the livestock or poultry is owned by the person or by another person.

"(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182a).

"(b) Consent to Arbitration.—If a livestock or poultry contract provides for the resolution of a controversy under livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

"(c) Explanation of Basis for Awards.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.

"(d) Technical and Conforming Amendment.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"17. Livestock and poultry contracts.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. ALLEN, Ms. LANDRIEU, and Mrs. CLINTON):

S. 2945. To authorize appropriations for nanoscience, nanotechnology, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am introducing the 21st Century Nanotechnology Act. This bill will authorize a coordinated interagency program that will support long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national and homeland security. Building on the National Nanotechnology Initiative, the bill will authorize appropriations for research throughout the government while providing tools for better cross-agency management and coordination.

Nanotechnology is the science and technology of building electronic circuits and devices from single atoms and molecules on a scale of one one-billionth of a meter. It will one day transform our progress, the U.S. economy, and caring for livestock and poultry in accord-
potential of this discipline. Nanotechnology is already making pans more stain-resistant, making windows self-washing and making car parts stronger with tiny particles of clay. What America risks missing is the next generation of nanotechnology. In the near future, nanoparticles and nanodevices will become the building blocks of our health care, agriculture, manufacturing, environmental cleanup, and even national security.

America risks missing a revolution in electronics, where a device the size of a sugar cube could hold all of the information in the Library of Congress. Today’s silicon-based technologies can only shrink so small. Eventually, nanotechnologies will grow devices from the molecular level up. Small though they may be, their capabilities and their impact will be enormous. Spacecraft could be the size of mere molecules.

America risks missing a revolution in health care. Oregon State University researchers are working on the microscope to create lapel-pin-sized biosensors that use the color-changing cells of the Siamese fighting fish to provide instant visual warnings when a biotoxin is present. An armor dressing for battlefield wounds is already available today, containing silver nanocrystals that prevent infection and reduce inflammation. The health care possibilities for nanotechnology are limitless. Eventually, nanoparticles will travel through human bodies to detect and cure disease. Chemotherapy could attack individual cancer cells and leave healthy cells intact. Tiny bulldozers could unplug blocked arteries. Human disease will be fought cell by cell, molecule by molecule, and nanotechnology will provide victories over disease that we can’t even conceive today.

America risks missing a host of beneficial breakthroughs. American scientists could be the first to create nanomaterials for manufacturing and design that are stronger, lighter, harder, self-repairing, and safest. Nanoscale devices could scrub automobile pollution out of the air as it is produced. Nanoparticles could cover armor to make American soldiers almost invisible to enemies and even tend their wounds. Nanotechnology could grow steel stronger than what’s made today, with little or no waste to pollute the environment.

Moreover—and this is key—America risks missing an economic revolution based on nanotechnology. With much of nanotechnology existing in a research milieu, venture capitalists are already investing $1 billion in American nanotech interests this year alone. It’s estimated that nanotechnology will become a trillion-dollar industry over the next ten years. As nanotechnology grows, the ranks of skilled workers needed to discover and apply its capabilities grow. And so grows the nanotechnology revolution, areas of high unemployment could become magnets for domestic production, engineering and research for nanotechnology applications—but only if government doesn’t miss the boat.

The Federal Government is already making some efforts with regard to nanotechnology. The U.S. does have a National Nanotechnology Initiative. This nation has already committed substantial funds to nanotechnology research and development in the coming years. But here’s my bottom line. It is essential to build on this foundation of funding with a framework for sound science over the long term. That is the reason for the legislation I am issuing today. On the framework it provides, of national coordination and strategic planning, scientists will be able to meet the grand challenges of nanotechnology. Over the long term, with Federal support, they will be able to plumb the depths of its capability, and scale the heights of its potential.

In 1944 the visionary President Franklin Delano Roosevelt requested a report on the President’s opinion on advancing the United States’ scientific efforts to benefit the world. Dr. Vannevar Bush offered his reply to President Harry S Truman the next year, following FDR’s death. In his report, Dr. Bush wrote, “The Government should accept new responsibilities for promoting the flow of new scientific knowledge and the development of scientific talent in our youth. These responsibilities are the property of the American Government, for they vitally affect our health, our jobs, and our national security. It is in keeping also with basic United States policy that the Government should foster the opening of new frontiers and this is the modern way to do it.”

Those principles, so true nearly sixty years ago, are truer still today. With the 21st Century Nanotechnology Research and Development Act, I propose that the government now accept new responsibilities in promoting and developing nanotechnology. I hope that the Senate can act swiftly on this legislation. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act may be the “21st Century Nanotechnology Research and Development Act”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The emerging fields of nanoscience and nanotechnology (collectively, “nanotechnology”), in which matter is manipulated at the atomic level (i.e., atom-by-atom or molecule-by-molecule) in order to build materials, machines with novel properties or functions, are leading to unprecedented scientific and technological opportunities that will benefit society by changing the way things are made.

(2) Long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, electronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national security could be as significant as the combined influences of microelectronics, biotechnology, and information technology on the 20th century. Nanotechnology could lead to things such as:

(A) new generations of electronics where the entire collection of the Library of Congress is stored on devices the size of a sugar cube;

(B) manufacturing that requires less material, pollutes less, and is embedded with sophisticated sensors that will internally detect signs of weakness and automatically respond by releasing chemicals that will prevent disease;

(C) prosthetic and medical implants whose surfaces are molecularly designed to interact with the cells of the body;

(D) materials with an unprecedented combination of strength, toughness, and lightness that will enable land, sea, air, and space vehicles to become lighter and more fuel efficient;

(E) selective membranes that can fish out specific toxic or valuable particles from industrial waste or that can inexpensively desalinate sea water;

(F) tiny robotic spacecraft that will cost less, consume very little power, adapt to unexpected environments, change its capabilities as needed, and be completely autonomous.

(G) Long-term, high-risk research is necessary to create breakthroughs in technology. Such research requires government funding since the benefits are too distant or uncertain for industry alone to support. Current Federal investment in nanotechnology research and development are not grounded in any specifically authorized statutory foundation. As a result, there is a risk that future funding for long-term, innovative research will be tentative and subject to instability which could threaten to hinder future United States technological and economic growth.

(H) The Federal government can play an important role in the development of nanotechnology, as this science is still in its infancy, and it will take many years of sustained investment for this field to achieve maturity.

(I) Many foreign countries, companies and scientists believe that nanotechnology will become the leading technology of the 21st century and are investing heavily into its research. According to a study of international nanotechnology research efforts sponsored by the National Science and Technology Council, the United States is at risk of falling behind its international competitors, including Japan, South Korea, and Europe if it fails to sustain and build on the significant investment in nanotechnology.

(J) Advances in nanotechnology stemming from Federal investments in fundamental research and subsequent private sector development likely will create technologies that will improve the work and efficiency of the Federal government, and contribute significantly to the efforts of the government’s mission agencies.

(J) According to various estimates, including those of the National Science Foundation, the market for nanotechnological products and services in the United States alone could reach over $1 trillion later this century.
(8) Nanotechnology will evolve from modern advances in chemical, physical, biological, engineering, medical, and materials research, and will contribute to cross-disciplinary training for the 21st century science and technology workforce.

(9) Mastering nanotechnology will require a unique skill set and infrastructure that combine chemistry, physics, materials science, and information science. Funding in these critical areas has been flat for many years and fewer young people are electing to go into these areas in graduate schools throughout the United States. This will have to reverse if we hope to develop the next generation of skilled workers with multi-disciplinary perspectives necessary for the development of nanotechnology.

(10) Nanotechnology creates unprecedented capabilities to alter ourselves and our environment and will give rise to a host of novel social, ethical, philosophical, and legal issues. To appropriately address these issues will require wide reflection and guidance that are responsive to the realities of the science, as well as additional research to help us understand, and alleviate anticipated problems.

(11) Nanotechnology will provide structures for revolutionary complex quantum computing, which uses quantum mechanical properties to do calculation. Quantum computing permits a small number of atoms or molecules to store and access enormous amounts of information. Just 300 interacting atoms in a quantum computer could store as much information as a classical computer that uses all the particles in the universe, and today’s complex encryption algorithms, which would take today’s best super computer 20 billion years to break, could be done in 30 minutes.

(12) The Executive Branch has previously established a National Nanotechnology Initiative to coordinate Federal nanotechnology research and development. This initiative has contributed significantly to the development of nanotechnology. Authorizing legislation can serve to establish new technology goals and research directions, improve agency coordination and oversight mechanisms, help ensure optimal returns to investment, and simplify reporting, budgeting, and planning processes for the Executive Branch and the Congress.

(13) The private sector technology innovation, which is fundamental to nanotechnology research are dependent on a hazardous, expensive, and generally inefficient technology transition path. Strategies for accelerating the translation of fundamental knowledge and innovations in commercial products or to support mission agencies should be explored, developed, and when appropriate, executed.

(14) Existing data on the societal, ethical, educational, legal, and workforce implications and issues related to nanotechnology are lacking. To help decision-makers and affected parties better anticipate issues likely to arise with the onset and maturation of nanotechnology and synthesize data on these issues must be conducted and disseminated.

SEC. 3. PURPOSE.
It is the purpose of this Act to authorize a coordinated inter-agency program that will support long-term nanoscale research and development leading to potential breakthroughs as an enabler in areas such as manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national security.

SEC. 4. NATIONAL NANO TECHNOLOGY RESEARCH PROGRAM.
(a) National Nanotechnology Research Program. — The President shall establish a National Nanotechnology Research Program. Through appropriate agencies, councils, and the National Coordination Office, the program shall:

(1) establish the goals, priorities, grand challenges, and metrics for evaluation for Federal nanotechnology research, development, and other activities;

(2) invest in research and development programs in nanotechnology and related sciences to achieve those goals; and

(3) facilitate agency coordination of Federal nanotechnology research, development, and other activities undertaken pursuant to the program.

(b) GOALS OF THE NATIONAL NANOTECHNOLOGY RESEARCH PROGRAM. — The goals of the program are as follows:

(1) The coordination of long-term fundamental and engineering research to build a fundamental understanding of matter enabling control and manipulation at the nanoscale.

(2) The assurance of continued United States global leadership in nanotechnology to meet national goals and to support national economic, health, national security, educational, and scientific interests.

(3) The advancement of United States productivity and industrial competitiveness through Federally coordinated investments in long-term scientific and engineering research in nanotechnology.

(4) The development of a network of shared academic and federal nanotechnology centers that will play a critical role in accomplishing the other goals of the program, foster partnerships, and develop and utilize next generation scientific tools.

(5) The development of enabling infrastructural technologies that United States industry can use to commercialize new discoveries and innovations in nanoscience.

(6) The acceleration of the deployment and transition of advanced and experimental nanotechnology and concepts into the private sector.

(7) The establishment of a program designed to provide effective education and training for the next generation of researchers and professionals skilled in the multidisciplinary perspectives necessary for nanotechnology.

(8) To ensure that philosophical, ethical, and other societal concerns will be considered alongside the development of nanotechnology.

(c) RESEARCH AND DEVELOPMENT AREAS. — Through its participating agencies, the Nanotechnology Research and Development Program shall develop, fund, and manage Federal research programs in the following areas:

(1) LONG-TERM FUNDAMENTAL RESEARCH. — The program shall undertake long-term, basic nanoscience and engineering research that focuses on fundamental understanding and synthesis of nanometer-size building blocks in diverse technical areas, including areas such as materials and manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemical and pharmaceutical industries, biotechnology and agriculture, computation and information technology, and national security. Funds made available from the appropriate agencies under this program may be provided to:

(A) to provide awards of less than $1,000,000 each to single investigators and small groups to provide sustained support to individual investigators conducting fundamental, innovative research; and

(B) to fund fundamental research and the development of university-industry-laboratory and interagency partnerships.

(2) GRAND CHALLENGES. — The program shall support grand challenges that are essential for the advancement of the field and interdisciplinary research and education teams, including multidisciplinary nanotechnology research centers, that work on major long-term objectives. This funding area will fund teams of participating agencies, interdisciplinary research and education teams that aim to achieve major, long-term objectives, such as the following:

(A) Nanomaterials by design which are stronger, lighter, harder, self-repairing, and safer.

(B) Nanoelectronics, optoelectronics, and magnetics.

(C) Healthcare applications.

(D) Nanoscale processes and environment.

(E) Energy and energy conservation.

(F) Microspacecraft.

(G) Bio-nanodevices for detection and mitigation of biothreats to humans.

(H) Economical, efficient, and safe transportation.

(I) National security.

(J) Other appropriate challenges.

(K) INTERDISCIPLINARY NANOTECHNOLOGY RESEARCH CENTERS. — The appropriate agencies shall fund 10 new centers in the range of $3,000,000 to $5,000,000 per year each for 5 years after the first year of funding. Each center may be renewed for 1 5-year term on the basis of the center’s performance, determined after a review. The program, through its participating agencies, shall encourage regional networking among centers and researchers and require access to facilities to both academia and industry. The centers shall assist in reaching other initiative priorities, including interdisciplinary research, grand challenges, education, development and utilization of specific research tools, and promoting partnerships with industry. To encourage the greatest possible capacity, centers participating in the program shall establish geographically diverse centers including at least one center in a State participating in the National Science Foundation’s (NSF) Experimental Program to Stimulate Competitive Research (EPSCoR), established under section 115 of the NSF Authorization Act of 1988 (42 U.S.C. 1862(g)).

(l) RESEARCH INFRASTRUCTURE. — The program, through its participating agencies, shall ensure adequate research infrastructure and equipment for rapid progress on program goals, including the employment of underutilized manufacturing facilities in the research process. To facilitate engineering and research testbeds for micro-scale technologies, major research equipment and instrumentation shall be eligible funding purpose under the program.

(m) SOCIETAL, ETHICAL, EDUCATIONAL, LEGAL, AND WORKFORCE ISSUES RELATED TO NANO- TECHNOLOGY. — The Director of the National Science Foundation shall establish a new Center for Ethical, Societal, Educational, Legal, and Workforce Issues Related to Nanotechnology at $5,000,000 per year to encourage, conduct, coordinate, commission, collect, and disseminate research on the societal, ethical, educational, legal, and workforce issues related to nanotechnology. The Center shall also conduct studies and provide input and assistance to the Director of the National Science Foundation in completing the annual report required under paragraph 7(b)(3) of this Act.

(n) TRANSITION OF TECHNOLOGY. — The program, through its participating agencies, shall ensure cooperation and coordination with United States industry in all relevant research efforts and develop mechanisms to assure prompt technology transition.
SEC. 5. PROGRAM COORDINATION AND MANAGEMENT.

(a) In General.—The National Science and Technology Council oversees the planning, management, and coordination of the Federal nanotechnology research and development program. The Council, itself or through a suitable subgroup it designates or establishes, shall—

(1) establish a set of broad applications of nanotechnology research and development, or grand challenges, to be met by the agencies and activities of the program, based on national needs;

(2) submit to the Congress through the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science, an annual report on the activities of each agency involved in the program, the President's annual budget request, describing the implementation of the program under section 4;

(3) provide for interagency coordination of the program, including with the Department of Defense;

(4) coordinate the budget requests of each of the agencies involved in the program with the Office of Management and Budget to ensure that a balanced research portfolio is maintained in order to ensure the appropriate level of research effort;

(5) review, each year to the participating departments and agencies concerning the preparation of appropriations requests for activities related to the program;

(6) coordinate with academic, industry, State and local government, and other appropriate groups conducting research on and using nanotechnology;

(7) establish an Information Services and Applications Council to promote access to and early application of the technologies, innovations, and expertise derived from nanotechnology activities and developed under the program activities to agency missions and systems across the Federal government, and to United States industry;

(b) in cooperation with the Advisory Panel established under subsection (b), develop and apply measurements using appropriate metrics for evaluating program performance and progress toward goals; and

(9) identify research areas which are not being adequately addressed by the agencies' current research programs;

(c) President's Nanotechnology Advisory Panel—

(1) Establishment.—The President shall establish a National Nanotechnology Advisory Panel.

(2) Selection Procedures.—The President shall establish procedures for the selection of individuals to serve on the National Nanotechnology Advisory Panel.

(3) Meetings.—The Advisory Panel shall meet no less than twice annually, at such times and places as may be designated by the Chairman in consultation with the National Nanotechnology Coordination Office established under subsection 5(c) of this Act.

(4) Duties.—The Advisory Panel shall advise the President and the National Science and Technology Council, and inform the Congress, on matters relating to the National Nanotechnology Program, including goals, roles, and objectives, within the program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals using appropriate metrics. The Advisory Panel shall issue an annual report, containing the information required by subsection (d) of this section, to the President, the Council, the heads of each agency involved in the program, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science, on or before September 30 of each year.

(d) National Nanotechnology Coordination Office.—The President shall establish a National Nanotechnology Coordination Office, with full-time staff, to provide day-to-day technical and administrative support to the Council and the Advisory Panel, and to be the point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, and others to exchange technical and programmatic information. The Office shall ensure full coordination of research efforts between agencies, scientific disciplines, and United States industry.

(e) Program Plans and Reports.—

(1) Annual Evaluation of Nanotechnology Research Development Program.—The report by the Advisory Panel, required pursuant to subsection (b)(4), shall include:

(A) a review of the program's technical success in achieving the stated goals and grand challenges according to the metrics established by the program and Advisory Panel;

(B) a review of the program's management and coordination;

(C) a review of the funding levels by each agency for the program's activities and their ability to achieve the program's stated goals and grand challenges;

(D) a review of the balance in the program's portfolio of components across agencies and disciplines;

(E) an assessment of the degree of participation in the program by minority serving institutions, institutions located in States participating in NSF's EPSCoR program.

(F) a review of policy issues resulting from advancements in nanotechnology and their effects on the scientific enterprise, commerce, workforce, competitiveness, national security, medicine, and government operations;

(G) recommendations for new program goals and grand challenges;

(H) recommendations for new research areas, partnerships, coordination and management of the program to be established to achieve the program's stated goals and grand challenges;

(I) recommendations for new investments by each participating agency in each program funding area for the 5-year period following the delivery of the report;

(J) reviews and recommendations regarding other issues deemed pertinent or specified by the panel; and

(K) a technology transition study which includes an evaluation of the Federal nanotechnology development program's success in transitioning its research, technologies, and concepts into commercial and military products;

(l) best practices of universities, government, and industry in promoting efficient and rapid technology transition in the nanotechnology sector;

(m) barriers to efficient technology transition in the nanotechnology sector, including, but not limited to, standards, pace of technology change, quality, and testing of research products, intellectual property issues, and Federal funding; and

(iv) recommendations for government sponsored activities to promote rapid technology transition in the nanotechnology sector.

(2) Office of Management and Budget Report.—

(A) Budget Request Report.—Each Federal agency and department participating in the program shall, as part of its annual request for budget funding, submit to the Office of Management and Budget which—

(i) identifies each element of its nanotechnology research and development activities that contributes directly to the program or benefits from the program;

(ii) states the portion of its request for appropriations that is allocated to each such element; and

(iii) states the portion of its request for appropriations that is allocated to each program funding area.

(B) OMB Review and Allocation Statement.—The Office of Management and Budget shall review each report in light of the goals, priorities, grand challenges, and agency and departmental responsibilities set forth in the annual report of the Council under paragraph (3), and shall include in the President's annual budget estimate, a statement indicating the distribution of each appropriate agency's or department's annual budget estimate relating to its activities undertaken pursuant to the program.

(3) Annual Report to Congress on the Nanotechnology Research Development Program.—The National Science and Technology Council shall submit an annual report to the Congress that—

(A) includes a detailed description of the goals, grand challenges, and program funding areas established by the President for the program;

(B) sets forth the relevant programs and activities, for the fiscal year with respect to which the budget submission applies, of each Federal agency and department participating in the program, as well as such other agencies and departments as the President or the Director considers appropriate;

(C) describes the levels of Federal funding for the fiscal year during which such report is submitted, and the levels proposed for the fiscal year with respect to which the budget submission applies, for each of the program funding areas of the program;

(D) describes the levels of Federal funding for each agency and department participating in the program and each program funding area for the fiscal year during which such report is submitted, and the levels proposed for the fiscal year with respect to which the budget submission applies, and compare these levels to the most recent recommendations of the Advisory Panel and the external review of the program;

(E) describes coordination and partnership activities with State, local, and private sector efforts in nanotechnology research and development, and how they support the goals of the program;

(F) describes mechanisms and efforts used by the program to assist in the transition of innovative concepts and technologies from

SEC. 6. REPORT ON FEDERAL AND WORKER EXPOSURE TO NANO-SIZED PARTICLES AND DYES.
Federally funded programs into the commercial sector, and successes in these transition activities; (G) describes coordination between the military and civil applications of research in the life science and non-life science portions, of the program in technology development, supporting the goals of the program, and supporting the needs of the departments and agencies involved; (H) analyzes the progress made toward achieving the goals, priorities, and grand challenges for the program according the metrics established by the program and the Advisory Panel; and (I) recommends new mechanisms of coordination, partnerships, programs, or activities necessary to achieve the goals, priorities and, grand challenges established for the program.

(4) T ECHNICAL EXTERNAL REVIEW OF NANO- TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.— (A) I N GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the National Science Foundation shall enter into an arrangement with the National Research Council of the National Academies of Sciences to conduct a triennial evaluation of the Federal nanotechnology research and development program, including— (i) a review of the technical success of the program in achieving the stated goals and grand challenges under the metrics established by the program and the nanotechnology Advisory Panel, and under other appropriate measurements; (ii) a review of the program’s management and coordination across agencies and disciplines necessary to achieve the goals, priorities, and grand challenges; (iii) a review of the funding levels by each agency for the program’s activities and their ability with such funding to achieve the program’s stated goals and grand challenges; (iv) recommendations for new or revised program goals and grand challenges; (v) recommendations for new research areas, partnerships, coordination and management mechanisms, or programs to be established to achieve the program’s stated goals and grand challenges; (vi) a review of investment levels in light of goals by each participating agency in each program funding area for the 5-year period following the delivery of the report; (vii) recommendations on policy, program, and budget changes with respect to nanotechnology research and development activities; (viii) recommendations for improved metrics to evaluate the success of the program in accomplishing its stated goals; and (ix) a review the performance of the Information Services and Applications Council and its efforts to promote access to and early application of the technologies, innovations, and expertise derived from program activities to agency missions and systems across the Federal government and to United States industry. (B) E VALUATION TO BE TRANSMITTED TO CONGRESS.—The Director of the National Science Foundation shall transmit the results of any evaluation made under paragraph (A) to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure not later than 12 months after the date of the enactment of this Act, with subsequent evaluations transmitted to the Committees every 3 years thereafter.

S E C. 6. A UTHORIZATION OF APPROPRIATIONS. (a) N ATIONAL SCIENCE FOUNDATION.—  
(1) G ENERAL AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out the Director’s responsibilities under this Act—  
(A) $221,000,000 for fiscal year 2003; and (B) $254,150,000 for fiscal year 2004.  
(2) S PECIFIC ALLOCATIONS.— (A) N ATE NANO-TECHNOLOGY RESEARCH CENTERS.—Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2003, $50,000,000 for fiscal year 2004, shall be available for grants of up to $5,000,000 each for multidisciplinary nanotechnology research centers.  
(B) C E NTER FOR SOCIETAL, ETHICAL, EDUCATION, AND WORKFORCE ISSUES RELATED TO NANO-TECHNOLOGY.—Of the sums authorized for the National Science Foundation each fiscal year, $5,000,000 shall be used to establish a university-based Center for Societal, Ethical, Educational, and Workforce Issues Related to Nanotechnology.  
(C) N ATIONAL NANO-TECHNOLOGY COORDINA- TION OFFICE.—Of the sums authorized for the National Science Foundation each fiscal year, $5,000,000 shall be used for the activities of the Nanotechnology Coordination Office.  
(D) G AP FUNDING THROUGH THE SCIENCE AND TECHNOLOGY POLICY INSTITUTE.—Of the sums authorized for the National Science Foundation each fiscal year, $5 million shall be for the Science and Technology Policy Institute, in consultation with the Office of Science and Technology Policy, to conduct a biennial competition in competitive grants to address research areas identified by the council under section 5(a)(9) of this Act. Such grants may be made to government or non-government awardees. (e) D EPARTMENT OF ENER GY.—There are authorized to be appropriated by the Secretary of Energy to carry out the duties of the Secretary’s responsibilities under this Act—  
(1) $139,300,000 for fiscal year 2003; and (2) $160,195,000 for fiscal year 2004.  
(f) N ATIONAL RESEARCH CENTERS.—Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2003, $50,000,000 for fiscal year 2004, shall be available for grants of up to $5,000,000 each for multidisciplinary nanotechnology research centers.  
(g) C RITICAL RESEARCH AREAS.—Of the amounts described in paragraph (1), $22,000,000 for fiscal year 2003; and $25,300,000 for fiscal year 2004.  
(h) I NTERDISCIPLINARY NANOTECHNOLOGY S TUDENT SCHOLARSHIPS.—There are authorized to be appropriated to the National Institutes of Health to carry out the responsibilities of the National Institutes of Health under this Act—  
(1) $43,200,000 for fiscal year 2003; and (2) $49,680,000 for fiscal year 2004.  
(i) E NERGY RESEARCH FACILITIES.—Of the amounts described in paragraph (1), $4,000,000 for fiscal year 2003, $5,000,000 for fiscal year 2004, shall be available for grants of up to $500,000 each for multidisciplinary nanotechnology research centers.

(1) UNITED STATES STANDING TO BE MONI TORED.—In order to maintain world leadership in nanotechnology, the program established under section 4(a) shall monitor the United States standing among the key research fields that support technological innovation.  
(2) BIENNIAL NNTC STUDY OF RELATIVE UNITED STATES POSITION.—Not later than 3 years after the date of this Act, the President, through the Council, shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a biennial study of the relative position of United States compared to other nations with respect to nanotechnology research and development.

(3) ISSUES TO BE ADDRESSED.—The study required by paragraph (2) shall address, among other issues— (A) the current and likely future relative position of United States private sector, academic, and government research in nanotechnology relative to other nations; (B) niche nanotechnology research areas where the United States is trailing other nations; (C) critical research areas where the United States should take steps to better achieve the goals of the Federal nanotechnology research and development program; (D) key factors influencing relative United States performance in this field; and (E) institutional, funding, and human-resource factors that are critical to maintaining leadership status in this field.

(4) A CTION PLAN.—Not less than 6 months after receipt of each study, the Council shall develop a plan for addressing the issues raised in the study. The plan— (A) investment strategies for addressing the issues raised in the report; (B) strategies for promoting international research and cooperation, the exchange of national niches of excellence identified by the report; and (C) institutional and human-resource changes to be made to address or maintain leadership status in this field.

(5) T RANSMITTAL TO CONGRESS.—The Council shall submit the study required by paragraph (2) and the plan required by paragraph (4) to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure not later than 18 months after the date of enactment of this Act and every 2 years thereafter.

(b) S OCIETAL, ETHICAL, EDUCATION, LEGAL, AND WORKFORCE ISSUES RELATED TO NANO-TECHNOLOGY.—  
(1) S TUDIES.—The Director of the National Science Foundation shall encourage, coordinate, coordinate, commission, collect, and disseminate studies on the societal, ethical, educational, and workforce implications of nanotechnology through the Center for Societal, Ethical, Educational, and Workforce Issues established under section 4(c)(5). The studies shall identify anticipated issues and problems, as well as provide recommendations for preventing or addressing such issues and problems.

(2) D ATA COLLECTION.—The Director of the National Science Foundation shall collect data on the size of the anticipated nanotechnology workforce need by detailed occupation, industry, and firm characteristics, and assess the adequacy of the trained talent pool in the United States to fill such workforce needs.

(3) A NNUAL REPORT.—The Director of the National Science Foundation shall compile the studies required under paragraph (2) and, with the assistance of the Center for Ethical, Societal, Educational, Legal, and Workforce
The emerging field of nanotechnology constitutes such an opportunity. It is not just any opportunity, however, but one whose magnitude and significance locates it on the scale of harnessing electricity, creating antibiotics, building computers, or wiring the human brain to make a new art. It is a frontier in science and technology that has the potential to transform every aspect of our lives. Nanotechnology, in fact, may have even greater potential to affect the way we live since it has such broad prospective applications in so many different areas, from medicine, to electronics, to energy. Nanotechnology is what scientists and technologists often call an "enabling" technology, a tool that opens the door to new possibilities constrained only by physics and the limits of our imaginations.

Yet, despite the enormous potential that nanotechnology offers, it is not an area in which we have assumed uncontested leadership. From an international perspective, the United States faces the danger of falling behind its Asian and European counterparts in supporting the pace of nanotechnology innovation. Other nations have grasped the fact that the future Colayers to fully capitalize on the promise of nanotechnology have the potential to leap frog in productivity and precipitate a reshuffling in the economic, and perhaps aspects of the military, pecking order. Our European allies have undertaken substantial efforts to invest in nanotechnology research, and to accelerate technology transfer and commercialization. While our Nation certainly possesses the raw resources and talent to lead the world in developing this technology, it is also clear that a long-term focus and sustained commitment, as well as new collaborations between government, academia, and industry, will be needed to ensure our place at the head of the nanotechnological universe.

This is why I am so proud today to join my colleague, Senator Ron Wyden of Oregon, in introducing the 21st Century Nanotechnology Research and Development Act. This Act will build on the efforts of the National Nanotechnology Initiative, NNI, which was started under President Clinton and has received continued support under President Bush, to establish a comprehensive, coordinated nanotechnology program for addressing the full spectrum of challenges confronting a successful national science and technology effort, including those related to funding, coordination, infrastructure development, technology transition, and social issues.

I feel it is appropriate at this point to give credit to President Clinton for having the prescience and initiative of creating the NNI, and to applaud President Bush for expanding support for nanotechnology R&D from $270 million in FY 2000 to the $710 million targeted in his budget request for FY 2003. The NNI has been a key driver of nanotechnology in this country by bringing coherence and organization to what had previously been a scattered set of research programs within the federal government. It has, in no small part through the efforts of its spokespeople, Dr. Mike Roco and Jim Murray, achieved a higher profile for nanotechnology both within and outside the government, and gathered national attention to the importance of this field.

Challenges are now ripe to elevate the U.S. nanotechnology efforts beyond the level of an Executive initiative. Funding for nanotechnology will soon reach $1 billion a year, and the NNI currently attempts to coordinate programs across a wide range of Federal agencies and departments. This level of funding and the coordination challenges that arise with so many diverse participants strongly recommend having a program based in statute, provided with greater support and coordination mechanisms, afforded a higher profile, and subjected to constructive Congressional oversight and support.

Our bill closely tracks the recommendations of the National Research Council, NRC, which completed a thorough review of the NNI this past June. The NRC report stated how impressed the reviewers were with the leadership and multi-agency involvement of the NNI. Specifically, it commended the Nanoscale Science, Engineering, and Technology, NSET, subcommittee, which is the primary coordinating mechanisms of the NNI, as playing a key role in identifying research priorities, establishing Grand Challenges, and involving the U.S. scientific community in the NNI. To improve the NNI above its current level of success, the NRC made a number of recommendations. These recommendations have largely been incorporated in our bill, including an independent advisory panel; emphasizing long-term goals; striking a balance between long-term and short-term research; supporting the development of research facilities, equipment, and instrumentation; creating special funding for technology transition; and involving the U.S. nanotechnology both within and outside the government, and gathered national attention to the importance of this field.

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that leverages the expertise residing in every corner of our government. If history teaches us anything, it is that once the wheels of innovation have stopped and stagnation has set in, mediocrity will soon follow. Nowhere in the world are the wheels of innovation spinning more rapidly than in the area of nanotechnology. This legislation provides a strong foundation and comprehensive framework that elicits contributions from all three sectors of our society in pushing nanotechnology research and development to the next level.

I look forward to supporting Senator WYDEN in getting this important bill through the Congress, and encourage my colleagues to join us in setting the stage for U.S. economic growth over the next century.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 139—EXpressing the sense of Congress that there should be established a national minority health and health disparities research and development month, and for other purposes

Mr. TORRICELLI submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

Whereas in his recent book the Surgeon General announced a goal of eliminating, by 2010, health disparities experienced by racial and ethnic minorities in health access and outcome in 6 areas: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations;

Whereas despite notable progress in the overall health of the Nation there are continuing health disparities in the burden of illness that do not exist in other populations, as evidenced by African-Americans, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders, compared to the population of the United States as a whole;

Whereas minorities are more likely to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and, in recent years, acquired immunodeficiency syndrome than nonminorities suffering from those same illnesses;

Whereas there is a national need for scientists in the fields of biomedical, clinical, behavioral, and health services research to focus on how best to eliminate health disparities experienced by African-Americans and the nonminority population of the United States as a whole;

Whereas the diverse health needs of minorities are more effectively addressed when minority and other communities experiencing health disparities; and

Federal, State, and local governments should work in concert with the private and nonprofit sector to recruit and retain qualified individuals from racial, ethnic, and gender groups that are currently underrepresented in health care professions;

Whereas the Agency for Healthcare Research and Quality should continue to collect and report data on health access and utilization on patients by race, ethnicity, socioeconomic status, and where possible, primary language, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, to monitor the Nation’s progress toward the elimination of health care disparities; and

(6) the information gained from research about factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness, should be disseminated to all health care professionals so that they may better communicate with all patients, regardless of race or ethnicity, without bias or prejudice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4537. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, making appropriations for the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4538. Mr. GRAHAM (for himself, Mr. SARBANES, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4539. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4540. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4542. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4543. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4544. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4545. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4546. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4547. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4548. Mr. SARBANES submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, supra; which was ordered to lie on the table.

SA 4549. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5903, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4550. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4551. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4552. Mrs. CLINTON (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5903, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4553. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4554. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5903, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4555. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5903, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4556. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5903, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4557. Mr. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5903, supra; which was ordered to lie on the table.
SA 4538. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4562. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4537. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

 текст...
(B) REJECTION OF OFFERS.—The Secretary may reject any offer received under this section if the Secretary determines that the offer—
(i) is not adequate; or
(ii) is not in the public interest.

(5) METHODS OF SALE.—The Secretary may sell the land described in paragraph (2) at public or private sale (including auction), in accordance with any terms, conditions, and procedures that the Secretary determines to be appropriate.

(B) BIDS.—Any sale or exchange of land described in paragraph (2), the Secretary may—
(A) sell through a real estate broker; and
(B) pay the real estate broker a commission in an amount that is comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CONCURRENCE OF THE SECRETARY OF THE AIR FORCE.—A parcel of land described in subparagraphs (A) through (G) of paragraph (2) shall not be sold or exchanged by the Secretary without the concurrence of the Secretary of the Air Force.

(8) CASH EQUALIZATION.—Notwithstanding section 1111 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the value of non-Federal land for which Federal land is exchanged under this section is less than the value of the Federal land exchanged, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(9) DISPOSITION OF PROCEEDS.—(A) IN GENERAL.—The net proceeds derived from any sale or exchange under this section shall be deposited in the fund established by Public Law 90–92 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary for expenditure, without further appropriation, for—
(i) acquisition of land and interests in land for inclusion as units of the National Forest System in the State; and
(ii) reimbursement of costs incurred by the Secretary in carrying out land sales and exchanges under this section, including the payment of real estate broker commissions under paragraph (6).

(c) ADMINISTRATION.—

(I) IN GENERAL.—Land acquired by the United States under this section shall be—
(A) subject to the Act of March 1, 1911 (commonly known as the “Weeks Act”) (16 U.S.C. 480 et seq.);
and
(B) administered in accordance with laws (including regulations) applicable to the National Forest System.

(2) APPLICABLE LAW.—The land described in subsection (b) shall not be subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights or unused rights described in subsection (b)(2) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws (including geothermal leasing laws).

SA 4540. Mrs. CLINTON (for herself and Mr. SANTORUM) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

BILLS AND RESOLUTIONS 731

SEC. 3. ACTIONS TO REDUCE FIRE HAZARDS AND INSECT INFESTATION ON NATIONAL FOREST SYSTEM LAND.

(a) FINDINGS.—Congress finds that—
(1) insect and fire conditions on National Forest System land are deteriorating, and it is in the public interest to take immediate action to treat the land;
(2) pending litigation prevents timely action by the Secretary of Agriculture to reduce the risk of wildfire on National Forest System land using existing administrative and legal processes;
(3) State and local governments, local industry users, and several environmental

SA 4541. Mr. CRAIG (for himself, Mr. DOMENICI, and Mr. MUKROWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the title II Roadless Area and shall rehabilitate any trees per acre in any treatment area authorized by the Forest Service for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 3. ACTIONS TO REDUCE FIRE HAZARDS AND INSECT INFESTATION ON NATIONAL FOREST SYSTEM LAND.

(a) FINDINGS.—Congress finds that—
(1) insect and fire conditions on National Forest System land are deteriorating, and it is in the public interest to take immediate action to treat the land;
(2) pending litigation prevents timely action by the Secretary of Agriculture to reduce the risk of wildfire on National Forest System land using existing administrative and legal processes;
(3) State and local governments, local industry users, and several environmental
groups support immediate action by the Secretary of Agriculture to address the risk of fire danger in an environmentally responsible manner; and 

(b) The Forest Service and State and local fire officials should be encouraged to take any actions necessary to create a defensible fuel zone within State-owned land adjacent to National forest land.

(b) Fire and Insect Risk Reduction in Existing Timber Sale Analysis Areas.—(1) In general.—Subject to paragraph (3), the Secretary may modify the terms of any National Forest System land, treat additional timber—

(A) inside or outside of the existing cutting units for National Forest System timber sales; or

(B) in the analysis areas for those sales.

(2) Timber sale contracts.—In carrying out additional timber treatments under paragraph (1), the Secretary may modify timber sale contracts currently in effect if—

(A) the purchaser agrees to the modification; or

(B) the Secretary offers additional timber sales in the timber sale analysis areas.

(3) Priority.—In carrying out additional timber treatments under paragraph (1), the Secretary shall give preference, in order of priority to—

(A) areas that are located not more than 1/4 mile inside forest roads; (B) areas on which the owner has taken or is taking actions to treat the timber on the private property; (C) stands that—

(i) are a fire hazard or insect infested; and (ii) are in close proximity to—

(I) private land; or (II) communities; or

(D) stands that—

(i) are a high fire hazard or insect infested; and (ii) are in close proximity to areas of high resource value in which retaining green trees is important, such as wildlife habitats, sensitive landscapes, recreation areas, and developments; or

(E) stands that—

(i) are a fire hazard or insect infested; and (ii) are within skidding distance of existing roads; (F) concentrations of insect-infested trees or areas that are high fire hazards; and (G) high-density stands that—

(i) are most susceptible to insect attack; and (ii) are in close proximity to insect-infested trees.

(c) Timing.—Notwithstanding any other provision of law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), the Secretary shall not be subject to the notice, comment, and appeal requirements of section 322 of Public Law 103-353 (16 U.S.C. 7393) or any action authorized by this section.

(d) Exemption from Applicable Law.—Any action authorized by this section shall not be subject to the notice, comment, and appeal requirements of section 322 of Public Law 103-353 (16 U.S.C. 1612 note).

(e) Judicial Review.—Any action determined by the Secretary to be authorized by this section and the determination by the Secretary of a subjection to judicial review by any court of the United States.

(f) Roadless Character.—The actions authorized by this section shall not affect the determination of the wilderness character, suitability, or roadless character of any National Forest System land.

(g) Report.—The Secretary shall submit to Congress a report on the implementation of this section not later than—

(1) November 30, 2002;

(2) June 30, 2003; and


SA 4543. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

(A) November 30, 2002;

(B) June 30, 2003; and

(C) November 30, 2003.

SA 4544. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

(A) November 30, 2002;

(B) June 30, 2003; and

(C) November 30, 2003.

SA 4545. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

(A) November 30, 2002;

(B) June 30, 2003; and

(C) November 30, 2003.

SA 4546. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

(A) November 30, 2002;

(B) June 30, 2003; and

(C) November 30, 2003.

SA 4547. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

(A) November 30, 2002;

(B) June 30, 2003; and

(C) November 30, 2003.
(4) REPORT.—Upon the completion of each audit under this subsection, the Privacy Officer shall submit a report to Congress that contains—
(A) the results of the audit; and
(B) recommendations for improvement of the management of personal information by the Department.

SA 4540. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

CHAPTER—
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
(airport and airway trust fund)
For an additional amount to enable the Federal Aviation Administrator to compensate air carriers for the direct costs associated with strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act, notwithstanding any other provision of law, $100,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended:

SA 4551. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4532 proposed by Mr. BYRD (for himself and Mr. STEVENS) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:
In the text of the provision captioned Chapter 8, strike "exceeded:" and insert "exceeded, and for an additional amount to enable the Federal Aviation Administrator to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act, notwithstanding any other provision of law, $100,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended:"

SA 4552. Mrs. CLINTON (for herself and Mr. SPECTER) 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, insert between lines 15 and 16 the following:
In this subsection, the term "key resources" includes National Park Service sites identified by the Secretary of the Interior to collectively recognize the symbols of the United States and so heavily visited by the American and international public that such sites would likely be identified as national symbols by terrorist attacks, including the Statue of Liberty, Independence Hall and the Liberty Bell, the Arch in St. Louis, Missouri, the Statue of Freedom, Mount Rushmore, and memorials and monuments in Washington, D.C.

SA 4553. Mr. BAUCUS (for himself and Mr. Burns) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:
On page 123, lines 12 through 15, strike "29 contracts authorized by this section at least one region 1" and insert "30 contracts subject to the same terms and conditions as provided in this section, including that at least two contracts authorized by this section at least 11 shall be allocated to Region 1 of, which at least 2 contracts shall be allocated to the Kootenay National Forest because of special circumstances there.

SA 4554. Mr. SARBANES (for himself and Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN) 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 20, between lines 20 and 21, insert the following:

SEC. 141. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.
(a) ESTABLISHMENT.—
(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined in section 2674(k)(2) of title 10, United States Code.

(b) DIRECTOR.—The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

(2) COORDINATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officials in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia, to coordinate, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attack.

(b) RESPONSIBILITIES.—The Office established under subsection (a)(1) shall—
(1) coordinate and oversee the Department relating to the National Capital Region, including cooperation with the Homeland Security Liaison Officers for Maryland, Virginia, and the District of Columbia with respect to the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide such additional guidance to regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities in the National Capital Region to assist in the development of the homeland security plans and activities of those jurisdictions;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, and execution of domestic preparedness activities among these agencies and entities; and

(6) coordinate with Federal, State, local, and regional authorities, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison with the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress that includes—
(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region;

(3) recommendations to Congress regarding the addition of resources needed to fully implement homeland security efforts in the National Capital Region.

(d) LIMITATION.—Nothing contained in this section shall be construed as limiting the power of State and local governments.

SA 4555. Mr. ALLARD submitted an amendment intended to be proposed to him by 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:
At the appropriate place insert the following:

SEC. 164. USE OF NATIONAL PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.
To the maximum extent practicable, the Secretary shall use national private sector networks and infrastructure for emergency response to chemical, biological, radiological, nuclear, or explosive disasters, and other major disasters.
(3) Responsibilities.—In carrying out paragraph (2), the responsibilities of the Chief Information Officer shall include—
(A) managing the geospatial information needs of the department;
(B) establishing such standards as are necessary to assure the interoperability of geospatial information services and geospatial data and services available by agreement with all users of such information within—
(i) the department;
(ii) other agencies;
(iii) State and local government; and
(iv) the private sector;
(C) coordinating with and providing liaison to the Federal Geographic Data Committee and other committees responsible for geospatial standards pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906;
(D) assisting and encouraging the Undersecretary for Emergency Preparedness in providing grants—
(i) to fund the creation and procurement of geospatial information systems and data; and
(ii) to execute information sharing agreements with State, local, and tribal governments;

(E) to the maximum extent possible, ensuring that the Department utilizes commercial geospatial data and services available by awarding contracts to entities in the private sector.

(4) Precautions.—The Secretary shall ensure that the proper precautions are observed regarding public access to data which may be of critical importance regarding national or homeland security.

On page 72, after line 8, insert the following:

(15) With the assistance of the Chief Information Officer and, where appropriate, in consultation with the Under Secretary for Critical Infrastructure Protection, providing grants regarding geospatial information, as described in section 108(c)(1)—
(A) to fund creation and procurement of geospatial information systems and data; and
(B) to execute information sharing agreements with State, local, and tribal governments.

SA 4557. Ms. CANTWELL submitted an amendment intended to be proposed to an amendment of S. 4571 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 211, strike lines 10 and 11, and insert the following:

TITLE VI—IDENTITY THEFT

SEC. 601. SHORT TITLE
This title may be cited as the “Identity Theft Victim Assistance Act of 2002.”

SEC. 602. TREATMENT OF IDENTITY THEFT MITIGATION
(a) In General.—Chapter 47 title 18, United States Code, is amended by adding after section 1028 the following:

§ 1028A. Treatment of identity theft mitigation

(a) Definitions.—As used in this section—
(1) the term ‘business entity’ means any corporation, trust, partnership, sole proprietorship, or unincorporated association, including any financial service provider, financial information repository, creditor (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1609));
(2) the term ‘consumer’ means an individual;

(3) the term ‘financial information’ means information identifiable as relating to an individual consumer that concerns the amount and conditions of the assets, liabilities, or credit worthiness of such consumer;

(4) account numbers and balances;

(5) the financial information is obtained by fraud, theft, or any other similar provision of Federal or State law;

(b) Information Available to Victims.

(1) In General.—A business entity that possesses information relating to an alleged identity theft, or that has entered into a commercial transaction, provided credit, provided, for consideration, products, goods, or services, accepted payment, or otherwise done business for consideration with a person that has made unauthorized use of the means of identification of the victim, shall, not later than 20 days after the receipt of a written request by the victim, meeting the requirements of subsection (c), and in compliance with subsection (d), provide, without charge, a copy of all application and business transaction information related to the transaction being alleged as an identity theft to—

(A) the victim;

(B) any Federal, State, or local government law enforcement agency or officer specified by the victim;

(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this section.

(2) Rule of Construction.—

(A) In General.—No provision of Federal or State law prohibiting the disclosure of financial information by a business entity to third parties is to be interpreted to prohibit the disclosure of information to the victim under this section.

(B) Limitation.—Except as provided in subparagraph (A), nothing in this section requires a business entity to disclose information that the business entity is otherwise prohibited from disclosing under any other provision of Federal or State law.

(c) Verification of Identity and Claim.

(1) Identity of Victim.—Upon a consumer’s request, a business entity shall verify the identity of the consumer.

(2) The entity may, in its discretion, require—

(A) a copy of a government-issued identification card for the consumer;

(B) if providing proof by mail, a copy of a police report evidencing the claim of identity theft, or such other relief as may be appropriate.

(d) Authority to Decline to Provide Information.

(1) As proof of positive identification, a business entity may decline to provide information under subsection (b) if, in the exercise of good faith and reasonable judgment, the business entity believes that—

(1) this section does not require disclosure of the information;

(2) the request is for information based on a misrepresentation of fact by the victim relevant to the request for information; or

(3) the information requested is Internet navigational data or similar information about a person’s visit to a website or online service.

(e) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this section creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

(f) ENFORCEMENT.—

(1) CIVIL ACTIONS.—

(A) In General.—No provision of Federal or State law prohibiting the disclosure of financial information by a business entity to third parties shall be interpreted to prohibit the disclosure of information to the victim under this section.

(B) Limitation.— Except as provided in subparagraph (A), nothing in this section requires a business entity to disclose information that the business entity is otherwise prohibited from disclosing under any other provision of Federal or State law.

(C) Verification of Identity and Claim.—Unless a business entity, at its discretion, is otherwise able to verify the identity of a victim making a request under subsection (b)(1), the victim shall provide to the business entity—

(i) as proof of positive identification, at the election of the business entity—

(A) the presentation of a government-issued identification card for the consumer;

(B) if providing proof by mail, a copy of a government-issued identification card;
“(i) written notice of the action; and
“(ii) a copy of the complaint for the action.
“(C) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this section, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—
“(i) it has not made a reasonably diligent search of its available business records; and
“(ii) the records requested under this section do not exist or are not available.
“(D) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to provide a private right of action or claim for relief.
“(2) INTERVENTION.—
“(A) IN GENERAL.—On receiving notice of an action under paragraph (1)(B), the Attorney General of the United States shall have the right to intervene in that action.
“(B) EFFECT OF INTERVENTION.—If the Attorney General of the United States intervenes in an action under this subsection, the Attorney General shall have the right to be heard with respect to any matter that arises in that action.
“(C) SERVICE OF PROCESS.—Upon request of the Attorney General of the United States, the attorney general of a State that has filed an action under this subsection shall, pursuant to part 4(d)(4) of the Federal Rules of Civil Procedure, serve the Government with—
“(i) a copy of the complaint; and
“(ii) written disclosure of substantially all material evidence and information in the possession of the attorney general of the State—
“(3) CONSTRUCTION.—For purposes of bringing any civil action under this subsection, nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State—
“(A) to conduct investigations;
“(B) to administer oaths or affirmations; or
“(C) to compel the attendance of witnesses or the production of documentary and other evidence.
“(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General of the United States for a violation of this section, no State may, during the pendency of that action, institute an action under this subsection against any defendant named in the complaint in that action for violation of that practice.
“(5) VENUE; SERVICE OF PROCESS.—
“(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States for the district in which the defendant resides; or
“(i) where the defendant resides;
“(ii) where the defendant is doing business; or
“(iii) if the business entity has exercised the powers conferred on such attorney general by the laws of such State—
“(A) to conduct investigations;
“(B) to administer oaths or affirmations; or
“(C) to compel the attendance of witnesses or the production of documentary and other evidence.
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“(iii) if the business entity has exercised the powers conferred on such attorney general by the laws of such State—
“(A) to conduct investigations;
“(B) to administer oaths or affirmations; or
“(C) to compel the attendance of witnesses or the production of documentary and other evidence.
of Immigration and Naturalization, the Chairman of the Federal Trade Commission, the Postmaster General, and the Commissioner of the United States Customs Service;

(2) in subsection (c), by striking "2 years after the effective date of this Act," and inserting "on December 28, 2004.

(b) NOW, THEREFORE, AN ACT—Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Internet False Identification Prevention Act of 2000 (18 U.S.C. 502 note) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) by inserting after subsection (c) the following:

"(d) CONSULTATION.—In discharging its duties, the coordinating committee shall consult with interested parties, including State and local law enforcement agencies, State attorneys general, representatives of business entities (as that term is defined in section 603 of the Identity Theft Victims Assistance Act of 2002), including telecommunication and utility companies, and organizations representing consumers.

(c) REPORT DISTRIBUTION AND CONTENTS.—Section 2(e) of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 502 note) (as redesignated by subsection (b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each fiscal year, shall report to the Senate—

(a) on the effectiveness of the administration of the program; and

(b) on the effectiveness of the Administration of the program; and

(c) the Committee on the Judiciary of the Senate;

(2) in subparagraph (E), by striking "and" and adding "the" after "the"; and

(3) by striking subparagraph (F) and inserting the following:

"(F) a comprehensive description of Federal assistance provided to State and local law enforcement agencies to address identity theft;

(4) a comprehensive description of coordination activities between Federal, State, and local law enforcement agencies that address identity theft;

(5) a comprehensive description of how the Federal Government can best provide State and local law enforcement agencies with timely and current information regarding terrorists or terrorist activity where such information specifically relates to identity theft; and

(6) recommendations in the discretion of the President, if any, for legislative or administrative action that would—

(i) facilitate more effective investigation and prosecution of cases involving—

(II) identity theft, and

(II) the creation and distribution of false identification documents;

(ii) improve the effectiveness of Federal assistance to State and local law enforcement agencies and coordination between Federal, State, and local law enforcement agencies; and

(iii) simplify efforts by a person necessary to rectify the harm that results from the theft of the identity of such person.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

SA 4558. Ms. CANTWELL 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 18, lines 14-15
Strike "not later than 4 years" and insert "not later than 5 years".

SA 4559. Mr. CRAIG (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place, insert the following:

SEC. 2. LEWIS AND CLARK BICENTENNIAL CORPS OF DISCOVERY II TRAVELING EDUCATION CENTER.

The National Park Service, using funds made available by this act, shall provide $2 million toward equipping and operating the Lewis and Clark Bicentennial Corps of Discovery II Traveling Education Center.

SA 4560. Mr. CRAIG submitted an amendment intended to be proposed by him 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:

At the appropriate place, insert the following:

SEC. 3. MODIFICATIONS TO AVIATION AND TRANSPORTATION SECURITY ACT.

(a) SECURITY SCREENING OUTFIT-OUT PROGRAM.—Section 44919(d) of title 49, United States Code, is amended—

(1) by striking "not more than 1 airport from each of the 5 airport security risk categories" and inserting "up to 40 airports equally distributed among the 5 airport security risk categories"; and

(2) by adding at the end the following:

"(i) the Secretary shall encourage large and medium hub airports to participate in the program.

(b) EXTENSION OF DEADLINE.—Section 110(c)(2) of the Aviation and Transportation Security Act is amended by striking "1 year after the date of enactment of this Act" and inserting "December 31, 2002."
(3) the time period during which incentive payments shall be paid;
(4) the number and amounts of incentive payments to be offered; and
(5) any other criteria that the Institution will operate without the eliminated positions and functions.
(c) IMPLEMENTATION.—Before implementing the plan, the Secretary shall consult with the Director of the Office of Management and Budget.

SEC. 04. AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) IN GENERAL.—The Secretary may make an incentive payment to any employee who voluntarily separates within the 3-year period beginning on the date of enactment of this Act in accordance with this title and the plan.

(b) REQUIREMENTS.—An incentive payment shall be paid:

(1) to an employee under this title, an employee who shall jointly develop a collaborative process for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to
(2) at the appropriate place, insert the following:

SEC. (a) FINDINGS.—Congress finds that:

(1) In 2002 approximately six and one half million acres in the United States have burned, 21 people have lost their lives, and 3,079 structures have been destroyed.

(2) The Forest Service and the Bureau of Land Management have spent more than $1 billion fighting these fires.

(3) 73 million acres of public lands are classified as class 1 fire risks. This includes 23 million acres that are in strategic areas designated by the Forest Service and the Department of the Interior for emergency treatment to withstand catastrophic fire.

(4) The forest management policy of fire suppression has resulted in an accumulation of fuel loads, dead and dying trees, and non-native species that create fuel ladders which allow fires to reach the crowns of large old trees and cause catastrophic fire.

(5) The Forest Service and the Department of the Interior shall undertake an emergency forest gromming program to reduce the risk of catastrophic fire.

(b) IN GENERAL.—The Secretary of Agriculture and the Interior shall conduct immediately and to completion projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Cost-Effective Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the Conference Report to the Energy and Water Development Appropriations Act, FY 2001 (H. Rept. 106–166) to reduce hazardous fuels. Any project carried out pursuant to this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(c) PRIORITY.—In implementing projects under this subsection, the Secretary of Agriculture and the Secretary of the Interior shall give highest priority to:

(1) wild and urban interface areas;
(2) municipal watersheds;
(3) forested or rangeland areas affected by disease, insect activity, wind throw, or areas subject to catastrophic reburn.

(d) AVERAGE LIMITATION.—In implementing this section, the Secretary of Agriculture and the Secretary of the Interior shall not average the aggregate area of not more than 250,000 board feet of merchantable wood products or removes as salvage 1,000,000 board feet or less of merchantable wood products and assures restoration of harvested areas.

(2) Scoping is required on all actions proposed pursuant to this subsection.

(3) for projects involving key municipal and the Secretary of Agriculture and the Secretary of the Interior shall follow agency procedures related to categorical exclusions and extraordinary circumstances.

(4) REDUCE FIRE RISK.—In order to ensure that the agencies are implementing projects that reduce the risk of naturally intense wildfires, the Secretary of Agriculture and the Secretary of the Interior shall

(5) shall, at their discretion, maintain an ecologically sufficient number of old and large trees appropriate for each ecosystem.

(6) for projects involving key municipal and the Secretary of Agriculture and the Secretary of the Interior shall

(7) in addition to the existing hazardous fuels reduction program that treats approximately 2.5 million acres each year.

(8) for projects involving key municipal and the Secretary of Agriculture and the Secretary of the Interior shall

(9) in addition to the existing hazardous fuels reduction program that treats approximately 2.5 million acres each year.
NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 18, 2002, at 10 a.m. in Room G-406 of the Russell Senate Office Building to conduct a hearing on H.R. 2869, a bill 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, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate at 10:00 a.m., on Tuesday, September 17, 2002. The purpose of this hearing will be to discuss implementation of the 2002 farm bill.

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

COMMITTEE ON ARMED SERVICES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 9:30 a.m. for a closed session to receive testimony on Iraq.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 10:30 a.m., to conduct an oversight hearing on “The Tennessee Valley Authority and Financial Disclosure.”

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, September 17, 2002, at 9:30 a.m. in SD-106. The purpose of the hearing is to receive testimony on the Federal Energy Regulatory Commission’s Notice of Proposed Rulemaking, “Remedying Under ‘Discrimination through Open Access Transmission Service and Standard Electricity Market Design’” issued July 31.

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

COMMITTEE ON HEATH, EDUCATION, LABOR, AND PENSIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on S. 1392, a bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition, and on S. 1393, a bill to provide grants to ensure full and fair participation in certain decision-making process at the Bureau of Indian Affairs.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 17, 2002, at 10:00 a.m. in Room G-406 of the Russell Senate Office Building to conduct a hearing on S. 1393, a bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition, and on S. 1392, a bill to provide grants to ensure full and fair participation in certain decision-making process at the Bureau of Indian Affairs.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON AVIATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Tuesday, September 17, 2002, at 10:30 a.m. on Aviation Cargo Security. This will be a closed hearing.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Tuesday, September 17, 2002, at 2:30 p.m. on Nanotechnology.

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

NATIVE AMERICAN COMMERCIAL DRIVING TRAINING AND TECHNICAL ASSISTANCE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 557, S. 1344.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1344) to provide training and technical assistance for American Indians who are interested in commercial vehicle driving careers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[(Strike the part shown in black brackets and insert the part shown in italic.)]

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 "Native American Commercial Driving Training and Technical Assistance Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States.

(2) The United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions.

(3) The economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, state and local governments, the private sector, and individuals.

(4) Two tribally controlled community colleges, D-Q University in the State of California and Fort Peck Community College in the State of Montana, currently offer commercial vehicle driving programs.

(5) The American Trucking Association reports that at least until the year 2005, the trucking industry will need to hire 403,000 truck drivers each year to fill empty positions.

(b) According to the Federal Government Occupational Handbook the commercial driving industry is expected to increase about as fast as the average for all occupations through the economy grows and the amount of freight carried by trucks increases.
term "commercial vehicle driving" means the driving of a vehicle which is a tractor-trailer truck.

(2) SECRETARY.—The term “Secretary” means the Secretary of Labor.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMERCIAL VEHICLE DRIVING.—The term “commercial vehicle driving” means the driving of—

(A) a vehicle that is a trailer-trailer truck or is used for the purpose of construction; or

(B) any other vehicle (such as a bus or a vehicle used for the purpose of construction) the driving of which requires a commercial license.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE AMERICAN.—The term “Native American” means an individual who is a member of—

(A) an Indian tribe; or

(B) any people or culture that is indigenous to the United States, as determined by the Secretary.

(4) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 4. COMMERCIAL VEHICLE DRIVING TRAINING PROGRAM.

(a) GRANTS.—The Secretary may provide grants, on a competitive basis, to entities described in subsection (b) to support programs providing training and certificates leading to the professional development of individuals with respect to commercial vehicle driving.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a tribally-controlled community college or university (as defined in section 2 of the Tribal-Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1801)); and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to—

(1) grant applications that propose training that exceeds the 27 year life of the Department of Transportation’s Proposed Minimum Standards for Training Tractor-Trailer Drivers; and

(2) grant applications that propose training that exceeds the entry level truck driver certification standards set by the Professional Truck Driver Institute.

(d) ELIMINATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Commercial Driving Training and Technical Assistance Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Indian Financing Act of 1974 (25 U.S.C. 151 et seq.) was intended to provide Native American borrowers with access to commercial capital resources that, but for that Act, would not be available through loans guaranteed by the Secretary of the Interior;

(2) although the Secretary of the Interior has made loan guarantees available, acceptance of loan guarantees by lenders to benefit Native American business borrowers has been limited;

(3) 27 years after enactment of the Act, the promotion and development of Native American-owned business remains an essential foundation for growth of economic and social stability of Native Americans;

(4) acceptance by lenders of the loan guarantee may be limited by liquidity and other capital market-driven concerns; and

(5) in the best interest of the guaranteed loan program to—

(A) encourage the orderly development and expansion of a secondary market for loans guaranteed by the Secretary; and

(B) expand the number of lenders originating loans under that Act.

(b) PURPOSE.—The purposes of this Act are—

(1) to stimulate the use by lenders of secondary market investors for loans guaranteed by the Secretary of the Interior;

(2) to preserve the authority of the Secretary to administer the program and regulate lenders;

(3) to clarify that a good faith investor in loans guaranteed by the Secretary will receive appropriate payments;

(4) to provide for the appointment by the Secretary of a qualified fiscal transfer agent to administer a system for the orderly transfer of the loans;

(5) to authorize the Secretary to—

(A) promulgate regulations to encourage and expand a secondary market program for loans guaranteed by the Secretary; and

(B) allow the pooling of the loans as the secondary market develops; and

(6) to authorize the Secretary to establish a schedule for assessing lenders and investors for the necessary costs of the fiscal transfer agent and system.

SEC. 3. LOAN GUARANTEES.


INDIAN FINANCING AMENDMENTS ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 558, S. 2017.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk reported as follows:

A bill (S. 2017) to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black boldly and insert the part shown in italic.]
(1) by inserting “(a) IN GENERAL.—” before “Any loan”; and
(2) by adding at the end the following:

"(b) TRANSFER OF LOANS AND UNGUARANTEED PORTIONS OF LOANS.—

"(1) TRANSFER.—

"(A) IN GENERAL.—The lender of a loan guaranteed under this title may transfer to any person—

(i) all of the rights and obligations of the lender under the loan, or in an unguaranteed portion of the loan;

(ii) the security given for the loan or unguaranteed portion.

"(B) REGULATIONS.—A transfer under subparagraph (A) shall be consistent with such regulations as the Secretary shall promulgate under subsection (g).

"(C) NOTICE.—A lender that completes a transfer under subparagraph (A) shall give notice of the transfer to the Secretary (or a designee of the Secretary).

"(2) EFFECT OF TRANSFER.—On any transfer under this subsection, the transferee shall—

(A) be considered to be the lender under this title;

(B) become the secured party of record; and

(C) be responsible for—

(i) performing the duties of the lender; and

(ii) servicing the loan or portion of the loan, as appropriate, in accordance with the terms of the agreement between the Secretary of the loan or portion of the loan.

"(c) TRANSFER OF GUARANTEED PORTIONS OF LOANS.—

"(1) TRANSFER.—

"(A) IN GENERAL.—The lender of a loan guaranteed under this title, and any subsequent transferee of all or part of the guaranteed portion of the loan, may transfer to any person—

(i) all or part of the guaranteed portion of the loan; and

(ii) the security given for the guaranteed portion transferred.

"(B) REGULATIONS.—A transfer under subparagraph (A) shall be consistent with such regulations as the Secretary shall promulgate under subsection (g).

"(C) NOTICE.—A lender that completes a transfer under subparagraph (A) shall give notice of the transfer to the Secretary (or a designee of the Secretary).

"(D) ACKNOWLEDGEMENT.—On receipt of notice of a transfer under subparagraph (C), the Secretary (or designee of the Secretary) shall issue to the transferee the acknowledgement of the Secretary of—

(i) the transfer; and

(ii) the interest of the transferee in the guaranteed portion of a loan that was transferred.

"(2) EFFECT.—Notwithstanding any other provision of law, with respect to any transfer under this subsection, the lender shall—

(A) remain obligated under the guarantee agreement between the lender and the Secretary;

(B) continue to be responsible for servicing the loan in a manner consistent with the guarantee agreement; and

(C) remain the secured creditor of record.

"(d) FULL FAITH AND CREDIT.—

"(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all loan guarantees made under this title.

"(2) VALIDITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the validity of a guarantee of a loan under this title shall be incontestable and shall be held by a transferee of a guaranteed obligation whose interest in a guaranteed loan has been acknowledged by the Secretary (or a designee of the Secretary) under subsection (c)(1)(D).

"(B) FRAUD OR MISREPRESENTATION.—Subparagraph (A) shall not apply in a case in which the Secretary determines that a transfer of a loan or portion of a loan transferred under this section has actual knowledge of fraud or misrepresentation, or participates in any fraud or misrepresentation, in connection with the loan.

"(e) DAMAGES.—The Secretary may recover from a lender any damages suffered by the Secretary as a result of a material breach of an obligation of the lender under the guarantee of the loan.

"(f) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate such regulations as are necessary to facilitate, administer, and promote the transfer of loans and guaranteed portions of loans under this section.

"(1) Central Registration.—On promulgation of final regulations under subsection (g), the Secretary shall—

(i) provide for the central registration of all loans and portions of loans transferred under this section; and

(ii) contract with a fiscal transfer agent—

(A) to act as a designee of the Secretary; and

(B) on behalf of the Secretary—

(i) to carry out the central registration and paying agent functions; and

(ii) to issue acknowledgments of the Secretary under subsection (c)(1)(D).

"(g) POOLING.—Nothing in this title prohibits the pooling of whole loans, or portions of loans, transferred under this section.

"(2) REGULATIONS.—The Secretary may promulgate regulations to effect orderly and efficient pooling procedures under this title.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Financing Amendments Act of 2001”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) was intended to provide Native American borrowers with access to commercial sources of capital that otherwise would not be available through the guarantee or insurance of loans by the Secretary of the Interior; and

(2) although the Secretary of the Interior has made loan guarantees and insurance available, use of those guarantees and that insurance by lenders to benefit Native American business borrowers has been limited;

(3) 27 years after the date of enactment of the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.), the promotion and development of Native American-owned businesses remains an essential foundation for growth of economic and social stability of Native American communities;

(4) use by commercial lenders of the available loan insurance and guarantees may be limited by liquidity and other capital market-driven concerns; and

(5) it is in the best interest of the insured and guaranteed loan program of the Department of the Interior—

(A) to encourage the orderly development and expansion of a secondary market for loans guaranteed or insured by the Secretary of the Interior; and

(B) to expand the number of lenders originating loans under the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.).

(b) PURPOSES.—The purpose of this Act is to reformat and clarify the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) in order to—

(1) stimulate the use by lenders of secondary market investors for loans guaranteed or insured under a program administered by the Secretary of the Interior;

(2) confer upon the Secretary the authority to administer the program and regulate lenders; and

(3) clarify that a good faith investor in loans guaranteed or insured by the Secretary will receive appropriate protection from the Secretary.

(4) provide for the appointment by the Secretary of a qualified fiscal transfer agent to establish and administer a system for the orderly transfer of loans; and

(5) authorize the Secretary to promulgate regulations to encourage and expand a secondary market program for loans guaranteed or insured by the Secretary of the Interior.

(b) PURPOSE OF ACT.—The purpose of this Act is to—

(A) to encourage the orderly development and expansion of a secondary market for loans guaranteed or insured under a program administered by the Secretary of the Interior; and

(B) allow the pooling of those loans as the secondary market develops.

SEC. 3. AMENDMENTS TO INDIAN FINANCING ACT.

(a) LIMITATION ON LOAN AMOUNTS WITHOUT PRIOR APPROVAL.—Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1463) is amended in the last sentence by striking "$100,000" and inserting "$250,000".

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1463) is amended—

(1) by striking “Any loan guaranteed” and inserting the following:

“(a) IN GENERAL.—Any loan guaranteed or insured”; and

(2) by adding at the end the following:

“(b) INITIAL TRANSFERS.—

(A) IN GENERAL.—The lender of a loan guaranteed or insured under this title may transfer any individual or legal entity—

(i) all rights and obligations of the lender in the loan or in the unguaranteed or uninsured portion of the loan; and

(ii) any security given for the loan.

ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—

(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under section (b); and

(B) the lender shall give notice of the transfer to the Secretary.

(2) RESPONSIBILITIES OF TRANSFEREE.—On any transfer under paragraph (1), the transferee shall—

(A) be deemed to be the lender for the purposes of this title;

(B) become the secured party of record; and

(C) be responsible for—

(i) performing the duties of the lender; and

(ii) insuring the loan in accordance with the terms of the guarantee by the Secretary of the loan.

(3) SECURITY TRANSFERS.—

(A) IN GENERAL.—Any transferee under subsection (b) of a loan guaranteed or insured under this title may transfer any individual or legal entity—

(i) all rights and obligations of the transferee in the loan or in the unguaranteed or uninsured portion of the loan; and

(ii) any security given for the loan.

ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—

(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (b); and

(B) the transferee shall give notice of the transfer to the Secretary.

(4) ACKNOWLEDGMENT BY SECRETARY.—On receipt of a notice of a transfer under paragraph (2)(B), the Secretary shall issue to the transferee an acknowledgement by the Secretary of—

(A) the transfer; and

(B) the interest of the transferee in the guaranteed or insured portion of the loan.
“(A) remain obligated on the guarantee agreement or insurance agreement between the lender and the Secretary;”

“(B) continue to be responsible for servicing the loan in a manner consistent with that guarantee agreement or insurance agreement, and

“(C) remain the secured creditor of record.”

“(d) FULL FAITH AND CREDIT.—

“(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all loan guarantees and loan insurance made under this title after the date of enactment of this subsection.

“(2) VALIDITY.—

“(A) IN GENERAL.—Except as provided in sub-paragraph (B), the validity of a guarantee or insurance under this title shall be uncontested if the obligations of the guarantee or insurance held by a transferee have been acknowledged under subsection (c)(3).

“(B) EXCEPTION FOR FRAUD OR MISREPRESENTATION.—Subparagraph (A) shall not apply in a case in which a transferee has actual knowledge of fraud or misrepresentation, or participates in or consents to or misrepresents, in connection with a loan.

“(e) DAMAGES.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may recover from a lender of a loan under this title any damage suffered by the Secretary as a result of a material breach of the obligations of the lender with respect to a guarantee or insurance by the Secretary of the loan.

“(f) LENDER.—The Secretary may collect a fee for any loan or guaranteed or insured portion of a loan that is transferred in accordance with this section.

“(g) CENTRAL REGISTRATION OF LOANS.—On promulgation of final regulations under subsection (i), the Secretary shall—

“(1) provide for a central registration of all guaranteed or insured loans transferred under this section; and

“(2) enter into 1 or more contracts with a fiscal transfer agent—

“(A) to act as the designee of the Secretary under this section; and

“(B) to carry out on behalf of the Secretary the responsibilities of each transferor and fiscal transfer agent under this section, and issuance of acknowledgements, under this section.

“(h) POOLING OF LOANS.—

“(1) IN GENERAL.—Nothing in this title prohibits the pooling of whole loans or interests in loans transferred under this section.

“(2) REGULATIONS.—In promulgating regulations under subsection (i), the Secretary may include such regulations to effect orderly and efficient pooling procedures as the Secretary determines to be necessary.

“(i) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop such procedures and promulgate such regulations as are necessary to facilitate, administer, and promote transfers of loans and guaranteed and insured portions of loans under this subsection.

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read the third time and passed.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2010), as amended, was read the third time and passed.
mental health treatment and prevention programs available on and near the tribe's service area; 
(4) describe the manner in which services are to be provided and delivered and the results expected under the plan; 
(5) identify the projected expenditures under the plan in a single budget; 
(6) identify any agencies in the tribe to be involved in the delivery of the services integrated under the plan; 
(7) identify any statutory provisions, regulations, or procedures that the tribe believes need to be waived in order to implement its plan; and 
(8) be approved by the governing body of the tribe.

[SEC. 7. PLAN REVIEW.]
(a) CONSULTATION.—Upon receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the tribe submitting the plan.

(b) IDENTIFICATION OF WAIVERS.—The parties consulting on the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan.

(c) WAIVERS.—Notwithstanding any other provision of this Act, the affected Federal agency shall have the authority to waive, upon the request and agreement of the tribe, any statutory requirements or of Federal agency regulations, policies, or procedures to enable the tribe to implement its plan.

(d) IN GENERAL.—Not later than 90 days after the receipt by the Secretary of a tribe's plan under section 4, the Secretary shall inform the tribe of the tribe's right to appeal the Secretary's decision with respect to the tribe's plan.

(e) PLAN REVISION.—The tribe shall be entitled to an opportunity for all Indian tribes that carry out projects under this Act, of a meeting not less than 2 times during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act.

(f) REPORT REQUIREMENTS.—The single reporting form that shall be developed by the Secretary under subsection (a)(3), consistent with the requirements of this Act, shall require that the tribe participating in projects under this Act, of a meeting not less than 2 times during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act.

SEC. 8. FEDERAL RESPONSIBILITIES.

SEC. 9. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall—
(1) carry out the purposes of this Act; 
(2) to encourage and facilitate the implementation of the Indian Health Care Program; 
(3) to provide for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

[b) EXECUTIVE OFFICER.—The provisions of this Act with respect to—
(1) to provide for the enforcement of the provisions of this Act.

[c) FINANCIAL ACCOUNTABILITY.—Nothing in this Act shall be construed to interfere with the authority of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

[SEC. 10. REPORT ON STATUTORY AND OTHER BARRIERS TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.]
(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the implementation of the program authorized under this Act.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services, and barriers consistent with the purposes of this Act.

[SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.]
The Secretary, the Secretaries of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the program authorized under this Act.

[SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.]
(a) ADMINISTRATION OF FUNDS.—
(1) IN GENERAL.—Program funds shall be administered by the Secretary under this Act in such a manner as to—
(2) to encourage and facilitate the implementation of the Indian Health Care Program.

[SEC. 7. FISCAL ACCOUNTABILITY.]
Nothing in this Act shall be construed to interfere with the authority of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

[SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.]
(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the implementation of the program authorized under this Act.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services, and barriers consistent with the purposes of this Act.

[SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.]
Any State with an alcohol and substance abuse or mental health program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel and support services as the Secretary of Commerce may deem appropriate to help insure the success of such program.

SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Native American Alcohol and Substance Abuse Program Consolidation Act of 2002’’.

SEC. 2. STATEMENT OF PURPOSE.
The purposes of this Act are—
(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with alcohol and other substance abuse and mental health problems; 
(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs consistent with the policy of self-determination; 
(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system; 
(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for, technology for an automated clinical information system that incorporates clinical, as well as financial and reporting, capabilities for Indian behavioral health care programs; 
(5) to encourage and provide for the adoption of Federal personnel to provide for transportation, as appropriate, is authorized to take such action as may be necessary to provide for the coordination of transfers of funds otherwise available to tribes in order to further the purposes of this Act.

[SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.]
(a) ADMINISTRATION OF FUNDS.—
(1) IN GENERAL.—Program funds shall be administered by the Secretary under this Act in such a manner as to—
(2) to encourage and facilitate the implementation of the Indian Health Care Program.

[SEC. 13. FISCAL ACCOUNTABILITY.]
Nothing in this Act shall be construed to interfere with the authority of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

[SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.]
(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the implementation of the program authorized under this Act.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services, and barriers consistent with the purposes of this Act.

[SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.]
Any State with an alcohol and substance abuse or mental health program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, may deem appropriate to help insure the success of such program.

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This Act may be cited as the ‘‘Native American Alcohol and Substance Abuse Program Consolidation Act of 2002’’.

SEC. 2. STATEMENT OF PURPOSE.
The purposes of this Act are—
(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with alcohol and other substance abuse and mental health problems; 
(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs consistent with the policy of self-determination; 
(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system; 
(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for, technology for an automated clinical information system that incorporates clinical, as well as financial and reporting, capabilities for Indian behavioral health care programs; 
(5) to encourage and provide for the adoption of Federal personnel to provide for transportation, as appropriate, is authorized to take such action as may be necessary to provide for the coordination of transfers of funds otherwise available to tribes in order to further the purposes of this Act.

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[SEC. 13. FISCAL ACCOUNTABILITY.]
Nothing in this Act shall be construed to interfere with the authority of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

[SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.]
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(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services, and barriers consistent with the purposes of this Act.

[SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.]
Any State with an alcohol and substance abuse or mental health program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, may deem appropriate to help insure the success of such program.
The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

The term "tribe" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

The term "Indian tribe" in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

The term "tribe" has the meaning given the term "Indian tribe" in section 10 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450j).

The term "Indian tribe," "tribe," and "Indian health center" have the meaning given the term "Indian tribe" in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b) and include entities as provided for in subsection (b)(2).

The term "Secretary" means the Secretary of Health and Human Services.

The term "substance abuse" includes—

(A) the illegal use or abuse of a drug or an hallucinogen; and

(B) the abuse of tobacco or a related product.

The term "Indian tribe" means—

(1) a tribe that has been formed by the Indians of a particular community or territory into an organization that has received, or is eligible to receive, the privileges of a tribe under section 465 of title 25, United States Code.

(2) any other organization of Indians of that tribe, any of whose members are entitled to receive the privileges of a member of the tribe under section 465 of title 25, United States Code.

The term "program" includes—

(A) a program for the benefit of Indians, to prevent, diagnose, or treat a mental or physical illness, or other disability, or to enhance the ability to prevent, diagnose, or treat—

(i) mental health problems; or

(ii) alcohol or other substance abuse problems.

The term "Indian tribe and "tribe" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

Description of the service—(A) The term "behavioral health care program" means a program for the benefit of Indians, to prevent, diagnose, or treat a mental or physical illness, or other disability, or to enhance the ability to prevent, diagnose, or treat—

(i) mental health problems; or

(ii) alcohol or other substance abuse problems.

The term "tribe" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

The term "Indian tribe" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

The term "substance abuse" includes—

(A) the illegal use or abuse of a drug or an hallucinogen; and

(B) the abuse of tobacco or a related product.

The term "Indian tribe" means—

(1) a tribe that has been formed by the Indians of a particular community or territory into an organization that has received, or is eligible to receive, the privileges of a tribe under section 465 of title 25, United States Code.

(2) any other organization of Indians of that tribe, any of whose members are entitled to receive the privileges of a member of the tribe under section 465 of title 25, United States Code.

The term "program" includes—

(A) a program for the benefit of Indians, to prevent, diagnose, or treat a mental or physical illness, or other disability, or to enhance the ability to prevent, diagnose, or treat—

(i) mental health problems; or

(ii) alcohol or other substance abuse problems.

The term "tribe" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.
The bill (S. 210), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 18, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, September 18; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 5093, the Interior Appropriations Act; that at 11:30, there be a period for morning business until 12:30, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half under the control of the Republican leader or his designee; that at 12:30, the Senate resume consideration of H.R. 5093, from interior and land security, under the previous order; further, that the live quorum with respect to the cloture motion filed earlier today be waived.

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

PROGRAM

Mr. REID. Mr. President, cloture was filed on the Lieberman substitute amendment to the Homeland Security Act. Because of that, all first-degree amendments must be filed tomorrow prior to 1 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate not stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, September 18, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 2002:

DEPARTMENT OF STATE

PETER DESHAGO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE: DESIGNATE, PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JOHN L. MORRISON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2004, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CHRISTINE D. BALBONI, 0000
LANCE L. BARTO, 0000
CAROL C. BRITTON, 0000
DENNIS D. BLACKBourn, 0000
MATTHEW M. BLAEDER, 0000
TERRANCE W. CARRIHER, 0000
NORMAN L. CUSTARD, 0000
JUDD W. DORSEY, 0000
MARK R. DEVRIES, 0000
ADAM DONELLY, 0000
STEPHEN C. DUCA, 0000
KASEY E. ELLIS, 0000
MINNETT J. FARMER, 0000
MICHAEL P. FARRHILL, 0000
ERIC P. GLASS, 0000
GARY E. FELICETTI, 0000
KENDRICK E. FIORILLO, 0000
SCOTT S. GRAHAM, 0000
MARIE A. GLICK, 0000
W. J. GUTH, 0000
WARREN L. HASKOVIC, 0000
JAMES D. HILL, 0000
RICHARD A. HILL, 0000
JEREMIAH H. HUMPHREY, 0000
VIRGINIA K. HOLTZMANN, 0000
JAMES B. JORDAN, 0000
JONATHAN S. KEENE, 0000
JUDITH R. KEENE, 0000
FRIDERIC J. KENNY, 0000
JANET A. KORNYEJ, 0000
KENNETH L. KRAUSE, 0000
WILLIAM A. LEIB, 0000
JINDAL R. LEE, 0000
DAVID L. LEMSH, 0000
PATTERSON B. LINDSEY, 0000
JAY G. MARIN, 0000
REED T. MCDONNELL, 0000
BRADLEY R. MOZER, 0000
PETER V. NIEFFENGRILL, 0000
DAVALOS G. NORTON, 0000
RICHARD F. ROHDE, 0000
ROBERT S. ROHDE, 0000
STEPHEN J. ORNSTAD, 0000
KIRVIN G. QUARY, 0000
ADOLFO D. RAMIREZ, 0000
MARCOS P. RAND, 0000
RICHARD A. RANDON, 0000
DANIEL N. REISBMANN, 0000
JOSPEH F. RODRIGUEZ, 0000
GEOH H. RUSHBERG, 0000
DAVID L. SCOTT, 0000
RAPHAEL P. SMITH, 0000
CURTIS A. SPRINGHill, 0000
RICHARD A. STARCHER, 0000
PHILIP H. SULLIVAN, 0000
GERALD M. SWANSON, 0000
BRADLEY W. TAYLOR, 0000
P J. B. TRAFF, 0000
MICHAEL P. VANCE, 0000
STEVEN C. VANDERPLAS, 0000


To be lieutenant

DAVID C. CLIFFTINGROEN, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RANK OF Brigadier General, in the Reserve of the Air Force to the grade indicated under Title 10, U.S.C., section 1230:

To be major general

BRIAN E. W. KEEFE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., sections 611 and 624:

To be major

MAURICE L. MCDONALD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF lieutenant colonel in the Reserve of the Army to the grade indicated under Title 10, U.S.C., section 1223:

To be colonel

JOHN R. BENSON, 0000
BRUCE A. OLSON, 0000
CLARICE J. PETERS, 0000
JOSPEH SCACCIA, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., sections 1228 and 1221:

To be colonel

CATHERO R. KIDGE, 0000
CHRISTINE R. RICHMOND, 0000
PAUL A. STEVENS, 0000
THOMAS W. WARREN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO...
The grade indicated in the Reserve of the Army under Title 10, U.S.C. sections 12203 and 12211:

To be lieutenant commander

JAY F. DALEY, 0000

TIMOTHY R WHITE, 0000

DEBRA L LYNIGUEZ, 0000

WILLIAM D STALLARD, 0000

ANDREW A WADE, 0000

JOHNNY JUD, 0000

GEOFFREY R VANCE, 0000

The grade indicated in the Reserve of the Army under Title 10, U.S.C. sections 12203 and 12211:

To be colonel

MARTIN R KAYA, 0000

TIMOTHY R WHITE, 0000

DEBRA L LYNIGUEZ, 0000

WILLIAM D STALLARD, 0000

ANDREW A WADE, 0000

JOHNNY JUD, 0000

GEOFFREY R VANCE, 0000

The grade indicated in the Reserve of the Army under Title 10, U.S.C. sections 12203 and 12211:

To be major

JASON L RIGGS, 0000

ANDREW P SHOLTES, 0000

GREG T SCHLUTER, 0000

DAVID D SCHILLING, 0000

JASON L RIGGS, 0000

ANDREW P SHOLTES, 0000

GREG T SCHLUTER, 0000

DAVID D SCHILLING, 0000

The following named officers for appointment to the grade indicated in the United States Army under Title 10, U.S.C. sections 12203 and 12211:

To be lieutenant commander

CHRISTOPHER H BERKKERS, 0000

ROBIN T BINGHAM, 0000

MARIE R BOOZE, 0000

STEVEN A BROSKY, 0000

MICHAEL C BARASSA, 0000

LOUIS T CARFERY, 0000

DAVID F CHASON, 0000

TERRENCE CHAN, 0000

LOUIS H DELAGAREZ, 0000

MABELYN GAMBLE, 0000

TODD C GRAMM, 0000

STEVEN F. HEIDTMANN, 0000

ROBERT S HEMPELY, 0000

DAVID JIN, 0000

GRACE L KERV, 0000

IVETTA M MACLIN, 0000

TODD D MILLER, 0000

TROY R NAPIER, 0000

MATTHEW C NITZUM, 0000

SHAWN P ORRANNO, 0000

VICTOR B ORRAMAS, 0000

LAMAR C ORTON, 0000

JOSE C PIEDROZA, 0000

SUZANNE D RIMMER, 0000

KOCHI S SAIJO, 0000

MARSHA L SIMINS, 0000

COURTNEY L STAEDRICKER, 0000

ANDREW R STEVENSON, 0000

TRISHA L WICKS, 0000

KIMBERLY A WILLIAMS, 0000

RICHARD L ZIMMERMANN, 0000

The following named officers for appointment to the grade indicated in the United States Army under Title 10, U.S.C. sections 12203 and 12211:

To be lieutenant commander

DAVID R BROWN, 0000

CARL H FARMER, 0000

ROBERT J FETTEN, 0000

STANLEY W FORNEA, 0000

JEFFREY T HANCOCK, 0000

DRAN L HOWELL, 0000

DWIGHT A HORN, 0000

CARL P ROSE, 0000

JOHN S SHERWOOD, 0000

PATRICK J LARTIBACH, 0000

MARCUS R LAWRENCE, 0000

MARC A MCCLAIN, 0000

GEORGE J MENDES, 0000

WILLIAM B MELLETON, 0000

VINSON W MILLER, 0000

JEFFREY R MILLER, 0000

TIMOTHY R PITTMAN, 0000

JOHNNY JUD, 0000

GEOFFREY R VANCE, 0000

ANDREW A WADE, 0000

RAB A PARK, 0000

JAMES R PATREY, 0000

DAN K PATTENSON, 0000

ELINA M FREEDSOO, 0000

SHOSHIMRA D RAHMAN, 0000

TIMOTHY R RICHARDSON, 0000

ALAN M ROSS, 0000

JANET L RUDY, 0000

JERRY N SANDERS JR., 0000

HERBERT J SKECH, 0000

JASON R SPECHER, 0000

ROBIN SUBRAJ, 0000

MARK S STEWART, 0000

ERIC R TIMMINS, 0000

JOY E TIMMINS, 0000

CONNIE L TODD, 0000

BRIAN G TOLBERT, 0000

CONNIE L TODD, 0000

JUDITH W TOWNSEND, 0000

BRIAN L TOWER, 0000

GREG T SCHLUTER, 0000

DAVID D SCHILLING, 0000

EUGENE T SCHULTE, 0000

ANDREW P SHOLTES, 0000

STEVEN L SOUTER, 0000

WILLIAM D STALLARD, 0000

LOUFAU M STROMSTAD, 0000

ROBERT J VANCE, 0000

RANDY A WADE, 0000

DARRIEL J WAGNER, 0000

THENOY M WHITE, 0000

GEOFFREY R VANCE, 0000

WITHDRAWAL
IN RECOGNITION OF ILLINOIS STATE REPRESENTATIVE MARY LOU COWLISHAW

HON. J. DENNIS HASTERT OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. HASTERT. Mr. Speaker, I rise today to recognize the invaluable contributions of State Representative Mary Lou Cowlishaw over her nearly 20 years of service to the people of Illinois as a member of the Illinois General Assembly. Moreover, I am proud to have served alongside her during her first four years of service.

As a parent and former public school teacher, I would like to commend Representative Cowlishaw for her strong commitment to improving educational opportunities for the young people of Illinois. As the Ranking Member of the Illinois House Elementary and Secondary Education Committee and as a board member of the Lisle School District 202 Foundation, Representative Cowlishaw has done an exceptional job of advancing education and thereby securing the well-being and future success of all children in Illinois.

During her tenure in the Illinois General Assembly, Representative Cowlishaw's efforts contributed to the establishment of the Illinois Mathematics and Science Academy located in my congressional district. She has also worked tirelessly to advocate innovative approaches to increase student learning, improve teacher quality, and expand access to teaching in mathematics and science.

And, Representative Cowlishaw's exemplary dedication to the young people of Illinois extends well beyond the walls of the classroom. In fact, this past March, the Illinois Coalition to Educate the Nation, representing 1,000 organizations, honored Representative Cowlishaw as one of the nation's best legislators.

When Representative Cowlishaw retires from the Illinois State House of Representatives at the end of this year, she should carry with her the knowledge that she has made the Illinois General Assembly, and particularly the State of Illinois, a better place.

A PROCLAMATION HONORING MR. AND MRS. HOUSEHOLDER

HON. ROBERT W. NEY OF OHIO IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, Whereas, Robert and Zema Householder are celebrating 70 years of marriage; and

Whereas, Robert and Zema have proven, by their example, to be a model for all married couples; and

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Mr. and Mrs. Householder as they celebrate their 70th Wedding Anniversary.

HONORING DR. RICHARD WARREN

HON. JAMES P. MCGOVERN OF MASSACHUSETTS IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to join the community of Franklin, Massachusetts in honoring Dr. Richard Warren for his 30 years of outstanding service to the Franklin Public School System and other districts throughout New England.

After receiving his bachelor's degree from Bryant College in 1964, Dr. Warren earned his Masters of Educational Administration and Supervision at Rhode Island College in 1973; his Certificate of Advanced Study at the University of Connecticut in 1978; and his Ph.D. in Education Administration at the University of Connecticut in 1980.

During his 30-plus years of service to public education in Franklin and New England, Dr. Warren has distinguished himself as both an educator and administrator. Whether it be as an elementary school teacher for the public school districts of Tiverton, Rhode Island and Fall River, Massachusetts; Supervising Principal for Scituate Public Schools of Scituate, Rhode Island; or Superintendent of Schools for Franklin, Ayer, Mansfield and Dartmouth School Districts in Massachusetts, Dr. Warren has maintained his life-long commitment to educating the children of our community.

Furthermore, Dr. Warren's passion and dedication to learning has never been confined to the classroom. He has served as Associate Director of the Northeast Community Education Development Center and Research-Associate for the Department of Education Administration at the University of Connecticut; Director of Community Services for Fall River Public Schools in Fall River, Massachusetts; and Coordinator of the Title I Extended School Day program. It is clear that Dr. Warren's passion and enthusiasm for education has rewarded not only the children of our public schools, but also our entire community.

Although Dr. Warren is retiring to spend more time with his wife, Linda; daughters, Lisa and Barbara; and his grandchildren, he intends to be active as an educational consultant. In his personal time, Dr. Warren enjoys music and gardening.

Mr. Speaker, I ask my fellow members of the U.S. House of Representatives to join me in congratulating Dr. Warren for all that he has done for the community of Franklin and other communities throughout Massachusetts and New England. He has served us well, and I wish him the best of luck in all future endeavors.

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE AND THE WORLD TRADE CENTER ATTACKS

HON. ROBERT MENENDEZ OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the victims of senseless and unspeakable atrocities. The New Jersey Division of the Polish American Congress sponsored a memorial service to remember those who lost their lives during the tragic Katyn Forest Massacre sixty-two years ago, and those killed during the attack on America, September 11, 2001. The service was held at the Katyn Monument site in Jersey City, New Jersey, on September 15, 2002.

After Nazi Germany and the Soviet Union maliciously invaded Poland in 1939, the Polish
citizens fought bravely against both adversaries on two fronts. Unfortunately, in the process of valiantly defending their homeland, over fifteen thousand Polish soldiers, officers, intellectual leaders, prisoners of war, and other Polish citizens were brutally murdered. Perhaps one of the most unforgettable acts committed by the Soviet Union against Poland was later uncovered with the discovery of 4,500 bodies found in a single mass grave at the Katyn forest, near Smolensk in the Soviet Union. This horrendous discovery became known as the Katyn Forest Massacre.

In an egregious attack against humanity, over three thousand Americans and citizens representing more than 80 nationalities were lost at the World Trade Center, the Pentagon, and the fields of Somerset County, Pennsylvania, on September 11, 2001. The heinous attacks on American soil reaffirmed our commitment to Democracy in defense of a free and open society, threatened by evil, injustice, hatred, and tyranny.

Today, I ask my colleagues to join me in honoring the lives lost in these tragedies. We shall never forget these acts of barbarism. And we shall never forget the innocent lives lost as we strive, as a People, to create a peaceful world.

SEPTEMBER 6, 2002: A TIME TO MOURN

HON. MIKE PENCE
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. PENCE. Mr. Speaker, the good book tells us that there is a time for every purpose under heaven. There is a time to weep and a time to mourn. On September 6th I joined some 250 of my colleagues in this body as we traveled to Federal Hall in New York City to do just that.

We gathered at a place in which this Congress met and even adopted the Bill of Rights in 1789. We mourned with those who mourn and we wept with those who weep. The last time I was in New York City was September 21, 2001. I stood in the ashes and on the periphery of the devastation at Ground Zero and I expect tomorrow, as we all do, to be a deeply moving day emotionally.

As we join to pray, Mr. Speaker, let us ever remember that we are also told that there is a time to weep and a time to laugh. We know that life is a time for joy and it is a time for pain. It is a time for celebration and it is a time for mourning.

Whereas, Raymond Warner has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Raymond Warner must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award; thereon do I join Title 72 and the entire 18th Congressional District in congratulating Raymond Edward Warner as he receives the Eagle Scout Award.

HONORING WILFREDO VAZQUEZ-POL
HON. JAMES P. McGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Wilfredo Vazquez-Pol of Clinton, Massachusetts who retired on September 3, 2002 from the United States Environmental Protection Agency after many years of dedicated service.

Willie, as his friends and co-workers affectionately call him, has had a very illustrious career. He served his country by enlisting in the U.S. Navy in 1965 and was stationed in Hawaii and served in Vietnam. He was an auditor with the U.S. Department of Treasury, Office of Inspector General, and for the past 22 years, was a devoted member of the EPA/OIG staff where he was the Audit Manager in the Boston office since 1988. His hard work earned him the bronze Medal, the highest award given by the Inspector General.

Willie has been an outstanding citizen in Clinton and has given much of his personal time to community service. He helped provide translation services to Latino residents who have difficulty transitioning into the community. Willie is a member of the Clinton Lodge of Elks where he served as Exalted Ruler, and is also a member of the Clinton Hospital Board of Directors.

Mr. Speaker, it is a great pleasure to congratulate Willie on an outstanding career. I am certain that the entire U.S. House of Representatives joins me in wishing him many years of good health and happiness in his retirement.

TRIBUTE TO JERRY MORGENSEN
HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Jerry Morgensen, President and CEO of Hensel Phelps Construction in Greeley, Colorado. After the devastating attack on our Nation last September, Mr. Morgensen and his company were hired to rebuild the scarred west face of the Pentagon. Tonight, he is being awarded the Air Force Association's John R. Alison Award in recognition of his outstanding industrial leadership while renovating and rebuilding the home of our defense.

Jerry Morgensen is a man who has served his country well during one of its darkest hours. Due to his innovation and leadership, he and a team of dedicated men and women were able to rebuild the Pentagon in less than one year, defying the terrorists and fostering a sense of healing in the citizens who watched the building's dramatic transformation. I am proud of the tremendous work Mr. Morgensen has done, not only to rebuild the Pentagon, but to reinvigorate our national spirit.

A citizen of Colorado's Fourth Congressional District, Jerry Morgensen is truly a great American. I ask the House to join me in extending our sincere thanks and warmest congratulations to Mr. Jerry Morgensen.

IN MEMORY OF STEVEN SNYDER, CHAMPION OF THE PERSECUTED
HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. WOLF. Mr. Speaker, on August 27, 2002, one of the leading advocates for the persecuted passed away. His name was Rev. Steven Snyder and I knew him well. Steve cared as much as anyone I know for the persecuted. His efforts and labor on behalf of the voiceless and the persecuted, raised awareness of cases and problems in far away places that few would have known without his voice. Mr. Speaker, I will insert following these remarks an article from the Washington Times which describes how Steve made such a difference with his life.

Steve was the founder and president of International Christian concern, an organization dedicated to raise awareness of and to advocate for the plight of persecuted Christians around the world. Prior to founding International Christian Concern, Steve was the director of Christian Solidarity International, where he also was a strong and vocal advocate for the persecuted.

Steve was a pioneer in exposing to the world the horrible persecution and brutality that is occurring to people just because of their religious beliefs. Steve's efforts and his voice resounded in the halls of power throughout the world. His advocacy and speaking out on the persecuted, influenced Members of Congress and government officials from around the world to intervene and become involved in what would have otherwise been unknown issues.

In order to see and learn first-hand of persecution, Steve risked his life many times by personally traveling to very dangerous parts of the world, where he not only was a witness to human rights abuses, but where he also brought hope and love to the suffering.

Steve was a remarkable man who did incredible things in his 53 years for the suffering all over the world. Steve will be sorely missed. He deserves the words from Matthew 25, "Well done, good and faithful servant."

We send our condolences to his wife Connie and four children Sarah de Vuyst, Lori Slabaugh, Joshua Snyder and Sean Snyder. (From the Washington Times, Aug. 29, 2002)
The evangelical minister, a native of the San Diego area, began his advocacy work as the U.S. director of Christian Solidarity International, which in the 1980s focused on persecuted Christians. In 1985, he founded International Christian Concern to extend the work to Islamic countries. The Silver Spring resident and father of four said yesterday that a pioneer voice on the topic of Christian persecution when it was not high on Washington’s human rights agenda.

Mr. Snyder also worked to rig the public to such countries as Sudan, Vietnam, Cuba, Saudi Arabia, Indonesia, China and Pakistan to bring home accurate information, documents and footage of underground churches or persecuted minorities. “He was a faithful servant of people persecuted for their faith,” said U.S. Ambassador at Large for Religious Liberty John V. Hanford III, who had met and worked with Mr. Snyder in 1985. “He stayed with it despite the constant discouragement that comes with human rights work.”

“Steven labored in this vineyard long before the movement against persecution captured the imagination of evangelicals,” said the Rev. Richard Cizik, Washington director of the National Association of Evangelicals. “What a faithful friend he was of the persecuted.”

Friends and human-rights workers who knew Mr. Snyder noted his on-the-ground work, desire to highlight those who suffered rather than focusing on himself, and a kind of personal sad look in his eyes from seeing such grim events abroad—and so little interest at home.

“When not many people cared about this issue, he worked at it faithfully and strenuously,” said Paul Marshall, a scholar of religion with Freedom House. “He didn’t just report, he got to dangerous places. He did his research with his boots on.”

Dr. David Harding, a family physician who is on the six-member board of International Christian Concern, traveled to Indonesia with Mr. Snyder in November to provide medical aid to Christians being persecuted by Muslims on the island of Sulawesi.

“Steven is going to be very difficult to replace,” Dr. Harding said. “He made every effort to get the facts right, and he had a way of finding all the right people and getting at the truth of a situation.”

Pat Bradley, a St. Louis businessman who first met Mr. Snyder in 1999, recalls their two-week fact-finding trip to Sudan in February 2000. “For two days we drove into the south from Uganda on what we thought was the bumpiest road in the world, until we got to Sudan’s roads,” Mr. Bradley said. “Between us we had seen bad places, but by far this was the worst. It was a 10-degree bush country, he said. “These people had literally nothing. No food or clothing. They were victims of a scorched-earth policy, and some were tortured.”

On return from Sudan in 2000, Mr. Snyder drafted a detailed report for Capitol Hill and the State Department, and made it available to new organizations. During a trip to China in 1999, Mr. Snyder brought in Bibles and met with leaders of the underground church. Some of the people who went to see his presentations remembered his vivid images and footage he brought back from a nighttime river baptisms.

Staff at the State Department yesterday also took notes with sorrow. One staffer asked a reporter whether Mr. Snyder had worked at State because everybody knew him.

“Steve was a foot soldier for religious freedom,” said Tom Phar, director of international religious liberty at the State Department. “He traveled the world working on behalf of people being persecuted for their faith. He was an effective advocate and a good friend.”

On Monday afternoon, Mr. Snyder was rushed to the Holy Cross Hospital emergency room with a high fever, and friends recall that because the diagnosis was severe he asked them to “pray for a miracle.” He did about 7:45 p.m.

Mr. Snyder lost his spleen in an operation six years ago, and doctors said that weakened his ability to fight the infection, which rapidly taxed his entire system.

He is survived by his wife, Connie Snyder of Silver Spring, and four children: Sarah de Vastay of Utah, Lisa Sluaght of Rolla, N.D.; Joshua Snyder of Boulder, Colo., and Sean. 16.

Visitations may be made tomorrow from 2 to 4 p.m. and from 7 to 9 p.m. at Collins Funeral Home at 500 University Blvd. W. in Silver Spring. A funeral service will be held 10 a.m. Saturday at Immanuel’s Church at 18819 New Hampshire Ave. in Silver Spring.

In lieu of flowers, the family asked that donations to the “help the persecuted church” be sent to International Christian Concern, 2020 Pennsylvania NW, Box 941, Washington, DC 20006-1846.

**A PROCLAMATION HONORING ANITA ADAMS**

**HON. ROBERT W. NEY OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, September 17, 2002**

Mr. NEY. Mr. Speaker, whereas, Anita Adams, Auditor of Muskingum County, has for the tenth straight year, earned the Certificate of Achievement for Excellence in Financial Reporting; and,

Whereas, this award from the Government Financial Officers Association (GFOA) is an honor given to local governments that publish comprehensive financial reports meeting the standards on the GFOA; and,

Whereas, Anita has shown continuous dedication to the people of Muskingum County;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in applauding Anita Adams for receiving the Certificate of Achievement for Excellence in Financial Reporting.

**IN RECOGNITION OF FAIRLAWN REHABILITATION HOSPITAL**

**HON. JAMES P. McGOVERN OF MASSACHUSETTS**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, September 17, 2002**

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of Fairlawn Rehabilitation Hospital in my hometown of Worcester, Massachusetts. In 1987, Fairlawn served as a small acute community hospital. However, over a period of time it has evolved into the first facility in the United States to fully convert into a rehabilitation provider. Currently, an average of 100 inpatients and 100 outpatients are treated everyday to help people reach their fullest potential to live a joyful and productive life.

Fairlawn Rehabilitation Hospital is in joint collaboration with the Fallon Clinic, UMASS Memorial Health Center, and HEALTHSOUTH Corporation. Fairlawn Rehabilitation Hospital specializes in many rehab programs: brain injury, orthopedics, geriatrics, stroke, spinal cord injury, pulmonary, amputee, neurological cardiac, and burns are included. The incredible care and dedication to the patients’ of Fairlawn Rehabilitation Hospital is to be commended.

Mr. Speaker, on Thursday, September 19, 2002, Fairlawn Rehabilitation Hospital celebrates its Fifteenth Anniversary. It is fitting that this facility is recognized for its efforts in improving the lives of people with disabilities in Central Massachusetts. I am confident that the entire U.S. House of Representatives joins me in thanking the employees of Fairlawn Rehabilitation Hospital for their dedication and service to the people of Central Massachusetts.

**IN MEMORY OF ADEL A. ZAKHARY**

**HON. ROBERT MENENDEZ OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, September 17, 2002**

Mr. MENENDEZ. Mr. Speaker, I rise today to remember Adel A. Zakhary, a friend and neighbor to many, who lost his life in the World Trade Center tragedy on September 11, 2001. A memorial service took place in his honor on Saturday, September 14, 2002, at Saint George Catholic Orthodox Church in Jersey City.

An immigrant from Egypt, Adel lived the American dream, making America his home with his wife, Nagat, son, George, and daughter, Mariam. He was dedicated and tireless in his work, and in providing for his family. On September 11, he went to work on the 92nd floor of Tower One of the World Trade Center, as he had done for 18 years.

In one of the most unforgivable acts against humanity, over three thousand people were lost at the World Trade Center, the Pentagon, and the fields of Somerset County, Pennsylvania, on September 11, 2001. Adel was among those individuals who were tragically lost. The horrific attacks have strengthened us in our resolve to fight evil and intolerance in pursuit of freedom, justice, and democracy.

Today, I ask my colleagues to join me in remembering Adel A. Zakhary, a loving husband and father, who will never be forgotten. Let us join together not only to grieve this tremendously sad, but also to celebrate the remarkable accomplishments in his life. I extend my deepest sympathies to the family and friends of Adel.

**SEPTEMBER 11, 2002: TRIBUTE TO FREEDOM**

**HON. MIKE PENCE OF INDIANA**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, September 17, 2002**

Mr. PENCE. Mr. Speaker, the United States of America is founded on the fundamental principle that all citizens have the inalienable right to life, liberty and the pursuit of happiness.

The United States of America stands as a beacon of freedom and opportunity for everyone regardless of race, creed or religious belief.
The strength and vitality of the United States of America is in the diversity of its people, the diversity of its ideas, the freedom to express those ideas and the opportunity to achieve one’s potential and direct one’s destiny.

Mr. Speaker, these ideals and principles are absolute and will not be surrendered or weakened by the cowardly acts of terrorists who fear the sunshine of freedom and the responsibility it brings.

Let us forever remember that the date September 11 reaffirms the principles for which the United States of America was founded and that on this day each year freedom shall ring from every community in this great land and the Voice of America will be heard around the world.

A PROCLAMATION HONORING MR. AND MRS. DILLON

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Matt and Joy Dillon were united in marriage July 31, 1977 and are celebrating 25 years of marriage this year; and

Whereas, Matt and Joy Dillon have demonstrated a firm commitment to each other; and

Whereas, Matt and Joy Dillon must be commended for their loyalty and dedication to their family; and

Whereas, Matt and Joy Dillon have proven, by their example, to be a model for all married couples; and

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Mr. and Mrs. Dillon as they celebrate their 25th Wedding Anniversary.

HONORING MARTHA EZELL "MAMA" TUNE FOR A LIFETIME OF ACHIEVEMENT

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Martha Ezell Tune, “Mama Tune,” of Antioch, Tennessee, for a lifetime of devotion to family, faith, and community.

Mama Tune’s contributions to Davidson County, and particularly, the Antioch area, have impacted many. Whether it be her involvement and leadership in civic matters, cooking meals for family and friends, working the polls on election day, writing a history of the Antioch community, or substitute teaching at Antioch High School, Mama Tune is an individual who is an inspiration to us all.

A Tennessee native, Mama Tune graduated from Antioch High School in 1941, alongside her brother, James. That same year she married James Tune. The two enjoyed 50 years together and had two children, Buford and Sam, and three grandchildren. Mama Tune’s sons are successful Middle Tennessee business owners.

Tune received her education from Middle Tennessee Teacher’s College and the University of Alabama. She taught at Una Elementary School for several years. She has been teaching in the Metropolitan Davidson County School System as a teacher or substitute teacher for fifty years and currently substitutes at Antioch High School on a regular basis. Many times she has served students whose parents she once taught in school. Her profound influence for the good has shaped many lives over the years.

Mama Tune often touts the accomplishments of the students she taught at Antioch. She pours more than knowledge into their lives; she pours love and they do not ever forget it.

The Clement family has known and appreciated the friendship of the Tune and Ezell families for a number of years. In particular, we have enjoyed many conversations and meals at their home, including such southern delicacies as homemade chocolate pie, cornbread, green beans, fried chicken, and macaroni and cheese. Mama Tune is well known for her cooking and included a number of her best-loved recipes in the book, “All I Know About Antioch High School, The Town, and My Life.”

Individuals like Mama Tune are those who make this nation great—individuals who are willing to give of themselves and their time for the betterment of the state and the community through acts of kindness and love. Today we honor her for a lifetime of achievement.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF
HON. DAVE CAMP
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 11, 2002

Mr. CAMP. Mr. Speaker, I rise in support of this Joint Resolution and in doing so, I stand in solemn remembrance of the tragic events of a year ago and a pride in America’s response. While the loss of life was immense, and the impact of the terrorist attacks was felt far from New York, Washington, D.C., and Pennsylvania, the terrorists failed. The group of men, and the larger organization they represented, wanted to break the will of a proud and strong country. The world stands in witness to their failure.

Instead of falling apart, our country united. Our brave first responders worked tirelessly to help survivors; we saw ordinary citizens involved in heroic efforts; and all across the country Americans joined together to offer assistance.

The outpouring of support and unity could be seen in every flag that was flown with pride across this country. The United States of America rose to the challenge presented to it with a resolve that was felt around the world.

Now, on our first Patriot Day, when we see our flag at half-mast, let us not only remember the tragic events of a year ago, but also the strength exhibited by all Americans. I urge my colleagues to join me in supporting this resolution, expressing solidarity on this day of remembrance.

PRESCRIPTION DRUGS FOR SENIORS

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. SCHIFF. Mr. Speaker, I rise today on behalf of millions of seniors across our nation who are forced to choose between buying their food, paying their rent, or purchasing their medicine. For too many seniors, this is truly a life or death situation that none of them should have to face.

Unfortunately, this Congress is just weeks away from adjourning for the session and we are still no closer to enacting a Medicare prescription drug benefit.

Over two months ago, we had an opportunity to debate and vote on a bill that would provide a meaningful prescription drug benefit under the Medicare program. The “Medicare Rx Drug Benefit and Discount Act (H.R. 5019)” would add a new “Part D” to the Medicare program with voluntary prescription drug coverage for any senior that chooses to enroll. Participating seniors would pay a set $25 per month premium and a $100 a year deductible. In return, Medicare would cover 80% of all drug costs up to $2,000 a year. Once a senior reached the $2,000 out-of-pocket limit, Medicare would then pay for all drug costs beyond that point.

The House leadership refused to allow this bill on the floor. Instead, in the dead of night, while our nation’s seniors were fast asleep, a majority in the House passed a bill that might as well have been written by the pharmaceutical industry. No substitute was allowed and no amendments could be offered. There was nothing even remotely bipartisan about that evening.

The bill that passed at 2:30 a.m. on June 28 does not establish a prescription drug plan under Medicare. Instead, it relies on private insurers who are free to design their own plans, charge their own prices, decide which drugs to cover, and tell our seniors what pharmacies they may use. It does nothing to bring down rising drug costs nor does it address the issue of reimportation. Most importantly, the House leadership knows this bill has no chance of passing the Senate. It was a political gesture, not a policy priority.

Where does this leave our nation’s seniors? They are still being forced to choose between food, shelter, and their medicine. They are still paying exorbitant prices for the same medications that are available in Canada and overseas for a fraction of the cost. They are still waiting for this House to act in a responsible manner.

My House colleagues on both sides of the aisle, we still have time—it is not too late. Let’s work together in a bipartisan manner to meet our parties respective promises to the American people and provide meaningful prescription drug benefits. Together we can bring hope and relief to our nation’s seniors and pass a real Medicare prescription drug plan before this Congress adjourns.
Mr. EHRlich. Mr. Speaker, on Tuesday, September 10, I was unavoidably detained due to my involvement in the Maryland primary. Had I been present, I would have voted in the following manner: “Aye,” on rollover No. 378, on motion to close portions of the conference on H.R. 3210; “Aye,” on rollover No. 379, on motion that the House instruct referees on H.R. 3210; “Aye,” on rollover No. 380, on agreeing to the Journal; “Aye,” on rollover No. 381, on motion to suspend the rules and agree to the resolution, H. Res. 513; “Aye,” on rollover No. 382, on motion to suspend the rules and agree to the resolution, H.R. 3880; and “Aye,” on rollover No. 383, on motion to suspend the rules and agree to the resolution, H. Con. Res. 320.

STATUE DONATED IN REMEMBRANCE OF SEPTEMBER 11TH

HON. DARRELL E. ISSA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. ISSA. Mr. Speaker, I rise today to thank the city of Leidschendam-Voorburg in the Netherlands for their act of friendship towards the city of Temecula in thanking the city and citizens of Temecula for their sister city, Temecula, California. The residents of Voorburg donated their statue in the following manner:

Shayna Smith
May 20, 2001

Whereas, Shayna Smith has demonstrated the importance of community service in our schools. Bill has served on the board of directors or advisory committees for many organizations, including the University of California at Santa Barbara Gevirtz Research Center, the National Association of Partners in Education Security Act.

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to urge support for The National Institutes of Health (NIH) Security Act.

The National Institutes of Health, founded in 1887, is one of the world’s foremost medical research centers, and the Federal focal point for medical research in the U.S. Comprised of 27 separate components, mainly Institutes and Centers, NIH has in excess of 75 buildings on more than 300 acres in Bethesda, Maryland.

The research centers at NIH study some of the most devastating diseases in the world, including anthrax, smallpox and West Nile virus, as well as nuclear waste and radioactive material. Unfortunately, because of the work NIH does, they present a prime target for terrorists that wish to do America harm. Therefore, it must be a paramount goal of this Congress to ensure that NIH can protect itself against an attack. Presently, NIH does not have the ability to do so.

After September 11, Congress authorized the 322-acre biomedical research facility to bolster its security by doubling its police ranks from 64 officers to 108. This decision was made by U.S. intelligence experts who determined that the NIH campus is vulnerable and a potential target for terrorist attack and/or infiltration and theft of protected materials and research. Unfortunately, the force has never reached such heights due to its current pay and retirement system.

NIH police are one of the lowest paid in the Washington-Metropolitan area. The minimum salary for NIH police, $26,415, falls thousands short of what’s offered by some federal agencies, and even by some local police departments. Making matters worse, NIH police are not classified as federal “law enforcement officers,” and are thereby denied the superior retirement benefits that distinction affords. The result is in low retention of officers and difficulty with recruitment. Without retirements included, their exists a 77 percent attrition rate at NIH yearly. Currently, the force has faced such problems with officer retention and recruitment that by June, its numbers had dwindled to about 50.

Due to the severity of the situation and the resources that NIH protects, I am introducing legislation that would allow NIH to bolster its security force. This bill would add no additional costs to the federal government, it would simply allow some long overdue flexibility to be used by NIH. This would include:

Making NIH Police “Federal Law Enforcement Officers,” which allows their officers who are doing the same essential work as other “law enforcement officers” to receive commensurate salaries and retirement pay.

Allowing NIH police to carry firearms, serve warrants and subpoenas, and make arrests without warrant for any offense against the U.S.

Conducting investigations within the U.S. for offenses committed on property occupied by NIH.

Without these changes, we are undoubtedly allowing a prime target to remain vulnerable to terrorists. Protecting the 4-million square foot research hospital, the third largest federal building in the world, must be a priority of this Congress and I urge support for this legislation.

A PROCLAMATION RECOGNIZING SHAYNA L. SMITH

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Shayna Smith has devoted herself to education during her enrollment at Wheeling Jesuit University; and whereas, Shayna Smith must be commended for the hard work and dedication she put forth in graduating from Wheeling Jesuit University; therefore, I join the entire 18th Congressional District in congratulating Shayna Smith as she receives her Bachelor of Science from Wheeling Jesuit University.

TRIBUTE TO MR. BOB STANLEY

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in honor of a constituent of mine, Mr. Bob Stanley. I am proud to recognize Mr. Stanley for more than twenty years of devoted service to the trucking industry and the state of West Virginia.

For the last nineteen years, Mr. Stanley has been the Managing Director and President of the West Virginia Motor Truck Association. During his prestigious years as President, Mr. Stanley has built an organization that is financially strong and well respected throughout the state of West Virginia. As a voice for the trucking industry, he is also highly respected and regarded as a true professional and gentleman.

Prior to his employment in the trucking industry, Mr. Stanley served twenty-six years with the West Virginia State Police. In 1979, Bob Stanley retired as Lt. Colonel/Deputy Superintendent. It is an honor to commend Mr. Stanley on his service to the trucking industry as well as to the state of West Virginia.

HONORING SANTA BARBARA COUNTY SUPERINTENDENT BILL CIRONE

HON. LOIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to the Santa Barbara County Superintendent of Schools, Bill Cirone. I have known Bill for many years, dating back to the days when I was a school nurse in the Santa Barbara County schools, and I am very pleased to have the opportunity to honor him today.

On October 3, 2002, the Emmaus of Santa Barbara will present the 2002 Richard Breza Service to Santa Barbara Award to Bill Cirone. I can think of no more deserving person than Bill to receive this award, as he has served Santa Barbara County Schools for the past 20 years in his position as Superintendent. Bill has created the nationally acclaimed Santa Barbara “Center for Community Education and Citizen Participation” and has constantly emphasized the importance of community service in our schools. Bill has served on the board of directors or advisory committees for many organizations, including the University of California at Santa Barbara Gevirtz Research Center, the National Association of Partners in
Education, the Santa Barbara Industry Education Council, the Santa Barbara Foundation, the Thomas Jefferson Center for Character Education and the Santa Barbara Grand Opera Association.

Santa Barbara’s County Schools are truly a product of Bill’s creativity and passion for excellence. His influence has extended the lives of thousands of children, their parents, and community members as a whole. It is always refreshing to see Bill at community events, as he serves as an example of someone who cares so deeply about our children’s futures. There are so many people on California’s central coast, but there is no doubt that there is a special place in my heart for Bill Crone.

Thank you, Mr. Speaker, for allowing me to pay tribute to our wonderful Superintendent on this glorious occasion.

THE PRAIRIE ROSE CHAPTER OF THE Daughters of the American Revolution SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE OF KANSAS IN THE HOUSE OF REPRESENTATIVES Tuesday, September 17, 2002

Mr. MOORE. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week under Public Law 105–225. This marks the 215th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth.

The success of our way of government requires an enlightened citizenry. Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which has actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our dedication to, in the words of our Constitution’s preamble: “form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . .” I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, partnership of citizens. Under his leadership, Memorial Hermann has become the largest non-profit health care system in Texas and among the largest in the country.

HONORING DAN WILFORD

HON. KEN BENTSEN

OP OF TEXAS IN THE HOUSE OF REPRESENTATIVES Tuesday, September 17, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to pay tribute to Mr. Dan S. Wilford on the occasion of his retirement as president of Memorial Hermann Healthcare System, based in Houston, Texas, and its five affiliated hospitals. Mr. Wilford has served as Chief Executive Officer of Memorial Hermann, with 11 hospitals in the greater Houston area, an outpatient center, two nursing homes, a wellness center, a retirement community and a network of affiliates throughout southeast Texas. Under his leadership, Memorial Hermann has become the largest non-profit health care system in Texas and among the largest in the country.

As a member of University of Mississippi’s class of 1962, Mr. Wilford was inducted into the University’s Alumni Hall of Fame in 1995. He earned his Master’s Degree in Hospital Administration at Washington University in St. Louis in 1966 and completed his residency in hospital administration at Hillcrest Medical Center in Tulsa, Oklahoma. Prior to his arrival at Memorial Hermann, Mr. Wilford served in various administrative capacities for 20 years. He was associated with Hillcrest Medical Center in Tulsa for 10 years in addition to serving as president of North Mississippi Health Services in Tupelo, Mississippi from 1974 to 1984.

Mr. Wilford has proudly served on the board of directors of many professional organizations. He is active in Voluntary Hospitals of America, Texas Hospital Association, American Hospital Association, Hospital Research and Development Institute, American College of Healthcare Executives, Greater Houston Partnership, Houston Area and Fort Bend County Chambers of Commerce, United Way of the Texas Gulf Coast and First United Methodist Church of Sugar Land, Texas. Through his commitment to these organizations, Mr. Wilford has set himself apart as a leader and activist in the health care community.

His dedication to the health care profession has led many acclaimed institutions to recognize Mr. Wilford’s achievements. In 1995, he was the recipient of the Washington University Health Administration Program Distinguished Alumnus Award, received an honorary Doctorate of Laws degree from Houston Baptist University and was named Business Leader of the Year in Fort Bend County, Texas. Two years later, he received the American College of Healthcare Executives Gold Medal Award and was presented with the Collier Award by the Texas Hospital Association.

In addition to his many professional achievements and honors, Mr. Wilford is a retired National Football League official who has actively participated in sports throughout his life.

Mr. Speaker, Mr. Wilford has established a legacy by building a health care system with a strong commitment to spiritual values and community-focused care. With his retirement from Memorial Hermann, Mr. Wilford celebrates the conclusion of a stellar 40-year career in hospital management and I congratulate him on his unwavering commitment to health care and inspirational leadership.

HONORS DR. NOEL SMITH OF WACO, TEXAS, A TRUE UNSUNG HERO

HON. CHET EDWARDS

OP OF TEXAS IN THE HOUSE OF REPRESENTATIVES Tuesday, September 17, 2002

Mr. EDWARDS. Mr. Speaker, I rise today to honor a great Texan, Dr. Noel Smith of Waco, who had the vision for an independent public television station in Central Texas. Earning a Ph.D. in Distance Learning from Texas A&M University, Dr. Smith rose to become the Chair of the Telecommunications Department at Central Texas College in Waco, where he effectively used his talents as teacher, mentor, and counselor to improve the lives of many Texans.

It was at Central Texas College that Dr. Smith became actively involved in his lifelong commitment to KCTF Television. In its early days as a stand-alone station, KCTF experienced more problems than shining moments. But in 1994, when its owners withdrew support for the station, Dr. Smith rallied a committed group of Waco citizens who convinced the Chancellor and Trustees of Central Texas College to sell them the license.

Once Dr. Smith’s group bought the license, the hard work began. It was as though everyone at the station was performing on a high wire without a net. Yet somehow, Dr. Smith stayed faithful to the vision of creating a community public television station and, thankfully, his vision became a reality. Brazos Valley Public Broadcasting, as it was now called, was born. KCTF would eventually become KWBU, and KWBU would expand to include public radio. Dr. Smith articulated his vision in the KWBU Mission Statement:

“KWBU shall serve as an essential lifelong resource providing quality public television and radio programs and services for the enrichment of the lives of the residents of McLennan County.”

Mr. Speaker, Not many ideas make it from vision to reality. But this one has because Noel Smith has worked tirelessly to ensure that public television in Central Texas achieves that mission.

In his professional life, Dr. Noel Smith has held many national positions of leadership that have contributed to the growth of public broadcasting. He served with distinction on the board of directors of the Southern Educational Communications Association, now the National Educational Telecommunications Association, and he was a member of the PBS Board of Directors. He has used his leadership to effectively represent the interests of small market licensees. During the course of his career, Dr. Smith has accomplished a tremendous amount of
good. In addition to leading the growth of KWBU, Dr. Noel Smith is an ordained Baptist minister, and certainly appreciates the many blessings in his life, including a long marriage to his wife Judy, his three wonderful daughters and numerous grandchildren.

This story does not end on the expected happy note. At this writing, Noel is very ill. But something of Noel Smith will always be a part of KWBU and public broadcasting in Central Texas. I ask all of my colleagues to join me in honoring and celebrating the life and accomplishments of an icon. Dr. Noel Smith of Waco, Texas. The people of my District are better off today because of his commitment to turn his vision for public television into reality.

HONORING FRENSO CITY FIRE DEPARTMENT

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Fresno City Fire Department for their devotion to protecting the citizens and community of Fresno. The year 2002 marks the 125th Anniversary of the Fresno City Fire Department, which will be celebrated at the 4th Annual Fresno City Firefighters’ Chili Cook-Off on September 14th, 2002 at California State University of Fresno.

In 1877, Leopold Gundlefinger and other citizens formed a Hook and Ladder Company in order to protect the city from fires. Unfortunately, in 1882, fire destroyed the original Hook and Ladder Company, but was replaced by dedicated volunteers who were named “Fresno Alert No. 1.” The Fresno Fire Department was officially created in 1902 and has protected a large portion of the Central Valley ever since. In 1984, a grant was established to create a community volunteer fire prevention program called “Burn Aware.” The goals of the volunteers were to implement and create a wide spread network of fire prevention programs.

In 2002, the Fresno City Fire Department received national praise for its inventive and advanced approach to alternate methods of providing municipal fire protection. This fire protection agency has the highest ideals in providing fire protection service and is a leader in California. The special occasion will include a chili-tasting contest among fire departments from throughout the Valley, live rescue demonstrations, and fun for the entire family.

Mr. Speaker, I wish to honor the Fresno City Fire Department for their dedicated and selfless service to the Central Valley. I urge my colleagues to join me in wishing this organization many more years of continued success.

HONORING LEVITOWN’S 50TH ANNIVERSARY

HON. JAMES C. GREENWOOD
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. GREENWOOD. Mr. Speaker, it is with great pride that I rise today to commemorate the golden anniversary of a community in my district that revolutionized suburban living in America: Levittown, Pennsylvania. In honor of this anniversary, I would like to submit the following proclamation for the record:

Whereas Levittown, Bucks County, Pennsylvania, was created fifty years ago, beginning with twenty families, who moved into their homes on June 23, 1952;

Whereas this benchmark in American housing resulted from the collaboration of attorney Abraham Levitt and his sons, architect Alfred S. Levitt and businessman William J. Levitt;

Whereas William Levitt’s innovative mass-production technique resulted in 17,000 affordable homes that were constructed at a record pace;

Whereas these new and vibrant neighborhoods were spread among the Bucks County municipalities of Falls, Middletown, and Bristol Townships, and Tullytown Borough;

Whereas Levitt created not only the prototypical suburban home with its spacious interiors and fully landscaped exteriors, but he also designed entire neighborhoods that grew into coherent communities;

Whereas Levittown became the realization of the American Dream for thousands of families, many of who served their country during the Second World War;

Whereas Levittown has evolved into the quintessential example of America’s melting pot middle class, as it houses a diverse population of ethnicities and religious traditions;

Be it resolved, therefore, that the U.S. House of Representatives recognize the fiftieth anniversary of Levittown, an anniversary that marks an epochal achievement in American housing.

HONORING ANTHONY A. LUCIANO
WITH HUDSON FALLS ITALIAN-AMERICAN CIVIC CLUB ANNUAL RECOGNITION AWARD

HON. JOHN E. SWEENEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to recognize a distinguished constituent of the 22nd District of New York; Mr. Anthony A. Luciano. Mr. Luciano’s lifelong dedication to his family, his profession and his community have rightly earned him the Hudson Falls Italian-American Civic Club Annual Recognition Award.

Over the past fifty years, as a husband, a father, a teacher, a coach and a mentor, Mr. Luciano has been an exemplary contributor to his community. As a devoted faculty member of the Hudson Falls Central Schools from 1948-1983, he victoriously led the cross country team to four Boys Northern Conference Titles and three Section 2 Class B Championships. In addition to achieving seven Northern Conference Championships with his basketball team, he remains a respected member of the Section 2 Basketball Committee since 1955.

His skills and dedication to his players further continued in track. In this sport Mr. Luciano successfully coached his team to fifteen Northern Conference Dual Meet Championships, nine Northern Conference Invitation Meet Championships, seven Section 2 Class B Championships and five Washington County Invitation Championships. I am proud to mention he has since been inducted into both the Glens Falls Heritage Hall of Fame and the New York State Basketball Hall of Fame for his outstanding achievements.

Mr. Luciano has truly set standards for excellence in his profession and service to the community. For forty years, he remained a trusted member of the Washington County Children’s Committee, serving two 2-year terms as co-chairperson with his wife, Mary. In 1983, he received the Prestigious Private Sector Initiative Commendation from President Ronald Reagan in recognition of his exemplary community service in the finest American tradition. His extraordinary charity and kindness has not gone unnoticed locally. Mr. Luciano received awards from the Hudson Falls/Kingsbury Chamber of Commerce, Hudson Falls Rotary Club and the Fort Edward Historical Association, to name a few.

Mr. Speaker, it is a great privilege to honor Mr. Luciano’s selfless contributions to his community before Congress. He is truly a role model for future generations to emulate and wish him the very best in all his future endeavors.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Ms. PRYCE of Ohio. Mr. Speaker, I was regrettably absent on June 17, 24, and 25, 2002, and on September 9 and 10, 2002. Consequently, I missed the following recorded votes. Had I been present, I would have voted "yes" on roll call votes no. 230, 231, 232, 249, 250, 251, 252, 253, 254, 255, 256, 375, 376, 377, 378, 379, and 380.

HONORING CHESTERFIELD SMITH

HON. PETER DEUTSCH
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. DEUTSCH. Mr. Speaker, I rise today to pay tribute to a friend and distinguished citizen of Florida, Mr. Chesterfield Smith. Chesterfield Smith’s inspiring dedication to our judicial system, social commitment to the legal profession, and remarkable personal and professional accomplishments serve as a model of American achievement. I rise today to congratulate him on his most recent accolade, the 2002 Justice Award from the Judicature Society.

Founded in 1913, the American Judicature Society (AJS) is a prestigious national, non-partisan organization of judges, lawyers, and non-lawyers dedicated to promoting the effective administration of justice. This award serves as AJS’s highest distinction, recognizing a lifetime of dedication to the improvement of the administration of justice at a national level.

Chesterfield Smith’s dedication to the legal profession embodies the underlying principles upon which this country was founded with his dedication to justice and his desire to help others, bringing us closer to the ideals outlined in
the U.S. Constitution—justice, equality and true brotherhood. His distinguished career includes service as President of the American Bar Association and the Florida Bar Association. He demonstrated his faithfulness to the legal profession as a fellow of the American College of Trial Lawyers and as a member of the International Academy of Trial Lawyers. After graduating with honors from the University of Florida College of Law, he went on to become a principal architect of Holland and Knight, LLP, one of the nation’s largest and most respected law firms. As chair of the Florida Constitution Revision Commission, he accepted the challenge of revising and redrafting Florida’s Constitution for the first time in fifty years.

Mr. Speaker, I come to the House floor today to pay tribute to Chesterfield Smith and his many lifetime achievements. I congratulate him on receiving the distinguished 2002 Justice Award. His remarkable life’s work as an accomplished public servant is deserving of such notoriety, and I consider him to be a true leader of the 21st Century.

PERSONAL EXPLANATION
HON. CHRISTOPHER SHAYS
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. SHAYS. Mr. Speaker, on September 11, I was in the 4th Congressional District to honor the heroes and victims of the September 11, 2001 terrorist attacks. I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted “yea” on recorded vote number 384.

CELEBRATING THE 65TH ANNIVERSARY OF ST. ELPIS GREEK ORTHODOX CHURCH
HON. J. RANDY FORBES
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. FORBES. Mr. Speaker, I rise today to congratulate St. Elpis Greek Orthodox Church of Hopewell, Virginia on its 65th anniversary. In 1914, Du Pont Chemicals decided to expand their plant in Hopewell in support of WWI. Consequently, ads were posted throughout Europe to recruit immigrants as laborers and engineers for this plant. About 6000 Greeks responded to this ad with the promise of a new future in America. Upon arrival in Hopewell, these Greeks sought to preserve their heritage and religion by building the first Greek Orthodox Church in Virginia. The tremendous sacrifice made by these early parishioners to establish St. Elpis was great. Their devotion and commitment to preserving their Greek heritage and religion enabled the parishioners to overcome great obstacles over the years and has enabled the church to continue to thrive. This spirit is as vital today as it was 85 years ago.

Mr. Speaker, I congratulate St. Elpis and its parishioners, as they celebrate the 85th anniversary of the founding of their church and I wish them continued success and prosperity in the years to come. It is truly an honor and a privilege to recognize St. Elpis in the United States House of Representatives this day.

TRIBUTE TO THE MITRE CORPORATION IN HUNTSVILLE, ALABAMA
HON. ROBERT E. (BUD) CRAMER, JR. OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the MITRE Corporation in celebration of twenty years in Huntsville, Alabama. As you know, the MITRE Corporation is a private, independent, not-for-profit organization that provides government agencies with technical support that is not available through the government or contractor community.

For 2 decades, the Army, NASA, and Department of Defense programs headquartered at Redstone Arsenal have relied on the MITRE Corporation Site Office for objective technical expertise. Since the MITRE Corporation cannot manufacture products or compete with the industry, the support it provides Redstone Arsenal is in alignment with the government’s objectives and free from competitive pressure.

Mr. Speaker, I commend the MITRE Corporation for 20 years of excellent service to the North Alabama defense and NASA community. In 1982, this Site Office began with one person and now employs a staff of 33. On this milestone anniversary celebration, I send my thanks and wish them many more years of success in Huntsville, Alabama.

IN RECOGNITION OF LAWRENCE LIVERMORE NATIONAL LABORATORY ON THE OCCASION OF ITS 50TH ANNIVERSARY
HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to the Lawrence Livermore National Laboratory and its staff for their outstanding contributions to science and to the security of our Nation throughout the past 50 years.

The Laboratory was established in 1952 to help meet an urgent national security need and has made numerous advances to keep the Nation at peace and secure. Lawrence Livermore, Los Alamos, and Sandia National Laboratories developed the nuclear weapons that have deterred world wars. The labs are ensuring the continuing safety, security, and reliability of our Nation’s nuclear weapons stockpile in the absence of nuclear testing.

Breakthroughs at the Lawrence Livermore National Laboratory led to the development of high-yield warheads that greatly contributed to strategic deterrence throughout the Cold War.

The Laboratory has provided technical support to arms control negotiations and treaty implementation, including negotiations and treaties to reduce the size of nuclear arsenals, prevent the proliferation of nuclear weapons and technologies, and limit nuclear weapons testing.

The Laboratory has greatly contributed to efforts of the United States intelligence community to understand nuclear weapons-related activities worldwide, and today is using its capabilities to defend our nation against terrorism.

The Laboratory is also a leader in science and has worked on technologies to provide us with long term energy security.

The Laboratory has developed environmental restoration technologies that are being used to rapidly clean up contamination at Superfund sites and is developing simulation capabilities to better understand changes in the earth’s climate.

The Laboratory is identifying the source of genetic diseases and developing improved detectors of biological agents.

Livermore scientists produced work that won a Nobel Prize for Physics in 1998 and numerous advances in astrophysics.

Technology development at the Laboratory has broadly contributed to the Nation’s technological prowess and the competitiveness of United States industry, as evidenced by the winning of 85 prestigious R&D 100 awards.

Lastly, the Laboratory contributes broadly to higher education, as well as elementary and secondary educational efforts throughout Northern California and educational outreach directed at minority groups nationwide.

On its 50th anniversary, I would like to congratulate the Laboratory, its staff, and former employees for their dedicated service to our Nation, outstanding contributions to national security, a strong tradition of scientific and technical excellence, and continuing efforts to make the world more secure and a better place to live.

PAYING TRIBUTE TO: SALVADOR A. LOPEZ
HON. SCOTT McNINIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. McNINIS. Mr. Speaker, it is my distinct privilege to recognize Mr. Salvador A. Lopez of Glade Park, Colorado for the selfless act of courage he displayed last March of 2002. On September 18, Mr. Lopez will be awarded the prestigious Special Carrier Alert Award from the National Association of Letter Carriers, and as he receives his award, I would like to pay tribute to his extraordinary act of courage.

Mr. Lopez is a letter carrier for the U.S. Postal Service in Grand Junction, Colorado, where he has worked for the last 28 years. Not too long ago, while he was busy delivering mail along his route, Mr. Lopez noticed a runaway car with a child inside who was too young to take control of the vehicle. Mr. Lopez hurriedly ran alongside the car, jumped into the car window, and pulled the emergency break. Fortunately, Mr. Lopez was able to stop the vehicle before the car drove into a busy intersection which could have brought certain injury to himself and the child. Due to Mr. Lopez’s quick thinking and heroic actions, the child escaped with three broken ribs. Last April, the Carnegie Hero Fund honored Mr. Lopez with one of its 23 nationally recognized awards for
his heroism. Tomorrow, he will be recognized again by the National Association of Letter Carriers for his courageous actions here in Washington D.C. The true magnitude of his bravery can only be fully illustrated by the fact that the child whom he saved, Nicholas Regalado, was given the opportunity to reach his full potential. Mr. Speaker, it is a distinct honor to recognize Mr. Salvador A. Lopez before this body of Congress and this nation for his bravery and composure in a time of adversity. Mr. Lopez’s courage is an example of what all Americans throughout the country are capable of demonstrating when faced with extraordinary circumstances. Congratulations on your achievement, Salvador, and good luck in your future endeavors.

TRIBUTE TO MR. DAVE MANEY

HON. SAXBY CHAMBLISS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to honor Mr. Dave Maney of Augusta, Georgia. Mr. Maney is Experience Works’ 2001 Older Worker of the Year for the State of Georgia.

As a Marketing Representative with the Department of Labor Career Center in Georgia, Mr. Maney changes the downhill direction of the unemployed every day. His job is to motivate, encourage and inspire clients into believing in their ability to find and keep a job. The way Mr. Maney describes his job is “Most of my clients, and there have been more than 600 this year, seldom set goals, and when they do, they are not high enough. I teach them that goals have to be higher than anything they have ever done.”

His goals in life have been simple. “The keys to my success and to the life I have had to this point have been a positive attitude, a great wife and wonderful home life, and loving interaction with people.” That interaction with people, especially those who are labeled non-custodial parents, and food stamp recipients, has added tremendous value to both his life and work. From his interactions with people self-worth and hope for a better tomorrow is my proudest accomplishment,” says Mr. Maney.

Mr. Speaker, due to the events of last September 11th Americans awoke to a brutal and restrictive regime through their silent vigil and demonstration. This is a regime that prohibits freedom in almost every way possible while punishing and imprisoning all opposition. The compelling stories of Cuban defectors clearly demonstrate that many will do whatever they can to escape the dreadful conditions brought about by their totalitarian ruler. Both the people and political prisoners in Cuba as well as those who cherish freedom are counting on Americans to stand up to Castro and keep the pressure on through the embargo.

Thankfully, President Bush is behind The Americans for a Free Cuba 100 percent. I commend President Bush for the strong and unwavering stance he has taken against the Castro regime. The President has made it clear that the United States will work with like-minded countries in the hemisphere to improve the abysmal human rights situation in his country. I support the President’s demand to Castro that he must free political prisoners, legalize political activity, permit free elections, and cease discriminating against Cuban workers before Congress should even begin to consider lifting economic sanctions. Administration officials have vowed a Presidential veto to any version of the Treasury-Postal Appropriations bill that weakens trade or travel sanctions.

The Cuba Political Prisoners Initiative was launched in April when over a dozen members of Congress, from both political parties, adopted a dozen political prisoners. These prisoners each have a unique story but all share in a common suffering because of their love of freedom.

While the Cuba Political Prisoners Initiative was launched this Spring, it will not end until every single Cuban political prisoner is free. I am sending out a letter signed by my colleagues who are part of this initiative to Sergio Vieira de Mello, the new UN High Commissioner for Human Rights, urging him to follow through on the resolution this commission adopted in April that called on the Cuban government to improve its record on human, civil, and political rights and allow the UN and other representatives to examine human rights conditions in Cuba.

Twenty former political prisoners were amongst those gathered on the Senate steps today. They are the heroes for freedom that endured the horrors of Castro’s Cuba and lived to tell about it. Also in attendance was Maritza Lugo Fernandez a former Cuban political prisoner joining us today who was jails more than 30 times before she was exiled by the Castro regime. Her husband, Rafael Ibarra Roque, is still a political prisoner in Cuba and is the prisoner I have adopted.

Before going to prison, where he has been since 1994, Mr. Roque’s home was raided by Castro’s thugs, who seized virtually everything he owned of value including the family car, the stove, a television, and even his pets. He was arrested and charged with “sabotage,” but no credible evidence whatsoever exists that he committed this crime. Those close to the case know his real “crime” was having the courage and audacity to speak out against the regime and demand the same freedoms Americans—and other freedom loving people hold to be self-evident and a basic foundation for society.

Mr. Roque has been sentenced to twenty years in the wretched Comandito del Este Prison in Havana where political prisoners are subjected to especially brutal treatment. The State Department’s 2001 Human Rights’ report on Cuba speaks of political prisoners suffering beatings, intimidation, and sexual abuse. These abuses are carried out not only by prison officials but also by state security agents posing as prisoners.

Unfortunately Mr. Roque’s case is not an exception but rather the norm for human rights activists in Cuba. Hundreds of others whose only crime is their love of freedom languish in Castro’s prisons and the Cuban people on a whole have suffered under the rule of his for over 40 years.

The Cuba Political Prisoners Initiative display that we have opened in the Senate Rotunda is somber but will serve as an important reminder of the hundreds of innocent Cubans languishing in Castro’s prisons for all Senators, Senate staff, and visitors who pass by it each day. I am confident that when the American people and members of Congress hear the true facts about the great human rights abuses occurring in Cuba, and fully consider the great harm Castro seeks to do our nation through working with terrorist states and harboring fugitives of justice, they will agree that keeping sanctions on Cuba is our only option.

The challenge of fighting for human rights in Cuba remains great. However, we must never give up and we must never, ever forget those who are persecuted for carrying the torch of freedom.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF
HON. STEPHEN F. LYNCH
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 11, 2002

Mr. LYNCH. Mr. Speaker, I rise today to recognize and pay tribute to the victims of the tragic events of one year ago. Last year on September 11th Americans awoke to a brutal attack on our country on its own soil. Through-out the course of this one tragic day, someims seminar at once seemed like the worse came a horrific reality. No one feels the pain of this day more acutely than the families and friends of the more than 3,000 people who
lost their lives at the Pentagon, the World Trade Center and in Shanksville, Pennsylvania. All of these people and their families are in our thoughts and prayers on this somber occasion.

Although there is little that we in Congress can do to ease those families’ suffering, by adopting this resolution, we are reaffirming our commitment to honor the memory of the people who were lost that day, while also paying tribute to those individuals who unselfishly risked their own lives to protect others.

Mr. Speaker, September 11th was one of the most difficult days in American history. But in the darkness of that day, an incredible spirit of bravery and hope emerged. Hundreds of emergency rescue personnel descended upon the scene at both the World Trade Center and the Pentagon with the sole purpose of assisting others. At the same time, ordinary people demonstrated amazing courage by trying to help others escape while putting themselves in peril and in fighting back against the terrorists on United Flight 93. It is truly remarkable how many people gave their lives trying to protect others. The bravery and generosity of these people is a lasting mark of September 11th.

In responding to these extraordinarily trying times, the true fabric of American society was illustrated to the world. Americans around the world came together and generously gave of themselves in a myriad of ways. Rescue workers spent countless hours at ground zero searching for survivors and then shuffling through the debris. Construction workers, iron-workers and other personnel tirelessly worked their way through the wreckage in an effort to cleanup the site. Their important task would not be interrupted by exhaustion, injury or inclement weather. However, far away from ground zero, and across the globe, people generously gave their time, energy, money and caring to help support the loved ones of the lost victims. Today, we honor these selfless contributions.

As we gather now, one year later, it is my hope that we never forget the spirit that pervaded this country in the weeks and months following the attacks. As we continue to rebuild and to heal, we will need to draw upon that American spirit. Americans around the world came together and generously gave of themselves in a myriad of ways. Rescue workers spent countless hours at ground zero searching for survivors and then shuffling through the debris. Construction workers, iron-workers and other personnel tirelessly worked their way through the wreckage in an effort to cleanup the site. Their important task would not be interrupted by exhaustion, injury or inclement weather. However, far away from ground zero, and across the globe, people generously gave their time, energy, money and caring to help support the loved ones of the lost victims. Today, we honor these selfless contributions.

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TRIBUTE TO MS. DOROTHY “DOT” B. THOMAS

HON. SAXBY CHAMBLISS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to honor Ms. Dorothy “Dot” B. Thomas a Community Developer for Central Savannah River Area Economic Opportunity Authority (EOA) in Augusta, Georgia. Ms. Thomas is the recipient of Experience Works’ 2002 Older Worker of the Year award for my home state of Georgia.

Dot Thomas began her career at the EOA in 1971. In the beginning, first as a Community Developer, she conducted community development work. In 1996 she retired, but soon found herself back at EOA volunteering, mentoring new staff, and offering friendly advice based on her many years of experience. She was so valuable to the EOA that when a part-time position became available in 2000, Dot was convinced to come back to work saying... “I so enjoy working, learning new things, and interacting with others that I sometimes wonder why I retired.”

In her current position as Community Developer, Dot works with families in need—assisting them with energy assistance, food, rent, clothing, etc. She says her most important contribution at EOA is giving people hope. “I want them to feel better about themselves when they leave my office. Many times people come in looking so bad. But when I can say something to make them feel better about themselves and their circumstances, it just makes my day special!”

Lola Johnson, director of the EOA, contributes Ms. Thomas’ professional success to the heart and soul she puts into her work. “Of all the accomplishments Dot has made over her years of service to our agency and the Central Savannah River area community, probably the most important and long-lasting ones involve the impact she has had on the clients we serve as well as her co-workers.”

Dot’s dedication to improving the quality of people’s lives doesn’t end with her job. She loves and lends support to her husband of 50+ years, Ernest, and to the rest of her family; she makes a “joyful noise” in her church choir; and she volunteers at the local soup kitchen. She has also been an active member of the Georgia Community Action Association for more than 30 years. Ms. Johnson sums it up best, being a human services worker is not what Dot does for a living, “it’s who Dot Thomas is.”

Mr. Speaker, please join me and all Georgians in congratulating Dot Thomas.

PAYING TRIBUTE TO ST. ANTHONY HOSPITALS’ FLIGHT FOR LIFE

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an outstanding organization that continuously renders emergency medical aid at a moments notice. The St. Anthony Hospita...
Brooklyn. Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York. Many Muslims and other minorities were also subjected to violence and car bombings. A Sikh boy was burned in Brooklyn. Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York. Many Muslims and other minorities were also subjected to violence and car bombings.

We hope that there will not be any more of these incidents in connection with the anniversary of the attacks. "Violence against innocent people of any religion or ethnicity is unacceptable," said Dr. Aulakh. "It must be condemned and the violence must be ended."

TRIBUTE TO MR. SAMUEL J. TENENBAUM

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a longtime friend, Mr. Samuel J. Tenenbaum of Lexington, SC. On Wednesday, September 18, 2002, Mr. Tenenbaum will receive the Lifetime Achievement award in the area of philanthropy from the Columbia Urban League Guild.

The Columbia Urban League is a non-profit organization that works for equal opportunity for everyone. The Columbia Urban League Guild is an affiliate and volunteer arm of the Columbia Urban League. The Lifetime Achievement Award is an award given to an individual who has made significant contributions to Columbia, the Midlands region, and the state.

A 1961 graduate of Savannah Country Day School, Mr. Tenenbaum graduated from Emory University with a Bachelor’s of Arts degree in History. He went on to do graduate studies in American Studies at the University of Minnesota. In 1967, he went to work in his family business, Chatham Steel Corporation, from which he retired in 2000 as Vice-President. An outstanding citizen of the State of South Carolina, Mr. Tenenbaum presently serves as chairman of the Alston Wilkes Foundation, trustee of both the Columbia Jewish Foundation and the Columbia Museum of Art, and chairman of the Alumni Advisory Committee to the Institute of Jewish Studies at Emory University. He is also a member of Habitat for Humanity, First Union Bank Advisory Board, The Richard W. Riley Institute of Furman University, and The Kosmos Club.

I have had the pleasure of knowing Sam for longer than either of us care to remember. He has been a driving force behind the scenes in almost every major community initiative affecting the Columbia Metropolitan area. He puts his heart and soul into each and every endeavor whether it is raising money to replace a New York City fire truck lost on September 11th or building bridges between different racial and ethnic groups. Sam Tenenbaum is one of the most dedicated public servants I have ever known who prefers to stay out of the limelight and let his generous spirit speak for itself.

Mr. Speaker, I ask that you and my colleagues join me in congratulating Mr. Samuel Tenenbaum on his Lifetime Achievement recognition by the Columbia Urban League Guild.

I cannot think of anyone more deserving of this honor.

FOSELLA-WATT MOTION TO INSTRUCT

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mrs. MALONEY of New York. Mr. Speaker, as we continue our war on terrorism, we must remain vigilant in our efforts to decimate the terrorists that are threatening our very existence and have singled out Americans who represent freedom and democracy, so cherished by our citizens.

I strongly support the Fossella-Watt motion to instruct which will finally allow American victims of international terrorism to receive compensation from blocked assets—judgments they were already awarded.

Last week, we commemorated the anniversary of 9/11. A day that marked the most devastating acts ever committed on U.S. soil.

There may not be another Member of Congress who lost more constituents in the September 11th attacks on the World Trade Center than I did.

I knew countless number of victims and their families and one year later, the pain and hardship go on. No amount of money can bring back our loved ones, but this motion to instruct can work to prevent future tragic acts of terrorism.

It paralyzes the financial resources of those terrorist organizations and increases our ability to go after the sources of funding for these organizations and cells. It sends a message to terrorists that we will not stand for the murder of innocent Americans. Those who target Americans will be punished.

The United States must use every tool in its arsenal—military, diplomatic, and legal—to protect Americans and other innocent parties against these random acts of terror.

The Fossella-Watt motion to instruct is a tool to weaken the terrorist grip.

I urge my colleagues to retain this provision in the final version of the Terrorism Insurance bill.

TRIBUTE TO DEPUTY UNDER SECRETARY ROGER R. RAPP

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Committee on Veterans’ Affairs, I rise today to pay tribute to Mr. Roger R. Rapp, who on October 3, 2002, will be retiring after serving 30 years at the Department of Veterans Affairs.

Roger personifies the steadfast career civil servant. He began his federal career at the Veterans Health Administration in 1972, advancing through various positions which included field assignments at VA medical centers in Dayton, Ohio, and Washington, DC. Ultimately, Roger moved to the National Cemetery Administration (NCA), where he served as the director of the National Cemetery Area Office in Philadelphia, Pennsylvania. In 1987, Roger was named Director of Field Operations for the NCA. In March of 2000, his title was changed to that which it is today, Deputy Under Secretary for Operations. As the one responsible for operations and construction at NCA, Roger has personally visited each of the 120 VA National Cemeteries.

Roger’s dedication to veterans and their families is apparent to all who know him, and helpfully is a man with vision. He has been a leading voice in ensuring the expansion of existing cemeteries, development of new national cemeteries, and expanding the State Cemetery Grants Program. Through his leadership, the number of national cemeteries increased from 103 in 1973 when NCA was formed, to the current 120; five new national cemeteries are currently in the planning stages.

It is said that Roger knows the majority of NCA employees nationwide on a first name basis, and he has devoted his career to helping all VA employees take pride in their jobs and focus on the needs of veterans. Owing to his leadership, NCA scored 93 percent on the American Customer Satisfaction Index, the highest score of any federal government entity.

Roger was also instrumental in establishing the Director Training Programs to provide upward mobility and career advancement for VA employees throughout the system. Additionally, he has contributed significantly over the years to Leadership VA, the agency’s executive development program.

Mr. Speaker, Roger Rapp is an advocate for veterans and has dedicated 30 years to this advocacy—20 years with the National Cemetery Administration alone. And when the situation called for it, he has done so with humor and selflessness. Indeed, Roger was a lucid and forthright witness when testifying before the House Committee on Veterans’ Affairs. Thank you, Roger, for your dedication to America’s veterans. You are leaving, a lasting legacy of dedicated federal service.

TRIBUTE TO MICHAEL RICHARDSON

HON. KEVIN BRADY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. BRADY of Texas. Mr. Speaker, I rise today to congratulate Mr. Michael Richardson, President and CEO of The Woodlands Operating Company, as he prepares to retire from 30 years of dedication and service to The Woodlands Community.

Michael Richardson is a visionary. He shared in the original vision for The Woodlands almost from the very inception when he joined George Mitchell and his team in 1972. During these past 30 years, Michael’s career has accelerated rapidly within The Woodlands Corporation and then into The Woodlands Operating Company. He became treasurer, then senior financial officer and moved into the operations area as senior vice president of commercial development. In 1985 he was named executive vice president of the company with responsibilities encompassing all of the Woodlands Conference Center and Resort, investment properties, apartments, office buildings, industrial development and retail shopping centers. Today, thanks to Michael’s leadership, The Woodlands is a model of success.

In his three decades of service and exemplary performance in developing The Woodlands, the new owners Morgan Stanley and...
Mr. ETHERIDGE. Mr. Speaker, it’s hard to believe that it’s been almost a full year since that awful day. On September 11, 2001, all the world saw the very face of evil. And on that day and every day since, we have felt the heartbeat of America.

For me, the most enduring image of 9/11 was the sight of the Pentagon on fire after the terrorists crashed American Airlines Flight 77 into our nation’s military headquarters. A thick black smoky cloud oozed from the Pentagon and hung over the banks of the Potomac River. I will never forget seeing with my own eyes that proud building engulfed in flames.

Then the whole world watched TV in stunned disbelief as the twin towers of the World Trade Center came crumbling down in a fiery wreck of twisted steel.

On that day, America was changed forever. But, the test in life is not whether or not you ever get knocked down. The true test is whether you have the courage, pride and determination to get back up again. Every day since September 11, the people of this country have gotten back up.

We Americans from all walks of life have pulled together like never before. We have stood united to tell our enemies that the spirit of America will never be broken. We will not rest until we have eliminated Osama bin Laden and his terrorist network.

In the year since 9/11, we have come to treasure the service and sacrifice of ordinary Americans and extraordinarily heroic. The selfless devotion of the firefighters, police, EMS and other public servants in New York City and the Pentagon have given us new appreciation for our hometown heroes whose everyday service does so much to strengthen our communities. The dedicated professionalism of our men and women in uniform renew our pride in our country and make us thankful for our many, many blessings. And the incredible story of the passengers of the hijacked plane who fought back and prevented the tragic events of that day from being even worse inspired us all to take charge and give back to our country.

September 11 taught us anew the immeasurable strength of the uniquely American ideal of “We, the people.” As we memorialize the lives lost one year ago, let us also celebrate the renewed spirit of America that has been reinvigorated by the service and sacrifice of so many ordinary citizens and inspirational heroes.

SPEECH OF
HON. BOB ETHERIDGE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 6, 2002

Mr. Ross. Mr. Speaker, I rise today to honor and congratulate an outstanding member of our military, and native of my district, whose impressive service in the United States Navy makes our district, our country, and me very proud.

Vince McBeth was born the fourth child of Velma McBeth-Slaughter and the late Manuel M. McBeth in Camden, Arkansas. In 1983, he graduated from Fairview High School, where his impressive athletic and academic performance earned him many honors. He went on to earn a Bachelor of Science Degree in Political Science at the U.S. Naval Academy, where he was Captain of the Navy Football Team as well as an officer on the Brigade Staff.

Upon receiving a commission as an Ensign in the U.S. Navy, McBeth completed division officer tours aboard two guided-missile frigates, USS Duncan and USS John A. Moore, and a guided-missile cruiser, USS Antietam, in Long Beach, California. He then served as Operations Officer aboard the USS Barry in Norfolk, Virginia.

At age 30, McBeth became one of the youngest officers to command a warship. As Commanding Officer of the USS Tempest, McBeth commanded more than 50 special warfare missions while deployed to the European and Caribbean theaters. After earning a Master’s Degree in National Security and Diplomacy from the Fletcher School of Law and Diplomacy at Tufts University, McBeth returned to serve as Executive Officer of the USS Barry. He now serves as a Commander in the U.S. Navy and the Administrative Aide to the Secretary of the Navy. McBeth was recently appointed as a White House Fellow.

McBeth’s service to our country extends beyond his actions in the military. He has coordinated Adopt-A-School programs in several communities and implemented U.S. Embassy-sponsored community relations projects in numerous countries abroad. His awards include the Legion of Merit, Meritorious Service Medal, two Navy Commendation Medals, and three Navy Achievement Medals.

Throughout his life, McBeth has sought to better himself, his community, and his country. He is a model for today’s youth of what is possible through hard work, discipline, and most of all, compassion. I congratulate him on his recent White House appointment, and I wish him luck in what I know will be many more selfless years of service to our great nation.

PERSONAL EXPLANATION
HON. CHARLES A. GONZALEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 384, 385, and 386, had I been present, I would have voted “yea”; on rollcall No. 387, “nay.”

PERSONAL EXPLANATION
HON. THOMAS M. BARRETT
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002


PAYING TRIBUTE TO ADAM CURRY
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct privilege to recognize Adam Curry of Clifton, Colorado for the recent contribution he has made to the advancement of science. An undergraduate student at Mesa State College and only 18 years old, Adam has invented an earthquake warning system that has received much attention from numerous people throughout the scientific community.

Adam Curry has shown lots of interest and enthusiasm for electronics throughout his life. As a kid, Adam spent afternoons taking apart various appliances around the house to try to understand how they operated. Today, the curiosity of Adam’s childhood has developed into an extraordinary talent for electrical engineering. Adam has just recently developed an electronic device that measures minute amounts of electron activity related to earthquakes and uses gravity to create a computer language. The language can then be transmitted through the Internet to warn that an earthquake is coming. The invention is significant because it provides scientists around the world with the ability to measure earthquake activity.

Over the summer, Adam traveled extensively throughout the country and Eastern Europe to enlighten the scientific community to the utility of his new earthquake warning system. He hopes to have his new invention placed in 20 different locations throughout the world. He has met with many scientists from prestigious universities such as the University of Virginia, Harvard University, and the University of St. Petersburg, and from all accounts,
everyone is very excited about the possibilities that his earthquake warning system has to offer. Currently, Adam is in the process of modifying his invention into a smaller, more convenient prototype that can be installed directly into a user’s computer.

Mr. Speaker, it is an honor to recognize Mr. Adam Curry before the body of Congress and this nation for his outstanding accomplishment in the fields of science and electronics. It is very satisfying and encouraging to see our upcoming generation of young people committed to the prosperity of knowledge and to the progress of academic achievement. Adam Curry has only begun to reveal the true merits of his potential, and we shall witness many more accomplishments and contributions from him in the years to come. Congratulations on your achievement, Adam, and keep up the good work.

14TH ANNIVERSARY OF THE UPRISING OF THE BURMESE PEOPLE

HON. DANA ROHRABACHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Mr. ROHRABACHER. Mr. Speaker, today is the 14th anniversary of the uprising of the Burmese people against the drug dealing military dictatorship that rules their nation. On this solemn occasion we need to ask ourselves what we can do to help those brave people help themselves.

The people of Burma and their elected leaders, Aung San Suu Kyi and members of the National League for Democracy (the NLD), have struggled for over a decade to bring an end to a totalitarian regime that is currently in power.

As a dedicated council member, Kevin served the city of Redondo Beach for more than five years. He was a representative from the Second District of the city, which includes not only my district office but also both a power plant and a beautiful harbor. Kevin knew how to balance the needs of these two potentially competing interests.

Mr. Speaker, I am sorry that Kevin has decided to leave public service, but I expect he will return one day. Meanwhile, I am certain I will miss his smile, pleasant humor and good deeds. He has added a great deal. Well done, my friend!

OPPOSING THE WAR ON CIVIL LIBERTIES

HON. JANICE D. SCHAUSKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 17, 2002

Ms. SCHAUSKOWSKY. Mr. Speaker, I remain strongly opposed to the continued efforts by President Bush, Attorney General Ashcroft and the Administration to seriously endanger our country’s civil liberties. In the aftermath of the September 11 tragedies, Congress moved quickly to enact sweeping legislation granting additional powers to federal, state and local law enforcement authorities in the name of fighting terrorism. I voted against that measure because I believed, and still believe, that such measures intrude significantly on the important civil liberties that make American democracy invaluable and unique.

The “anti-terrorism” legislation contained numerous provisions that had little or nothing to do with the war on terrorist activities. Amongst other things, the law authorized covert searches for any Federal criminal investigation, including the IRS, without restricting those to terrorist activities; provided for unprecedented wiretapping authority; gave access to confidential financial and medical information granted by a secret court; and allowed indefinite detention of immigrants solely on the basis of suspicion.

In a September 10, 2002 editorial, the New York Times outlines the continuing and substantial nature of the assault on our civil liberties. In the wake of September 11, the administration has shown its “contempt for basic rights in its enthusiasm for military tribunals.” Today, one year after the tragedy that so tragically shook the nation, our precious civil liberties continue to be endangered in the name of “anti-terrorism efforts.” Such a secret, covert and, ultimately un-American agenda serves only to increase paranoia, rouse unnecessary public fear and stifle the protections that are fundamental to freedom, democracy and an open society. Rather than increasing security, such actions serve only to asphyxiate the public trust. Rather than protecting against terrorism, the foundations and principles upon which American democracy is slowly being eroded. The 4th Amendment was created for the purpose of ensuring our rights and protecting against the very violations to which our government would now subject us. The war on terror can be fought without surrendering our rights. As so ably stated in the New York Times, “Fear is no guide to the Constitution. We must fight the enemies abroad without yielding to those at home.”


[From the New York Times, Sept. 10, 2002]

It would be easy to dismiss the harm that has been done to our civil liberties in the past year. Most of us do not know anyone
whose rights have been seriously curtailed. The 1,200 detainees rounded up after Sept. 11 and held in secret were mainly Muslim men with immigration problems. So were the people the administration tried to deport by deporting hearings. The two Americans who were labeled “enemy combatants,” hustled off to military trials and denied the right even to meet with a lawyer, are a Saudi American who was captured in Afghanistan and a one-time Chicago gang member.

There is also no denying that the need for effective law enforcement is greater than ever. The Constitution, Justice Arthur Goldberg once noted, is not a suicide pact.

And to connect individual rights, as the Bush administration has done, is to draw exactly the wrong lessons from history. Every time the country has felt threatened and tightened its civil liberties, it has later wished it had not done so. In each case—whether the barring of government criticism under the Sedition Act of 1798 and the Espionage Act of 1918, the internment of Japanese-Americans in World War II or the McCarthyite witch hunts of the cold war—profound regrets set in later.

When we are at war, as we have all been this year, civil liberties can seem abstract. But they are at the core of what separates this country from nearly all others; they are what we must defend each time we go abroad in order to defend it is not only illogical, it has proved to be a failure. Yet that is what has been happening.

Similar, the Bush administration has held people in prison indefinitely and refused to tell the public who is being held or even how many detainees there are. No less odious than the administration’s secret arrests are its secret trials. The government has barred the public and the press from deportation hearings for immigrants suspected of terrorism.

The administration has also shown contempt for basic rights in its enthusiasm for military tribunals. In November, when President Bush first issued the order setting these up, it seemed the administration wanted to try anyone alleged to have ties to terrorism, even American citizens arrested in the United States, in military courts. Faced with an uproar, the administration backed down, announcing that the tribunals would accord defendants some rights. It then decided to try several prominent terrorism suspects in civilian courts.

This summer the administration weighed, with much fanfare, the TIPS program (Territorial Information and Prevention System), to recruit Americans to spy on their neighbors. As originally conceived, TIPS was to include mail carriers, utility workers and others with access to people’s homes. Again, after a popular outcry the administration scaled TIPS back.

In this context, the president seeks to increase his power. Congress, sensitive to public fears over safety, cannot always be counted upon to stop him. The president has the Judiciary and members of the public to worry about the trampling of rights. This year a number of judges have stood out for their courage. Gladys Kessler of Federal District Court in Washington, D.C., declared that secret arrests were “odious to a democratic society,” and ordered the government to release the names of all detainees. It has not done so. And Judge Robert Doumar of Federal District Court in Norfolk, Va., who is presiding over one of the “enemy combatants’’ cases, told prosecutors to submit documents for his review so he could determine if the defendant was in fact an enemy combatant. The Justice Department, disagreeing with the judge, asked the court to stay its hand.

As the Bush administration continues down its path, the American people need to make clear that they have learned from history and will not allow their rights to be rolled back. The world has changed since Sept. 11, but the values this country was founded on help us to the Constitution. We must fight the enemies of freedom abroad without yielding to those at home.

FIRE ISLAND AND THE WATER RESOURCES DEVELOPMENT ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ISRAEL. Mr. Speaker, as the House begins the process of reauthorizing the Water Resources Development Act, I wanted to inform my colleagues of correspondence between myself, the gentleman from New York, Mr. GRUCCI, and the Acting Assistant Secretary of the Army for Civil Works, Les Brownlee.

Mr. GRUCCI and I wrote to the Assistant Secretary in June to note the fact that, in our opinion, the Army Corps of Engineers has not suitably complied with Section 342 of the Water Resources Development Act of 1999. I ask that our letter of June 19, 2002 be printed in the RECORD.

Today my office received a reply from the Assistant Secretary, which I now ask be printed in the RECORD. In his reply, the Assistant Secretary noted that the Army Corps “deferred all investigations on the Fire Island Interim project in July 2001” due to the State’s desire to focus on the Fire Island Reformation project, which is slated to end in November 2005.

I convey these letters to the attention of my colleagues to help them in their deliberations on the Water Resources Development Act.

CONGRESS OF THE UNITED STATES

WASHINGTON, DC, June 19, 2002.

HON. CRAIG MANSON,
Assistant Secretary for Fish & Wildlife and Park Service, U.S. Department of the Interior, Washington, DC.

HON. LES BROWNLEE,
Under Secretary of the Army and Acting Assistant Secretary for Civil Works, U.S. Department of the Army, Washington, DC.

DEAR ASSISTANT SECRETARY MANSON and Under Secretary Brownlee:

In 1999, the Congress passed, and the President signed, the Water Resources Development Act of 1999. Within that legislation was a Section of particular concern to us as Representatives of the South Shore of Suffolk County, New York. Section 342 of that law concerns the Fire Island Interim project (FIP), a routine beach nourishment project, which is necessary to protect the beaches by the severe northeast storms of 1991-96. Those storms gravely weakened the barrier island, which protects the communities of the South Shore.

In an effort to resolve differences between the Army Corps of Engineers, the Fish & Wildlife Service and the National Park Service, the statute required your agencies to “complete all procedures and reviews expeditiously and to adopt and submit to Congress, not later than 120 days after the date of enactment of this Act, a final, consistent, and comprehensive shore erosion plan for the Fire Island to Moriches Inlet reach of the project.” Almost three years have passed, but Congress has yet to receive such a plan.

That inaction raises serious concerns as to why your agencies could not agree on a plan that would allow this beach preservation effort to go forward.

As you may know, the FIP is an interim segment of a storm damage reduction and beach nourishment project for the long Island’s South Shore. Unfortunately, this important project has been constantly delayed.

This project is fully justified economically on the basis of reduction of storm damage to properties, both on the barrier island and in Long Island’s coastal communities. It is also of vital importance to the region’s tourism economy and to the continued health of wildlife habitat, including that of certain endangered species, on the barrier. We are also concerned by the fact that despite a clear legal mandate, your agencies have not given Congress a “mutually acceptable shore erosion plan for the Fire Island to Moriches Inlet reach of the project.”

Thank you for your attention to this matter. We look forward to hearing a response from your agencies on this issue and we hope to work with you in the future to resolve this issue.

Sincerely,

FELIX J. GRUCCI, JR.,
Steve Israel,
Members of Congress.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS
WASHINGTON, DC, September 17, 2002.

Hon. STEVEN J. ISRAEL,
U.S. House of Representatives,
Washington, DC.

Dear Congressman Israel:


In accordance with the 1999 Partnership Agreement between the Department of the Army and Interior, the New York District prepared a draft decision document for the Fire Island Interim project. This project was a routine beach project to reduce the potential for storm damages along the south shore of Long Island until completion and implementation of a more comprehensive plan, which could result from the ongoing reformulation study for Fire Island Inlet to Montauk Point. In a letter dated December 17, 1999, Dr. Joseph Westphal wrote to the Speaker of the House concerning our progress, specifically noting the draft decision document and draft Environmental Impact Statement, and our hope that a mutually acceptable solution would emerge as a result of the public and agency review.

During 2000, the New York District received many comments on the proposed Fire Island Interim project. The Department of Interior and the State of New York shared many concerns. Based on these concerns, the time that had passed to reach agreement on an interim project, and the time remaining to complete the reformulation study, the state decided not to support the proposed interim project. Instead, we decided to focus on completing the reformulation study. Therefore, the Army Corps of Engineers (Corps) deferred all investigations on the Fire Island Interim project in July 2001.

The Corps has currently scheduled completion of the reformulation study in November
2005. All of the cooperating agencies are working towards developing a comprehensive plan, which would address various concerns noted during the evaluation of the interim project. Upon completion and analysis of the reformulation study, there may be an opportunity to construct initial, or separable increments of the overall project. If the particular concern is that time is construction along the Fire Island barrier island, then we will put our efforts towards achieving that goal.

Thank you for your interest in the Civil Works program. I hope that this letter addresses your concerns. Please do not hesitate to contact me if you need any additional information.

Sincerely,

L. Brownlee,
Acting Assistant Secretary
of the Army (Civil Works).

COMMEMORATIVE JOINT MEETING
OF THE CONGRESS OF THE
UNITED STATES IN REMEM-
BRANCE 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

SPEECH OF
HON. ROBERT A. BORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 6, 2002

Mr. BORSKI. Mr. Speaker, and my fellow colleagues of the United States Congress, we are here in the City of New York as representatives of a United States that is bound together as never before. It is a tragic bond, as we will all remember in our hearts that we live each day with a greater sense of purpose and a deeper appreciation for the gifts that we in this nation share.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 11, 2002

Mr. TOWNS. Mr. Speaker, we are commemorating the terrible attack on America on September 11 last year. This was a terrible event in which about 3,000 people lost their lives. A year later, they are in our prayers. Also in our prayers are the other victims—those who were subjected to violent, unfair attacks in the aftermath of September 11. One of these was Balbir Singh Sodhi, a gasoline station owner from Arizona. He was murdered at his gas station by someone who apparently mistook him for a follower of Osama bin Laden. His brother, Sukhpal Singh Sodhi, a cab driver in the San Francisco Bay area, was recently killed in his taxicab. I am sure that we would all like to extend our sympathies to the Sodhi family.

No one should be killed because of his religion. Even if Mr. Sodhi had been a Muslim and a follower of bin Laden, that would not justify murdering him. But what makes this crime even more disturbing is that this perception was a mistake. Mr. Sodhi was a Sikh, not Muslim.

Sikhism is an independent, monotheistic, revealed religion that believes in the equality of everyone, including gender equality. It is not part of either Hinduism or Islam, yet because of the turbans they wear, which are required by their religion, Sikhs are sometimes mistaken for Muslims of the Middle East. Sikh businesses have been stoned in New York and New Jersey. Sikh families and Sikhs and other minorities that took place in the wake of the September 11 attacks, including gender equality and human rights.

We support all the efforts to do so and we must do our part as American citizens, he said. “This sad anniversary reminds us that we stand together as a nation. We must show unity on this occasion.”

“We also condemn the violence against Sikhs and other minorities that took place last year after the September 11 attacks,” Dr. Aulakh said. “Sikhs suffered the most in the post-September 11 violence,” he said. “The very first victim of this violence was Balbir Singh Sodhi, a Sikh gasoline station owner from the Phoenix area,” he noted. “Recently, his brother was killed in his taxicab. All this violence must stop,” Dr. Aulakh said.

“Nobody should be killed for his or her religion, whether Sikh, Muslim, Christian, Jewish, Hindu, or whatever religion one may follow,” Dr. Aulakh said. “But it is important to note that Sikhs are not Muslims or followers of bin Laden. We condemn bin Laden,” he said. “Unfortunately, because of the turban we are required to wear, many people mistake Sikhs for bin Laden followers,” he said. “The Sikh religion is an independent, monotheistic, sovereign religion that believes in the equality of the human race, including gender equality,” he said. “Daily we pray for the well being of the whole human race.”

We support all the efforts to do so and we must do our part as American citizens, he said. “This sad anniversary reminds us that we stand together as a nation. We must show unity on this occasion.”

“In the wake of the September 11 attacks, a couple of young Sikhs were attacked in Brooklyn, Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York. Many Muslims and other minorities were also subjected to violent attacks.”

“We hope that there will not be any more of these incidents in connection with the anniversary of the attacks. “Violence against innocent people of any religion or ethnicity is unacceptable,” said Dr. Aulakh. “It must be condemned and the violence must be ended.”

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF
HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 11, 2002

Mr. STUPAK. Mr. Speaker, I wish to add my voice to the multitude of Members honoring our Nation and its heroes on September 11, 2002.

Mr. Speaker, although I was back in my district taking part in events commemorating the impact September 11th had on all of us, I would have voted ”Yes” on passage of H. Con. Res. 464. Due to a technical mixup, my name was not added as a cosponsor of this worthy bill, and I wish to state my intention here that I fully support this resolution and its sentiments.

As a former law enforcement officer, I know too well the toll such tragedy takes on individuals—their lives, their families, their future,
and I know too well how difficult, yet how necessary it is to ensure like-minded individuals are prevented from carrying out further attacks.

This resolution makes it clear that while the passage of a year has not softened our memories, it has shown that we will not bow down to terrorism.

We must find those responsible for the deaths of so many—including my constituent Army Major Kip Taylor who perished in the Pentagon on that day a year ago—and ensure they face the consequences of their actions.

September 11 brought out the worst in our enemies. Yet it also brought out the best in our citizens. That is what we are honoring today.
**Daily Digest**

**Senate**

**Chamber Action**

*Routine Proceedings, pages S8627–S8700*

**Measures Introduced:** Fifteen bills and two resolutions were introduced, as follows: S. 2938–2951, S.J. Res. 44, and S. Con. Res. 139. *Page S8673*

**Measures Reported:**

- S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land, with an amendment in the nature of a substitute. (S. Rept. No. 107–281)
- S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York, with an amendment in the nature of a substitute. (S. Rept. No. 107–282)
- 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, with an amendment in the nature of a substitute. (S. Rept. No. 107–283)
- S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon. (S. Rept. No. 107–284)
- S. 2018, to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, with an amendment in the nature of a substitute. (S. Rept. No. 107–285)
- H.R. 695, to establish the Oil Region National Heritage Area, with an amendment in the nature of a substitute. (S. Rept. No. 107–286)
- H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico. (S. Rept. No. 107–287)
- H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington. (S. Rept. No. 107–288)
- H.R. 2828, To authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project’s transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001. (S. Rept. No. 107–289)
- S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality, with an amendment in the nature of a substitute.
- S. 1210, to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, with an amendment in the nature of a substitute. *Pages S8671–72*

**Measures Passed:**

- **Native American Commercial Driving Training and Technical Assistance Act:** Senate passed S. 1344, to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, after agreeing to a committee amendment in the nature of a substitute. *Pages S8693–94*

- **Indian Financing Amendments Act:** Senate passed S. 2017, to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program, after agreeing to a committee amendment in the nature of a substitute. *Pages S8694–96*

- **Native American Alcohol and Substance Abuse Program Consolidation Act:** Senate passed S. 210,
to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, after agreeing to a committee amendment in the nature of a substitute.

**Department of the Interior Appropriations:** Senate resumed consideration of H.R.5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto:

- **Pending:**
  - Byrd Amendment No. 4472, in the nature of a substitute.
  - Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.
  - Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.
  - Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.
  - Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations.
  - Daschle motion to reconsider the vote whereby cloture was not invoked on Byrd Amendment No. 4480 (to Amendment No. 4472).

During consideration of this measure today, Senate also took the following action:

- By 50 yeas to 49 nays (Vote No. 217), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to close further debate on Byrd Amendment No. 4480 (to Amendment No. 4472), listed above.

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, September 18, 2002.

**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:

- **Adopted:**
  - 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.

**Withdrawn:**
- Lieberman Amendment No. 4534 (to Amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response.

**Pending:**
- Lieberman Amendment No. 4471, in the nature of a substitute.

A motion was entered to close further debate on Lieberman Amendment No. 4471, in the nature of a substitute (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, September 19, 2002.

A unanimous-consent agreement was reached providing for further consideration of the bill at 12:30 p.m., on Wednesday, September 18, 2002.

**Messages From the President:** Senate received the following message from the President of the United States:

- Transmitting, pursuant to law, the periodic report on telecommunications payments made to Cuba pursuant to Treasury Department specific licenses; to the Committee on Foreign Relations. (PM–108)

**Nominations Received:** Senate received the following nominations:

- Peter DeShazo, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during tenure of service as Deputy Permanent Representative of the United States of America to the Organization of American States.
- John L. Morrison, of Minnesota, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2004.
  - 1 Air Force nomination in the rank of general.
  - 6 Coast Guard nominations in the rank of admiral.

Routine lists in the Army, Coast Guard, Marine Corps, Navy.

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

- John Roderick Davis, of Alabama, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005, which was sent to the Senate on May 6, 2002.
Executive Communications: Page S8671
Executive Reports of Committees: Pages S8672–73
Additional Cosponsors: Pages S8673–74
Statements on Introduced Bills/Resolutions: Pages S8674–84
Additional Statements: Pages S8669–70
Amendments Submitted: Pages S8684–93
Notices of Hearings/Meetings: Page S8693
Authority for Committees to Meet: Page S8693
Record Votes: One record vote was taken today. (Total—217) Page S8662
Adjournment: Senate met at 9:30 a.m., and adjourned at 6:51 p.m., until 9:30 a.m., on Wednesday, September 18, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S8699).

Committee Meetings
(Committees not listed did not meet)

2002 FARM BILL
Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearing to examine the implementation of the Farm Security and Rural Investment Act (P.L. 107–171), after receiving testimony from Ann M. Veneman, Secretary of Agriculture, who was accompanied by several of her associates.

NOMINATIONS
Committee on Armed Services: Committee ordered favorably reported 4,409 nominations in the Army, Navy, Marine Corps, and Air Force.

IRAQ
Committee on Armed Services: Committee concluded closed hearings to examine the situation in Iraq, after receiving testimony from George J. Tenet, Director, Central Intelligence Agency; and Rear Adm. Lowell E. Jacoby, USN, Acting Director, Defense Intelligence Agency, Department of Defense.

TENNESSEE VALLEY AUTHORITY
Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine corporate responsibility, financial disclosure, and oversight at the Tennessee Valley Authority (TVA), including the TVA’s implementation of related provisions of H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws (P.L. 107–204), after receiving testimony from Skila Harris, Director, Tennessee Valley Authority; Alan L. Beller, Director, Division of Corporate Finance, Securities and Exchange Commission; Craven Crowell, GCW Consulting, Arlington, Virginia, former Chairman, Tennessee Valley Authority; Allan G. Pulsipher, Louisiana State University Center for Energy Studies, Baton Rouge, former Chief Economist, Tennessee Valley Authority; and Daniel T. Gates, Moody’s Investors Service, Washington, D.C.

AVIATION CARGO SECURITY
Committee on Commerce, Science, and Transportation: Committee concluded closed hearings to examine aviation cargo security, after receiving testimony from Adm. James M. Loy, USCG (Ret.), Acting Under Secretary of Transportation for Security; and Alexis M. Stefani, Assistant Inspector General for Auditing, Office of Inspector General, Department of Transportation.

NATIONAL NANOTECHNOLOGY INITIATIVE
Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine nanotechnology research and development issues, including the status of the National Nanotechnology Initiative, after receiving testimony from Richard M. Russell, Associate Director for Technology, Office of Science and Technology Policy; F. Mark Modzelewski, Nanobusiness Alliance, New York, New York; Samuel I. Stupp, Northwestern University, Institute for Bioengineering and Nanoscience in Advanced Medicine, Evanston, Illinois, on behalf of National Research Council Committee for the Review of the National Nanotechnology Initiative; R. Stanley Williams, Hewlett-Packard Laboratories, Palo Alto, California; and Nathan Swami, Initiative for Nanotechnology in Virginia/University of Virginia Microelectronics Program, Charlottesville.

FERC NOTICE OF PROPOSED RULEMAKING
Committee on Energy and Natural Resources: Committee held oversight hearings to examine the Federal Energy Regulatory Commission’s Standard Market Design Notice of Proposed Rulemaking (NOPR), and on such related issues as the capacity of load serving entities to reserve sufficient transmission to meet their contractual and statutory obligations to serve, transmission pricing and other matters dealt within the NOPR, receiving testimony from Patrick Wood III, Chairman, Federal Energy Regulatory Commission, Department of Energy; Kentucky Governor Paul E. Patton, Lexington; Marilyn Showalter, Washington Utilities and Transportation Commission, Olympia; Sandra L. Hochstetter, Arkansas Public Service Commission, Little Rock; Terry S. Harvill, Illinois Commerce Commission, Chicago; Sonny Popowsky, Pennsylvania Office of Consumer
Advocate, Harrisburg; Jeffry E. Sterba, PNM Resources, Inc., Albuquerque, New Mexico, on behalf of the Edison Electric Institute; Roy Thilly, Wisconsin Public Power, Sun Prairie, on behalf of the Transmission Access Policy Study Group; John Tiencken, Jr., South Carolina Public Service Authority, Columbia, on behalf of the Large Public Power Council; and Elizabeth A. Moler, Exelon Corporation, Washington, D.C., on behalf of the Electric Power Supply Association.

Hearings subject to the call.

CHILDHOOD VACCINE SUPPLIES

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health concluded hearings to examine the adequacy of childhood vaccine supplies, focusing on the extent that recent shortages have affected immunization policy and programs, what factors have contributed to recent shortages, and what strategies are federal agencies considering to help mitigate the disruptions in supply, after receiving testimony from Janet Heinrich, Director, Health Care-Public Health Issues, General Accounting Office; Tim Doran, Greater Baltimore Medical Center, Baltimore, Maryland, on behalf of the American Academy of Pediatrics; and Wayne Pisano, Aventis Pasteur North America, Swiftwater, Pennsylvania.

TRIBAL RECOGNITION

Committee on Indian Affairs: Committee concluded hearings on 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 decision making processes at the Bureau of Indian Affairs, after receiving testimony from Senators Dodd and Lieberman; Aurene M. Martin, Deputy Assistant Secretary of the Interior for Indian Affairs; Barry T. Hill, Director, Natural Resources and Environment, General Accounting Office; Connecticut Attorney General Richard Blumenthal, Hartford; Nicholas H. Mullane II, Town of North Stonington, and Marcia Flowers, Eastern Pequot Indians of Connecticut, both of North Stonington; and Cecile Maxwell-Hansen, Duwamish Tribe, Burien, Washington.

ANDEAN REGION

Senate Caucus on International Narcotics Control: Caucus concluded hearings to examine U.S. policy in the Andean region, focusing on the drug trade and its impact on democracy in Colombia and the Andean region, after receiving testimony from Asa Hutchinson, Administrator, Drug Enforcement Administration, Department of Justice; Richard Armitage, Deputy Secretary of State; and Brig. Gen. Galen B. Jackman, USA, Director of Operations, U.S. Southern Command.

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House of Representatives

Chamber Action


Reports Filed: Reports were filed today as follows:

H.R. 3995, to amend and extend certain laws relating to housing and community opportunity, amended (H. Rept. 107–640, Pt. 2);

H.R. 4864, to combat terrorism and defend the Nation against terrorist acts, amended (H. Rept. 107–658);

S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance, amended (H. Rept. 107–659);

H. Res. 527, providing for consideration of H. Res. 524, expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of H. Res. 525, expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms (H. Rept. 107–660); and

H. Res. 528, providing for consideration of 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 (H. Rept. 107–661).

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Kern to act as Speaker pro tempore for today.
Recess: The House recessed at 1:01 p.m. and reconvened at 2 p.m.  

Private Calendar: On the call of the Private Calendar, the House passed over without prejudice: H.R. 392, for the relief of Nancy B. Wilson. The House passed: S. 1834, for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit and H.R. 2245, for the relief of Anisha Goveans Foti.  

Recess: The House recessed at 3:38 p.m and reconvened at 6:30 p.m.  

Suspensions: The House agreed to suspend the rules and pass the following measures:  

Women's Health Office Act: H. R. 1784, amended, to establish an Office on Women's Health within the Department of Health and Human Services;  

Urging Prohibition of the Rebirthing Therapeutic Technique: H. Con. Res. 435, expressing the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice and should be prohibited (agreed to by a yea-and-nay vote of 397 yea's with none voting nay, Roll No. 388);  

Rollan D. Melton Post Office Building, Fallon, Nevada: H.R. 4102, to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the “Rollan D. Melton Post Office Building” (agreed to by a yea-and-nay vote of 398 yea's with none voting “nay”, Roll No. 389);  

Joseph D. Early Post Office, Worcester, Massachusetts: H.R. 5333, to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the “Joseph D. Early Post Office Building” (agreed to by a yea-and-nay vote of 397 yea's with none voting “nay”, Roll No. 390);  

Department of Veterans Affairs Emergency Preparedness Act: H. Res. 526, providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 3253, to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs; and  

National Construction Safety Team Act: Agreed to the Senate amendment to 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 clearing the measure for the President.  

Consideration of Suspensions: Agreed that it be in order at any time on the legislative day of Wednesday, September 18 for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H. Res. 523, recognizing the contributions of historically Black colleges and universities and H. Con. Res. 337, recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.  

Motion to Instruct Conferees—Help America Vote Act: Representative Waters announced her intention to offer a motion to instruct conferees on H.R. 3295, Help America Vote Act, to take such actions as may be appropriate to ensure that a conference report is filed on the bill prior to October 1, 2002.  

Congressional Gold Medal Ceremony for General Shelton: The House agreed to H. Con. Res. 469, authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.).  

Presidential Message—Payments Made to Cuba: Read a message from the President wherein he transmitted a semiannual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses referred to the Committee on International Relations.  

Senate Message: Message received from the Senate today appears on page H6257.  

Referral: S. 1777 was held at the desk.  

Quorum Calls Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H6283-84, H6284-85, and H6285. There were no quorum calls.  

Adjournment: The House met at 12:30 p.m. and adjourned at 9:32 p.m.  

Committee Meetings  

HOUSING AND ECONOMIC DEVELOPMENT—TECHNICAL ASSISTANCE AND CAPACITY BUILDING PROGRAMS  

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on technical assistance and capacity building
programs to promote housing and economic development. Testimony was heard from Representative Jones of Ohio; Thomas McCool, Managing Director, Financial Markets and Community Investment, GAO; and public witnesses.

**CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY ACT; HUMAN RIGHTS INFORMATION ACT**

*Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations* approved for full Committee action, as amended, the following bills: H.R. 5215, Confidential Information Protection and Statistical Efficiency Act of 2002; and H.R. 1152, Human Rights Information Act.

Prior to this action, the Subcommittee held a hearing on H.R. 5215. Testimony was heard from Representative Sawyer; Randall S. Kroszner, member, Council of Economic Advisers; Kathleen B. Cooper, Under Secretary, Economic Affairs, Department of Commerce; Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, Department of Labor; and public witnesses.

**OVERSIGHT—SUPREME COURT’S SCHOOL CHOICE DECISION—CONGRESS’ AUTHORITY TO ENACT CHOICE PROGRAMS**

*Committee on the Judiciary: Subcommittee on the Constitution* held an oversight hearing on the Supreme Court’s School Choice Decision and Congress’ Authority to Enact Choice Programs.

Testimony was heard from public witnesses.

**OVERSIGHT**

*Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans,* oversight hearing on Upcoming Issues at the Twelfth Regular Meeting of the Conference of the Parties (COP12) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Testimony was heard from Craig Manson, Assistant Secretary, Fish and Wildlife Parks, Department of the Interior; and William T. Hogarth, Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce.

**CONSUMER RENTAL PURCHASE AGREEMENT ACT**

*Committee on Rules: Granted, by voice vote, a structured rule on H.R. 1701,* Consumer Rental Purchase Agreement Act providing one hour of general debate, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services, as amended by the amendment recommended by the Committee on the Judiciary, now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Bachus, Jones, and Waters.

**SENSE OF HOUSE RESOLUTIONS—COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT AND COMPLETE ACTION ON PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROTECTION ACT**

*Committee on Rules: Granted, by voice vote,* a closed rule providing that H. Res. 524, expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal of 2002, shall be debatable in the House for one hour equally divided and controlled by the Chairman and ranking minority member of the Committee on Ways and Means and that the resolution shall be considered as read for amendment. The rule provides that H. Res. 525, expressing the Sense of the House that Congress should complete action on the Personal Responsibility, Work, and Family Promotion Act of 2002, shall be debatable in the House for one hour equally divided among and controlled by the Chairmen and ranking minority members of the Committee on Ways and Means and Education and the Workforce and that the resolution shall be considered as read for amendment. Testimony was heard from Representative Dunn.

**Joint Meetings**

**9/11 INTELLIGENCE INVESTIGATION**

*Joint Hearing: Senate Select Committee on Intelligence* held joint closed hearings with the House
Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

Joint hearings will continue tomorrow.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 18, 2002

(Committee meetings are open unless otherwise indicated)

**Senate**

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold oversight hearings to examine transportation security one year after September 11, 2001, 2:30 p.m., SD–538.

Committee on 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 to those programs to support U.S. competitiveness in the global marketplace, 9:30 a.m., SD–366.

Committee on 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), 10 a.m., SR–485.

Select Committee on Intelligence: to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

Committee on the Judiciary: to hold hearings to examine pending judicial nominations, 10 a.m., SD–226.

**House**

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing on implementation of the Federal crop insurance programs, 1 p.m., 1300 Longworth.

Committee on Armed Services, hearing on U.S. Policy towards Iraq, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employer-Employee Relations, to mark up the following bills: H.R. 5373, Informed Union Member Enforcement Act; and H.R. 5374, Informed Union Member Act, 1:30 p.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up H.R. 4600, Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002, 10 a.m., 2123 Rayburn.

Committee on Government Reform, to hold a hearing on “Continuing Oversight hearings on the National Vaccine Injury Compensation Program,” 10 a.m., 2154 Rayburn.


Committee on International Relations, Subcommittee on Africa, hearing on the New Partnership for Africa's Development: An African Initiative, 2 p.m., 2172 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on U.S. Policy Toward Syria and H.R. 4483, Syria Accountability Act of 2002, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on the INS’s Implementation of the Foreign Student Tracking Program, 10 a.m., 2237 Rayburn.

Committee on Ways and Means, to mark up the following: H.R. 5385, Miscellaneous Trade and Technical Corrections Act of 2002; and H.R. 4889, Patient Safety Improvement Act of 2002, 10:30 a.m., 1100 Longworth.

**Joint Meetings**

Conference: meeting of conferees on H.R. 1646, to authorize appropriations for the Department of State for fiscal years 2002 and 2003, 2:30 p.m., S–116, Capitol.

Joint Meetings: Senate Select Committee on Intelligence, to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.
## Next Meeting of the Senate

9:30 a.m., Wednesday, September 18, 2002

**Senate Chamber**

Program for Wednesday: Senate will continue consideration of H.R. 5093, Department of the Interior and Related Agencies Appropriations Act.

At 11:30 a.m., Senate will be in a period of morning business until 12:30 p.m.; following which, Senate will resume consideration of H.R. 5005, Homeland Security Act.

## Next Meeting of the House of Representatives

10 a.m., Wednesday, September 18

**House Chamber**

Program for Wednesday: Consideration of H.R. 1701, Consumer Rental Purchase Agreement Act (structured rule, one hour of general debate)

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### Extensions of Remarks, as inserted in this issue

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